

The United States' Withdrawal from the International Labor Organization

Le retrait des États-Unis de l'Organisation Internationale du Travail

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Résumé de l'article

En novembre 1977, les États-Unis se sont retirés de l'OIT, en protestation contre la politisation croissante de l'organisation, son attitude sélective à l'égard des droits de l'homme, l'inobservation de ses propres procédures d'enquête et du droit de réponse des pays mis en cause et l'érosion de la représentation tripartite, règle de base de l'OIT.

Les condamnations répétées et mal fondées d'Israël par une « majorité automatique » d'États membres et les craintes d'une emprise communiste sur cette institution spécialisée des Nations Unies ont joué un rôle dans la décision américaine. Cependant les États-Unis n'ont quitté ni l'Organisation Mondiale de la Santé ni l'UNESCO, qui se sont également politisées: des considérations de politique intérieure, et particulièrement l'influence de la centrale syndicale AFL/CIO de George Meany, ont emporté la décision du Président Carter.

Le départ de la première puissance mondiale a diminué les ressources de l'OIT de 25% et réduit ses programmes et son personnel. Malgré ce traitement de choc, l'OIT poursuit ses activités dans le domaine des relations internationales du travail, l'élaboration des normes de conditions d'emploi et de travail et la coopération technique dans le tiers monde. Le Directeur général du Bureau international du travail et de nombreux États membres ont demandé aux États-Unis de reprendre leur place dans l'organisation, où ils pourraient exercer une plus grande influence sur son évolution, la politique de la chaise vide n'ayant pas prouvé son efficacité.

The United States' Withdrawal from the International Labour Organisation

Yves Beigbeder

After a brief description of the I.L.O., this article summarizes the main events which led to the U.S. withdrawal, reviews precedents, then tries to explain the reasons for the U.S. withdrawal and lists its consequences.

On 6 November 1977, the USA withdrew from the ILO, which it had joined in 1934, thus reducing the Organization's membership to 134 Member States. The loss of this one Member meant a cut of US \$42.3 million in the ILO's planned spending over the 1978-1979 biennium and consequent programme and staff reductions, as the USA was paying 25% of its budget. Apart from imperilling the very existence of this specialized agency of the UN, this decision might be interpreted as a warning signal from the US to other UN agencies not to allow politics to prevail over their technical objectives. The departure of the world's first Power and the leading power of the Western countries, might also destroy the credibility and effectiveness of the UN system of organizations by affecting their inner tripartite balance, that between Western democracies, socialist countries, and developing nations.

After a brief description of the ILO, this article will summarize the main events which led to the US withdrawal, review precedents, then try to explain the reasons for the US withdrawal and list its consequences.

WHAT IS THE ILO?

The ILO was created in 1919 under the Peace Treaty of Versailles alongside the League of Nations, of which it was an autonomous part. According to Cox¹ the immediate motivation for the creation of the ILO was

* BEIGBEDER, Y., Doctor in Law, is employed by a UN agency: he has written this article in a personal capacity.

¹ COX, Robert W., and Harold K. JACOBSEN, "ILQ: Limited Monarchy", *The Anatomy of Influence: Decision-Making in International Organizations*, New Haven, 1973, p. 102.

the fear of the victorious allies in the First World War that peace would be followed by widespread social conflict, and their desire to protect Western Europe from the revolutionary situation emerging in the East: "ILO was Versailles' answer to Bolshevism". The Organization was thus "politicized" from its birth. The ILO outlived the League to become, in 1946, the first specialized agency associated with the UN. The objective of the ILO is social justice, as a basis for universal and lasting peace: its main concerns are the improvement of conditions of work and pay, the prevention of unemployment, and freedom of association for workers.

To achieve these ends, conventions and recommendations, which set international labour standards, are formulated and adopted by the tripartite (governments-employers-workers) International Labour Conference. Through ratification by Member States, conventions are intended to create binding obligations to put their provisions into effect. Recommendations provide guidance on policy, legislation and practice.

Between 1919 and 1978, 149 conventions and 157 recommendations were adopted. They cover certain basic human rights (such as freedom of association, the abolition of forced labour, and the elimination of discrimination in employment); labour administration; industrial relations; employment policy; working conditions; social security; occupational safety and health; and employment of women, children and special categories such as migrant workers and seafarers.

Each Member State is required to submit all conventions and recommendations adopted by the Conference to the competent national authorities for a decision as to the action to be taken on them. Over 5,000 international commitments have so far been made in regard to these conventions. The ILO has established a supervisory procedure to ensure their application, based on the objective evaluation by independent experts of the manner in which obligations are complied with and on examination of cases by the Organization's tripartite bodies.

To assist Member States in applying these policies, more than 700 ILO experts work on approximately 600 technical cooperation programmes in some 115 countries in such projects as industrial or rural vocational training, the development of social security schemes and cooperatives, small-scale handicraft industries, and hotel and catering training.

The ILO's main organs are the International Labour Conference, the Governing Body and the secretariat (entitled the International Labour Office).

The International Labour Conference meets annually. It provides an

international forum for discussion of world labour and social problems and sets minimum international labour standards and broad policies of the Organization. Every two years, the Conference adopts the ILO's biennial work programme and budget.

Each Member State has the right to send four delegates to the Conference: two from the government and one each representing workers and employers, each of whom may speak and vote independently.

Between Conferences, the work of the ILO is guided by the Governing Body, comprising 28 government members and 14 worker and 14 employer members. Of the 28 government members, 10 are appointed by the "Members of chief industrial importance".²

The Director-General of the International Labour Office is appointed by the Governing Body; he appoints the staff of the secretariat. As of 31 December 1977 ILO employed 2618 staff members; its budget for 1977 amounted to approximately \$80 million (\$87 million for 1978). The budget is financed by all Member States in accordance with a scale of assessments approved by the Conference. Contributions for 1977 were headed by the USA's 25% of the budget (about \$20 million), followed by the USSR (12.93%), Japan (7.13%), the Federal Republic of Germany (7.08%), France (5.84%), China (5.48%), and the United Kingdom (5.29%). Afghanistan and 55 other countries paid the minimum contribution of 0.02% (\$15,915).

The USA and other Western democracies paid 66.5% of this budget, the Eastern European socialist countries and China 25%, and 99 developing countries 8.5% between them.

Although the US Senate refused to ratify the Covenant of the League of Nations, the US became a Member of the ILO in 1934. The USSR joined the League in 1934, with automatic membership in the ILO, but was expelled from the former body in 1939 for its attack against Finland. In 1954 it resumed active participation in the ILO, where it challenged the USA's leadership with the support of the increasing number of newly independent countries joining the Organization, forming the "Group of 77" (now 114).³

² Until November 1977, these were: Canada, China, Federal Republic of Germany, France, India, Italy, Japan, the United Kingdom, USA and USSR (Article 7.3 of the ILO Constitution and Article 13 of the Rules of Procedure of the Governing Body). Another country will be appointed in November 1978 to fill the vacancy created by the US withdrawal.

³ The ILO's membership more than doubled between 1950 and 1978: in 1950 there were 61 Member States, in 1960, 93 Member States; in 1970, 121 Member States; and in 1978, 137 Member States.

The ILO was awarded the Nobel Prize in 1969, on its 50th anniversary. A year later, the deterioration of relations between the ILO and the USA reached a critical stage.

MAIN EVENTS LEADING TO THE US WITHDRAWAL

The 1970 incident

In July 1970, the newly appointed Director-General of the ILO, C. Wilfred Jenks (a British national elected on 21 May in succession to David Morse, a US citizen, who had served as Director-General since 1948), appointed a Soviet citizen, Pavel E. Astapenko, as Assistant-Director-General.

Although the appointment of the first Assistant Director-General of Soviet nationality in WHO 11 years earlier had not caused any US reaction, the Congress decided in October 1970 to reduce the USA's contribution to the ILO by 50%, i.e. approximately \$3.8 million, for 1970; the decision was inspired mainly by the strongly anti-communist stance of George Meany, President of the AFL-CIO⁴, who contended that the Soviet Union was becoming disproportionately influential in the ILO.

While Congressman John E. Rooney of New York violently attacked Mr Jenks, the Senate Appropriations Committee decided to recommend that "the proper legislative committee review the continued participation of the US in this Organization."⁵

Although the remainder of the USA's 1970 contribution was finally paid after a delay, the next confrontation was caused by the Palestinian issue.

4 American Federation of Labour and Congress of Industrial Organizations; this trade union body, established in December 1955 through the merger of AFL and CIO, groups together some 14.5 million union members.

5 Quoted by Chris OSAKWA in *The Participation of The Soviet Union in Universal Organizations*, Leiden, Sijthoff, 1972, p. 90. See Also T.G. WEISS in *International Bureaucracy*, Lexington Books, Mass., 1975, pp. 68-69; Ch. ROUSSEAU, "Réduction par le Congrès de la contribution financière des États-Unis à l'OIT", in *Revue Générale de droit international public*, Paris, July-Sept. 1971, pp. 824-827; and N.M., "International Labour in Crisis", in *Foreign Affairs*, New York, April 1971, pp. 519-532.

1974-1975: the ILO, Israel and the Palestine Liberation Organization (PLO)

On 19 June 1974, the President of the fifty-ninth session of the International Labour Conference informed the participants of a request from the PLO to participate as an observer at all the conferences, meetings and activities of the ILO, a request formally supported by the League of Arab States; such a request was not unexpected as the PLO had already been invited to participate in the meetings of WHO, UPU, ITU, FAO, the World Food Conference and some UN committees. The PLO request was to be reviewed by the ILO Governing Body in November.⁶

The next day, the Conference adopted a resolution condemning Israel for its policy of racial discrimination and violation of trade union freedoms, even though these allegations had not been considered beforehand by any expert body.⁷ The only other country condemned by the Conference was Chile, for its violations of human and trade union rights.

The debates concerning the PLO's requests at the 60th session of the International Labour Conference in June 1975 were highly political, often acrimonious, and well divorced from ILO's substantive interests. For the Algerian workers' delegate, "We must give the PLO observer status as the sole legitimate representative of the Palestinian people who are waging a just struggle against Zionism, imperialism and the imperialists' agents to gain their freedom and dignity"⁸, while the Syrian Government delegate deplored the "heresies, blasphemies and distortions inflicted upon this Conference by a handful of bigoted, obstructionist delegations", such as the "Australians zealots", and condemned Israel's "Zionist chauvinism and racism".⁹

The total opposition of Israel to the PLO's admission was based on the PLO's written commitment to the obliteration of Israel, contained in the Palestinian National Covenant¹⁰: however, the Australian attempt to ensure

⁶ International Labour Conference, 59th session, Geneva 1974. *Record of Proceedings*, p. 385.

⁷ *Ibid.*, p. 808, "Resolution concerning the policy of discrimination, racism and violation of trade union freedoms and rights practised by the Israeli authorities in Palestine and in the other occupied Arab territories". Adopted on 20 June 1974 by 224 votes in favour, 0 against, 122 abstentions.

⁸ International Labour Conference, 60th session, Geneva 1975, *Record of Proceedings*, p. 129.

⁹ *Ibid.*, pp. 250-251.

¹⁰ Article 15 of the Covenant: "The liberation of Palestine, from an Arab viewpoint, is a national duty, to drive the Zionist, imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine".

that any liberation movement to be admitted to the ILO “fully recognizes the principles of the ILO and its Constitution and the right of all Member States to continue in existence”¹¹ was defeated.

In spite of Australian, British and US warnings, the PLO was admitted as an Observer on 12 June 1975: the Israeli and US delegations then walked out of the meeting. On 26 June, the House of Representatives, again, decided to suspend the US contribution to ILO.

6 November 1975: Dr Kissinger's notice of withdrawal

On 6 November 1975, the US Secretary of State, Henry Kissinger, gave two years' notice of his country's intention to withdraw from the ILO, under Article 1, paragraph 5 of the Constitution, the USA's previous support of ILO having given way to an increasing concern in four fundamental matters¹²:

- 1) The erosion of tripartite representation: while the ILO Constitution was predicated on the existence within Member States of relatively independent and reasonably self-defined and self-directed worker and employer groups, the US recognized that this assumption was only true for a minority of countries having industrial, as well as political democracy: however, it could not accept that the workers' and employers' groups in the ILO should fall under the domination of governments.
- 2) Selective concern for human rights, in the application of the Conventions of Freedom of Association and Forced Labour: the ILO Conference's double standards undermined the credibility of the Organization.
- 3) An accelerating trend to disregard due process, in condemning particular Member States, which happened to be the political target of the moment, in utter disregard of statutory fact-finding and reviewing procedures.

¹¹ International Labour Conference, 60th session, Geneva 1975, *Record of Proceedings*, p. 236. See document CIT 60/D.1, submitted by the workers' delegates of the USA, Sweden, Australia, Colombia, Canada, the Federal Republic of Germany and the UK. This was supported by the Scandinavian countries and the Netherlands.

¹² Although he signed the letter as Secretary of State, Dr Kissinger was personally opposed to the US withdrawal, which was favoured by G. Meany, the Secretary of Labor (J. Dunlop) and the US Representative to the UN (D.P. Moynihan). The letter was published by ILO in a press release (no. 45-75) of 6 November 1975.

- 4) The increasing and excessive politicization of the Organization: questions involving relations between states and proclamations of economic principles should be left to the UN and other international agencies, while the ILO should work to improve the conditions of workers.

The ILO was thus placed on probation for two years, while the US would help the Organization to return to its basic principles: however, debates in ILO meetings and the decisions taken in 1976 and 1977 showed no progress in the sense desired by the USA.

Developments in 1976 and 1977

In April 1976, the House of Representatives decided against the proposed appropriation of \$25 million, representing 18 months' contribution to ILO, in obvious defiance of the Ford administration's strategy, supported by US industry and labour, to encourage the ILO to reform, rather than to punish and put pressure on it.¹³

On 29 May 1976, the ILO Governing Body rejected, by 23 votes for and 24 against, a request by the PLO to be admitted to the ILO-sponsored World Employment Conference, a rather senseless move as PLO had been admitted to the ILO Conference as an observer a year before; on 4 June, the Governing Body reversed its decision by 31 votes for, and 23 against.

In June 1977, two decisions taken by the Conference in which Western proposals were twice rejected for lack of a quorum, showed the US representatives that the majority of delegations had no intention to submit to Dr Kissinger's wishes.

The Governing Body had recommended adoption of a US-inspired proposal that the Conference's rules be amended to screen out politically motivated resolutions unrelated to the ILO's activities or bypassing its constitutional procedures: this would have prevented the adoption of the 1974 resolution calling for ILO action against Israel for alleged "racism and violation of trade union rights" in the occupied Arab territories without prior review. Although 134 voted in favour, and only two against, the 219 abstentions decided the issue, a defeat for due process.¹⁴

¹³ "New blow at ILO", *International Herald Tribune*, 28 April 1976, p. 6.

¹⁴ "US loses key vote in move to keep politics out of ILO", *International Herald Tribune*, 6 June 1977.

On 20 June, the Conference failed again for lack of a quorum (137 for, none against and 197 abstentions) to adopt the report of its Committee on the Application of Conventions and Recommendations, which had listed cases when ILO standards had not been observed (mainly Argentine, Bolivia, Chad, Chile, Czechoslovakia, Ethiopia, Liberia and USSR); an additional sin, the Committee had also discarded Arab accusations against Israel in view of Israel's written explanation.¹⁵

On both issues, the Socialist and Arab countries had leagued against the West, with the support of most of the "77".

In spite of appeals by the ILO Director-General, Mr Blanchard, by the governments of all the Western democracies and by the Pope for the USA to stay in the ILO, in spite of the US State Department's arguments for a one-year extension of the deadline, the US Government confirmed on 1 November 1977 its notice to withdraw from the ILO on 6 November, although the US "remains ready to return whenever the ILO is again true to its proper principles and procedures".¹⁶

The significance of the spectacular decision taken by the USA has to be weighed against precedents. Is there any history of other member countries withdrawing from ILO, the League of Nations and UN organizations?

PRECEDENTS

The constitutions of most international organizations, the ILO included, expressly provide that the membership of a State may be brought to an end by unilateral withdrawal, subject to previous notice; in practice, States have withdrawn from international organizations even when appropriate constitutional provisions did not authorize them to do so, as in the UN and WHO: it is worth noting that the USA, in ratifying the WHO Constitution, reserved its right to withdraw with one year's notice, the only Member State to impose such a reservation.¹⁷

¹⁵ See I. VICHNIAC's article in *Le Monde*, 22 June 1977.

¹⁶ *The Wall Street Journal* (28 June 1977) was for the US withdrawal from ILO: "international forums like the ILO have become a dangerous kind of place for us". For the *New York Times*, "the US has much to contribute to...ILO in not only expertise but political weight and financial resources" and should stay (15 August 1977). *The Washington Post* pleaded for extending the deadline by one year. See also *Le Monde* of 30/31 October 1977: "M. Blanchard adjure les États membres de s'entendre pour résoudre la crise de l'OIT" and ILO press releases of 1, 2, 8, 11 and 15 November 1977 (Nos. 94, 95, 96, 97, 99-77).

¹⁷ On withdrawal of members from world organizations, see H.G. SCHERMAN, *International Institutional Law*, Leiden, Sijthoff, 1972, pp. 44-50. On the US reservation regarding WHO, see *WHO Official Records*, No. 13, 1948, p. 383.

Most withdrawals have had political causes, a legitimate ground in respect of political organizations such as the League of Nations and the UN, but less so for specialized technical organizations.

The international crises preceding the Second World War, and the war itself, caused the withdrawal from the ILO of Germany (1935), Italy (1939), Japan (1940), Spain (1941), Romania (1942), and six Latin American countries. Since the Second World War, apart from the USA, only South Africa (1966) and Albania (1967) have effectively withdrawn from the ILO.

The Cold War made the USSR and other Eastern Europe socialist states leave WHO in 1949-1950: most rejoined in 1957 and 1958 (Hungary in 1963). Czechoslovakia, Hungary and Poland left UNESCO in 1952-1953 and rejoined in 1954 (the USSR became a member of UNESCO and the ILO only in 1954).¹⁸

Indonesia withdrew from the UN in 1964, as a protest against the election of Malaysia as non-permanent member of the Security Council, but rejoined in 1966.¹⁹

South Africa withdrew from the UN specialized agencies when threatened with expulsion or suspension on account of its apartheid policy (UNESCO, 1956; WHO and ILO, 1966).²⁰

The political reasons for the withdrawal of Indonesia and South Africa were clear; so were those of the totalitarian States who left the League and the ILO to free themselves of any obligations (peace-keeping, protection of freedoms and human rights) imposed by these organizations. The socialist countries left the Western-dominated UN organizations in 1949-50, reverting temporarily to a defensive isolationism, and thus left these organizations even more under the domination of the USA, UK and France; although the motivation was political in respect of all UN organizations, the explicit reason for leaving WHO given by the USSR was its dissatisfaction

¹⁸ See N. VALTICOS, *Droit international du travail*, Paris, Dalloz, 1970, pp. 93-96 and for WHO P. BERTRAND, "La situation des "membres inactifs" de l'OMS", *Annuaire français de droit international*, Paris, 1956, pp. 602-615. The USSR did not withdraw from the UN itself, but withdrew from the UN Security Council for a few months in 1950, because of the Council's rejection of the membership application of Communist China. The absence of the USSR allowed the Council to adopt the 27 June 1950 resolution creating a UN expeditionary body, under US direction, to intervene militarily in Korea. The USSR then re-joined the Council on 27 July 1950 (See Georges LANGROD, *La fonction publique internationale*, Leiden, Sijthoff, 1963, pp. 217-218).

¹⁹ See M. VIRALLY, *L'Organisation mondiale*, Paris, Colin, 1972, pp. 267-268.

²⁰ See R.W. COX, *op. cit.*: for UNESCO, p. 146, - for WHO, pp. 182-183 and *WHO Official Records*, No. 157, 1967, Annex 7, pp. 45-46.

with its work, and with the excessive expenses involved in maintaining the Organization's "swollen administrative machinery".²¹

The US withdrawal is therefore not an isolated instance, but the fact that the USA took this decision during a period of peaceful co-existence and detente made news, as a warning signal.

Why did the US decide to leave the ILO? For the reasons given in Dr Kissinger's letter, or for other reasons?

REASONS FOR THE WITHDRAWAL

Dr Kissinger's reasons

The first of the four issues raised by Dr Kissinger was the "erosion of tripartite representation", i.e. the lack of autonomy of employers' and workers' representatives with respect to their own governments.

This issue, raised by the US Secretary of State in 1975 and used as a reason for withdrawal in 1977, had been discussed many times since 1926 and generally resolved by the International Labour Conference by validating the credentials of the employers' and workers' members from those countries where there is no real freedom of association (where there is only one "official" trade union) and where employers' representatives are appointed by the government (where there is no private industrial and commercial sector).

The position of the ILO Conference was based on two grounds: all Member States are constitutionally empowered to send complete tripartite delegations to the Conference and to enjoy equal rights; thus, when deciding on the validity of the credentials of workers' representatives, one should not consider the question of freedom of association, but only whether the delegates belong to the most representative unions of the country, or whether there are other more representative unions. Secondly, an independent inquiry, conducted in 1954, into the status of trade unions and employer organizations concluded that a strict application of the principle of autonomy might exclude workers' and employers' delegates from a large proportion of Member States, and not only those of the socialist regimes. In other words, universality and formal tripartism prevail over autonomy of delegations and freedom of association.

²¹ *WHO Official Records*, No. 17, 1949, p. 52.

While in the classical capitalism prevailing in 1919, the employers could only be private employers, the development of total or partial collectivization of national economies has led to the recognition that employers could also be managers of public enterprises appointed by their government.

In 1927, the Conference validated the powers of the Italian workers' delegates; the same position was taken in 1937 and 1954 for the USSR, in 1956 for the Spanish and Romanians, and in 1961 and 1962 for the Portuguese workers' delegates. No objections to worker or employer representation were raised when many newly independent Third World countries, with non-autonomous employers' / workers' representatives, joined the ILO in the 1950s and 1960s.²²

Autonomous tripartite representation has certainly eroded, but this erosion had previously been accepted by the USA: why consider it intolerable in 1977? the real problem for the ILO is that genuine tripartism is a fiction for the majority of Member States and is therefore not compatible with universality: for some observers, tripartism is an objective, but not a prerequisite for admission to the ILO.

The other three issues raised by Kissinger, i.e. a selective concern for human rights, a disregard for due process and an increasing politicization, make a better case of "non-progress": South Africa, Chile and essentially Israel are consistently used as targets for righteous resolutions of UN organizations, while human rights violations by other countries are set aside; the condemnation of Israel by the ILO Conference in 1974 without due process, its rejection in 1977 of the report of its Committee on the Application of Conventions and Recommendations, and recurring virulent political debates strengthened the case of opponents to USA's continued membership of the ILO.

The US position in UNESCO and WHO

The fact remains that the USA is still a member of UNESCO and WHO, other UN specialized agencies which have also become "politicized".

Although the US Senate suspended payment of the US contribution (25%) to the UNESCO budget in 1974 as a protest against the UNESCO General Conference's decision not to include Israel in the European regional group, no threat of withdrawal was made. Even though Israel was

²² See N. VALTICOS, *op. cit.*, pp. 213-221 and R.W. COX, *op. cit.*, pp. 106-107.

admitted in November 1976, in spite of Soviet opposition, to the European group, the General Conference condemned Israel at the same session for "all violations resulting from Israeli occupation, of the rights of all populations in Arab territories to education and cultural life, as contrary to human rights and fundamental freedoms". This political condemnation was arrived at without due process, i.e. before a fact-finding mission had visited Israel and reported on its findings. Israel was also denied all UNESCO cultural funds (about \$25,000 annually) as a sanction against continued archaeological excavations in Jerusalem, an action termed "unconstitutional" by the US chief delegate. In spite of these deviations, the US contributions to the UNESCO budget are now paid regularly.²³

On 9 May 1978, Joseph A. Califano, Jr., the US Secretary of Health, Education and Welfare, appointed chief US delegate to the Thirty-first World Health Assembly as President Carter's personal emissary, underscored the commitment of the Government and the people of the US to WHO and offered the Organization not only his Government's continuing help, but its gratitude for the experience gained in international cooperation. Yet two years earlier, the Twenty-ninth World Health Assembly had refused to examine a report of a Committee of medical experts on health conditions of the inhabitants of the occupied territories in the Middle East, on the procedural grounds that the Committee's three members (from Indonesia, Romania and Senegal) had been invited by the Israeli Government on an individual basis, and thus the report was not a report of the committee as such, but that of individual members. According to other sources, the withdrawal of the report was demanded because it referred to improvements achieved since 1967 in health conditions of the Arab populations in territories occupied by Israel.²⁴ On 23 May 1978, in resolution WHA 31.38, the World Health Assembly condemned the Israeli medical services in occupied areas, adding to the criticisms contained in the second report of the same committee of three medical experts (again selected from Indonesia and Senegal, countries which have broken off diplomatic relations with Israel, and from Romania) and ignoring its

²³ See *Le Monde* of 23 September 1975, and 22 and 29 October 1976, the *International Herald Tribune* of 19 and 20-21 November 1976; *Le Monde* of 23, 28 and 29 November and 2 December 1976, 2 November 1977, and 8 June 1978.

²⁴ See *WHO Official Records*, No. 234, 1976, p. 572 - intervention by Mr Sood, the Counsellor of India's permanent mission to the UN and other international organizations in Geneva, challenging the admissibility of the report - and *WHO Official Records*, No. 233, 1976, pp. 47-48 - resolution WHA 29.69 of 20 May 1976 condemning Israel and requesting the Special Committee to remain in close consultation with the Arab States concerned and the PLO; see also *Le Monde* of 12 and 19 May 1976.

favourable comments: according to Nobel Prize winner A. Lwoff, even the report of the committee was clearly biased against Israel and incomplete. The EEC countries, the USA and of course Israel have denounced the dangers of WHO politicization, without, however, threatening withdrawal.²⁵

The different attitude adopted by the USA towards the ILO on the one hand, and UNESCO and WHO on the other, could be explained by a lack of a concerted and co-ordinated policy of the various US departments concerned with "their" UN agency: alternatively, this divergency may be explained by reasons additional to those given by Kissinger and peculiar to the USA/ILO situation. These have been widely reported in the international press.²⁶

Other Motivations

The determining factors in President Carter's decision, according to press reports, are to be found in US politics: the President needed political support for his energy bill and the new Panama Canal treaties, and in withdrawing from the ILO he was appeasing three influential powers: labour (the AFL/CIO²⁷) and business (the US Chamber of Commerce), which had both decided to withdraw their Workers' and Employers' delegation from the ILO, and the pro-Israeli lobby. Carter's decision was characteristically supported by his Secretaries of Labour (Ray Marshall) and Commerce (Juanita Krebs) and opposed by his Secretary of State (Cyrus Vance) and his national security adviser (Zbigniew Brzezinski), who favoured extending US participation for a year to give the ILO another chance to "reform". The 9 EEC countries, Japan and the Pope all interceded against the withdrawal, to no avail. The withdrawal was also to reinforce Carter's image as a defender of human rights, due process, and freedom of association. Finally, it was to be taken as a warning to other UN agencies, or rather to their socialist and Third World Member States, since the secretariats do not control the drafting and voting of resolutions passed by their organizations' assemblies.

²⁵ The WHA resolution was adopted by a vote of 70 in favour, 22 against and 22 abstentions. See *WHO document A31/VR/2* of 9 May 1978 (statement of US delegate), *WHO press release WHA/24* of 23 May 1978, *Le Monde* of 24 May, *International Herald Tribune* of 26 May and *Le Monde* of 10 June 1978 ("L'OMS et Israël", by A. LWOFF).

²⁶ The selection of press cuttings on the US withdrawal compiled by the ILO Information Office reproduces articles from the USA, UK, France, Argentine, Peru, Switzerland, Federal Republic of Germany, Japan, Pakistan, India and Spain.

²⁷ According to the *Diplomatic World Bulletin*, New York, 7 November 1977, George Meany "almost single-handedly is responsible for the US quitting the ILO".

Sufficient time has now elapsed since the US withdrawal in November 1977, whatever its motivations, to enable its main consequences to be tentatively assessed. While the ILO had to bear the brunt of the US decision, its effect on other UN organizations should also be examined.

CONSEQUENCES OF THE US WITHDRAWAL

Effect on the ILO

The financial impact on the ILO budget for the 1978-1979 biennium was a deficit of \$42.3 million (25%) out of a total budget of \$169 million. As recommended by the ILO Director-General, the programme and budget reductions were limited to \$36.6 million, while appeals were made to Member States to bridge the gap of \$5.7 million: by June 1978, this target had been exceeded by \$1 million, thanks to 30 donors: among them, Iraq and Japan had each pledged \$1 million.²⁸

In spite of this evidence of good-will on the part of almost a quarter of its constituents, 110 staff posts had to be abolished and a number of programmes, meetings and publications curtailed, cancelled or postponed: for instance, the highly regarded ILO Legislative Series was discontinued, the seventh session of the African Advisory Committee deferred until 1980, the Training and Development series of publications virtually eliminated, Industrial Committee meetings deferred, and European branch offices and other regional services reduced.²⁹

The disappearance of the major world Power, the decrease in revenues and the reduction of programmes did not, however, destroy the ILO: the Organization continues, while its Director-General and many Member

²⁸ See *International Labour Conference, 64th Session, 1978*, Report II, p. 2 and List of Voluntary Contributions as at 2 March 1978, *International Herald Tribune* of 15-16 April 1978, and *ILO press release 48/78* of 13 June 1978. The other donors were the Federal Republic of Germany (\$700,000), Netherlands, Norway and Sweden (between \$300,000 and \$400,000), the UK, Belgium, Saudi Arabia, Canada, Denmark, France, Venezuela, Finland, Spain, India and Australia (between \$125,000 and \$250,000), Afghanistan, Cyprus, Greece, Indonesia, Iran, Jordan, Luxembourg, Pakistan, Papua New Guinea, Philippines, Surinam, Fiji and Nigeria (lesser amounts). The ILO's financial problems did not end there: as its (and other UN agencies') budget is based on the US \$, and as this currency decreased in value in relation to the Swiss franc and other "hard" currencies, supplementary contributions of \$22.5 million were needed merely to maintain the real value of the 1978-1979 budget (this budget had been calculated at the rate of SF 2.51 = US \$1, while the value of one dollar was only SF 1.74 in August 1978).

²⁹ See *ILO documents GB.204/PFA/12/23* and *GB.204/14/27* of November 1977.

States appeal to the US to rejoin. The expectation that Israel and some Western countries might also leave the ILO and create a concurrent organization, under US leadership, did not materialize: as to Israel, this country feared that its readmission might be vetoed by Arab countries and their supporters, if it decided to follow the US course and tried later to apply again for ILO membership. The other countries probably felt that it was more effective to try to reform the Organization from the inside and to press the USA to resume its participation.

Has the US decision resulted in any "reform" of the ILO? If no constitutional reform has been achieved, at least one political resolution (anti-Israel) was rejected: on 27 June 1978, for the first time in any UN agency in recent years, the International Labour Conference rejected, by lack of quorum, a draft resolution sponsored by the Libyan and Syrian Arab Republics, which sought to condemn Israel for its "policy of discrimination, racism and violation of freedoms and rights of association in Palestine and other Arab occupied countries".³⁰ The draft resolution blandly ignored the report of an ILO expert group which had acknowledged an improvement in the conditions of Arab workers in occupied territories.

This progress (in an American sense) will of course have proved ephemeral if the Conference can still, in the future, ignore the reports of its own experts, and condemn countries without due process.

However, it seems that the US withdrawal played a role in the vote: a number of Member States have become weary of the ILO's excessive politicization and several delegates objected to the parallel drawn between apartheid in South Africa and the situation in the occupied territories.

Effect on other UN organizations

The US withdrawal from the ILO has had no visible effect on the behaviour of other UN organizations up to the present, for a number of reasons.

The intended warning to these organizations may have had a contrary result insofar as the ILO has survived the US departure. In the second place, the political causes of the politicization of some of these organizations re-

³⁰ See *Le Monde* of 29 June 1978, p. 33, and *ILO press releases 55/78* and *56/78* of 28 June 1978. The Syrian-Libyan draft resolution was approved by the Arab and socialist countries, Chile, Spain, and government delegates from Argentina, Greece and Peru. On the other hand, most delegates from Western countries abstained, as well as Zaire, Ivory Coast, Sierra Leone, Malawi, Mexico, Venezuela, and workers' delegates from India, Greece and Argentina.

main, and threats of US withdrawal of financial sanctions will not affect their position, which reflects their universality, their structure and decision-making system (one country, one vote), and temporary coalitions (e.g., for the Israel/PLO issue, the Arab countries supported by the socialist states and a varying number of developing countries). However, these coalitions may differ according to the issues, and Western charges of an "automatic majority" of the Group of 77 are not always justified. Thirdly, if UNESCO, and to a lesser extent WHO, have been labelled "politicized", many other UN agencies have not been subject to similar accusations from US quarters. No doubt, meteorology (WMO), postal and telecommunications agreements (UPU and ITU), agriculture, fisheries and forestry (FAO), civil aviation and maritime regulations (ICAO and IMCO) and other technical matters are less liable to provoke East-West, or North-South confrontations on human rights, liberation movements and other sensitive political questions. It is also likely that supporters and lobbyists of these professional interests on the US scene do not have the same political influence and importance as the AFL/CIO and the Chamber of Commerce. Or, perhaps, these supporters and the government departments concerned do not believe that withdrawing their country from the international organizations involved is the best way to promote US views.

CONCLUSION

In the 1950's, the Western democracies under the leadership of the USA had an "automatic majority" in the UN organizations, which they lost progressively as more and more non-aligned developing countries were admitted to the UN and its agencies.³¹ This change in the voting pattern and the resulting resolutions adopted by UN bodies - resolutions which were occasionally indifferent or hostile to US interests or ideals - caused an adverse reaction to the UN system of organizations in some official US circles and US news media. One author³² encouraged the US administration to meet the political challenge "directed toward eliminating US influence in the UN system" by applying a policy of selective participation: the US should continue to participate actively in and give financial support to the standard-setting and regulatory activities of WMO, WHO and ICAO and to technical assistance activities in the fields of food, health and environmental protection. On the other hand, the utility of the politicized ILO and UNESCO, also accused (for good measure) of bureaucratic rigidity, loss of functional

³¹ See R.W. COX, *op. cit.*, pp. 432 and 433.

³² See David A. KAY, "on the reform of international institutions: a comment", *International organization*, Summer 1976, pp. 535-537.

mission and declining support among domestic constituents, should be reassessed, to see if the programmes still advanced goals of international cooperation and US interests. This selective approach was applied to the ILO (withdrawal) and UNESCO (financial sanctions), but it is not evident that it has promoted US interests nor that it has been effective in "reforming" these organizations.

The world has changed since the United Nations Organization was first created: political realism, States' interests and ideological warfare prevail, in the UN organizations, over some of their founders' one-world idealism and over Western concepts of democracy, human rights and economic liberalism.

The additional irritant of the continuing Middle East crisis causes, and will continue to cause, recurring tension in UN bodies until real progress towards a settlement is achieved.

In our view, the "empty chair" policy is not a reasonable nor an effective answer to these facts; the absence of the USA destabilizes the balance of influence in the ILO, while there is no evidence that the USSR has filled the vacuum by unduly increasing its own influence. The continuation of this situation, deplored by Western friends and also by the socialist states, which support universality in international organizations³³, would be unfortunate both for the ILO and its work, and for the good "international name" of the US. The USA should again play its proper role in international labour relations, standard-setting and control, the promotion of freedom of association, and technical assistance and cooperation in the developing world.

³³ See J. ROY's article on the 64th International Labour Conference, June 1978, in *Le Monde* of 25-26 June 1978. C. Fred Bergsten has pleaded (in 1976) for restoring participation by the dropouts, as "history has shown that the greatest dangers to international stability often arise from those actors whose real power is inadequately reflected in both real involvement in the relevant sets of international arrangements and symbols of status therein". While this is particularly relevant to the UN peace-keeping role and world economic and financial institutions, a similar argument applies to the ILO, where the USA's "real power" should be represented and its voice heard in the mutual interest of the ILO and the US (see C.F. BERGSTEN, "Interdependence and the reform of international institutions", *International Organization*, Spring 1976, p. 364). Additionally, the US withdrawal may set a bad example for other countries feeling dissatisfied with any aspect of the ILO's (and other UN agencies') policy or programmes.

On 17 August 1978, the US cabinet-level committee on the ILO issued a statement acknowledging that some progress had been achieved at the June 1978 ILO Conference, which gave the US "encouragement"; however, the committee did not find this progress sufficient to recommend that the US should rejoin the ILO: according to the *New York Times* (18 August), the USA's

Le retrait des États-Unis de l'Organisation Internationale du travail

En novembre 1977, les États-Unis se sont retirés de l'OIT, en protestation contre la politisation croissante de l'organisation, son attitude sélective à l'égard des droits de l'homme, l'inobservation de ses propres procédures d'enquête et du droit de réponse des pays mis en cause et l'érosion de la représentation tripartite, règle de base de l'OIT.

Les condamnations répétées et mal fondées d'Israël par une «majorité automatique» d'États membres et les craintes d'une emprise communiste sur cette institution spécialisée des Nations Unies ont joué un rôle dans la décision américaine. Cependant les États-Unis n'ont quitté ni l'Organisation Mondiale de la Santé ni l'UNESCO, qui se sont également politisées: des considérations de politique intérieure, et particulièrement l'influence de la centrale syndicale AFL/CIO de George Meany, ont emporté la décision du Président Carter.

Le départ de la première puissance mondiale a diminué les ressources de l'OIT de 25% et réduit ses programmes et son personnel. Malgré ce traitement de choc, l'OIT poursuit ses activités dans le domaine des relations internationales du travail, l'élaboration des normes de conditions d'emploi et de travail et la coopération technique dans le tiers monde. Le Directeur général du Bureau international du travail et de nombreux États membres ont demandé aux États-Unis de reprendre leur place dans l'organisation, où ils pourraient exercer une plus grande influence sur son évolution, la politique de la chaise vide n'ayant pas prouvé son efficacité.

continued absence was, again, due to President Carter's desire to appease George Meany, who was a member of the committee.

Official reports on the USA/ILO relations include the Report on "US participation in international organizations" (including the ILO), to the US Senate Committee on Government Operations, Government Printing Office, 1977, XIV, 140 p. - and, "Need for US objectives in the ILO", in Report to the Senate Committee On Governmental Affairs by the Comptroller General of the US, Washington, 1977, IV, 54 L.

See also articles by R.W. COX on "Labor and Hegemony", *International Organization (Madison)*, 31(3), Summer 1977, pp. 385-424, - and by B.L. ROCKWOOD, on "Human Rights and Wrongs; the USA and the ILO: a modern morality play", *Journal of International Law (Cleveland)*, 10(2), Spring 1978, pp. 359-413.