

ILO Resolution on Burma Could Set Precedent for Further Sanctions

On November 16, 2000 the 56-member governing body of the United Nations International Labor Organization (ILO) voted unanimously to implement a June resolution imposing sanctions on Burma. Four countries (China, Malaysia, India and Russia) voted against the resolution, which condemns Burma for practicing forced labor.

This is the first time in the ILO's 81-year history that Article 33 of its constitution has been invoked to sanction a member state. The organization will recommend that other UN bodies, states and private companies re-examine their relations with Burma to ensure that they are not unwittingly encouraging the use of forced labor. The ILO will also request that discussion of the Burmese situation be included in the agenda of the next meeting of the UN Economic and Social Council meeting in 2001.

Article 33 itself is very simple. It reads, "In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith."

As the text implies, the procedure can only be applied when a country fails to implement the recommendations of a Commission of Inquiry within the prescribed deadline. In 1998, such a commission found that forced labor was a "generalized and systematic" practice in Burma. The Burmese government was asked to take steps to ensure that the authorities, notably the military, stop imposing forced or compulsory labor on the population, and it called for legal measures, including sanctions, against those who persevered in this practice. The military junta promised to comply with ILO Convention 29, on forced labor, which was ratified by Burma in 1955, but the International Labor Conference (the ILO's annual assembly) found little evidence of progress on this score. At its latest meeting, held in Geneva last June, the ILO adopted a resolution urging Burma to fulfill its commitments by November 30. It appears that the news from Burma was so bad that the ILO decided to step in before its own deadline.

Burma has played an interesting role in world trade policy. When its use of forced labor came up at the Singapore meetings of the World Trade Organization, the member nations attempted to defer responsibility for worker rights questions to the ILO. The new activist director general of the ILO, Chilean diplomat Juan Samovia, took what many saw as a rebuff as a positive sign. Working closely with some of his key affiliates in the West as well as the world trade union movement of the International Confederation of Free Trade Unions (ICFTU), among others,

Samovia has been proactive in seeking greater conditioning of trade flows to worker and human rights.

Although Burma is admittedly an extreme case, the decision to subject it to sanctions marks a strong vote in support of the ILO's role in raising world labor standards. Samovia believes that international labor standards cannot stand alone, but must be part of an effort to bring equity into play in globalization. A former coordinator of the UN Copenhagen World Social Summit, Samovia considers himself a developmentalist more than a worker rights activist, as I learned firsthand in a 1997 meeting with him in his office at the Chilean Mission to the United Nations.

Burma will continue to be a thorn in the side of the World Trade Organization. In 1999, at the WTO's urging, the US government got the Supreme Court to overturn a City of Boston ordinance that boycotted companies who trade with or invest in Burma. Critics denounced the ruling as a warning of potential WTO interference in national sovereignty, although the main issue for the US was the question of state versus federal rights. The ILO decision is therefore doubly significant for Burma rights activists and represents an interesting extension of the organization's powers. The ILO is now empowered to request that all multilateral agencies of the United Nations and the Breton Woods institutions refrain from program assistance to Burma. In effect, it promotes a worldwide official boycott of the country. Using reports of the use of forced labor in building the country's tourism infrastructure and gas pipeline to Thailand, the ILO can exert pressure on foreign investors and tourism companies to refrain from doing business in Burma.

In commentary earlier this year, AmericasNet chronicled Colombia's successful efforts to avoid being subject to an ILO Commission of Inquiry. As the death toll of union leaders continues to mount there, it is not improbable that the pressures to approve a Commission of Inquiry in Colombia will continue. In this and other cases, the stakes will be much higher now that Article 33 of the ILO Charter has been invoked once. Another country that could find itself facing an inquiry is Venezuela, where the Chávez government has ignored ILO conventions and warnings by planning a December 3 referendum to abolish existing trade union organizations.

Given the track records of these and other countries, it is surprising that the resolution on Burma received such overwhelming support in the ILO. No Latin American country opposed the sanctions; only the "usual suspects" in Asia voted against.