JENKS, Clarence Wilfred (known as Wilfred), British international lawyer and sixth Director-General of the International Labour Organization (ILO) 1970-1973, was born 7 March 1909 in Liverpool, England and passed away 9 October 1973 in Rome, Italy. He was the son of Richard Jenks, marine engineer, and Alice Sophia Craig, dressmaker. On 19 October 1949 he married Jane Louise Broverman. They had two sons.

Source: ILO Historical Archives, Geneva

Jenks, who had two younger brothers, was raised in a Scottish Presbyterian family in Liverpool and grew up during the devastation of the First World War. In 1921 tragedy struck when his father was lost at sea. This may have shaped his personality: ‘As a young man, he appeared hardly human. He did not drink or smoke. He did not play cards … His work was all to him’ (Hambro 1973: 2). Jenks entered Gonville and Caius College of Cambridge University in 1927, where he received a double first in history (1929) and law (1931) under the tutelage of legal scholar Lord Arnold McNair. Additionally, he undertook studies with scholarship funding at the Geneva School of International Studies (1929-1930). His aptitude for international law was recognized when he was awarded the 1928 Cecil Peace Prize for a study of international arbitration. His fondness for international cooperation was evidenced by his posts of treasurer of the British Universities League of Nations Society (1928-1929) and assistant secretary and chairman of the Cambridge University Branch of the League of Nations Union (1928-1930). In 1930 he became president of a famous debating club, the Cambridge Union Society.

At the urging of Archibald Evans, a former Cambridge classmate then working in the secretariat of the International Labour Organization (ILO), Jenks applied for the post of assistant legal adviser. Though he faced competition from more senior candidates, he was selected because legal adviser Jean Morellet wanted someone who could cover the common law approach to international law and ‘was also young and keen enough to find legal reasons for doing what should be done rather than searching why, in law, it could not be done’ (Evans 1995: 16). In June 1931 Jenks joined the ILO as a legal officer and provided input on the functioning of the organization, such as interpreting the concept of tripartism and exploring how future conventions and recommendations might take shape. In 1936 he received his Master’s degree from Cambridge University and became Barrister-at-Law of Gray’s Inn, which allowed him to practise as a barrister. In 1938 the ILO sent him on one of the very first technical cooperation missions to revise Venezuela’s 1936 draft Labour Act, where he
worked with Rafael Caldera, the first Venezuelan ILO correspondent. Around this time he authored a (never published) anthology of poetry. Jenks was also named secretary of the Emergency Committee that the ILO established to plan for the organization’s continued functioning in the face of what appeared to be a looming European conflict. The Swiss Government had indicated that the League of Nations, and thus the ILO, would only have 24 hours to leave Geneva in case of armed conflict. Jenks worked closely with ILO Director John Winant on such plans in 1939 and 1940. ILO staff was pared down significantly, with an essential group earmarked for transfer off-site. Winant’s original plan to move the ILO to Vichy, France was rescinded when France fell to Nazi Germany, but in August 1940 Winant and the Canadian government reached an agreement to set up a working centre for the ILO at McGill University in Montreal.

In Montreal Jenks was effectively acting legal adviser, since Frenchman Morellet had resigned and Jacques Secretan had remained in Switzerland to handle the ILO’s relations with the Swiss federal government. Jenks was involved in the special session of the International Labour Conference held in New York and Washington DC in late 1941 and was also named adviser to the American Law Institute on the Essential Human Rights project (1942-1944). On 15 January 1943 Jenks was officially appointed legal adviser. In preparation for the first regular session of the International Labour Conference to be held since the declaration of war, acting Director Edward Phelan and Jenks co-authored a clear value proposition for the ILO’s continued relevance in the postwar era. This provided a roadmap for action by reaffirming the principles that had guided the ILO’s action, while providing new goals, such as full employment and free choice of occupation, and also expressed solidarity with colonized territories. The 26th session of the International Labour Conference in Philadelphia, Pennsylvania adopted this Declaration of Philadelphia on 15 May 1944. In July 1944 Jenks attended the United Nations Monetary and Financial Conference in Bretton Woods as part of the ILO’s observer delegation. He took over as chief of the ILO’s reconstituted Legal Section on 1 August 1944 and from April to June 1945 he attended the United Nations Conference on International Organization held in San Francisco, California as a member of the ILO’s small delegation with consultative status. On 1 January 1946 Jenks was promoted to principal chief of the Legal Section. He helped to ensure that the ILO would have a distinct place and mandate in the United Nations (UN), playing a key role in creating the agreement that permitted the ILO to become the UN’s first specialized agency in December 1946.

Jenks’ interest in the postwar order was not limited to the ILO, as he was also concerned about the functioning of the international system writ large. He had explored questions regarding the status of international organizations and the international civil service, such as working with the League of Nations in the 1930s on questions related to the privileges and immunities of international civil servants. His own intellectual curiosity led him to revisit Scottish public lawyer James Lorimer’s work on the seats of international organizations in a 1940 publication. The wartime question of an eventual transition from the League to a successor organization led him to increase his work in this area. In 1943 he made a call for an international civil service whose impartiality was guaranteed by governments worldwide and in 1945 he published a work on the status of the headquarters of international organizations. His work on ground rules of a new international civil service influenced the relevant clauses in the UN Charter. Also, through his work with the American Law Institute’s project on essential human rights, he provided guidance on the drafting of its Statement of Essential Human Rights, which contributed to the development of the wording of the 1948 Universal Declaration of Human Rights. When the ILO returned to Geneva in 1948 and David Morse became Director-General, Jenks was named Assistant Director-General (effective 15 December 1948). The return to Geneva marked a new chapter in his life. While
in New York to attend the UN General Assembly, he wed Jane Broverman, whom he had met on a sea crossing, in 1949. Jenks continued to make the study of international law an integral part of his professional practice, contributing to debates through a prodigious production of scholarly publications (well over 100 in his lifetime) and engagement with epistemic international law communities. In 1950 and 1955 he returned to The Hague Academy of International Law as visiting professor, a post he had held before in 1939. In 1952 he was named associate of the Institute of International Law and in 1953 he received a Doctor of Laws degree from Cambridge University. For the Institute of International Law he served as chairman and reporter of both the Committee on the compulsory jurisdiction of the International Court of Justice (1954-1959) and the Committee on the international law of outer space (1959-1963). In 1963 he was promoted to member of the Institute. Jenks’ intellectual engagement with the law of space began with a scholarly article in 1956, where he argued that space could not be subject to private rights. In his book *Space Law* (London 1965) he called for immediate action to develop an adequate treaty framework for space law.

In 1954 Jenks’ friend and international legal scholar Hersch Lauterpacht (the two had met in 1934 while studying for their bar exams) had approached Jenks to stand for election as his replacement as Whewell Professor of International Law, a prestigious Cambridge chair dedicated to ending war between nations through legal means, as he was leaving the post to become a judge at the International Court of Justice. Jenks discussed the question with a handful of confidantes and responded that both Morse and Phelan ‘expressed strongly the view that they regard it as of substantial public importance that I should remain here, and I feel that I have an obligation to respond to that appeal’ (cited in Lauterpacht 2010: 385). Jenks, who was helping the ILO to navigate the waters of decolonization, spurred the ILO’s Committee of Experts on Social Policy in Non-Metropolitan Territories in 1955 to adopt a tripartite structure and in 1956 he called for more time for reflection before establishing an ILO regional conference and office in Africa. He was keen to ensure that the nascent governments of newly decolonized states adopt the ILO’s rulebook with its conventions and recommendations as a means to promote human rights. He also provided Morse with advice about how to handle South Africa and its Apartheid. By the late 1950s Jenks concluded that the ILO should stop trying to improve relations with South Africa in favour of building closer links to the recently and soon-to-be decolonized countries. South Africa announced its intention to withdraw from the ILO in 1964, but Jenks and the International Labour Conference considered South Africa to continue to be bound to its ILO obligations. In 1958 Jenks was named vice-president of the International Society for Labour Law and Social Legislation and in his book *The Common Law of Mankind* (London 1958) he argued that the postwar environment provided an opening for international law to transform from a system governing the relations between states to a broader ‘common law of mankind’. It received the 1959 Annual Award of the American Society of International Law for outstanding merit, a prize previously won by Hans Kelsen and Charles de Visscher. Jenks’ work at the ILO in the early 1960s continued under complicated internal politics. Morse had tentatively announced to the Governing Body in November 1961 that he intended to resign as Director-General due to longstanding conflict with United States (US) labour leader George Meany, but later rescinded this proclamation. A power struggle ensued between Morse and his deputy Jef Rens, which left a stalemate that was only remedied when McKinsey consultants were brought in to revise the structure of the secretariat. In the process of resolving the conflict Jenks was promoted to the rank of Deputy Director-General, with effect from 22 November 1964. On 2 June 1967 Jenks became Morse’s deputy when he was named Principal Deputy Director-General. Morse resigned after the fifty-year-old ILO had received the 1969 Nobel Peace Prize.
On 20 May 1970 the Governing Body named Jenks as Director-General. In announcing his agenda, Jenks recalled the bases of the Declaration of Philadelphia. When he took up his functions on 1 June, he entered with the support of his predecessors, having served under every previous Director-General. Because of this experience he was well suited to steer the ILO at this point in time. The geopolitical conflict that nearly pushed Morse to leave in 1961 soon reared its head again. When the Soviet Union rejoined the ILO in 1954 the Soviets requested that their nationals be integrated into the ILO secretariat, including in high-rank positions. Morse had deferred action on the latter, but once in office Jenks faced this head on and announced that he would appoint Pavel Astapenko, a former Byelorussian Deputy Foreign Minister, as Assistant Director-General. Jenks believed that appointing Astapenko meant a universal ILO and he said that ‘[a]ny fears that the Russians would be able to take over in this Organisation were quite unfounded’ (Dinner at the DG’s flat, 9 June 1970, ILO Archives Z 1/1/1/41 (J2)). Under pressure from Meany, who protested that Soviet values were incompatible with the ILO, the US Congress decided to unilaterally reduce the American contribution, which marked the start of great organizational difficulties for the ILO. Other geopolitical considerations drew Jenks’ attention. He made a concerted effort to engage Francisco Franco’s Spain in the ILO, despite the fact the country had been the subject of many freedom of association complaints. Jenks succeeded in fostering an open dialogue with the Spanish Ministry of Labour that led to Spain ratifying seven ILO conventions in 1971 alone. He also continued the annual reporting on the consequences of Apartheid in South Africa, a policy measure approved by the Governing Body in 1964. In November 1971 the People’s Republic of China (PRC) replaced Taiwan as the Chinese representative in the ILO, with the category ‘state of chief industrial importance’ guaranteeing it a government seat on the Governing Body. That this change should come under Jenks’ leadership was fitting, as he had set up an informal working party to study the impact of a potential admission of the PRC in the late 1960s. Other membership changes included Lesotho officially withdrawing in 1971 (a process begun under Morse), Qatar and the United Arab Emirates joining in 1972 and then Bangladesh in 1973. Jenks was also heavily involved in the German Democratic Republic membership negotiations, which resulted in accession in 1974.

In September 1973 Jenks went to Rome to serve as first vice-president of the centenary session of the Institute of International Law. After the opening session on 5 September he suffered a heart attack, which landed him in hospital with an order for four weeks’ rest. However, even in the hospital he continued working, signing off on the ILO report to the African Regional Conference. Ready to return to Geneva, he passed away on 9 October. A delegation from the ILO, including staff union representatives with whom he entertained good relations, met his hearse at the Grand St. Bernard border. Abbas Ammar (1973: 3) later eulogized, ‘He died as he would have wished – in harness, having given his all to the interests of the future of the Organisation’. The ILO paid tribute to Jenks through a special ceremony and the UN posthumously awarded Jenks its Prize in the Field of Human Rights.

Both as civil servant and Director-General Jenks was ‘an indefatigable traveller’ (ILO GB.191/S.D.: 3) who sought to engage with the organization’s regional work, constituents, specific missions of inquiry and conciliation and educational lectures. He undertook missions to over 90 countries. As in his youth, he continued to have an immense capacity for work, being ‘literally a page-turner who could read each page as he turned it’, a skill that proved useful in improving reports (Dawson 1999: 16). He wrote rapidly and was also a keen reader of classical literature from the world over. His primary consideration in serving the ILO was to advance the organization’s interests. He was resolutely opposed to bureaucratic entrenchment and encouraged inventiveness. He did not seek popularity, which sometimes
created adversaries and often gave the impression of Jenks as distant and brusque (Valticos 1973: 13). He was well liked by his staff for the humanity with which he responded to difficult personal situations: ‘even though he was a profoundly serious man he could also be very gay. His Gargantuan laugh could always be heard in the next room. He had the happiness of the man of action, because he struggled for his ideals – all his life’ (Hambro 1973: 2). His son Bruce Jenks followed his father into international service through a career at the UN Development Programme.

ARCHIVES: Jenks’ archives are housed by the ILO Archives in Geneva, Switzerland. The Jenks Cabinet files cover his professional obligations and decisions as Director-General (1970-1973). A separate collection of personal papers is housed in a dedicated Jenks Room. Since 1993 the UN University library in Tokyo, Japan has held Jenks’ collection of League of Nations documents.


Jaci Leigh Eisenberg

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