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Daniel Roger Maul

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The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present

Daniel Roger Maul

Since its foundation in 1919 the International Labour Organization (ILO) has regarded the worldwide eradication of forced labour as one of its basic aims. This article looks at the ILO's role both as a forum for public discourse on the historically shifting boundaries that separated free labour from coercion, and as an independent actor in the struggle against forced labour throughout the twentieth century. Examining the ILO's efforts in three distinct phases (the inter-war period, the Cold War years and the age of decolonization/postcolonial nation-building) will also shed light and contribute to the discussion on the influence of international organizations in the making of the modern world.

The ILO and Forced Labour

Since its foundation under the Paris Peace Treaties of 1919, the International Labour Organization (ILO) has regarded the struggle against forced labour as one of its topmost priorities. It has adopted two international conventions on the issue, in 1930 and 1957, and from its early days right up to the present the Organization has considered it a constant mission and mandate to place limits on the multifarious forms of the non-economic compulsion to work faced by people all over the world.

This article looks at the ILO's role in the twentieth-century forced labour debate on two levels, firstly examining the Organization as a forum for public discourse about forced labour, and secondly analysing the independent role embodied by the International Labour Office, the secretariat of the ILO. The Organization's actions against forced labour and the particular form they have taken at different times are accordingly interpreted as the result of complex interactions between those two levels. On the first level the unique 'tripartite' structure of the ILO makes it an

Correspondence to: Daniel Roger Maul, Paul-Robeson-Str. 24, 10439 Berlin, Germany. Email: danielrmaul@gmx.de

especially interesting object of study. The ILO is to date the only international organization within the UN system (of which the ILO forms part as a 'specialized agency' for social matters in a broader sense) that allows for the active participation of non-governmental actors. Trade union and employers' organizations from each member state take part in the ILO's decision-making process on an equal footing with national governments. It is through tripartism that, in comparison with other national and international arenas of discussion, the ILO provides space for a broader range of viewpoints in the forced labour debate.¹ On the second level the International Labour Office has always been more than the ILO's 'secretariat'. In none of the three main areas of the Organization's activity—the definition of international labour standards (ILS),² research and information in the social and labour field, and technical co-operation—has the Office restricted itself to co-ordinating work. Instead, its body of international civil servants has consistently and often successfully tried to take an active part in decision-making processes, to extend its mandate and to attain a certain degree of autonomy from the ILO's governmental and non-governmental constituents.³ On this second level the ILO has time and again acted both as an independent player and as part of the international network devoted to the struggle against forced labour, and both these, often overlapping, dimensions of its work will be studied.⁴

The essay will explore the various historical and political factors influencing the forced labour debate in the twentieth century which formed the background of the ILO's work, and examine the transformation that the term 'forced labour' has undergone in this context. The essay deals with three distinct phases: (1) the period between the wars, during which forced labour was treated mainly as a colonial phenomenon, (2) the post-1945 period, during which a new international human rights discourse, the move towards 'welfare colonialism' in the European colonial territories and, above all, the East–West conflict restructured the ILO debates on forced labour, and (3) the 1960s and beyond, when, mainly as a consequence of decolonization in Africa and Asia, the question of the appropriate balance between the development demands of the new nations and the justified use of coercion came to the fore. By so tracing the ILO's attempts to shape the global discourse on forced labour over the last ninety years and connecting them to the world political and historical environment in which they took place, the article aims to respond to Akira Iriye's recent call for greater attention to the instrumental part the emerging 'global community' of international organizations played throughout the twentieth century in the making of the modern world.⁵

The ILO and the Problem of Forced Labour in the Colonies in the Inter-war Period

In the period between the wars, international discussion about the problem of forced labour took place first and foremost in the context of the contemporary colonial debate. In the late 1920s, the ILO found itself at the head of

a wide international alliance pushing for an international solution to the problem. Their approach to tackling the various forms of forced labour which existed in the colonies between the wars was basically a continuation and discursive extension of the international struggle against slavery. In the colonies the abolition of slavery, agreed upon by the European powers in the Final Act of the Congress of Vienna in 1815 and ever since much exploited for propaganda purposes, had proved itself all too often in the course of the nineteenth century to be little more than legal formalism. The definition of slavery remained narrow—where there were no longer legal statutes permitting the possession of one person by another, the labour regime was deemed by definition to be ‘free.’ Prompted by the debate surrounding the brutal regime of forced labour in place in Belgian King Leopold II’s ‘free state’ of Congo at the turn of the twentieth century, the borders between acceptable and non-acceptable had for the first time moved from slavery into the realm of ‘free labour.’⁶ This debate was refuelled after the First World War when colonial policy became more intensively geared towards the economic exploitation of the colonies. Although the ambitious plans for a comprehensive *mise en valeur* as strived for by the French colonial minister Albert Sarraut never came to fruition, the governments in London, Paris, Brussels and the Hague unanimously put in place infrastructure projects and made considerable efforts to offer favourable conditions to private capital.⁷ The increased need for manpower during the economic expansion of the 1920s was at no point met by the free local labour markets. The building of railways, roads and harbours for the expanding mining industry in Southern Africa and for the plantation industries of South East Asia or West Africa required a level of manpower that was simply not to be had on a voluntary basis. One of the consequences was that, in a way hitherto unknown, forced and compulsory labour became one of the main characteristics of colonial rule between the wars. The conventional social-conservative and particularistic colonial doctrines of the time, which regardless of national differences all conveyed in one way or another the idea of the need for a completely different set of rules for the colony and the mother country, only aggravated the situation.⁸ Basically, they all distinguished between a European and a ‘native’ economic and labour sector and bridged manpower gaps in the latter using methods of coercion. The result was pre-programmed social and political stagnation, and the often unscrupulous temporary extraction of manpower from the indigenous communities. In many cases, sometimes against their will and sometimes at their own instigation, the colonial administrations functioned as a source of assistance to the economic interests present locally. The result was an abundance of non-economic constraints exerted on the individual to provide labour in exchange for wages or even without remuneration. In many places in the 1920s, veritable recruitment raids using colonial police force took place. In West and Central Africa France set up the *deuxième portion du contingent*, a form of conscription into the workforce disguised as military service in which the ‘recruits’ were put under military supervision for a certain period and forced to perform whatever work they were given. Other methods on which there was

close cooperation between public and private interests included limiting to below subsistence levels the amount of land the colonized population was allowed to own, passing laws against vagrancy and imposing certain taxes on the indigenous communities—all with the goal of forcing those affected to accept paid labour.⁹

In the 1920s the International Labour Office acted as part of, and before long as the spearhead of, a European/North-American-dominated ‘international colonial issue network’¹⁰ which now formed a broad front against the systematic use of forced labour in the colonies. This network, which had its roots in the tradition of the anti-slavery movement, consisted of a wide spectrum of supporters ranging from philanthropic and academic associations to individual members of parliament, ministerial bureaucrats in the colonial metropolises, isolated local colonial civil servants and representatives of the Christian missions.¹¹ Within the ILO, the role of Albert Thomas, the first director-general of the Organization, was crucial. Thomas had a long personal history of commitment to the fight against slavery and forced labour. It was he and some other members of the ILO secretariat who ensured that the Organization was able between the wars to secure a mandate to deal with the question on an international level.¹²

When, in the mid 1920s, the League of Nations began preparations for a convention against slavery, the International Labour Office seized the chance to use this as a lever for their own campaigns. The Slavery Convention, which was passed in 1926, was based on wide international consensus. However, during negotiations the colonial powers put up strong resistance to all the initiatives that went beyond a condemnation of the legal status of slavery and the slave trade and aimed at including wording banning various forms of forced labour. As a concession to their critics, however, the ILO was given the task of conducting a study into possible steps ‘to prevent compulsory labour or forced labour from developing into conditions analogous to slavery.’ Armed with this very defensively formulated League of Nations mandate, the International Labour Office set about pressing for a normative solution to the problem of forced labour.¹³

Apart from the political problems that arose from the colonial powers’ unwillingness to expose their ruling practices to international scrutiny, there were a number of other difficult questions facing the ILO in its attempt to integrate the subject area of ‘colonial labour’ into the general activities of the Organization. The international labour standards¹⁴ the ILO had developed thus far were essentially tailored to the situation in the industrialized Western nations. ILO norms were only universal in the sense that they were supposed to be generally valid for all those countries to which they applied—the states in question thus being clearly defined merely through the content of the norms. In addition, a ‘colonial clause’ in the Organization’s constitution of 1919 which granted the metropolitan powers the right to exclude, in part or entirely, their overseas territories from the ratification of norms made it difficult to apply ILO standards in colonial territories. In addition the colonial powers for their part were fiercely against a regular norm applying to the colonial areas because they feared that a document that regardless of the

'colonial clause' addressed both colonies and mother countries in its provisions could be interpreted as a signal that conditions in the metropolis and the periphery were actually to be measured with the same yardstick, an impression that the colonial powers wanted at all costs to avoid. In the end, the ILO got round the problem neatly by deeming colonial labour to be a special form of labour referred to as 'native labour,' to which separate norms applied. A Native Labour Code (NLC), as distinct from the International Labour Code that comprised all ILO conventions, was drafted.¹⁵ Thus, in the spectrum of ILO standardization, the colonies became an area of separate and ultimately less stringent legislation.

All four conventions and a whole series of recommendations the ILO passed between 1930 and 1939 as part of the NLC revolved around the problem of forced labour. The discourse that surrounded the development of the NLC reflected fairly exactly the limits of thinking on the socio-political aspects of colonial rule in the period between the wars. Both opponents and advocates of forced labour accepted that there was a basic difference between 'normal' and 'colonial' labour. They shared the view that colonial policies had a duty to 'educate' the native population. The main area of controversy was the question of whether the abolition of forced labour and related phenomena helped or hindered the performance of this duty of education. Although in the debate on the actual Forced Labour Convention of 1930 there was more or less unanimous agreement on the long-term goal of the instrument—to abolish forced labour—there were many serious differences of opinion on everything above and beyond this. These differences mainly concerned the 'educative' methods currently in use and the time frame that should be laid down for the abolition of all types of coercive measures.¹⁶

One of the most instrumental advocates of an immediate abolition of all types of forced labour was Director-General Albert Thomas. Thomas believed that forced labour was only counterproductive to the attempt to educate natives in European working habits, creating hatred both of the coercers and of work itself. He saw a race war looming and also criticized forced labour in the colonies for providing fertile terrain for communist propaganda. He argued that it would be more fitting for the colonial administrations to make a sustained effort to educate and convince the natives of the advantages of work. Thomas saw the ILO's role in all this as being 'to lift the chains that still bind the native so as to prepare him for the next educative step,'¹⁷ a position that won him wide support from the workers' group within the ILO.¹⁸

The only colonial power that supported the immediate abolition of forced labour for private purposes was the British government. Thanks to this British support, it was possible to overcome French, Belgian, Dutch, Portuguese and South African resistance on certain controversial points. These powers were particularly critical of the distinction between forced labour for public ends (which was acceptable, according to majority opinion) and forced labour for private interests. They also argued that the transition periods laid down in the draft of the convention, during which measures of coercion would continue to be tolerated, were too short. In varying tones, they bemoaned the backwardness and immaturity of

colonial peoples. Many speakers expressed the opinion that the very nature of Africans and Asians, their continuing 'primitiveness,' made coercion a necessary evil. Blaise Diagne, for instance, the first Senegalese member of the French National Assembly, who acted as advisor to the French government delegation at the Labour Conference in 1929, defended measures of coercion in the French colonies as honourable efforts in the name of civilization, with the potential 'to elevate and favor the future of African Races.'¹⁹

The agreement²⁰ that was finally reached at the International Labour Conference of 1930 represented in its way a breakthrough for the opponents of forced labour. It obliged its signatories to abolish forced labour 'in all its forms' and only permitted transitional periods with regard to work performed for 'public purposes.' The main success of the supporters of the Convention was to have pushed through a complete and immediately effective abolition of forced labour for private purposes. However, there were loopholes. Detailed provisions that laid down what was *not* to be deemed forced or compulsory labour effectively permitted the continued existence of certain forced labour systems. Along with military service and forced labour as a consequence of a court conviction, the document exempted any work or service forming part of the 'normal civic obligations of citizens,' as well as 'minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community.' All the clauses, but these latter two in particular, seemed blind to the very different ways they must be construed in civil societies and in societies under colonial rule. The strict colonial dividing line between citizens and subjects was blurred, and a concept of 'normal civic obligations' established without the accompanying civil rights.

The debate surrounding the three other documents by which the ILO extended the NLC in subsequent years was conducted under similar premises to the forced labour discussion. In all three cases, the main aim of the authors of the respective convention was to protect colonial workers from the consequences of the joining of forces of private economic interests and institutions of state control and discipline.²¹ The link was brought starkly to light by the discussion on the application of penal sanctions in the prosecution of breaches of employment contracts. The workers' group in particular denounced this widespread practice at the 1939 conference as an unholy alliance between private profit interests and the colonial powers. The initiators of ILO Convention No. 65 believed that as long as employers in the colonies could threaten native workers who unilaterally broke off a contract with prison or corporal punishment, they were effectively exempt from the obligation to create acceptable working and wage conditions.²² Advocates of the application of criminal law, however, insisted that 'educating' natives to honour contracts was synonymous to educating them to be civilized, and that criminal law was an effective means in this endeavour, and one without an alternative.²³ The dominance of the colonial powers in the ILO meant that no majority was found for the immediate and unconditional abolition of the practice, as demanded by India, for example.²⁴ Although the final version of the

convention did make major concessions to the wishes of the colonial powers, not one of them, apart from Britain, was prepared to ratify it until the early 1950s.²⁵

From a humanitarian point of view, however, the ILO's first attempts to tackle forced labour normatively were a definite success. Despite all the constitutional obstacles in their path, they had, first and foremost, drawn attention to the worst abuses of workers in the colonies. The discussion surrounding them had brought starkly to light the hollowness of the philanthropic phrases in the colonial doctrines of the period between the wars. Nevertheless, the ILO documents could not avoid reproducing the conventional distinction between metropolitan standards and colonial standards. They carried in them the separation between the world of citizens and the world of subjects, and implicitly weighted the degree of freedom of labour differently depending on whether it was carried out under 'normal' or under 'colonial' conditions.

Forced Labour Post-1945

Immediately after the end of the Second World War, the issue of forced labour found itself on the ILO agenda for the second time, hauled into the international spotlight by the atrocities committed in this regard during the war. The authors of the UN Charter and the Universal Declaration of Human Rights, both of which dealt at length with the issue,²⁶ were convinced that they were dealing with a new phenomenon that differed from that of the pre-war debates. The unscrupulous use of forced labour by Nazi Germany and the Japanese occupying powers in Asia for economic and military purposes and in the former case also as a method of political correction or even of extermination had given the term a new dimension that, it was widely accepted, simply exceeded the limits of the previous criteria used to determine levels of freedom or coercion.²⁷ The ILO was soon being called upon to take new normative action and the issue of forced labour featured once again at the Organization's annual conferences. The debates that followed, however, which in 1957 would finally culminate in the adoption of a new 'Abolition of Forced Labour Convention,' differed from pre-war discussion of the topic in several significant ways.

1. Unlike in the period between the wars, the question of forced labour was now treated as a human rights issue. International labour standards had never previously been understood as full-blown rights of the individual, but, following the Philadelphia Conference of 1944, at which the ILO and the liberal democracies of Europe had come together to formulate goals for the organization of a democratic and socially just post-war order, all the ILO's normative work had taken on the status of a human rights campaign. In the famous Declaration of Philadelphia, freedom of labour featured along with freedom of association and the ban on discrimination among the fundamental principles and objectives to which the members of the ILO committed themselves, explicitly recognizing them to be fully and universally applicable human rights.²⁸ Defining freedom from forced labour as a human right gave its advocates a new mandate and fresh

legitimacy to their attempts to challenge the narrow confines within which the NLC had so far kept the debate.

2. The second difference in the treatment of forced labour post-1945 concerned changes in the colonial political discourse. In the years following the war, there was a decisive shift on the part of the major colonial powers towards a policy of 'welfare colonialism.' Promises of sweeping social and economic development in the colonies were now formulated in universalistic language, leaving behind the particularistic postulates of the past. In a series of documents passed in 1944 as a colonial 'parallel operation' to the Declaration of Philadelphia, the colonial powers expressed their binding intention to implement in their territories active economic and social policies based on universal social (human) rights, and made a clear commitment to freedom of labour in the colonies.²⁹ However, their universalistic professions of commitment to free labour often did not survive the 'development dictatorships' in whose niches long-established forms of forced labour continued to be practised or were replaced with others. The primary motivation behind the efforts of the colonial powers—that of making the territories in their possession more productive in order to boost the war-torn economies of the European metropolises—often sanctified the use of a myriad of coercion measures in the recruitment of labourers. But instead of being justified by the cultural and racial superiority of the colonizers, as the particularistic arguments of the past would have it, forced labour was now made acceptable by the position of advanced knowledge held by benevolent technocratic modernizers.
3. A third difference between the pre-1945 discussion of forced labour and the treatment of the subject after the war, however, was a welcome one to the colonial powers. In the public debates of the 1950s, colonial systems of forced labour very much took a back seat to those of the socialist states of Eastern Europe and Asia. The scale and brutality of the Stalinist Gulag made it the natural focal point for those fighting for a human rights breakthrough on the issue of forced labour, especially since the war had heightened awareness of politically and economically motivated forced labour systems. In addition, the issue of forced labour was an ideal subject for propagandistic exploitation in the East–West conflict, especially in view of the fact that the Soviet Union did not become a member of the ILO until 1954, which meant that the International Labour Office did not have to worry too much about political diplomacy. In fact, the forced labour debate only became specifically colonial again in 1954 when the pre-war discussion of the penal sanctions issue resurfaced to end in a new convention.

The issue of forced labour featured in the East–West conflict more than any other human rights issue on the ILO agenda. When, in November 1947, the American Federation of Labor (AFL) called upon the UN Economic and Social Council to commission the ILO with a comprehensive investigation into new systems of forced labour in place in the member states of the United Nations, its sole target was the Stalinist Gulag system.³⁰ As UN observers would later put it, it was then at the latest that the problem of forced labour became 'very much a part of the "cold war."'³¹

All the Soviet Union's attempts to remove the topic from the international agenda or at least to prevent the referral of the issue to the ILO failed. Moscow then resorted to a dual strategy of undermining all the ILO's initiatives against forced labour while at the same time trying to bring the attention of the international public back to colonial forms of forced labour.³²

In 1949 the UN and the ILO set up a joint ad hoc committee under the leadership of the Indian diplomat and legal expert Ramaswami Mudaliar.³³ The committee's original mandate was a clear reflection of the joint will of the US government and the colonial powers to target exclusively that which they assumed was going on in the Eastern Bloc. It was only the 'creative' interpretation of their duties by the committee's members that meant that other countries apart from the Soviet Union and its satellites came to be investigated, including the colonial territories. Understandably, none of the colonial powers initially demonstrated much support for the presumptuous forays of their American allies into the forced labour issue. Although they had all, with the exception of Portugal, signed the Convention of 1930 and declared forced labour in their territories to be abolished, it continued to exist on a significant scale in Africa in particular, the justification being the extraordinary backwardness of the people and the enormity of the problems involved in the development of these colonies.³⁴

The British government dug their heels in for a strategy 'that will do least damage to our position in the Colonies while damaging the Russians as much as possible.'³⁵ And the State Department complained as late as 1951 that the French envoy was in ECOSOC (the UN's Economic and Social Council) 'making every effort to undermine US position on forced labor.'³⁶ As a result, everyone in the Western camp was keen to set the confines of the mandate of the Mudaliar Committee as precisely as possible. The final draft called upon the committee 'to study the nature and extent of the problem raised by the existence in the world of systems of forced or "corrective" labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country.'³⁷ Although the emphasis was on forced labour systems which were politically *and* economically motivated, the committee took the liberty of carrying out separate investigations into political and economic forced labour regimes, which enabled it to scrutinize a wider spectrum of countries and territories. Whether the International Labour Office was pulling the strings in the Mudaliar Committee's deviation from its actual mandate is not clear, but is very probable in the light of the attitude of its protagonists to the forced labour issue, and in particular that of its director-general from 1948, the American David A. Morse. Whatever the case, the distinction made between politically and economically motivated systems of forced labour certainly pleased the human rights advocates in the International Labour Office. They wanted to make sure that any future convention in this area would not just be used as a weapon of propaganda in the Cold War, but would be a real chance to establish freedom from (non-economic) pressure to work as a fundamental principle for democratic development.³⁸ In order to achieve this goal it was of primary importance to prevent

the specific combination of economic and political factors that distinguished the forced labour systems in place in the Eastern Bloc from becoming the sole target of potential normative action. These systems were simply too severe to be a helpful yardstick for the level of coercion permissible in the development process anyway, as evidenced by the realms of material presented to the Mudaliar Committee.³⁹

When the committee published its findings in its final report in 1953, it found forced labour systems that were simultaneously politically and economically motivated in all the countries of the Eastern Bloc it investigated, but only there. Exclusively political or exclusively economic systems were found to exist in a number of countries, including, at the top of the list, South Africa, which received a negative mention for its particularly large-scale and systematic use of forced labour. Of the colonial powers, only Portugal and Belgium found themselves on the blacklist.⁴⁰

The International Labour Office was not entirely satisfied with the findings, and especially not with the general section of the report in which the committee looked at, among other things, the background behind economically motivated systems of forced labour. The committee attempted to show that the modern phenomenon of using forced labour as a means to the end of the economic development of a country was part of a general tendency of the age and present in all political systems.⁴¹ The report found that the modern state was expected to show 'a greater and greater interest in the welfare of the individual and of the community,' and in order to meet their ever expanding responsibilities and the demands placed on them administrations had no other choice but to acquire new forms of authority and new means of intervention. As a result, public opinion was divided between 'concepts of political liberty on the one hand and social liberty and social obligations on the other.'⁴² An International Labour Office commentator expressed concern that abstract formulations such as this threatened to blur the distinction between the nameless horrors of Stalinist labour camps and the comparatively harmless practices of other countries, and even to place the former in the same context as the development of modern welfare states. The ILO was also concerned that the Mudaliar report thus implicitly justified the use of force in the development process—or at least did not explicitly condemn it.⁴³ However, the general remarks of the Mudaliar Committee actually had the opposite effect on the development projects of the colonial powers whose practices were not mentioned in the report. The committee's intention had been to establish what level of coercion was usual or tolerable in modern states, and to use this as a standard against which deviations could be judged. By finding British and French colonial policy 'not guilty' of forced labour, the committee also confirmed the notion perpetrated and held by the two powers themselves that in their development efforts they were moving within a universalistic consensus. This was emphasized by the report's mention of three colonial 'outsiders' who all infringed the norm in some specific way. South Africa's 'inner colonialism' with its anti-universalistic justification was the most extreme deviation. While the other colonial powers now justified the use of coercion by making reference to their position of advanced knowledge in comparison with the colonial populations and by claiming coercion's necessity for development purposes,

always remaining within a fundamentally universalistic discourse, however, South Africa made no concession to the spirit of the time.⁴⁴ In contrast to these outsiders, the late colonial 'development dictatorships' run by France and Britain embodied that 'normal level' of coercion that the modern state needed to exercise in order to fulfil its duties. The report only criticized France and Britain for occasionally using the terms 'state of emergency' and 'civic duties' too freely in their justification of continuing forms of coercion. The continuing validity of the colonial clause of the ILO constitution and the fact that a forced labour norm that extended to the colonies had existed since 1930 also meant that the colonies effectively remained exempt from new normative measures against forced and compulsory labour 'for development purposes.' And by means of the term 'normal civic obligations' and the exception laid down in Convention 29 that unspecified 'cases of emergency' could justify the use of forced labour, the colonial powers had lots of room for manoeuvre.⁴⁵

On the basis of a new report,⁴⁶ the International Labour Office drafted in 1956 what was to be the 'Abolition of Forced Labour Convention.' The new document banned forced labour (a) as a means of political coercion and political education and (b) as a method of mobilizing and using labour for purposes of economic development. On the initiative of the workers' group the convention was eventually extended in the conference committee to include a ban on forced and compulsory labour for three additional reasons: (c) as a means of labour discipline, (d) as a punishment for having participated in strikes and (e) as a means of racial, social, national or religious discrimination.⁴⁷

This result was endangered for a short while at the ILC in 1956 due to an astonishing change of tack on the part of the Soviet Union. The socialist states of the Eastern Bloc had put up years of bitter resistance to a new convention (in fact the very act of the Soviet Union's return to membership had been linked by Western observers to Moscow's intention to influence the discussions and ultimately put an end to the accusations), and now they suddenly signaled support for normative action. The timing of this tactically motivated U-turn was well chosen, especially with regard to more than embarrassing position that the Western camp then found themselves in due to the policy of the US government. To the disgust of all the advocates of the new convention, Washington had announced shortly before the start of the conference that the US would not ratify the document. Although this was in line with the long-held attitude of the State Department to ILO norms (and all international agreements that encroached on national law), few had believed it possible that the US government would go so far as to uphold this dogma even on the issue of forced labour, where it had been the main initiator of a new document.⁴⁸

However, when it came to it, the attempts of the Soviet Union to give the forced labour convention a new, more colonial flavour also fell flat. Neither the workers' group nor the majority of Asian and African countries were prepared to help Moscow to a victory on points, especially in view of the fact that the 1957 conference, at which the new document was adopted, took place against the background of the Soviet crushing of the Hungarian uprising a few months earlier, which cost Moscow even the sympathies of many of those who shared the USSR's position on

forced labour. The draft 'Abolition of Forced Labour Convention' was eventually accepted unchanged by the conference.⁴⁹

For the International Labour Office, the new convention was, on the whole, a success. The document reflected the democratic values of the Organization and took a clear stand against politically and economically motivated systems of forced labour. With regard to the implementation of universal norms in the colonial territories, however, the outcome of the forced labour debate was less incisive. Within the confines of universalistic rhetoric, it seemed, coercion, under certain conditions, continued to be permissible. Outside of these confines, forced labour was becoming more and more of a political issue.

Development and Forced Labour

Although the ILO's normative action ended with the adoption of Convention 105, the Abolition of Forced Labour Convention certainly didn't represent the end of the discussion on the fine line between freedom and coercion. In fact, the debate was revived as early as the beginning of the 1960s against the background of continuing decolonization in Asia and Africa, in the course of which the balance of power within the ILO bodies began to shift in favour of the non-European world. As the profile of the ILO changed, the problems and needs of the developing countries gradually became the Organization's main concern. By the 1960s, the issue of forced labour was one of the problems that most clearly illustrated the 'growing conflict between economic development and the preservation and guarantee of human rights,' as the American human rights expert and government representative to the Governing Body, George Weaver, observed with concern.⁵⁰

In some respects, the controversies surrounding the content of Convention 105 had provided a taste of things to come. The caution displayed by many developing countries in the discussion of Convention 105 was only partly explicable by the volatile nature of the subject matter in the context of the East–West conflict. Many of the newly independent states did in fact have a very mixed attitude to the Abolition of Forced Labour Convention. On the one hand, the profession of commitment to the ILO's human rights norms in general was highly symbolic for the new nations, demonstrating unambiguously as it did the break with the colonial past. This was particularly true for freedom from forced labour, the classic 'colonial crime.' The significance this possessed for postcolonial governments is evidenced by the literal flood of certificates of ratification for the conventions of 1930 and 1957 which the International Labour Office issued to the newly independent states in the 1950s and 1960s.⁵¹

Implementing the conventions, however, was a different matter entirely. In their political discourse, the leaders of the new nations perceived the underdevelopment of their young national economies as an emergency situation comparable to a state of war. In many countries the view took hold that the strict application of Convention 105 in particular was incompatible with the goal of mobilizing all

the available forces for the development effort. In the new discourse, governments were emergency regimes overseeing their countries' fight for (economic) emancipation and independence, which was now no more taking place on the national level, but within the international order. This justified the temporary subjection of the population to extraordinary measures of coercion, and the suspension of the application of ILO norms for a transitional period. That this contradicted both the spirit of the forced labour conventions and the postulates of the International Labour Office, in whose integrated approach to development the realization of ILO human rights norms was the *first* step in the modernization process,⁵² goes without saying. According to prevailing opinion in the Office, freedom of labour was an essential prerequisite for sustainable, 'real' development. What the debate boiled down to, then, was nothing less than the question of whether authoritarian or democratic models of development were fundamentally preferable.

Youth Labour Services in Africa

In 1962 the annual report of the permanent Committee of Experts on the Application of Conventions and Recommendations (COE) contained a general survey of the situation on the ground for the first time since the new Forced Labour Convention of 1957 came into force. The experts concluded that past condemnations of forced labour had apparently not effected a significant reduction in its use. 'On the contrary, it may have become even more usual in some parts of the world.'⁵³ This remark was aimed in particular at Africa, where a range of forms of forced and compulsory labour outlawed by the Conventions of 1930 and 1957 had survived independence, the report admonished.⁵⁴ What the COE found particularly alarming was that some countries had even gone as far as to set up new forms of compulsory labour. The report listed by name a myriad of West African countries whose methods of mobilization of labour were described as incompatible with both forced labour conventions. The governments of these countries had, either under the auspices of the military or by creating a separate institution for the purpose, introduced compulsory labour service for young people. The 'recruits' generally worked on public development projects, and were in some cases provided with basic vocational training.⁵⁵ The COE pointed out to all concerned that labour services by their very nature contradicted the provisions of the forced labour convention of 1930, which only permitted compulsory military service for purely military purposes. They also, according to the experts, breached the provisions of the newer convention, which forbade forced and compulsory labour 'as a method of mobilising and using labour for purposes of economic development.' The committee criticized the excessive use of emergency regulations to justify the services.⁵⁶

Soon after the publication of the report, the discussion surrounding the phenomenon of youth labour service in Africa began to extend to the very fundamentals and principles on which the ILO was built. The accused states reacted with great indignation to the findings of the COE. At first they vehemently defended the immense importance, in their view, of youth service for development.

They had no time for the scruples of the COE, which, while recognizing the need of these countries to build up a qualified workforce and to tackle the problems of growing cities, youth unemployment and underemployment, still rated the danger of abuse intrinsic to systems based on coercion as more relevant than their potential benefits. True development, according to the committee, was only possible where fundamental ILO standards were respected. 'The aim of development is to train citizens, in the full sense of this word; the consequence of forced labour is to create slaves.'⁵⁷ This, and in particular the experts' criticism of the use of the military, led the states in question to mount the barricades. For from the viewpoint of the African Governments it was the army, as the often only real 'national institution', which had the suitable means of achieving development goals. They held that the developing countries were involved in a battle for economic independence that was just as serious as any military struggle. Just as the young people would be prepared to shed blood for their country, one African delegate at the ILC claimed, they must also be prepared 'to defend the real independence of the country by which I mean its economic independence.'⁵⁸

The bitterness with which the African delegates reacted to the accusations of the COE was also partly due to the very fact that no issue could have been more highly symbolic of the fight for independence. To be accused of a 'classically colonial crime' such as forced labour was particularly hard for the postcolonial nations to stomach. In addition, the accusations of the COE came at exactly the same time as the report by a committee commissioned by the Governing Body more or less acquitted Portugal of the charge of maintaining a forced labour system for the purposes of economic development in its African colonies. Although there was no doubt that the complaint was well founded, the investigation into the situation in Portuguese Africa did not have the outcome its initiators intended. Their frustration over the fact that, for purely formal legal reasons, Portugal was more or less cleared of the charges increased even more when one year later Lisbon itself lodged a forced labour complaint against Liberia from which the West African country did not get off so lightly.⁵⁹

Portugal was not the only country to turn against its accusers a human rights discourse that had previously been such a stock weapon in the fight against colonialism. France went as far as to tell the African governments via diplomatic channels that it saw their *services civiques* as nothing less than a rebirth of the *travail forcé* of the colonial era.⁶⁰ Even the British Foreign Office made it clear that on the issue of labour services it would not put up with any 'double standards.'⁶¹

The African states now began to direct their anger against the International Labour Office itself, and held up its admonishments as proof of the 'two justices' that continued to prevail within the ILO.⁶² The Organization was often accused of trying to soothe its own conscience by seeking now, years too late, to 'redress the wrongs which [the colonial powers] did not wish to recognise' at the time when they had been under accusation.⁶³ More and more frequently the Office had to face the complaint that in its attempt to convey the merits of its concept of free labour in

accordance with ILO conventions, it had come down clearly on the side of neo-colonial interests.

Different Paths to Modernity: The Dispute Reaches the International Labour Office

In 1963, as part of a general programme and structural reform designed to take into account the ILO's new postcolonial membership structure, Director-General David Morse convened a working group made up of representatives from various departments of the Office to look into ways of making the application of the forced labour conventions compatible with the demands of economic and social development.⁶⁴ This was a direct reaction to the politically volatile debate surrounding the institutions of youth labour services. When the conclusions of the various departments were submitted to the Director-General in the summer of 1964, it became apparent that there were grave differences of opinion running through the Office. The Organization was especially divided on the question of how the use of compulsory labour for development purposes should be judged. It split more or less into a 'labour standards faction,' which emphasized the normative role of the ILO, and a 'development faction,' which wanted to see the applicability of ILO standards coupled to economic factors such as productivity. This latter group supported a gradual implementation even of core standards (such as those concerning forced labour, freedom of association, and discrimination in employment), where necessary.⁶⁵

The economic section of the International Labour Office saw the COE report of 1962 as one of many examples of the ILO's excessively restrictionist approach to the coercive practices of poorer countries, and complained about the general 'hostility towards economic development' which prevailed both in the conference and in parts of the Office. Its position paper postulated the primacy of economic development, which it viewed as an essential prerequisite for the realization of social rights. The paper used the application of the forced labour conventions against the economic interests of the developing countries as an example of the meaninglessness of the term 'freedom' when not inextricably bound to the unconditional struggle against freedom from poverty. The degree of coercion to which a country could legitimately resort, argued the paper, must be decided first and foremost by its state of socio-economic development and the cultural hurdles that a government had to overcome in its development efforts.⁶⁶

The labour standards section of the International Labour Office, on the other hand, saw the situation differently. Its criticism was that, by focusing exclusively on the demands of economic development, the propagandists of that approach tended to sweep human rights scruples rather too conveniently under the carpet. It accused the economic camp of being too quick to concede the necessity of using coercion and limiting rights, without exploring how the same goals might be achieved in compliance with ILO standards and without the use of coercion. The labour standards camp used the same argument that the opponents of forced labour had been defending tirelessly since the 1930s—that methods of coercion may be

successful in the short term at mobilizing manpower, but in the long term they were economically less efficient than free labour. Furthermore, coercion was fatal, they claimed, to the development of a democratic society—and this applied in particular to labour services run by the military. While both in and outside the ILO the opponents of the rigid application of standards assumed that in underdeveloped countries not enough suitably disciplined manpower was available on the free market, this was simply not the case, argued the standards section. It was convinced that labour service was dangerous because it forced civilian functions into a military hierarchy in which participation and co-determination were impossible. The economists, however, saw precisely this as a chance to develop a more disciplined workforce better prepared for the demands of the modern working world, and one that could make a significant contribution to creating a developed and thus democratic society.⁶⁷

When it came down to it, the discussion between the two factions revolved around nothing less than the question of the right way into modernity. One side believed that as long as the ultimate goal was a social one, authoritarian models of development were an acceptable way forward. From this perspective, ILO standards were the end and not the means—which was in direct opposition to what the other side believed.⁶⁸

As the problems in this area looked set to continue, at the end of the 1960s the ILO convened yet another committee to look into the issue of forced labour. The committee, again chaired by Ramaswami Mudaliar, concluded that despite the high rates of ratification of the two forced labour conventions, excessive use was still being made of emergency regulations to justify the use of forced labour. For the report the litmus test had to be still whether the use of coercion for development purposes was accompanied by a process of social democratization. Only when democracy and the rule of law developed parallel to one another could abuses be avoided, the report once again stressed. Certain restrictions of the rights of the individual in favour of society as a whole were acceptable, but within those limits a just and stable order must guarantee the individual freedom from coercion with regard to work, participation in industrial relations, and the exercise of one's civil rights.⁶⁹

The original starting point of the debate—the issue of labour services, was finally resolved, in the spirit of pragmatism, by a compromise. In 1970 a recommendation was adopted that drew a distinction between training-orientated and work-orientated labour services. The former, whose primary end was the vocational training of recruits, were approved, while the latter, whose sole purpose was the mobilization of manpower for economic growth, continued to be rejected.⁷⁰ This solution could be interpreted in two ways. Firstly, it was a signal that the ILO was holding firm to its democratic concept of development as enshrined in the two forced labour conventions. Secondly, however, the recommendation showed that the Office was now prepared to concede that developing countries should be allowed to employ specific forms of coercion in their development efforts. To a certain extent, of course, this was tantamount to an admission that the universalistic concept of free labour as expressed in the two ILO forced labour conventions was not always applicable when it came to the plight of the developing countries.⁷¹ The critical question that had

constantly hovered in the wings of the debate—that of the actual degree of coercion permissible in the development process, was, unsurprisingly, not definitively resolved.

The Debate Continues

The way the ILO has gone about addressing the various forms of forced labour, and its endeavours to find an appropriate benchmark to distinguish between tolerable and unacceptable levels of coercion have been in flux since the inception of the Organization almost 90 years ago. Until 1944, the NLC was a framework in which efforts were made to come up with minimum standards to protect the inhabitants of the colonies from the worst abuses committed by economic interests. The colonial discourse of the time made it impossible to draw a universally valid line between free and forced labour. Despite the progress they represented on a humanitarian level, then, the four conventions enshrined in the NLC, and in particular number 29, the Forced Labour Convention, also reflected the limits of thinking in this early phase of international labour standard setting. In the period following the Second World War, the goal became to set a universal and uniform standard with the help of which tolerable and intolerable levels of labour-related coercion could be separated. The politically charged debate surrounding a new convention to completely abolish forced labour, taking place as it did against the background of the East–West conflict, reflected a much stronger awareness, attained during the war, of politically and economically motivated systems of forced labour and of the necessity of establishing freedom from coercion as a basic human right. That this was not simply taken for granted, as the logical next step is illustrated both by the resistance of the socialist states, who saw the finger of accusation being pointed clearly at them on the issue, and by the exemptions and exceptions from a complete abolition of forced labour which the colonial powers attempted to obtain for their territories, despite the blatant discrepancy between this and their universalistic affirmations. On the part of the ILO, this represented a failure to adequately convince the colonial powers of its concept of free labour as a core component of democratic modernization. A similar situation arose in the 1960s with regard to the postcolonial countries. Here too, symbolically charged human rights declarations fizzled out into a series of exemptions and restrictions when it came to actually implementing them, which the governments of the new nations justified by stressing their need to exercise extraordinary powers in their role as emergency regimes in the development effort.

To some extent, the precarious equilibrium the debate recovered at the beginning of the 1970s is still a defining aspect of today's discussion. However, some changes have taken place in the forced labour discourse, and two—diametrically opposed—trends in particular should be mentioned here. Firstly, the voices in the ILO lamenting a fundamental incompatibility between the pressures of economic and social development and the full implementation of the two forced labour conditions have not grown quieter. Their arguments have, if anything, increased in strength.

Poverty and misery in many parts of the world still make it easy for the elite of many states to justify recourse to methods of coercion. In the world outside Europe and North America, a change of attitude to ILO standards since the era of colonization has been accelerated by the continuing gulf between rich countries and poor countries in the world economic system. The ILO concept of free labour has, like other humanitarian norms, lost emancipatory force in these parts of the world. In a debate increasingly laden with cultural undertones and references to 'Asian values' or communitarian African traditions, taking exception to ILO principles as an expression of 'Western values' has itself become part of a renewed call to decolonization. On the other hand, however, the breakdown of the Soviet Union since the beginning of the 1990s has given the ILO unprecedented new opportunities to establish its standards as internationally, indeed universally, valid principles. A palpable expression of this development is the catalogue of core ILO labour and human rights standards drawn up in 1998⁷²—rights that are binding upon all members of the ILO as a condition of membership, independently of the ratification of the corresponding documents. The list of core labour standards contains both forced labour conventions and explicitly counts the 'elimination of all forms of forced or compulsory labour' amongst the four fundamental objectives of the Organization (the other three being freedom of association, freedom from discrimination in occupation and employment, and the abolition of child labour). It also emphatically confirms the double stance that the ILO has taken on the issue of forced labour since Philadelphia—that freedom of labour is both an inalienable human right and a basic prerequisite of sustainable and democratic economic and social development. In recent years, however, awareness has grown that such contentions will remain empty phrases if not accompanied by adequate measures to actually implement the provisions of the forced labour conventions. Furthermore, two major reports on the forced labour situation globally which followed the declaration of 'fundamental rights at work' have shown that the problem has actually shifted. Both remarked on the immense significance of forced labour for private ends in connection with human trafficking, an area that is not covered by the forced labour conventions. One of the reports' main findings is that forced labour in the guise of sexual exploitation and domestic labour, to name but the most pervasive forms, as seen in developing countries, industrialized Western nations and the transition countries of Eastern Europe alike, can no longer be adequately addressed using the resources of the forced labour conventions. The reports conclude that in many respects, both these forms of forced labour are a consequence of the 'dark side of globalization.' Widespread poverty, the worldwide deregulation of labour markets, and high barriers to immigration in the rich nations are all factors that favour forced labour. Awareness is growing that these forms of forced labour cannot be effectively tackled just by using normative instruments whose goal is national legislation. For this reason, following the example of a successful campaign against the worst forms of child labour, the ILO called in 2005 for the formation of a global alliance against forced labour.⁷³ This kind of initiative is based on cooperation between political, economic and civil society groups and on the creation of

a common framework for discussion and action which extends beyond national borders. As much as this form of campaign is a response to changed conditions in an increasingly globalized world in which the setting and implementation of standards by the independent nation state is declining in significance and influence in comparison with transnational forms of action, the question remains as to whether through such initiatives the ILO will better succeed in the quest it has been pursuing since 1919, that of completely eliminating all forms of forced labour. However, whatever the surface success of current and future campaigns, the ILO can be credited with the lasting achievement of having provided a universal benchmark that allows both national and international demands for freedom of labour to be articulated.

Notes

- [1] On history and structure of the ILO see Alcock, *History of the International Labor Organization*; Gheballi, *The International Labour Organisation*.
- [2] Since 1919 the ILO's annual conferences (International Labour Conferences—I LC) have adopted a total of roughly 190 conventions and an equal number of (legally less binding) recommendations covering a broad field of issues ranging from social security and occupational safety to such genuine human rights topics as freedom of association and freedom of discrimination in employment.
- [3] Literature that focuses on the International Labour Office's role and influence are: Reinalda, 'Organization Theory'; Haas, *Beyond the Nation State*; Cox, 'ILO—Limited Monarchy.'
- [4] The ILO's efforts to tackle the problem of forced labour have been widely neglected. See Alcock, *History of the International Labor Organization*, 81–99, 270–284. The forced labour dimension of the wider debates on decolonization is emphasized in Maul, *Menschenrechte*. For the 'indigenous labour' aspect of the forced labour question see Rodriguez-Piñero, *Indigenous Peoples*.
- [5] Iriye, *Global Community*.
- [6] For an account see Lucassen, *Free and Unfree labour*, 45–57; See also the introduction and contributions in Cooper et al., *Beyond Slavery*. For the relationship between different notions of slavery and forced labour see Brion Davis, *Slavery and Human Progress*; Miers, *Slavery in the Twentieth Century*.
- [7] Fieldhouse, *The West and the Third World*, 70–75.
- [8] For instance in Africa for Mahmood Mamdani colonial societies were all separated between the European realm of *citizenship* of the colonial masters and another one of constructed 'traditional' or 'native' law that applied to colonial subjects. Mamdani, *Citizen and Subject*.
- [9] For a summary of the colonial forced labour situation in the inter-war period, which shows clearly that forced labour had been widespread in all parts of the colonial empires, in Africa as well as in Asia and the Caribbean, see ILO, *Social Policy in Dependent Territories*.
- [10] Rodriguez-Piñero, *Indigenous Peoples*, 24.
- [11] Critics used humanitarian as well as social and economic arguments against forced labour. While for most it was the mere brutality of recruitment and labour practices that created outrage, others condemned the socially destructive results that mass recruitment of young men had on the social fabric of indigenous communities. For a more general account of activism: Klotz, *Transnational Activism*.

- [12] Before World War I Thomas was speaking out publicly against forced labour in the French Congo, where conditions were very similar to those in neighbouring Belgian territory at the time.
- [13] See for the international struggle against slavery and forced labour the contributions in Cooper et al., *Beyond Slavery*; Brass and van der Linden, *Free and Unfree Labour*. For a broader perspective on League of Nations and UN action see Zoglin, *United Nations Actions against Slavery*.
- [14] See for the history of the origins of the idea of international labour standards Alcock, *History of the International Labor Organization*, 37–49. For more current discussions see Sengenberger, *Globalization and Social Progress*.
- [15] Despite the special character of the NLC the ‘colonial clause’ was still applicable.
- [16] The positions are summarized in Goudal, *Esclavage et travail forcé*.
- [17] Alcock, *History of the International Labor Organization*, 86.
- [18] *Ibid.*, 81–93.
- [19] *Ibid.*, 87.
- [20] The final Convention (ILO-Convention No. 29) in: ILO, *Conventions and Recommendations*, 173–82.
- [21] The Recruitment Convention of 1936 aimed at containing recruitment activities by the colonial state and thus helped to establish a free labour market, following exclusively the laws of supply and demand. Another convention adopted in 1939 tackled the problem of long-term contracts. In the back of the minds of the authors were widespread systems of indentured labour.
- [22] International Labour Conference 24 (1939), Record of Proceedings, 304.
- [23] *Ibid.*, 299.
- [24] *Ibid.*, 312.
- [25] Norsky, *Influence*, 88–103.
- [26] See Morsink, *The Universal Declaration of Human Rights*, 41f.
- [27] *Ibid.* See also Lassen, ‘Article 4.’
- [28] For the ILO’s attitude towards human rights and its activities in the field see Leary, *Lessons*. For the turn to human rights work in the 1940s and 1950s in particular see Maul, *Menschenrechte*, 89–123. See also Gordon Lauren, *Evolution of International Human Rights*.
- [29] *Ibid.*
- [30] Memorandum (NN) Ministry of Labour, Proposed International Inquiry into Forced Labour, 13 October 1949, Public Records Office, Kew (PRO), CO 859/182/1, Forced and Compulsory Labour 1950.
- [31] Position paper Forced Labour, Department of Social Affairs, 22 March 1954, in: United Nations Historical Archives, New York, (UNA)—RAG 320/01: Forced Labor.
- [32] An exemplary debate can be found in ECOSOC, Record of Proceedings, 17 February 1949. ECOSOC, E/SR 238.
- [33] Mudaliar was a very high-ranking nominee for the committee. At the time he was one of the candidates to succeed Trygve Lie as secretary-general of the United Nations. It somehow secured a measure of continuity to the forced labour debates of the 1920s, when Mudaliar was a member in the conference committee preparing the conventions of the NLC.
- [34] Belgium for example refused to get rid of forced labour in Ruanda-Urundi for ‘agriculturally educative purposes until habits of industry have been inculcated.’ See UN-Trusteeship Council, Division of Social Affairs, Application of International Labor Conventions and Recommendations to Trust Territories, 12 October 1950, UNA-RAG 320/02: Forced Labor.
- [35] Memorandum (NN) Ministry of Labour, Proposed International Inquiry into Forced Labour, 13 October 1949, PRO-CO 859/182/1, Forced and Compulsory Labour 1950.

- [36] Webb (Department of State) to American Embassy Paris, 3 March 1951, in: National Archives and Record Administration, Washington, D.C. (NARA)—RG 174.3.4, B 39: Forced Labor 1950–51.
- [37] ECOSOC, Resolution 350 (XII), 19 March 1951.
- [38] Memo 'The ILO and Forced Labour,' 15 November 1951, in: ILO Historical Archives, Geneva (ILOA)-MF Z 14/2/5/1: Forced Labour.
- [39] The results in: ILO, *Report of the Ad Hoc Committee*.
- [40] Spain and some Latin American countries were also listed. Only a footnote in the report mentioned certain emergency regulations applied by Great Britain in Malaya and Kenya following insurgencies against colonial rule, which might, as the authors warned, develop into systems of forced labour.
- [41] Ad Hoc Committee on Forced Labour, 4th session, final meeting, 27 May 1953, in: *ibid*.
- [42] *Ibid*.
- [43] ILO, strictly confidential commentary 'The Report on Forced Labour,' 2 May 1953, in: ILOA-MF Z 14/2/5/1: Forced Labour.
- [44] ILOA-FLA 03: Evidence of Existence of Forced Labour (1953–56). Belgium and Portugal were criticized in contrast mainly for the quantity and the brutality of their systems of forced labour.
- [45] ILO, *Report of the Ad Hoc Committee*.
- [46] The committee that produced the new report was chaired by the Swiss former president of the International Red Cross, Paul Ruegger, and came to similar conclusions as its predecessor. It found indications of the existence of forced labour systems with a political and/or economic background in all the socialist member states of the ILO as well as in the People's Republic of China, Portugal's overseas territories and the South African Union. Complaints of International Human Rights Advocates against the excessive use of forced labour by Great Britain against the backdrop of the Mau Mau insurgency were not commented on by the committee. For the Belgian territories the Ruegger Committee had no more evidence of forced labour. The Report can be found in: ILC 39 (1956), Rep. VI: Forced Labour. The complaints can be found in: ILOA-FLA 03: Evidence of Existence of Forced Labour (1953–56).
- [47] The draft is in: ILC 39 (1956), RoP, Rep VI: Forced Labour, 710–23.
- [48] Eisenhower was in fact in favour of ratification, but the hardline position of the State Department under John Foster Dulles prevailed in the end. ILO—Washington Branch to Morse, 29 May 1956, ILOA-MF Z 11/12/2 Forced Labour Convention 1954–57.
- [49] The debate is in: ILC 40 (1957), RoP, 344–58.
- [50] Weaver, *The ILO and Human Rights*, 24.
- [51] Maul, *Menschenrechte*, 475.
- [52] *Ibid.*, 167–211.
- [53] See ILC 46 (1962), Rep. III: Report of the Committee of Experts on the Application of Conventions and Recommendations, 4.
- [54] The report found systems of forced labour for which emergency powers were used as a justification, in all parts of the world, in independent countries like Kenya or India as well as in the remaining colonial territories. In: *ibid*.
- [55] An Israeli institution, the Nahal, was the model for most of the youth labour services in Africa, and Israeli experts in many cases helped African governments and military leaders in establishing them. Israel had been already criticized by the COE in 1958. In: *ibid*.
- [56] Convention No. 105 (1957): Abolition of Forced Labour, in ILO, *Conventions and Recommendations*, 1016.
- [57] See ILC 46 (1962), Rep. III: Report of the Committee of Experts on the Application of Conventions and Recommendations, 36.
- [58] *Ibid.*, 36, 165f; 255; 358f.

- [59] In the context of a new 'universalistic strategy', Lisbon had, at the end of the 1950s, ratified a series of core ILO human rights documents, including the two forced labour conventions. The competences of the Commission, though, didn't leave much space anyway for firm condemnation. It had to testify for Lisbon's goodwill because the law mostly reflected Convention No. 105. The report is in: OB XLV, 2, Suppl. II (1962). The Liberian case was different, because Liberian law allowed for certain forms of forced labour condemned by both ILO conventions. Report: OB, XLVI, 2, ILO Geneva 1963, 156–80.
- [60] A British official openly stated that he had no doubts that 'a system of this kind applied to Africans by other Africans will be far more vicious and open to abuse than when it was applied to Africans by Europeans.' Stratton (Foreign Office) to Ravensdale (British embassy Abidjan) 21 December 1962, in: PRO-LAB 13/1852: ILO 1962/63.
- [61] Foggon (FO) to Wallis (Ministry of Labour), 16 January 1963, in: *ibid.*
- [62] Malis delegate, in: ILC 47 (1963), 358.
- [63] *Ibid.*, 36.
- [64] Memorandum of the programmatic council: The Application of the Forced Labour Conventions and Requirements of Economic and Social Development, October 1963, in: ILOA-FLA 3: Special Studies on Forced Labour 1962–70.
- [65] Cox, 'ILO—Limited Monarchy,' 102–38.
- [66] Comment of the Economic Section: 'ILO Concepts of Forced Labour and Economic Development', June 1964, in: ILOA-FLA 3: Special Studies on Forced Labour 1962–70.
- [67] Comments of the Standard Section: Comments on Certain Aspects of Forced Labour in Relation to Development, in: ILOA-FLA 3: Special Studies on Forced Labour 1962–70.
- [68] The debates reflected much of the academic discussion within the camp of modernization theory. Here one could trace the same basic arguments, whether 'development dictatorships' or democratic governments were better prepared to meet the challenges that the social and economic process of modernization exposed their countries to. See Gilman, *Mandarins*, 224–35.
- [69] ILC 52 (1968), Report of the Committee of Experts on the Application of Conventions and Recommendations, III: General Survey on the Reports Concerning the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), Geneva 1968.
- [70] Recommendation No. 136 (1970): Special Programmes for Youth Services, in: ILO, *Conventions and Recommendations*, 1424–33. For the debates see Rossillon, 'Youth Services.'
- [71] Interestingly enough, the recommendation already showed great sensitivity to the special situation of certain occupations (physicians, engineers). The Mudaliar Committee was convinced that it was justified at a certain stage of development to ask graduates for a limited time to undertake obligatory service within their country of origin 'when special facilities for advanced study and training are made available to a small minority at considerable cost to the community.' It was an early example of awareness of the brain drain from the global South to the industrialized countries of the West. ILO, *Conventions and Recommendations*, 1426.
- [72] Apart from the two forced labour documents the Declaration on Fundamental Rights at Work contains the ILO Conventions on Freedom of Association and the Right to Collective Bargaining (Nos 87 and 98), Equal Remuneration (No. 100) and Discrimination in Employment and Occupation (No. 111) and the two documents dealing with child labour (Nos 138 and 198). See ILO, *Declaration on Fundamental Principles and Rights at Work*.
- [73] 12.3 million people worldwide are victims of forced labour or subject to conditions analogous to slavery. In 2004, approximately US\$44 billion in profits were generated from forced labour. ILO, *A Global Alliance against Forced Labour*.

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