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REPORT OF THE DIRECTOR-GENERAL

Fourth Supplementary Report

Communication from the Government of the United States

1. On 6 November 1975 the Director-General received the following communication from the Government of the United States:

Dear Mr. Director General:

This letter constitutes notice of the intention of the United States to withdraw from the International Labor Organization. It is transmitted pursuant to Article 1, Paragraph 5 of the Constitution of the Organization, which provides that a member may withdraw provided that a notice of intention to withdraw has been given two years earlier to the Director General and subject to the member having at that time fulfilled all financial obligations arising out of its membership.

Rather than express regret at this action, I would prefer to express confidence in what will be its ultimate outcome. The United States does not desire to leave the ILO. The United States does not expect to do so. But we do intend to make every possible effort to promote the conditions which will facilitate our continued participation. If this should prove impossible, we are in fact prepared to depart.

American relations with the ILO are older, and perhaps deeper, than with any other international organization. It is a very special relationship, such that only extraordinary developments could ever have brought us to this point. The American labor movement back into the 19th century was associated with the international movement to establish a world organization which would advance the interests of workers through collective bargaining and social legislation. Samuel Gompers, President of the American Federation of Labor, was Chairman of the Commission which drafted the ILO Constitution at the Paris Peace Conference. The first meeting of the International Labor Conference took place in Washington, that same year. In 1934 the United States joined the ILO, the first and only of the League of Nations organizations which it did join. The Declaration of Philadelphia in 1944 reaffirmed the organization's fundamental principles and reformulated its aims and objectives in order to guide its role in the postwar period. Two Americans have served with distinction as Directors General; many Americans have contributed to the work of the organization. Most particularly, the ILO has been the object of sustained attention and support by three generations of representatives of American workers and American employers.

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In recent years, support has given way to increasing concern. I would emphasize that this concern has been most intense on the part of precisely those groups which would generally be regarded in the United States as the most progressive and forward-looking in matters of social policy. It has been precisely those groups most desirous that the United States and other nations should move forward in social matters, which have been most concerned that the ILO - incredible as it may seem - has been falling back. With no pretense to comprehensiveness, I should like to present four matters of fundamental concern.

1. The Erosion of Tripartite Representation

The ILO exists as an organization in which representatives of workers, employers, and governments may come together to further mutual interests. The Constitution of the ILO is predicated on the existence within member states of relatively independent and reasonably self-defined and self-directed worker and employer groups. The United States fully recognizes that these assumptions, which may have been warranted on the part of the Western democracies which drafted the ILO Constitution in 1919, have not worked out everywhere in the world; in truth only a minority of the nations of the world today have anything resembling industrial democracy, just as only a minority can lay claim to political democracy. The United States recognizes that revising the practices and arrangements of the ILO is not going to restore the world of 1919 or of 1944. It would be intolerable for us to demand that it do so. On the other hand, it is equally intolerable for other states to insist that as a condition of participating in the ILO we should give up our liberties simply because they have another political system. We will not. Some accommodation will have to be found, and some surely can be found. But if none is, the United States will not submit passively to what some, mistakenly, may suppose to be the march of history. In particular, we cannot accept the Workers' and Employers' Groups in the ILO falling under the domination of governments.

2. Selective Concern for Human Rights

The ILO Conference for some years now has shown an appallingly selective concern in the application of the ILO's basic conventions on Freedom of Association and Forced Labor. It pursues the violation of human rights in some member states. It grants immunity from such citations to others. This seriously undermines the credibility of the ILO's support of freedom of association, which is central to its tripartite structure, and strengthens the proposition that these human rights are not universally applicable, but rather are subject to different interpretations for states with different political systems.

3. Disregard of Due Process

The ILO once had an enviable record of objectivity and concern for due process in its examinations of alleged violations of basic human rights by its member states. The Constitution of the ILO provides for procedures to handle representations and complaints that a member state is not observing a convention which it has ratified. Further, it was the ILO which first established fact-finding and conciliation machinery to respond to allegations of violations of trade union rights. In recent years, however, sessions of the ILO Conference increasingly have adopted resolutions condemning particular member states which happen to be the political target of the moment, in utter disregard of the established procedures and machinery. This trend is accelerating, and it is gravely damaging the ILO and its capacity to pursue its objectives in the human rights field.

4. The Increasing Politicization of the Organisation

In recent years the ILO has become increasingly and excessively involved in political issues which are quite beyond the competence and mandate of the organization. The ILO does have a legitimate and necessary interest in certain issues with political ramifications. It has major responsibility, for example, for international action to promote and protect fundamental human rights, particularly in respect of freedom of association, trade union rights, and the abolition of forced labor. But international politics is not the main business of the ILO. Questions involving relations between states and proclamations of economic principles should be left to the United Nations

and other international agencies where their consideration is more relevant to those organizations' responsibilities. Irrelevant political issues divert the attention of the ILO from improving the conditions of workers - that is, from questions on which the tripartite structure of the ILO gives the organization a unique advantage over the other, purely governmental, organizations of the UN family.

In sum, the ILO which this nation has so strongly supported appears to be turning away from its basic aims and objectives and increasingly to be used for purposes which serve the interests of neither the workers for which the organization was established nor nations which are committed to free trade unions and an open political process.

The International Labor Office and the member states of the organization have for years been aware that these trends have reduced support in the United States for the ILO. It is possible, however, that the bases and depth of concern in the United States have not been adequately understood or appreciated.

I hope that this letter will contribute to a fuller appreciation of the current attitude of the United States toward the ILO. In due course the United States will be obliged to consider whether or not it wishes to carry out the intention stated in this letter and to withdraw from the ILO. During the next two years the United States for its part will work constructively within the ILO to help the organization return to its basic principles and to a fuller achievement of its fundamental objectives.

To this end, the President is establishing a Cabinet level committee to consider how this goal may be achieved. The committee will of course consult with Worker and Employer Representatives, as has been our practice for some four decades now in the formulation of our ILO policy. The committee will also enter into the closest consultations with the Congress, to the end that a unified and purposeful American position should emerge.

Respectfully,

Henry A. Kissinger

2. On 10 November 1975 the Director-General sent the following reply:

Dear Mr. Secretary of State,

I have the honour to acknowledge receipt of your communication of 5 November 1975 informing me, in accordance with the provisions of article 1, paragraph 5, of the Constitution of the International Labour Organisation, of the intention of the Government of the United States to withdraw from the Organisation.

Paragraph 5 of article 1 of the Constitution of the International Labour Organisation provides as follows:

No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

In accordance with these provisions, the notice of its intention to withdraw given by the Government of the United States, which was received by me on 6 November 1975, would take effect on 6 November 1977. The United States would continue thereafter to be bound by all obligations arising out of or relating to Conventions to which it is a party for the period provided for therein.

I have, however, noted from the terms of your communication that the notice of intention does not mean that the United States has at this stage decided that it will withdraw from the Organisation, and that indeed it neither desires nor expects to do so. I venture to think that the purposes of the Organisation as set out in its Constitution continue to call for concerted world action, and to express my hope and trust that the United States will see its way to continue to collaborate in such action.

I can assure you that as Director-General I shall continue to do my utmost to help all member States in the furtherance of the fundamental principles for which the International Labour Organisation stands.

Yours faithfully,

Francis Blanchard,
Director-General.

Geneva, 10 November 1975.