INAUGURAL EDWARD PHELAN LECTURE
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"Lessons from the Irish internationalist who organized social justice"

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Ladies and Gentlemen

I would like to start by telling you how proud I am to have been invited to deliver this Inaugural Edward Phelan Lecture.

It gives me the chance to convey how important I think it is, as the ILO approaches its centenary, to reflect on and learn from our history. And where better to do so than in Dublin where you are all marking the centenary of dramatic and decisive moments in Ireland's labour history?

It gives me the chance also to celebrate with you the life and achievements of the Irishman who, as the ILO's first staff member and fourth Director-General, most marked our Organization's development, with consequences which are very much present today.

And, additionally, it gives me the chance to be with our tripartite Irish constituents as they confront important challenges at a moment when Ireland assumes the Presidency of the EU and when there are some reasons to hope that your country has new opportunity to emerge from the bruising effects of prolonged crisis.

Edward Phelan was born in Waterford, and spent most of his formative years in Liverpool. He and Wilfred Jenks, who led the ILO in the 1970s, make me the third of the ILO's ten Director-Generals to have been educated in that city and a resident of Bootle, a distinction more recently shared with Wayne Rooney.

More compelling though than this historic curiosity are the parallels and the contrasts between Phelan and another Liverpoolian-born Irishman Jim Larkin whose memory lives most vividly in this centenary of the 1913 Dublin lockout.

At first sight, the contrasts are the more evident. Larkin, with his extraordinary physical presence and powers of oratory, with his convictions and organizing genius, formed on the Mersey decks and the Port of Belfast, described by Constance Markievicz as “a tornado, a storm-driven wave”.

Phelan, by his own admission, an introverted product of a cocooned childhood, and with his views, with his “reflective disposition”, his less imposing stature and his skills moulded by university and the British Civil Service.

But I find the parallels much greater. Both saw injustice, found it unacceptable and devoted their lives to doing something about it. Both organized for decent work. And both were internationalists albeit of very different stripes.

It is difficult not to cede to the temptation of seeing in these near-contemporary Irish lives the personification of the two great options for organized labour in the twentieth century. The reformist path that Phelan led in the ILO, and the revolutionary one that Larkin espoused for much of his life.

Both were marked by their contact with, and views on, Soviet Russia. Phelan went there on the British Government’s Lockhart intelligence mission in 1918 and the experience clearly did much to shape his thinking and role in the establishment of the ILO the following year. His subsequent personal account of his visit to Moscow, accompanying the first ILO Director-General Albert Thomas in 1929, is required reading for anybody with an interest in ILO history – or just an eye for a good story. Publicly snubbed and ignored by Stalin – then more intent on resolving some local differences with Trotsky – he tells how the two ILO worthies stood on the reviewing stand in Red Square and watched a march past of several hours by workers bearing banners denouncing the ILO, its Director-General, and all their works as the instruments of international capitalism.

It is safe to conclude that they were not impressed. But neither was Larkin by his 1924 stay in Moscow. He was deeply disillusioned by the experience. It seems his predominant sentiment could be summed up as “I’m an Irishman, get me out of here!”

I do not know if history records the views of these two Irish labour internationalists about each other. If so, I am ignorant of it – and there may be material there for a future lecture. That they represented two contrasting and

often antagonistic currents of history is undeniable. As one friend of Larkin commented on his death in 1947 when Phelan was leading the ILO, “he had outlived his time. He did not fit into the orderly, constructive, bureaucratized labour movement any more than he was suited to be a puppet of Moscow”. Meanwhile, Phelan was completing his life’s work in the construction of that “orderly, constructive and (yes) bureaucratized” approach to tackling the organization of social justice.

Ladies and gentlemen,

Without Edward Phelan the ILO that we know would not have come into being, nor would it have survived. He led the Peacemakers who assembled in Paris in 1919 to adopt a balanced, principled and yet flexible international framework to deal with the issues of labour. He was the architect of a new structure designed to ensure that peace is built with social justice.

Twenty-two years later Phelan’s action saved this first of the multilateral institutions from the fate of the League of Nations. Reinventing a tripartite Organization in the aftermath of World War II would have been a daunting and maybe impossible task. But when the United Nations was born, the ILO had not only survived but actually furnished key elements for the subsequent reconstruction effort – not least through the inspiration that the ILO’s Philadelphia Declaration of 1944 provided for on the Universal Declaration of Human Rights, adopted by the UN four years later.

There is a message for the Ireland of today, its workers, employers, and government leaders, as well as for the ILO itself and the whole global community in what Phelan achieved, both in substance and in method, and through the fertile combination of both.

Although one can see Phelan as a pure product of the British civil service, he was deeply Irish. He brought his personal talent and industry to the new task of international cooperation at around the same time when Ireland emerged as an independent actor on the world scene. And the ILO was, and has remained, one of the stages on which this Irish art of combining national sovereignty with global interdependence can excel.

When the Paris peace negotiations started in 1919, it was not obvious for everyone why one of the main items on their agenda was international labour legislation. This arose from the conviction that differences in standards of labour and life between, and within, countries were such a deep source of tension that they threatened peace itself. The revolutionary fever in Russia,

Germany, Hungary and elsewhere in Europe and even North America provided frightening writing on the wall. For those in power this was the year that Larkin was one of 10,000 suspected subversives arrested in the United States and he subsequently served three years in Sing Sing prison. We do not know how it compared to his prison cell of 1913.

Frédéric Passy, the very first recipient of the Nobel Peace Prize in 1901, had already spoken of social tensions as dangerous explosives in the hidden depths of the community. This is the context and the logic on which the ILO was founded. In the opening words of its Constitution, universal and lasting peace can be established only if it is based on social justice.

During the first twelve years of its existence, the ILO's dominant leader was its first Director, Albert Thomas. Yet behind this visionary and energetic – at times, outright volcanic – French captain at the helm there was Phelan, in charge of the engine room. This imagery is not far-fetched: Phelan's father and grandfather had both been ship's captains. There was at work a potent blend of French genius and Irish ingenuity.

To Phelan we also owe the most insightful description of these early years, including of the ILO's remarkable first Director. And Phelan's accounts of his predecessors as Directors of the ILO – not just Thomas, but Harold Butler and John Winant too – simultaneously speak volumes about the methods of which he himself was the chief architect.

It is natural to see Phelan as the supporting actor not the star. However, he was obviously not inhibited by excessive modesty. The American-Irish statesman Daniel Patrick Moynihan interviewed Phelan in 1951 for his doctoral thesis on the ILO and the United States. Moynihan recounts that when asked who had had the specific idea for the ILO, Phelan replied: "That's easy, I did."

Moynihan subsequently checked this with another of the founding fathers of the ILO, James T. Shotwell, originally librarian of the U.S. delegation in Paris who also provided the authoritative record of its early history. Shotwell confirmed Phelan's judgement of himself to Moynihan, describing Phelan as a "genius" with a keen "Celtic imagination".

In 1954 in a talk to the staff of the ILO, six years after his retirement, Phelan spoke about Albert Thomas and the nature of the Organization. He compared the ILO and indeed any international organization to – of all things – a windmill, presumably with no inference that this had anything to do with Don Quixote.

In Phelan's view an organization such as the ILO depended on two things which are not, and never can be, under its control. One is the wind to turn the sails and the other is the supply of grist to be milled. "If there is no wind you cannot grind; if there is no grist there is nothing to be ground." He described the role of Albert Thomas as the master miller who discovered "quite new and astonishing techniques whereby he was always able to trim the sails of the ILO windmill that the wheels went round, and with most brilliant salesmanship he secured a steady flow of customers for his mill".

Phelan added that Thomas "made the ILO something quite different, not in structure but in technique and in achievement, from what its authors had dreamed. And he did more than that: he left his technical discoveries as a heritage to his successors, Harold Butler, John Winant and to the staff of the ILO. So when he was succeeded by Harold Butler there was no break. The ILO did not, as most people imagined it would, sink into semi-obscurity or, at all events, into the much more modest role which many governments thought it ought to play".

Phelan's generosity to Thomas should not obscure the reality that it was the combination of the visionary force of Albert Thomas and the practical creativeness of Edward Phelan that gave the ILO the basic tools from which it has drawn strength up to this day and from which it can, well into the future. If indeed Albert Thomas took the ILO beyond the more narrow limits of a bureaucracy dealing with labour issues, he was ably helped in this by its chief architect.

An accurate description of Phelan, the man, was given by someone who knew him well and worked with him closely – Wilfred Jenks, my British predecessor as Director-General of the ILO. Forty years ago, speaking to the Irish Congress of Trade Unions, in Galway, Jenks said:

"Edward Phelan has had less than his due for the simplest and most honourable of reasons. He was always more concerned to get things done than to get the credit for having done them. He was a genius in persuading the powerful to take pride in the paternity of his brain children, and by this art achieved the practical results which so often elude the gifted intellectual."

Indeed, Phelan himself, in the extracts from his own notes published some years ago as a first product of the ILO centenary history project, gives a good example of how he worked his method. In Paris in the Spring of 1919 Phelan was convinced that if the new International Labour Organization was to be viable, there had to be a balance between Government votes on the one hand

and the sum total of the Employers and Workers on the other. Hence the formula: two Government delegates, one Employer, one Worker from each country. Up to this day this 2–1–1 formula determines the composition of both the International Labour Conference and the Governing Body of the ILO.

Phelan knew that governments would sooner or later disavow an Organization where even acting together they could be left in a minority. And yet, until the final vote the leading proposal in the Commission on International Labour Legislation of the Paris Peace Conference had been to have parity between the three.

Phelan' efforts to change that involved late night encounters and last-minute arm twisting, and they were to be successful with the 2–1–1 formula finally adopted by the slimmest of margins. He has described the more than reserved attitude of the leader of his own delegation, Sir Malcolm Delevigne, to his actions. To this veteran of pre-war international conferences Phelan's approach appeared less than dignified. Today, it would be called lobbying. In fact, what Phelan was doing was giving shape to the complex process of multilateral negotiations at the stage of their initiation. And do not doubt the lasting consequences of what he did. A meeting is taking place this very week in Geneva on forced labour issues where this 2–1–1 formula has been a subject of lively controversy with Phelan's methods being used liberally.

A direct result of Phelan's role in Paris in the Spring of 1919 was that once the ILO was set up, he was put in charge and became by his own estimation the first international civil servant. The decision to create an organization to set and supervise international labour standards actually came before the leaders of the day took the decisions which created the League of Nations.

Phelan, Thomas, Butler and other pioneers of the first multilateral organizations, laid down a key early marker. For their efficiency, and relevance, indeed for their very survival, international organizations needed and need to have an independent staff capable of both analysis and action – up to and sometimes beyond the comfort zone of their members. They are players in their own right, permanently accountable but independent; otherwise they are no more than reflections of the positions of member States, and so liable to become paralyzed or marginal.

The internationalist in Phelan was easily reconciled with the patriot. In the early 1920s, Phelan the internationalist, became one of the first to apply for an Irish passport.

He stated the mutually reinforcing relationship between national sovereignty and participation in international organizations in a remarkably contemporary way in a pamphlet published in late 1925. In it he described Ireland's new status. Once Ireland became independent, it was admitted to the League of Nations and the ILO in 1923. Phelan wrote: "The independence we lost centuries ago is no longer possessed by any State. The newer and better independence, the right to collaborate with other nations of full stature of the common effect to promote 'the peace, security and happiness, the economic and cultural wellbeing of the human race' is definitely ours. It is in the exercise of that right that we shall reach our full international status." In this passage Phelan quoted William T. Cosgrave, President of the Executive Council of the Irish Free State who represented Ireland when it made its entry into the League of Nations.

Phelan emphasized that sovereignty was a useful generalization when the world was one of independent States. "It has progressively become a less useful generalization as civilization has knit itself together into an international complexity of economic and industrial bonds, as States ceased to be independent and became inter-dependent. And finally when, completing that evolution, they realized the need for a definite international organization, the old concept of sovereignty became not only useless but misleading."

This is one of the first reflections on interdependence in a world where international organizations were still embryos. Its beauty is in Phelan's conception of the position of an emerging independent State – Ireland – in the concert of nations of the early twentieth century. He considered that the primary condition of modern sovereignty was membership in a universal international organization, which provided what he called "international citizenship and international franchise."

Phelan's view was echoed, with characteristic authority, by Eamon De Valera who, visiting the headquarters of the ILO in the early 1930s, said that internationalism "is traditional in Irish blood: there are no people in the world whose history, tradition and general sentiments have better fitted them for co-operation in the sort of work which is done in your Office".

Frequently, and memorably in his closing speech as Secretary-General of the ILO Conference in Philadelphia, in 1944, Phelan expressed his belief in the special, transformative nature of the kind of collaboration that takes place when national interests – and in the case of the ILO, contending interests in the world of work – are brought to the table for joint-analysis and action, in the spirit of cooperation, consensus, and also compromise. This was grounded

in his strong conviction that individual efforts and interests can, and must, be reconciled in a way which is truly beneficial for all.

Back in the mid-1920s, Phelan describes how his compatriots quickly mastered the art of multilateral negotiations. The ILO owes many of its successes, and probably all of its survival, to the capacity of its constituents to find solutions which do not break out of its constitutional framework but which make the most imaginative use of what it permits. While Phelan gave credit to Albert Thomas for these “new and astonishing techniques”, it is obvious that he himself was a more than willing and clever co-conspirator in this process.

In his pamphlet on Ireland and the ILO, Phelan tells about Irish creativity in the new organization they had joined and now started to shape. By that time, the ILO Conference had reached its sixth session and was grappling with ways to produce International Labour Standards and to supervise them – the two interrelated tasks for which the Organization was set up in the first place. In 1925, different views on a Convention on Workmen’s Compensation for Accidents (no gender neutral language then!) produced a text which Phelan describes as a patchwork which would stand little or no chance of being ratified by Governments. Yet, the Conference had painted itself into a corner by voting down a motion to return to the Convention the following year. Thus, it was set to adopt what was generally recognized to be a flawed and maybe next to useless Convention.

Until the Irish set to work.

As it happened, on the evening before the final vote the Irish delegation was entertaining some key Government delegates. In the course of the evening it emerged that the Standing Orders of the Conference had a provision – never evoked or used – making it possible to make amendments, with the permission of the President, even at the final decision-making stage. The Irish delegation took the lead to prepare such amendments, and the result was – “after lengthy consultations”, as we continue to say – that these amendments were adopted unanimously, and the Convention was handily adopted. That Convention, No. 17, went on to gather no less than 74 ratifications before being overtaken by newer instruments.

Phelan, of course, does not say who pointed out that such a creative approach was possible – but we can make an educated guess. Still, he did not act alone – there would appear to have been a whole Irish network involved, shaping the way the Organization consolidated its work, especially in its original functions of preparation and supervision of international labour standards.

In 1925, the Irish delegation also proposed a double-discussion procedure for the adoption of Conventions in the form we know today. At the first Conference in 1919, no less than five Conventions were adopted straight away. In subsequent years a second reading was more of a formality, to adopt or not the provisions already negotiated the previous year. Professor Alfred O'Rahilly, representing Ireland, proposed that the first reading would concentrate on the principles of a Convention and the second reading would actually adopt its specific provisions. This innovation allowed sufficient reflection and maturing between the readings, and has remained the basic model for standard-setting by the ILO ever since.

Phelan also recalls that another remarkable proposal originally made by the Irish delegation in 1925 was for the Conference to set up a Committee to examine the growing number of annual reports that Governments furnished on the way in which they applied ratified Conventions. This proposal was acted upon in 1926, and it is the origin of both the Conference Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations – the two interlinked key elements of the standards supervisory system as we have known it ever since. They form the backbone of a mechanism which has become widely recognized as one of the most – maybe the most – effective in the whole multilateral system. It arouses strong reactions and back in Geneva next week will be the subject of extensive discussions. I cannot honestly tell you it was "made in Ireland". But it has Irish fingerprints all over it.

Next June we shall have the 102nd Session of the International Labour Conference. Next month the Governing Body of the ILO will have its 317th Session. In six years' time, the ILO will celebrate its Centennial. It is appropriate to recall the way in which at those early sessions the procedures of the ILO were developed; within the framework of the Constitution, but applying it intelligently, and creatively so that the outcome was not only broadly acceptable but effective too.

As we can see, there were leading Irish representatives at work early on. Three Taoisigh feature prominently in the history of the ILO. I have already mentioned Eamon De Valera. Seán Lemass and Jack Lynch served as Presidents of the Conference. So did Michael O'Leary. There have been two Vice-Presidents from Ireland, Michael MacWhite in 1928 from the Government benches and Patricia O'Donovan for the Workers in 1999. Patricia is now head of the ILO's International Training Centre in Turin, and I wish to recognize her significant input in getting Edward Phelan's papers published at the time of the

ILO's 90th anniversary three years ago. She has also been a driving force behind this evening's lecture.

Over the years and decades, we have been very fortunate to have had the active support of many Irish Ministers and many leaders of employers' and workers' organizations.

And there was also Seán Lester, the last Acting Secretary-General of the League of Nations. As the 1930s ended, he and Phelan held key positions in the international architecture which was by then badly shaken by the turbulence that erupted into World War II. Seán Lester was at the helm of the League as long as it still existed while Phelan led the ILO into its exile in Montreal. Phelan's account of his dramatic departure by car from Geneva, across Vichy France, blagging his way past frontier guards into Franco's Spain then on to neutral Portugal and to Canada is another "must-read" episode. Lester was not as successful as Phelan with the survival of his organization. His members simply did not have the same will not to give up, not to lie down and not to let the organization wither away.

Another example was the appointment by Séan Lemass of RJP Mortished as the first Chairperson of the Labour Court when it was established in 1946. Mr Mortished, who had been a civil servant, a trade union and Labour Party official, worked for the ILO in Geneva and had accompanied Phelan on his journey to Montreal.

I have already paid tribute to Irish internationalism, and I must naturally also mention Mary Robinson, who in 1998 came as a special guest to the Conference in her new functions as High Commissioner for Human Rights. At the time, just days before the adoption of the ILO's Declaration on Fundamental Principles and Rights at Work, she spoke of the interdependence of rights, including the right to opportunities in life and to an adequate standard of living. In recent years Mary Robinson has contributed to a number of significant ILO events, in particular our policy dialogues on the way in which human rights and social justice contribute to fair globalization.

It is, of course, intriguing to ask what Phelan would say today as Europe and the world grapple with an economic and employment crisis from which Ireland is certainly not immune. For an answer, it is instructive to turn to the session of the International Labour Conference which was convened by the ILO from its Canadian exile and held in New York and Washington D.C. in 1941. This was a time when most of Europe was at full-scale war, and was just one month before the Japanese attack on Pearl Harbour. In many respects, this

Conference was even more fundamental than the better known 1944 session in Philadelphia: it was about the survival of the organization and its vocation.

This Conference was prepared by Phelan, who by then was Acting Director of the ILO. His report to the Conference was entitled "The I.L.O. and Reconstruction." In addition to the debate on this remarkable report, the other main topic was tripartite cooperation – or, as the item was formally called, "Methods and Collaboration between Public Authorities, Workers' Organizations and Employers' Organizations". We have a talent for snappy titles at the ILO. All of this in the darkest days of a war which itself had been brought about by a resurgence of economic and social havoc, something that the ILO and the League of Nations had been created to prevent.

In the middle of the human and material destruction of the war, and as it turned out, facing still more years of this destruction, Phelan restated the ultimate aim of reconstruction: to enable the individual to secure a reasonable standard of life and contribute to the general prosperity of the community by productive work; this "would appear to be, by general accord, the first condition which must be fulfilled to avoid a relapse into the economic and social disorders which played so important a part in the origin of the present war."

Phelan went into great detail to argue that when the time for reconstruction comes, there has to be "adequate general organization to deal with employment questions." Today we would say, adequate labour market policies and institutions. He noted that "an adequate organization for employment questions presupposes an efficient placing service operating under centralized control and having at its disposal adequate information on labour market resources and requirements." He also wrote of the importance of vocational training in employment policy without which an increase in demand for labour cannot automatically be met.

The report also looked at wages and hours of work. Particularly on the latter, Phelan recognized that it was natural to relax peace-time standards of hours of work in time of war or national emergency. However, he makes reference to lessons from the earlier Great War, specifically to the "dangers involved in excessive hours of work, from the point of view alike of the health and safety of workers and of the maintenance of output at the desired level in respect of quantity and quality".

Here, Phelan quotes a judgement of the United States National Defence Advisory Commission in September 1940 which called for vigilance "lest the

safeguards with which the people of this country have sought to protect labour should be unwisely and unnecessarily broken down. It is a fair assumption that for the most part these safeguards are the mechanisms of efficiency. Industrial history proves that reasonable hours, fair working conditions and a proper wage scale are essential to high production. ... But the pressing argument for maintaining industrial safeguards in the present emergency is that they actually contribute to efficiency".

Phelan reminded us that economic security is not an end in itself but the condition which enables men and women to "build on the secure basis of an assured standard of mutual well-being a fuller, richer, and above all a freer life. Economic security could conceivably exist with a high degree of material prosperity on the slave State but at the price of slavery. What the Governments of the Organization are determined to seek is economic security for all citizens, achieved in a manner which respects individual dignity and liberty, of which it is as we now perceive in modern conditions an essential element". From this there is a straight line to the Philadelphia Declaration, the Universal Declaration of Human Rights, and the ILO Conventions on fundamental principles and rights at work. It is remarkable how in the middle of bitter global conflict Phelan kept the ILO firmly focused on rights-based economic, social and employment policies. Under the greatest stress-test that history could conjure up he made sure that the Organization kept faith with the link between peace and social justice.

Phelan's report states that "the very acuteness of the problems created by the war has in many respects brought about a better understanding of the fundamental principles which must lie at the basis of any attempt to organize employment". He was confident that this understanding would be critical when employment policies were shaped to answer the needs of a peace economy. As a result of the 1941 Conference, Phelan affirmed that the ILO had "been given the task of acting as a clearing-house for reconstruction planning".

Possibly more than anything else, the 1941 Conference symbolizes the fact that the ILO was not ready to be silenced or suffer the fate of the League of Nations. At this time Phelan had decisively taken the helm of the ILO, and its message, coming in the darkest days of war and emergency, was a ringing call for social justice and tripartite cooperation. But more importantly, it arose from the conviction that the Organization itself had to be preserved, and this could not be done if its members lost the habit of using it.

As Phelan wrote some years later, the move from Geneva to Montreal had done no less than save the Office. His reasoning was that what must be kept in

being was "the International Labour Organization as a living institution manifesting in action its qualities and its strength. If its Members lost the habit of using it, atrophy, paralysis and death would be the inevitable stages of its decline and final disappearance".

Phelan's extraordinary success was to help create the ILO from the destruction of one World War, and then to lead it through the tribulations of a second from which it emerged not just intact but strengthened. I can think of no parallel achievement.

If the ILO had existed more on paper than in practice, more as a registrar and collector of information than a living entity with political and social aims, it might well have fallen by the wayside in the same way the League of Nations did. As things were, with its independent trade unions and employers organizations, the ILO was anyway confronted by a considerable amount of hostility from the Soviet Bloc that emerged after the war.

Today, over seventy years since 1941, we have fortunately not gone through another full-scale war. We know that the principles discussed by the ILO in 1941, and later so accurately captured by the 1944 Philadelphia Declaration, were part of the foundation of the reconstruction which at least in Europe led into the decades of prosperity launched in the late 1940s.

Since then, the world has moved through decolonization, the end of totalitarianism, more or less successful democratization, and limited but often violent regional and local conflicts. Today it is in that precarious state of interdependence which we generally call globalization. Phelan's positive view of the new sovereignty exercised in an interdependent world has not always given the rosy results he expected when in the 1920s he wrote about Ireland joining the ILO and the League of Nations.

Let me digress a moment once more to one of those who inherited Phelan's mantle at the head of the ILO. When Wilfred Jenks spoke to the ICTU in Galway, he defined the ILO's relevance to the burning issues of the day in Ireland in three questions. The first was equality in employment and occupation; he called on both Ireland and Britain to ratify the ILO's Discrimination Conventions in order to bring down the barriers to equal opportunity. The second was the development of a strong and viable trade union movement transcending political and other differences. The third, on the eve of Irish accession to the European Economic Community in 1973, was the necessity of ensuring that economic integration was guided by firm social purpose, so that the enlargement of the EEC would result in fuller

employment, higher living standards and full social security protection and that the burden of change would not fall too heavily on any social group or category of workers.

So what happened after that?

On discrimination, Ireland introduced an Equal Pay Act in 1974 and an Equal Opportunities Act in 1977. Both were spurred by Directives of the European Economic Community – later the European Union. Thus, in addition to ILO Conventions, it was EEC membership that actually provided the momentum for legislation against discrimination in employment and occupation.

At the same time, starting in 1970 with an Equal Pay Act, Northern Ireland has introduced a whole string of anti-discrimination legislation, including the Fair Employment Act in 1976 establishing the Fair Employment Agency which dealt with discrimination on religious grounds. Today Northern Ireland probably has one of the most comprehensive sets of anti-discrimination laws in the world, going well beyond the specific requirements of ILO Conventions. In this connection I wish to pay a special tribute to the leading trade unionist, feminist and human rights activist from Northern Ireland whom I was lucky to know and work with, Inez McCormack, who recently passed away and who contributed so much to equality, peace and justice not just in Northern Ireland but far beyond.

Regarding Jenks' second point, one has to suppose that when he spoke of the restructuring of the Irish trade union movement, at least some discussions had already taken place on the role the ILO could play. A survey commissioned by the ICTU and carried out by Dr. Johannes Schregle of the ILO was published in 1974, with recommendations for reorganizing the many separate trade union bodies into a more cohesive structure, better placed to negotiate with employers and serve their members. The report was highly influential in the evolution of the structure of the Irish trade union movement as we know it today.

Furthermore, the Schregle report provided a nuanced view of "a national economy-wide collective agreement setting out certain broad principles or general rates of pay and conditions of employment and, at the same time, stipulating explicitly those matters on which bargaining, or supplementary bargaining, would be possible at the industry-wide, enterprise-wide or shopfloor levels". Thus, while the thrust of the proposals, and their consequences, was to promote a higher degree of centralized activity, to overcome problems of fragmentation, the Schregle report took care to

emphasize that bargaining and interaction should take place at each and every level of economic activity.

I am tempted, however, to reflect that even the good Dr. Schregle might hesitate before involving himself in the complexities of Ireland's current review of collective bargaining. Of course here we are speaking about the ILO Conventions Nos. 87 and 98 on freedom of association and collective bargaining.

In framing the third issue, Jenks made an early call for what we would today call the social dimension of integration, a signature issue which emerged under the European Commission Presidency of Jacques Delors twenty years later and which has remained at the top of the European and global agendas ever since. This is an issue with which we seem to have been, almost continuously, on a roller-coaster for the last three decades. Today, we are again faced with the issue of coping with the burden of adjustment.

Evoking Phelan in his 1972 speech at the ICTU, Jenks spoke of the unswerving vocation of the ILO to universality, its irrevocable dedication to freedom and firm attachment to the tripartite principle, "the essence of which is bringing all the living forces of large-scale economic organizations – the interest of the community, the responsibility for production, and the burden of labour by hand and the brain – into a partnership for the common good." He emphasized that "these things are not the irreconcilable elements of an insoluble dilemma; they are the essential elements of the essential synthesis which is the essence of our world-wide mission".

In recent years the world has once again been forced to address all the features of economic emergency. Much of the turbulence has hit North America and Western Europe, the traditional heartland of both industrial growth and social dialogue. The much-heralded, although never homogenous, "European social model" has been deeply anchored in the aims, values and methods of the ILO. Yet there are challenges to our fundamental policy tools, including the application of labour standards, on the grounds that they have to be adjusted to meet economic and political emergencies.

Confronted with the gravest and most violent conflict in history, the ILO in 1941, under the leadership of an Irishman, reminded us that when there is a crisis, fundamental social rights and such tools as tripartite cooperation not only remain relevant but are, in fact, necessary for survival and reconstruction. Even more: the failure to use these tools had significantly contributed to creating the world-wide crisis. That was true then; that is true today.

This is why it is deeply worrying if the first casualty of a crisis is social dialogue and tripartite cooperation. It begs the question, have we not learned anything over the last hundred years or so? Can dialogue and collective bargaining be just a "fair weather instrument," a luxury or a unilateral concession in good times and restricted or taken away when life – as measured by economic indicators – gets harder? If such is the case, then the shadow of the paternalistic approach to labour relations from the early era of industrialization is long indeed.

Social dialogue presumes both institutions and a culture supporting them. Even when institutions for one reason or another do not function, a culture of social dialogue can – and should – live on and respond to changing needs. And it is clear that Ireland's recent experience has been of a fundamental recasting of its institutions – even a transition from "social partnership" as it previously operated to a new type of social dialogue. But it is vital for the culture of dialogue to be understood as something uniquely valuable. And if arrangements are only informal, either sporadic or just carried out behind the scene, they can sustain the culture of dialogue only so far; in the end, there must be a return to, or a rejuvenation of, arrangements which are the repositories of the trust that is such a crucial element of industrial relations.

What we see in Europe is that the labour market in all countries has had to carry a considerable share of the burden of adjustment, in some cases taking it – and especially less protected groups of working people – to, or close to, breaking point. We also see that adjustment has been relatively more successful where it has been negotiated between the actors of the labour market. In hard times, the alternatives are few and far between: either you negotiate austerity or it comes unilaterally imposed.

The key question then is what do you do when things start getting better, and here in Ireland recent events give reason to hope that that is the question of the moment – for evidently, the purpose of austerity is to return to growth and employment. This is a question of economic and social policy but it is also a question of trust and, through that, predictability and stability in society. If adjustment takes place in a negotiated manner, then presumably there can be a reasonable expectation that when it starts giving results, workers, businesses and the whole community will each have a share of the benefits, commensurate with the efforts they were called upon to make.

But if no such agreement or consensus exists, if policy measures are served unilaterally, with a "there-is-no-alternative" mantra, this raises a question on what actually is their ultimate aim. Are we still speaking about austerity, which

is temporary and which is supposed to get us over a bad spell and to a new state of prosperity for all – or is there an intention to change the system permanently, “streamlining” it so that sometimes cumbersome labour market mechanisms no longer interfere with a free functioning of the market mechanisms? In short, do we continue to play to the rules of the game or are we changing the rules?

There is an essential ingredient in successful strategies to confront adjustment to crisis. It is the question of trust, which lies at the heart of the mechanisms Edward Phelan and his colleagues engineered nearly a century ago and which has played a significant part in all successful and sustainable economic and social policies, not only in Europe but elsewhere.

I also believe that we should once and for all dispose of talk about the crisis of the “European model” or, indeed, the “ILO model.” If social dialogue, tripartism and the search for consensus are indeed such a constraint to economic growth and viable job creation, then why is it that in the countries outside Europe where growth can reasonably be seen to be sustainable – where poverty is diminishing, production and incomes are growing and jobs are created – the very same fundamental principles of the ILO are more and more becoming part of the solution? What ordinary working people and their families aspire to, what entrepreneurs wish, and what societies aim at are not geographically, racially or culturally segregated matters.

Certainly, in many European countries the engine needs to be fine-tuned and continuously adapted to changing needs and circumstances. Sometimes, a more fundamental review and reshaping are necessary. The message and methods have to be in line with the aspirations of contemporary women and men and businesses. Technology has freed individual initiative to a higher degree than Edward Phelan or his contemporaries could have envisaged. The balance of individual aspiration and collective action has to be continuously reviewed.

Just as one cannot centralize ad infinitum, one cannot decentralize ad infinitum either. A functional social dialogue system needs communication and interaction at all levels. The actual “hard” negotiating and bargaining levels may shift, and issues may be divided between different levels, but this has to be determined functionally, according to needs and possibilities, not ideologically and politically, according to beliefs or desires.

In 1974 the Schregle report encouraged a natural process of separate forces joining together for the common good, for promoting better management of

the labour market and the Irish economy. In today's circumstances in Ireland and elsewhere, it may be useful to look at all the different levels where economic actors, workers, employers, government authorities, try to cope in a myriad of increasingly complex situations. All of these actors need sufficient empowerment, sufficient tools to analyze their situation and prospects; to formulate their goals and policies; and to act together for the common good. They must be able to master their destiny through solidarity and cooperation which can share the burdens and fruits of labour alike.

At the 1941 International Labour Conference, Edward Phelan successfully saved the ILO. This was when, as he himself says, "the ILO turned a corner". I believe that in what he did in the darkest hours of war, there is a lesson for all of us who care about peace, social justice and the institutions to deliver them. There is another corner to turn today. In any State that faces economic emergency, anywhere in the world, there is need for both the will and the capacity to seek joint solutions.

This will be all the more difficult if the institutions are not looked after, maintained in shape, and reviewed and revised, to anticipate, analyze and meet changing needs as and when they arise. But, above all, institutions need a culture, and as long as the culture is there – as long as working women and men, entrepreneurs and administrators, governments and academics have not lost the habit of using institutions in a creative way, adapting them to their needs – then the corner can be turned.

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