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*Righting the relationship between hard law and soft law: the role of international inter-governmental organizations*

Soft law, in the form of codes of conduct, certification schemes, etc., has become prominent in regulation—in developing countries as a means of filling regulatory gaps; and in many developed countries, where state regulatory systems are being cut back or eliminated in favor of self-regulation.

Soft law has an important role to play in regulation of enterprises; however, not all soft law is of equal value. Furthermore, there are inherent risks in over-reliance on soft law approaches: the proliferation of standards, leading to confusion about what is expected of companies; weakening of standards for protecting workers, communities and the environment; erosion of democratic processes for collectively expressing community expectations of corporate behavior; governments devolving their responsibilities onto the private sector and substituting regulation of CSR for public regulation of the workplace, community health and well-being and environment; and the inability of isolated private initiatives to develop complementary sectoral and national institutions, such as industrial relations systems which are critical for further defining workers' rights and providing a credible system of redress for violations of workers' rights. There is also the real risk of international organizations themselves being co-opted, through public-private partnerships with companies, and no longer able to act as an honest broker in helping to empower workers and communities.

This paper will explore in more detail these challenges, and explain how the International Labour Organization, the UN specialized agency dealing with labour issues, tries to strike the right balance between hard and soft law and safeguard its role as advocate for workers' rights and economic and social development.