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THE ILO AND THE RIGHT TO STRIKE

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A. INTRODUCTION

The existence or otherwise of the right of trade unions to strike is a controversial matter both at national and international level. If evidence of this is needed, it can be found in abundance in the experiences of many countries around the world. These experiences are reflected in the number of complaints that have come to the ILO from trade unions alleging infringement of the right. The ILO has since 1951 heard over 1,300 cases relating to trade union rights in general, and the right to strike has appeared very frequently. In fact, since the world economic recession began in 1973, during which time there was a general increase in the number of complaints, there was a roughly proportionate increase in the number of complaints contending breach of the right to strike. Because of this increase in the number of complaints relating to the right to strike, and also because where the right to strike is restricted or prohibited in national laws, unions tend to argue their cases on the basis of international law, it is important to examine two broad matters: the source of the right to strike and the nature and scope of that right, in international law. In the latter aspect, of particular importance to today's Africa is the concept of essential services and the effect, on strikes, of states of emergencies — which are frequently declared on the continent.

B. THE SOURCE OF THE RIGHT TO STRIKE

The two principal Conventions concerning trade union rights do not expressly mention the right to strike. Neither the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize nor the Convention (No. 98) concerning the Right to Organize and Collective Bargain adopted in 1948 and 1949 respectively refer to it. The other ILO Conventions (and Recommendations) touching on trade union rights do not refer to it either. The International Covenant on Economic, Social and cultural Rights, 1966, however expressly provides for the right to strike. Article 8 of that Convention protects the "right to strike, provided that it is exercised in conformity with the laws of the country."

However, the Governing Body Committee on Freedom of Association[1] has routinely asserted that the right to strike derives from Article 3 of Convention No. 87. [2]In the Committee's view, the right of workers' organizations to organize

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1 This was set up in 1951 by the Governing Body of the ILO to act as a sifting mechanism for complaints from governments, employers and workers regarding possible infringement of freedom of association.

2 For example, see 218th Report, Case No. 1115, para 295 (Morocco); 233rd Report, Case No. 1219, para. 653 (Liberia).

their activities and formulate their programmes contained in Article 3 of Convention No. 87 includes the right to strike. As early as its Second Report in 1952, the Committee declared the right to strike one of the "essential elements of trade union rights".[3]

From that time the Committee has always held matters relating to the right to strike as falling within its competence.[4] The Committee of Experts and the Fact-Finding and Conciliation Commission[5] have endorsed the Committee's basic assertion that a right to strike exists.[6] The right can therefore be regarded as well established in the ILO system.

Though the right to strike is well established within the ILO supervisory bodies, it is by no means well respected in the laws and practices of many member countries. Complaints relating to, or involving prohibitions or limitations on, the right are heard very frequently.[7] As with collective bargaining, interference with the right to strike has increased in the Western market economy countries since the current recession.

Referring to Convention No. 87, the ILO supervisory bodies have said that unions are to have the right "to organize their activities and programmes" (Article 3) free from laws which undermine those activities and programmes (Article 8). The activities and programmes which are protected in this way are those which are designed "to further and defend the interests of workers" (Article 10). Strikes are generally recognized as a means, often an essential means, by which workers can further and defend their interests. Therefore, bans and limitations on the right to strike could constitute a violation of Convention No. 87.[8] According to the ILO, therefore, workers have the right to strike because without it they cannot adequately promote and defend their interests.

The argument supporting the existence of the right to strike is a strong one but it remains curious that a right considered very important or even indispensable to the effective operation of unions should not have been expressly mentioned. It could have been mentioned with qualifications if there was a fear as to its exact limits in practice. Further, if collective bargaining rights are as important as the right to strike, it is also odd that collective bargaining was clearly dealt with in the Convention (No. 98) concerning the Right to Organize and Collective Bargaining in 1949 and subsequent Conventions and recommenda-

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3 2nd Report, Case No. 28, para. 68 (United Kingdom/Jamaica).

4 153rd Report, case No. 789, para. 279 (Nicaragua); 233rd Report, Case No. 1224, para. 129 (Greece).

5 According to the original intention, this was supposed to be the more important body. It was, and still is supposed to hear complaints referred to it by the Committee on Freedom of Association.

6 ILO, Rep. of Comm. of Exps., 1973, P. 44.

7 ILO, *Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO*, 3rd. Ed., (Geneva, 1985).

8 Michael Bendel, "The International Protection of Trade Union Freedom: A Canadian Case Study", (1981) *Ott. L.R.*, 168 at 182.

tions but the right to strike was not. Article 4 of Convention No. 98 expressly refers to the need to encourage and promote the full development and utilization of machinery for "voluntary negotiation". The same Article also refers to the regulation of terms and conditions of employment "by means of collective agreements". Convention No. 154 of 1981, adopted 32 years later, deals with collective bargaining as its principal subject-matter. There have been various explicit provisions in other Conventions and in Recommendations in between.[9] It cannot be argued that collective bargaining has needed more explicit treatment than the right to strike. Both have given rise to similar problems, notably the applicability of the rights to public servants and the issue of what kinds of services are essential. And judging by the cases that have come before the Committee on freedom of Association, problems relating to collective bargaining and to the right to strike occur with roughly equal frequency. The lack of explicit reference to the right to strike in any ILO instrument may well be evidence that member countries treat it as non-existent or at least subject to their unfettered discretion.

Government representatives on the International Labour Conference, on the Governing body and on Committees have generally not objected to the assertion that the right to strike exists. This appears to be acquiescence. Notwithstanding the lack of objection however, serious restrictions and outright prohibitions of a nature and extent disapproved of by the Committee on Freedom of Association have been widespread in the world since the early seventies. More weight should be attached to what governments do than to their failure to express objection to the decisions of the Committee regarding the existence or otherwise of the right to strike. Accordingly, therefore, the apparent acquiescence of governments does not legitimize the Committee's assertions regarding the right to strike.

Article 8 of the Covenant on Economic Social and Cultural Rights[10] adopted in 1966, seven years after Convention No. 98, does not do much to strengthen the Committee's position with respect to strikes. It provides, as we have observed, for the right to strike so long as it is exercised "in conformity with the laws of the particular country". The content of laws is not in any way restricted. It is arguable that despite this lack of restriction on content, laws must not be so severe as to stultify or virtually stultify the reference to the "right". The wording of other provisions of Article 8 however, takes the strength out of this latter suggestion. Article 8(1)(a) and (1)(c) confer respectively the right to form and join trade unions and the right of unions to function freely;these rights are subject to limitations not appearing in Article 8(1)(d) which refers to the right to strike. Whereas Article 8(1)(d) refers only to conformity with the laws of the particular country, Article 8(1)(d) and (1)(c) confer the rights subject to such limitations as are "prescribed by law and which are necessary in a democratic society in the

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9 For example, Convention (No. 154) concerning the Promotion of Collective Bargaining, 1981, and the Recommendation that went with it.

10 The Economic Covenant is mentioned here in relation to the ILO instruments because, as with the Covenant on Civil and Political Rights, it contains provisions suggesting that the ILO's and the UN systems of rights were meant to exist as one. See full arguments and relevant provisions under "Trade unions and the rights of others" in Chapter VI.

interest of national security or public order or for the protection of the rights and freedom of others". There is therefore room for the assertion that legal limitations on the right to strike need not be "necessary in a democratic society in the interest of national security or public order or for the protection of the rights and freedoms of others". The total effect is that states have a *carte blanche* with respect to the extent to which they can interfere with the "right" to strike under the Covenant on Economic, Social and cultural rights.

C. THE NATURE AND SCOPE OF THE RIGHT TO STRIKE

The foregoing deficiencies have not deterred the Committee on Freedom of Association from evolving detailed rules relating to the right to strike.

First, as we have said, the Committee has stated in numerous complaints that the right to strike is a legitimate and essential means by which workers can defend and promote their economic and social interests.[11] The recommendations of the Committee and of the other supervisory bodies, therefore, make it clear that general bans on the right to strike, whether imposed directly or indirectly by law, are not in accordance with the principles of freedom of association.[12]

Second, the right to strike extends to federations and confederations of trade unions.[13]

Third, in many cases, the Committee has acknowledged that the right to strike can be restricted or even prohibited in the civil service or in essential services provided there are adequate compensatory guarantees.[14] For example, where the right to strike has been interfered with, the employer must be denied the right of lockout; there must be joint conciliation procedures between workers and employers; and there must be provision in the law for joint arbitration where conciliation fails to resolve a dispute. The whole system of compensatory procedures must be such as to allow for adequate, impartial and speedy conciliation and arbitration proceedings in which the parties concerned can take part at every stage.[15]

For reasons that will become clear in due course, there are at least three areas that are of particular importance especially in relation to developing countries: the matters over which a union may strike, the meaning of essential services, and the

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11 217th Report, Case No. 1091, para. 443, (India); Case No. 1099, para. 487 (Norway); 233rd Report, Case No. 1113, para. 470 (India).

12 217th Report, Case No. 1065, para. 557 (Colombia); Case No. 1076, para. 620 (Bolivia); 233rd Report, Case No. 1224, para. 130 (Greece).

13 172nd Report, Case No. 885, para. 385 (Ecuador); 197th Report, Case No. 823, para. 409 (Chile).

14 211th Report, Case No. 1025, para 273 (India); 217th Report, Case No. 1019, para. 374 (Greece).

15 123rd Report, Case No. 614, para. 37 (Peru); 147th Report, Case No. 756, para. 187 (South Africa).

extent to which the right to strike can be restricted or prohibited in times of economic emergency. These three areas will be considered in turn.

1. Matters over which a union may strike

Wherever the right to strike is recognized, it is generally accepted that workers may strike to support demands directly related to their terms and conditions of employment. Workers can, therefore, strike to back demands regarding wages, leave, health and safety, and numerous other matters that are usually the subject of collective agreements. The Committee, however, has gone further than most states that recognize the right. It has ruled that the occupational and economic interests which workers have a right to defend through the exercise of the right to strike do not only concern better working conditions or collective claims of an occupational nature. In the Committee's view, the right to strike is also relevant to the quest for solutions to economic and social policy questions and problems facing the undertaking, which are of direct concern to the workers.[16] The Committee has even sanctioned a general strike against an ordinance concerning conciliation and arbitration procedures. The Committee considered it doubtful whether allegations relating to the ordinance could be dismissed at the outset on the ground that it was not in furtherance of a trade dispute. The allegation, the Committee ruled, could not be supported. In the Committee's view, a dispute over a proposed ordinance was a trade dispute over which workers could strike. It was a trade dispute because the unions were in a dispute with the government concerned in its capacity as an important employer following the initiation of a measure dealing with industrial relations which, in the unions' view, restricted trade union rights.[17] More generally, but in the same vein, the Committee has held that the right to strike should not be limited solely to industrial disputes that are likely to be resolved through the signing of a collective agreement.[18] The Committee therefore, while disapproving of strikes of a purely political nature and strikes decided upon systematically long before negotiations take place,[19] has sanctioned the use of strike action to protest government legislation relating to conciliation and arbitration. It will be interesting to see if the Committee will in future sanction all strikes protesting government legislation affecting any area of trade union rights.

The Committee on Freedom of Association has in effect sanctioned the use of strike action as a weapon in open political confrontation between the workers and the government. An important caveat is that a strike not directly related to occupational demands must not be purely political. Despite this caveat, a dispute between workers and the government regarding legislation is likely to be

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15 123rd Report, Case No. 614, para. 37 (Peru); 147th Report, Case No. 756, para. 187 (South Africa).

16 58th Report, Case No. 221, para. 109 (United Kingdom/Aden).

17 214th Report, Case No. 1081, para. 106 (Peru); 236 Report, cases Nos. 1277 and 1288, para. 683 (Dominican Republic).

18 177th Report, Case No. 884, para. 301 (Peru); 236th Report, Cases Nos. 1277 and 1288, para. 682 (Dominican Republic).

regarded in certain states, perhaps with some justification, as being purely political.

Where motives which influence a government in not tolerating strikes against legislation affecting trade union rights are purely political, the motives are to that extent objectionable. Nevertheless, to allow unions to strike over legislation affecting conciliation and arbitration, or over any other area of trade union rights is undesirable. Trade union laws must, of course, balance between the rights of the government to govern, the rights and interests of workers, and the rights and interests of employers. This balance is seriously upset if workers are allowed to coerce the government *by strike action* into not enacting, amending or repealing legislation especially where the legislation is aimed at dealing with an economic emergency or a threat to peace. The balance is maintained by allowing unions the freedom to pursue their objectives and, where possible, to challenge the constitutionality or legality of the legislation in question.

Further, it must be remembered that trade union leaders in Africa, and this is to their great advantage, are often made members of the highest policy-making body in the land.[20] They may, however, because of that fact, find it difficult to lead a strike over legislation that originates from a body of which they are members. The government will feel betrayed if trade union leaders, through strikes, publicly oppose its policies expressed through legislation when the trade union leaders participate in their formulation. Thus, even if strike action over legislation affecting unions were to be allowed, unions would still have to deal with the fact that their leaders are members of the bodies that may issue policies.

2. *Essential Services*

(a) *Essential services in general*

The Committee on Freedom of Association has given the following reason for allowing states to prohibit or restrict strikes in the public service and in essential services. A strike there "could cause serious hardship to the national community".[21]

It has explained what it means by "hardship" in relation to essential services. Essential services are services the interruption of which would endanger the life, personal safety or health of the whole or part of the population".[22]

Governments, employers and workers broadly agree that certain services are

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20 For example, in Zambia's one party state, the General Conference, which is the "supreme policy-making organ of the Party" as per Article 44(1) of its Constitution includes one delegate representing each trade union affiliated to the Zambia Congress of Trade Unions. Tanzania has a similar arrangement.

21 211th Report, Case No. 1025, para. 273 (India); 217th Report, Case No. 1019, para. 374 (Greece).

22 234th Report, Case No. 1255, para 190 (Norway); 236 Report, Case No. 1140, para. 144 (Colombia).

of such importance to the community as to warrant special dispute settlement rules. The aim is to limit the damage that may be caused by interruptions in the supply of those services. Though there is always ready agreement upon the principle, it is often difficult for the parties to agree on its application. The main problems relate to the determination of the services to be covered or what essential services are, and the way in which the special rules should differ from the general rules.[23]

Problems relating to essential services are as old as industrialization itself. Workers often claim that special dispute settlement rules are too restrictive while the public sometimes criticize the rules for what is seen as their laxity. The basic problem has to do with balancing the general interest against the interests of the parties. This balancing of interests involves the determination of which services are really essential and the imposition of limitations on the rights of the parties only to the extent necessary.[24] And it must be borne in mind that it may be necessary in certain services not just to avoid prolonged interruptions but to prohibit them altogether.

The definition of what is essential is of fundamental importance to any industrial relations system and to the welfare of the community. An unduly narrow definition may endanger the well-being of society while an unduly wide one may give the whole system of industrial relations an unduly restrictive or even coercive character.

In the last 25 years or so there has been an increase in the number of activities classified as essential. In a number of both developed and developing countries the civil services as a whole is considered to perform essential services and, therefore, is subject to strike prohibitions and compulsory arbitration. This concept of essential service has, however, had less than universal acceptance. Some developed market economy countries and several French-speaking African countries have had, or have introduced, systems which distinguish between public servants who perform essential services and those who do not.[25]

Notwithstanding that the Committee on Freedom of Association has repeatedly declared that essential services are only those whose interruption would endanger the life, personal safety or health of the whole or part of the population, some developed and developing countries continue, in their laws and practices, to question the rule. This has been particularly true during the World recession. An increasing number of countries have classified as essential services whose interruption can cause grave damage to the national economy. The trend has been especially noticeable in developing countries. In 1971 Zambia listed mining activities as essential.[26] In 1962 Trinidad and Tobago did the same with the

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23 Alfred Pankert, "Settlement of Labour Disputes in Essential Services", (1980) 119 I.L.R., 723.

24 *Ibid.*

25 See footnote 23, pp. 726–727.

26 *Ibid.* p. 728.

cultivation, manufacture and refining of sugar.[27] In the Phillipines essential services were defined to include the production of sugar, textiles, clothing, certain articles classified as essential by the National Economic Development Agency and many goods destined for export.[28]

In New Zealand slaughterhouses operating for export were classified as essential in 1976. Previously only those operating for domestic consumption were so classified.[29] Recently various countries, developed and developing, have categorized as essential certain financial operations such as those carried out by banks.[30]

Applying the test that essential services are those whose interruption would endanger the life, personal safety or health of the whole or part of the population, the Committee on Freedom of Association has held that the hospital sector, services for the supply of water and the work of air traffic controllers are essential services.[31] The Committee has, however, held that in normal circumstances, general dock work, aircraft repairs and all transport services, banking, agricultural activities, the metal and petrol industries, teaching, the supply and distribution of foodstuffs are not essential services.[32] The same has been held with regard to a government printing service, state alcohol, salt and tobacco monopolies,[33] metal and mining sectors, transportation and metropolitan transportation undertakings.[34] And in an important case involving Norway in 1984, which we shall discuss shortly, the Committee held that the withdrawal of services by workers in petrol producing installations "while possibly leading to a close down in production and serious consequences in the long term to the national economy,"[35] was not a withdrawal of essential services.

Even where a given utility services the public interest to such an extent as to warrant the prohibition of strikes, the Fact-Finding and Conciliation Commission and the Committee hold the view that it does not mean that all other types of concerted action ought to be forbidden.[36]

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27 *Ibid.*

28 *Ibid.*

29 *Ibid.*

30 *Ibid.*, for example Brazil and Poland among others. See respectively 233 Report, Case No. 1225, para. 668 and 221st Report, Case No. 1097, para. 84.

31 *Ibid.*

32 118th Report, Cases Nos. 589 and 594, paras. 90–94 (India); 197th Report, Case No. 823, para 411 (Chile); 208th Report, Cases Nos. 988 and 1003, para. 336 (Sri Lanka); 211th Report, Case No. 965, para. 199 (Malaysia).

33 139th Report, Cases Nos. 741 and 742, para. 199 (Japan).

34 230th Report, Case No. 1173, para. 577 (Canada/British Columbia); 217th Report, Case No. 1065, para. 557 (Columbia).

35 234th Report, Case No. 1255, para. 190 (Norway). This was the second case brought against Norway on the same issue. See 217th Report, Case No. 1099, paras. 449–470 (Norway).

36 Case No. 1201, para. 551 (Morocco); 233rd Report, Case No. 1225, para. 668 (Brazil).

(b) *Essential services, underdevelopment and recession*

It is instructive to compare some basic statistics regarding the economic importance of certain activities declared essential in some developed and developing countries.

In the 1984 Norwegian case[37] the government gave some important information about the economy which, according to it, demonstrated the need to prohibit strikes in oil-producing installations. A fifteen-day conflict in 1980 was estimated to have caused a loss of some NOK. 2,000 million in production earnings and an estimated NOK500 million in taxes and duties. Such revenue losses were said to be of great significance to the Norwegian economy. Oil activity contributed 17% to the gross domestic product and 33% to total exports. Oil tax revenue was an essential factor in the fiscal and social security budget of the state. Some 50,000 people worked in oil-related activity of which 7,000 worked on production platforms in the North Sea.[38] The Norwegian government, therefore, argued not merely in terms of the effect of possible strikes but also in terms of the actual experience of a conflict in 1980.

Norway's dependence on oil is not so heavy when compared with some African nations. For example, Zambia is much more heavily dependent on mining. Mining accounts for over 95% of foreign exchange earnings. In 1982 copper alone accounted for 88% of Zambia's exports while other minerals (mainly cobalt, zinc and lead) accounted for 8%, leaving only 4% for non-mineral exports.[39] And because of its central importance to the economy, the mining industry is a major consumer of goods and services offered by other industries. Any slow-down in mining activity is therefore likely to have serious adverse repercussions in most sections of the economy. Quite simply, Zambia's economy is almost completely dependent on mining, and copper mining in particular.

In addition, copper, like many other minerals, has drastically fallen in price since the recession. Its price is said to be the lowest in real terms since the Second World War.[40] Further, Zambian copper is becoming more difficult and more expensive to extract through reserves have been said to be at 34 million tonnes, the fifth largest in the world. Because of the low copper prices on the world markets, foreign exchange earnings have been drastically reduced, thereby diminishing the mining companies' ability to import and maintain equipment, and to extend and modernize their operations.[41] Zambia's problems are compounded by the fact that, as in many other countries, the high price of oil has made it necessary to allocate to oil imports foreign exchange previously reserved for

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37 234th Report, Case No. 1255 (Norway).

38 *Ibid.*, para. 182.

39 *Times of Zambia*, 6 October, 1985, p. 3, Speech by President Kenneth Kaunda; *Republic of Zambia: Financial Report*, February, 1983, p. 5.

40 *Ibid, Times of Zambia*, p. 3.

41 *Republic of Zambia: Financial Report*, 1983, p. 5.

non-oil imports.[42] Thus in addition to the fact that Zambia is far more dependent on copper than Norway is on oil, Zambia has to rely on a much cheaper commodity whose price continues to decline.

The Nigerian case is also instructive. Nigeria relies exclusively on oil for about 80% of its revenue and about 95% of her foreign exchange earnings.[43] In 1967 the oil industry was classified as essential by the government through legislation.[44] The current low price of crude oil is having a significant effect on the Nigerian economy.

With respect specifically to the action of developing countries which have extended the meaning of essential services to areas affecting the economic well-being of a state, it can be said that such action cannot be explained solely on the basis of the inferior stage of development. In many countries there has been a combination of factors: the inferior state of development, the extent of dependency on one commodity and, in most cases, the drastic fall of that commodity's world price. It is also note-worthy that Zambia and Nigeria, as with Norway, declared mining and oil operations respectively to be essential only after strikes seriously affected economic life.[45]

3. *Strikes and Emergencies*

According to the Committee on Freedom of Association, when a country is engaged in hostilities, additional restrictions can be placed on unions' freedom of action.[46] Thus a general prohibition of strikes can be justified in the event of "*acute national emergency*" but this should be for a limited period of time.[47] The Committee on Freedom of Association has also held the mobilization or requisitioning of workers or the forcible return to work permissible where it is for the purpose of maintaining essential services in circumstances of the utmost gravity during an *acute national emergency*.[48]

It is necessary to consider some cases decided by the Committee regarding the meaning of *acute national emergency* for at least three reasons. First, emergencies are declared very frequently in Africa. Second, developing countries tend not to restrict the meaning of "emergency" to matters affecting law and order. They tend to widen the meaning so as to include economic emergencies. Third, because many developing countries rely primarily on the production and

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42 *Times of Zambia*, see footnote 41, p. 3.

43 Africa Now, October 1985, pp. 32, 79.

44 Ubeku, *Industrial Relations in Developing Countries: The Case of Nigeria* (London, Macmillan, 1979) p. 164.

45 For Nigeria see Ubeku, *Industrial Relations in Developing Countries: The Case of Nigeria*, (London, Macmillan Press, 1979) P. 164.

46 25th Report, Case No. 136, para. 72 (United Kingdom/Cyprus).

47 See Section on the nature and scope of the right to strike, *infra*.

48 214th Report, Case No. 1021, para. 123 (Greece; 234th Report, Case No. 1201, para. 550 (Morroco).

export of one commodity, they can easily fall into a state of economic emergency if there is an interruption in the production or distribution of that commodity or both.

What then is an acute national emergency? War[49] is certainly covered and civil war too. A breakdown of law and order has also been sanctioned by the Committee.[50] The problem relates to economic emergencies. For example, in a 1984 Nicaraguan case there was general suspension of the right to strike, though only temporarily. All disputes were to be solved by conciliation and arbitration. The government gave detailed information about social unrest, economic sabotage and general attempts to disrupt the community. The Committee nevertheless disapproved of the measures. It noted that the measures were to last as long as the state of economic emergency was in force, and the state of emergency was renewed month by month because of acts of violence and sabotage. It also reiterated the general principle that measures generally suspending the right to strike should be temporary and be limited to acute national crises.[51] The Nicaraguan case is similar to a case involving Poland[52] in that in both cases civil unrest was coupled with economic chaos. In the case of Poland, however, the Committee did not recommend against the temporary suspension of trade union activity. What seemed to make the difference is that in the Nicaraguan case the measures had apparently become permanent. In the Polish case, not only were the measures declared by the authorities to be temporary, but there was no evidence at the time to suggest that the measures had assumed a permanent nature.

Whereas the Committee has allowed the suspension of trade union activity in cases where an economic emergency is coupled with civil unrest or the breakdown of law and order, it has not evolved a clear principle regarding precarious economies. The one-commodity African economies exist under the perpetual and real threat of economic emergency in that an interruption in the industry concerned would quickly put a country in a state of economic emergency. A government managing a precarious economy needs to have permanent but moderate control over union activity in essential sectors of the economy.

D. CONCLUSION

A number of nations that are economically, politically and ideologically disparate have adopted a concept of essential services that is wider than that evolved by the ILO through the Committee on Freedom of Association. In the cases of Norway and New Zealand, interruptions in the oil industry and the cattle industry, respectively, could not have proximately endangered the life, health or

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49 17th Report, Case No. 73, para. 72 (UK/British Honduras); 25th Report, Case No. 136, para. 177 (UK/Cyprus).

50 214th Report, Case No. 1097, paras. 714 and 751(b) (Poland). See details in Chapter III.

51 218th Report, Case No. 1133, para. 106 (Nicauragua).

52 See footnote 50.

safety of the population and yet these economic activities were declared essential by public authorities. In Africa, however, since the advent of the current agro-economic maladies directly leading to loss of human life, the economic well-being of African states has become more proximately related to the life, health and safety of the population than is the case in the industrialized nations. If the definition of essential services is, in relation to one-commodity economies, extended to activities related to the production and distribution of that commodity, it will then become more responsive to the economic and social problems facing the majority of African nations today.