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## Letters to the Editor

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## Letters to the Editor

Dear Editor,

I am both an occasional visitor to the Center and a regular and grateful recipient of its Human Rights Brief, with Vol. 3 No. 1 of Fall 1995 as the latest issue.

Having said that, I wish to compliment the editors on the Brief in general, and Professor Diane Orentlicher in particular on her report on some recent decisions of the International Criminal Tribunal for the former Yugoslavia. As sometime chairman of the UN Commission of Experts charged with the collection and evaluation of evidence on violations of humanitarian law committed in that tragic country, and now living in the close vicinity of the Tribunal, I take a keen interest in its proceedings as, indeed, in the question of its survival in a world that proclaims its desire to see justice done but is far from accepting without reservation the consequences of this stance. Publications like yours may help keeping U.S. interest in the topic and, with that, the chance of ultimate success of the Tribunal alive. So, keep the good work going!

Professor Frits Kalshoven  
The Netherlands

Dear Editor,

I have read with interest your issue of Fall 1995, Vol. 3, number 1, which includes an article entitled "Enforcement of Human Rights through ILO." At this time when it is necessary to draw greater attention to the human rights work of all the international organizations, in order to allow greater knowledge of their workings and benefits, we can only welcome such information being made available to the human rights community in the United States.

There are some points which might have benefitted from another look, however. For instance, the article does not make it clear that the ILO's distinctive feature is that it is a tripartite organization — i.e., that workers' and employers' representatives from around the world join governments in our decision-making bodies. From this it flows that the description of the work of the ILO's Committee on Freedom of Association takes the wrong tack. It is not accurate to assimilate this body to the supervisory mechanism under the Optional Protocol of the International Covenant on Civil and Political Rights, by stating that the ILO recognizes that individuals are the best protectors of

human rights. In fact, there is no right of individual petition in the ILO — a separate question which some describe as a weakness and others as a strength, though that is another subject. Indeed, only organizations of employers or workers, or governments, may file complaints under this particular procedure. It therefore has a highly collective orientation, and not an individual one.

The article goes on to describe the fact that the ILO does not have the power to enforce compliance with human rights as a weakness. Well, so it is — but this definitely leaves the impression that some body in the international system does have such a power, which as we all know is not the case. Perhaps it would have been better to indicate that, like all other international organizations, the ILO's findings are promoted through analysis and "shame," based on international obligations freely undertaken.

This article seems to be based on the idea that it is only through the complaints procedure for freedom of association that the ILP promoted human rights. In fact, this procedure is one part of a highly-developed supervisory mechanism — the most highly-developed of any international organization — in which complaints are the smallest part of the ILO's work. Most of our efforts in this area are carried out through regular supervision of ratified Conventions, based on governments' reports, with some 2,000 reports examined each year. This is closely linked to the ILO technical assistance activities, so that problems are raised with a view to solution on the basis of ILO assistance whenever necessary.

Finally, it is not for me to challenge the evaluations your author has made, for instance with regard to politicization. However, the example he gives is now more than fifteen years in the past, and really is no longer relevant. Most people do not find that the ILO's machinery is politicized — quite the contrary, in fact.

Lee Swepston, Chief,  
Equality and Human Rights  
Co-ordination Branch, ILO  
Geneva

The Human Rights Brief *welcomes all comments and suggestions. Please direct correspondence to the Editor-in-Chief at the Center's address. All correspondence becomes the property of The Brief.*

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