

# The United States' Withdrawal from the ILO: International Politics in the Labor Arena

## I. Introduction

The International Labour Organization (ILO) is an autonomous body within the United Nations which is principally concerned with employment rights and working conditions of the international labor force. The ILO, since its inception in 1919, has dedicated itself to promoting social justice, economic stability, and the protection of human rights for workers throughout the world. Toward this end, four fundamental principles are articulated in the Declaration annexed to the ILO Constitution, namely, that

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free expression and democratic decision with a view to the promotion of the common welfare.<sup>1</sup>

These are indeed lofty and ambitious goals to which all men should aspire. It is fitting, then, as C. Wilfred Jenks so well put it, that the ILO's contribution to mankind should be considered "a service no less unprecedented and unparalleled in the manner in which it has made the common man the central concern of world statesmanship . . . [than] in the heritage of the determination and resourcefulness which has characterized throughout its development the evolution of new modalities of application of universal and eternal principles

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<sup>1</sup>INT'L LAB. ORG. CONST., Declaration Concerning the Aims and Purposes of the International Labour Organization, Part I, *reprinted in* INTERNATIONAL ORGANIZATION AND INTEGRATION 364-66 (H. Van Panhuys, L. Brinkhurst, & H. Maas, eds. 1968) [hereinafter cited as ILO Declaration].

in perpetually changing circumstances."<sup>2</sup> Nevertheless, at present the effectiveness of the ILO and the attendant prospects for advancing international labor reform are less than clear.

On November 1, 1977, President Jimmy Carter announced affirmation of the U.S. decision to terminate its membership in the International Labour Organization.<sup>3</sup> This directive marked the first time the United States had ever officially withdrawn from any major international agency. Though little effect upon U.S. domestic labor was anticipated by this action, the repercussions for the ILO in particular and for international labor relations in general were left far more nebulous. As a consequence, grave questions have surfaced about the resultant diminished financial capability of the ILO to function, as well as the restrictive implications the resignation could portend for that organization's political vitality in world labor dealings.

The purpose of this article, therefore, is threefold: first, to examine the controversy over U.S. membership in the ILO, especially as placed within the context of its labor policies and politics; second, to indicate by what course U.S. withdrawal was brought about, where various pressures were exerted and for what plausible reasons; lastly, to interpret the significance of this abrupt departure from traditional U.S. practice, and in the process, to assess what political implications withdrawal from the ILO might have for continued U.S. participation in other United Nations specialized agencies and its main organs. At the outset, however, some discussion of the ILO's historical evolution seems warranted.

## II. The ILO in Perspective

### A. Historical Development of the ILO

The notion of wanting to establish international standards for work and pay is not a new one.<sup>4</sup> As early as the first decades of the Industrial Revolution,

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<sup>2</sup>C. JENKS, *THE INTERNATIONAL LABOUR ORGANIZATION IN THE U.N. FAMILY* 2 (1971). For related accounts of the ILO and its service-oriented activities, see generally A. ALCOCK, *HISTORY OF THE INTERNATIONAL LABOUR ORGANIZATION* (1971); C. JENKS, *SOCIAL JUSTICE IN THE LAW OF NATIONS: THE ILO IMPACT AFTER FIFTY YEARS* (1970); T. LANDELIUS, *WORKERS, EMPLOYERS, AND GOVERNMENTS* (1965); E. LANDRY, *THE EFFECTIVENESS OF INTERNATIONAL SUPERVISION: THIRTY YEARS OF ILO EXPERIENCE* (1966); and G. WEAVER, *THE ILO AND HUMAN RIGHTS* (1965).

<sup>3</sup>Statement by the President on the ILO, Nov. 1, 1977; Raskin, *Struggle Over ILO Pullout*, N.Y. Times, Nov. 3, 1977, at 10, col. 1. That the action of withdrawal by the United States was legally permissible is not in doubt. As stipulated by the ILO Constitution, the United States gave notice of its intention to withdraw to Director-General Blanchard two years before doing so, and all financial obligations arising out of its membership had been fulfilled. INT'L LAB. ORG. CONST., art. 1, para. 5. For exposition on this point, see N. SINGH, *TERMINATION OF MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS* 23, 34 (1958); Feinberg, *Unilateral Withdrawal from International Organizations*, 39 BR. Y. B. INT'L L. 189 (1963); and D. BOWETT, *THE LAW OF INTERNATIONAL INSTITUTIONS* 347-49 (3d ed. 1975).

<sup>4</sup>See generally J. FOLLOWS, *ANTECEDENTS OF THE INTERNATIONAL LABOUR ORGANIZATION* (1951).

Robert Owen had advocated that labor legislation should be practiced on an international scale,<sup>5</sup> and by the mid-1800s, several labor movements had been established on the European scene.<sup>6</sup> By the end of World War I, the prospective utility of an international labor mechanism had been patently recognized. As a consequence, special clauses related to a "Labour Charter" and its operational machinery were embodied in sections I and II of Part XIII of the Treaty of Versailles, with the forty articles of section I becoming the ILO's Constitution.<sup>7</sup>

In October 1919, the organizational meeting for the ILO was convened in Washington, D.C.<sup>8</sup> A month later, the ILO became an ongoing reality, having an original membership of forty-five nations and designating Geneva, Switzerland, as its headquarters site.<sup>9</sup> Yet, despite involvement in creating the ILO, acrimonious domestic debate over the League of Nations and diplomatic failure to ratify the Treaty of Versailles precluded the United States from then joining the new international labor body.<sup>10</sup> It was not until 1934 that U.S. membership in the ILO became secured by joint congressional resolution, the success of which was attributed largely to the personal efforts of U.S. Secretary of Labor Frances Perkins and the economic onslaught of a worldwide depression. Accordingly, for four decades thereafter—save the wartime hiatus from 1938-1944—the United States assumed a leadership role in ILO affairs acknowledged as being salient, both in terms of negotiating more egalitarian labor programs and standards and in assuming an increasingly disproportionate share of the financial burden.<sup>11</sup>

### B. Organizational Structure of the ILO

During April and May of 1944, the XXVI Annual Conference of the ILO convened in Philadelphia. It was there that the famous Declaration of the

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<sup>5</sup>*Id.*, at 1-9.

<sup>6</sup>Among these, of course, was the First International, founded in London in 1864 by Karl Marx and Friedrich Engels, and later, the Second International formed in 1889. For insightful discussions of these labor organizations, see J. PRICE, *THE INTERNATIONAL LABOUR MOVEMENT* 6-15 (1945) and *THE REVOLUTIONARY INTERNATIONALS* 107-121 (M.M. Drachkovitch ed. 1966).

<sup>7</sup>ALCOCK, *supra* note 2, at 35.

<sup>8</sup>The most authoritative treatment and compendium of documents on the Washington Conference is found in *THE ORIGINS OF THE INTERNATIONAL LABOR ORGANIZATION I* (J. Shotwell ed. 1934). For additional perspectives on the Conference, see E. PHELAN, *YES AND ALBERT THOMAS* 13-17 (1936) and F. WILSON, *LABOR IN THE LEAGUE SYSTEM: A STUDY OF THE ILO IN RELATION TO INTERNATIONAL ADMINISTRATION* 144, *passim* (1934).

<sup>9</sup>Interestingly enough, the ILO's establishment in Geneva actually antedated that of the League of Nations. D. MORSE, *THE ORIGIN AND EVOLUTION OF THE I.L.O. AND ITS ROLE IN THE WORLD COMMUNITY* 13 (1969).

<sup>10</sup>H. BUTLER, *CONFIDENT MORNING* 185-88 (1950); Shotwell, *supra* note 8, at 132.

<sup>11</sup>For representative accounts of U.S. participation in ILO, see D.P. Moynihan, *The United States and the International Labour Organization* (June, 1960) (unpublished thesis presented to the Fletcher School of Law and Diplomacy, Tufts University) and J. Tipton, *Participation of the United States in the International Labor Organization* (1957) (unpublished thesis presented to the Institute of Labor and Industrial Relations, University of Illinois).

Aims and Purposes of the ILO was drawn up, the heart of which maintained that:

All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.<sup>12</sup>

This Declaration subsequently became a formal appendage of the ILO Constitution, and was heralded as an "authoritative statement of the competence of the ILO as recognized by the UN in the agreement bringing the ILO into relationship with the UN."<sup>13</sup> Thus, given the League's demise, the ILO Conference in 1945 severed that relationship<sup>14</sup> and opted that same year for a new international framework in which to operate—the nascent United Nations system. In keeping with past experience, the United Nations left intact the ILO's autonomous nature, and assigned it special jurisdiction over labor questions and related social issues. Also, upon its admission into the United Nations, the unique organizational structure of the ILO's delegate representation was realigned as it formerly had existed under the League,<sup>15</sup> and it has survived even up to the present time.

The ILO's decision-making structure is predicated upon the principle of tripartism: i.e., every member nation's delegation is composed of one representative each from a worker group and employer group, and two representatives from the national government.<sup>16</sup> Further, each delegate may speak and vote independently.<sup>17</sup> Hence, in this manner, policy input is assured within a country's four-member delegation, not only from the governmental perspective, but also from those of labor and business as well.

The policy-making body of the ILO is its General Conference which meets annually in Geneva. It is to the Conference that nations send their tripartite delegations, and it is during the Conference proceedings that ILO multi-national Conventions and Recommendations are debated and voted upon.<sup>18</sup> Conventions, once ratified by member states, have the force of treaties,<sup>19</sup> while

<sup>12</sup>ILO Declaration, *supra* note 1, Part II(a).

<sup>13</sup>C.W. Jenks, *The Declaration of Philadelphia after Twenty-five Years*, address before Conference on Human Rights, Temple University (May 8, 1969), *noted in* ALCOCK, *supra* note 2, at 185 n.1.

<sup>14</sup>Van Panhuys, *et al.*, *supra* note 1, at 350.

<sup>15</sup>Some proposals were put forward, however, which would have revised the tripartite structure of the ILO when incorporated into the U.N. See 27 INTERNATIONAL LABOUR CONFERENCE PROCEEDINGS 141-44, 448 (1945). In the end, the ILO system was left unaltered. 29 INTERNATIONAL LABOUR CONFERENCE PROCEEDINGS 257 (1946) [hereinafter cited as INT'L LAB. CONF. PROC.]. The ILO's formal relationship agreement with the UN entered into force on December 14, 1946. 1 U.N.T.S. 186 (1946).

<sup>16</sup>INT'L LAB. ORG. CONST., art. 3, para. 1.

<sup>17</sup>*Id.*, art. 4, para. 1.

<sup>18</sup>*Id.*, art. 19.

<sup>19</sup>Ratification of an ILO Convention is not liable to reservations. [1951] I.C.J. at 216 (advisory opinion).

Recommendations in effect are merely nonbinding guidelines suggested for national governmental action.<sup>20</sup> The Conference also adopts the ILO's yearly agenda and sets the budget.<sup>21</sup>

The executive branch of the ILO is the Governing Body. It too is tripartite<sup>22</sup> and is elected triannually by the Conference. The Governing Body's primary functions are to stipulate the agenda for the General Conference and to direct the activities of the International Labour Office; pursuant to these responsibilities, it usually meets four times a year.

The administrative arm of the ILO, the International Labour Office, is overseen by a Director-General who is appointed by the Governing Body.<sup>23</sup> The International Labour Office is managed by a permanent professional staff in the Geneva headquarters, and is charged with preparing official reports and background materials for Conventions; collecting and disseminating information on subjects related to industrial life and labor; and conducting special research and publishing the findings.<sup>24</sup> The work of the Office and of the Governing Body is facilitated by tripartite committees and special panels of experts which are convened to study a broad spectrum of issues, ranging from vocational training and occupational health to particular problems of women workers and child labor.<sup>25</sup>

To recapitulate, the functional structure of the ILO is comprised of its General Conference, Governing Body, and International Labour Office. Even so, the essential operation of the ILO as an organizational entity, as well as the determination of its espoused policies, still devolves to those decisions formulated and agreed upon at the ILO Annual Conference gathering in Geneva. Not unexpectedly, therefore, it was in this forum that U.S. disenchantment with the ILO first was piqued and ultimately culminated in the act to withdraw. We now turn to an examination of the basic reasons that precipitated this course of events—the emergence in the ILO of a Soviet-Arab-African voting bloc majority and the concomitant growth of resentment within the United States for the problematic politics of international labor.

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<sup>20</sup>INT'L LAB. ORG. CONST., art. 19, para. 6(b).

<sup>21</sup>*Id.*, art. 16.

<sup>22</sup>*Id.*, art. 7, para. 1. The Governing Body is comprised of 28 governmental members, 14 worker members, and 14 employer members. At least ten of the governmental seats are allotted on a permanent basis to delegates from what are deemed the ten major industrial powers, viz.: Canada, China, France, India, Italy, Japan, Soviet Union, United Kingdom, United States, and West Germany. See INT'L LAB. OFFICE, *THE ILO AND THE WORLD OF WORK 5-8* (1977).

<sup>23</sup>*Id.*, art. 8.

<sup>24</sup>*Id.*, art. 10, para. 2.

<sup>25</sup>Int'l Lab. Office, *ILO Fact Sheet*, July 11, 1977, at 4-5.

### III. The Problematic Politics of International Labor

#### A. Prelude to U.S. Withdrawal

In spite of the ILO's supposed apolitical character, the organization scarcely has been immune from politics during its sixty-year existence. As early as 1922, serious political controversies in the ILO arose over trade unions and labor conditions in fascist Italy,<sup>26</sup> and these polemics persisted throughout that decade.<sup>27</sup> In 1934, when the Soviet Union entered the League and automatically became entitled to ILO membership, political problems again were created over the appropriate status for Soviet employers. That is, since there were no private employers—and hence no employer organizations—in the Soviet Union, how could the tripartite composition of the Conference be preserved with Soviet membership? Though debated in 1936<sup>28</sup> and also in 1937,<sup>29</sup> this dilemma escaped resolution as the Soviet Union was expelled from the League in 1939 because of its war with Finland.<sup>30</sup> The question of Soviet representation, nevertheless, was resuscitated in 1954 with the USSR's readmission into the ILO,<sup>31</sup> and it has persisted since then as a thorny political issue in the eyes of Western delegates.<sup>32</sup>

For the United States, antagonism towards the politics of international labor first became particularly acute in 1970. At that time, a Soviet national was nominated, without any U.S. consultation, to the position of Assistant Director-General of the ILO—an act interpreted by the AFL-CIO to be a blatant political affront to the United States. The U.S. congressional response was to eliminate funding for the ILO from the Fiscal Year 1971 appropriations covering Calendar Year 1970.<sup>33</sup> Importantly, George Meany, president of the AFL-CIO (and coincidentally U.S. Labor Representative to the ILO), was

<sup>26</sup>4 INT'L LAB. CONF. PROC. 63,102 (1922).

<sup>27</sup>The genesis of Italy's political difficulties for the ILO during this period lies in the fascist theory of labor; i.e., the nation was the supreme object of allegiance, and worker-employer interests had to be made subordinate in order to ensure the fullest development of national power. See ALCOCK, *supra* note 2, at 67-80 and LANDELIUS, *supra* note 2, at 277-82.

<sup>28</sup>78 GOVERNING BODY MINUTES 160-63 (1937).

<sup>29</sup>23 INT'L LAB. CONF. PROC. 468-69, 550-54 (1937).

<sup>30</sup>When the Soviet Union on Dec. 14, 1939, ceased to be a Member of the League, it concomitantly ceased to enjoy automatic membership in the ILO. The Governing Body hence voted to restrict the USSR's voting privileges, and in rejoinder, the USSR permitted its membership to lapse, though no formal notification of Soviet withdrawal was ever indicated. ALCOCK, *supra* note 2, at 157.

<sup>31</sup>See 37 INT'L LAB. CONF. PROC. 68-82, 320-56, 426-43 (1954) and LANDELIUS, *supra* note 2, at 360-437.

<sup>32</sup>See notes 49 and 50 *infra*.

<sup>33</sup>See generally *Additional Testimony on the International Labour Organization, before the Subcomm. on the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies of the House Comm. on Appropriations*, 91st Cong., 22d Sess. (1970); Schwebel, *The United States Assaults the International Labour Organization*, 65 AM. J. INT'L L. 136 (1971); and de Vries Reilingh, *International Labour Organization; The U.S. Decision to Cut Financial Contribution*, 2 NETH. Y.B. INT'L L. 91-97 (1971).

adamant in then urging American withdrawal from the ILO, though to no avail.

If there were any political straws that broke the back of U.S. willingness to participate in the ILO forum, they became manifest in 1975. During the Annual Conference in June of that year, the Palestinian Liberation Organization (PLO) was granted limited observer status following defeat of a U.S.-sponsored resolution which would have required that any liberation movement seeking observer status had to accede to the right of all ILO members (which included Israel) to exist.<sup>34</sup> Consequently, when the PLO representative was recognized by the chair to speak, the U.S. delegation walked out of the Conference in protest.<sup>35</sup> Official reaction in the United States was likewise swift and abrupt: Congress deleted ILO funding for the remainder of Calendar Year 1975 and all of 1976—a sum of \$22.3 million<sup>36</sup>—and the Department of State shortly thereafter initiated serious consideration about the possibility for U.S. withdrawal.<sup>37</sup>

### B. *The Rationale for U.S. Withdrawal*

On November 5, 1975, Secretary of State Henry Kissinger gave to ILO Director-General Francis Blanchard formal notice of the U.S. intent to quit the ILO after the mandatory waiting period of two years.<sup>38</sup> In his letter of intent to withdraw, Secretary Kissinger neither made mention of the PLO incident, nor did he give any specific reasons explicating the U.S. decision. Instead, he indicated that four areas of fundamental concern had arisen about the U.S. relationship with the ILO:

1. The erosion of tripartite representation;
2. Selective concern for human rights;
3. Disregard of due process; and
4. The increasing politicization of the organization.<sup>39</sup>

The first matter, erosion of tripartite representation, refers to the controversial membership status of Communist and some Third World countries which do not elect independent worker and employer representatives, but are

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<sup>34</sup>The vote to admit the PLO delegation was 246 in favor, 35 against, with 66 abstentions. N.Y. Times, June 13, 1975, at 9, col. 1.

<sup>35</sup>*Id.* and 98 MONTHLY LAB. REV. 48 (1975).

<sup>36</sup>For a reaction, see O'Hare, *Of Many Things*, 137 AMERICA NOV. 12, 1977, at inside front cover.

<sup>37</sup>See N.Y. Times, Nov. 3, 1975, at 96, col. 1.

<sup>38</sup>United States Letter Containing Notice of Withdrawal from the International Labour Organization, U.N. Doc. A/C.5/ 1704, Annex, at 1-3, *reprinted in* 14 INT'L LEGAL MATS. 1582-84 (1975).

<sup>39</sup>*Id.*, at 1583. For an insightful treatment of the legal and historical foundations of these four areas of concern, see Alford, *The Prospective Withdrawal of the United States from the International Labor Organization: Rationales and Implications*, 17 HARV. INT'L L.J. 623 (1976).

nonetheless permitted to have nationals participate in formulating policy and expenditure decisions for the ILO. Such a situation ostensibly flies directly in the face of an organization devoted to promoting free associations for both workers and employers.<sup>40</sup>

The second area, selective concern for human rights, pertains to a number of ILO Conference actions which, according to Secretary Kissinger, had demonstrated an "appallingly selective concern in applying the Conventions on Freedom of Association and Forced Labor."<sup>41</sup> The ILO Conference, in spite of detailed reports by the Conference Committee on the Application of Conventions and Recommendations,<sup>42</sup> has seen fit since 1973 to ignore critical citations about human rights violations in communist countries and members of the Group of 77 coalition. Instead, the Conference tended to focus denunciation on violations purportedly committed by only a few pro-Western nations, specifically, Israel, Portugal, Spain, and Chile.<sup>43</sup> Such a convenient "oversight" practice has served to neutralize the credibility of the ILO and to dilute whatever moral authority it might possess for bringing pressure on nations accused of violating the International Labor Code. In short, this political shift in majority power distribution in the ILO Conference apparently is undercutting the moral suasion of the entire organization.

Secretary Kissinger's third concern, disregard of due process, is related to the ILO's fact-finding and conciliation norms for dealing with alleged violations of basic human rights by member states. Though these procedures are long-standing and internationally respected, within the past five years they have been increasingly ignored or bypassed in order to score rhetorical victories against certain political targets. One of the most egregious abuses of these procedural norms occurred in 1975, when the ILO Conference condemned Israel for its treatment of Arab workers in the occupied territories,<sup>44</sup> an act effected without first having conducted the required investigation by the ILO Committee of Experts on the Application of Standards.<sup>45</sup>

The last problem area mentioned by Secretary Kissinger, that of politicization, underscores the growing tendency of the ILO to involve itself in debating politically sensitive issues outside the ambit of its mandated purpose (*viz.*, to foster social welfare improvements for workers everywhere). Admittedly,

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<sup>40</sup>*Why the U.S. Plans to Quit the UN's Labor Arm*, 65 NATION'S BUSINESS, Oct. 1977, at 29. Also see generally Amon., *International Labor in Crisis*, 49 FOREIGN AFFAIRS 519 (1971) and G. JOHNSTON, *THE INTERNATIONAL LABOUR ORGANIZATION* 27-28 (1970).

<sup>41</sup>U.S. Letter of Withdrawal, *supra* note 38, at 1583.

<sup>42</sup>*Compare* 56 INT'L LABOR CONF. PROC. 593 (1971) and *id.*, at 173, 266, 500; 58 INT'L LAB. CONF. PROC. 539 (1973) and *id.*, at 319-21, 376, 428-29; and 59 INT'L LAB. CONF. PROC. 729-40, 746-82 (1974) and *id.*, at 414-27, 467-78, 703-14.

<sup>43</sup>*Id.*

<sup>44</sup>58 INT'L LAB. CONF. PROC. 729-49 (1973).

<sup>45</sup>See the discussion in Alford, *supra* note 39, at 628-31.



many of the ILO's undertakings are inherently political, especially its responsibility to promote and to protect fundamental human rights, particularly those involving freedom of association, trade union rights, and the abolition of forced labor. Nevertheless, when the ILO considers international political issues that impinge upon diplomatic relations between states, not only is it diverting attention away from mandated labor tasks, but also it is fomenting intraorganizational conflicts which further serve to impede progress in meeting those tasks. Thus, as inferred from the U.S. letter of intent to withdraw from the ILO, insistent use of the Conference and its committees as conduits for politicizing sensitive issues such as the Vietnam War, Portugese colonialism, or the Middle East situation very likely appear to be having deleterious repercussions upon the ILO membership's time and constructive energies.<sup>46</sup>

In retrospect, it is noteworthy that Secretary Kissinger emphasized in his letter that the United States did not desire to leave the ILO because "American relations with the ILO are older, and perhaps deeper, than with any other international organization."<sup>47</sup> Moreover, the day after deposit of the U.S. notice with Director-General Blanchard, a Cabinet-level committee was designated by President Ford as a formal mechanism for evaluating the prospects for continued U.S. participation in the ILO after the two-year waiting period had expired.<sup>48</sup>

### C. *The Politics of U.S. Withdrawal*

That both American labor and management approved of the U.S. decision to leave the ILO hardly came as a surprise. AFL-CIO disenchantment with the ILO had been evidenced long before the latest Conference actions. Since the Soviet Union's readmission in 1954, U.S. labor delegates had vehemently asserted that a basic incompatibility existed between Communist states in the ILO and the representative system of tripartism.<sup>49</sup> Furthermore, as greater numbers of East European and Third World nations joined the ILO in the 1950s and 1960s, the organization was compelled to accommodate itself to nationalistic political ideas and economic structures dissimilar from those of the ILO's Western founders. Consequently, in recent years, the AFL-CIO

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<sup>46</sup>For Conference discussions relating respectively to these highly politicized subjects, see 52 INT'L LAB. CONF. PROC. 281-83 (1968); 59 INT'L LAB. CONF. PROC. 11-12 (1974); and *id.*, at 414-27.

<sup>47</sup>U.S. Letter of Withdrawal, *supra* note 38, at 1582. Continuing, Kissinger averred that the U.S. enjoyed with the ILO "a very special relationship, such that only extraordinary developments could have ever brought us to this point." *Id.*

<sup>48</sup>Raskin, *Report on Worker Freedom—and Role of U.S. in ILO*, N.Y. Times, June 1, 1977, IV, at 5, col. 2. See note 69 *infra*.

<sup>49</sup>See Holland and Henriot, *A New Challenge for World Labor*, 137 AMERICA, Oct. 8, 1977, at 210-12.

especially became offended at what it perceived to be an increasing trend toward preoccupation with ideological diatribe within the ILO.<sup>30</sup>

Interestingly enough, the U.S. Chamber of Commerce also strongly endorsed the U.S. intention of disassociating itself from the ILO. One particular point which the Chamber of Commerce found objectionable was the dearth of independence permitted in many national delegations. As Charles H. Smith, Chamber President and former employer delegate to the ILO, so tersely stated, "When governmental representatives are allowed to participate in the meetings and conferences of the ILO as representatives of either workers or employers, it destroys the tripartite relationship that makes this organization unique among international organizations."<sup>31</sup>

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<sup>30</sup>Lewin, *U.S. Urged to Cut ILO Tie*, JOURNAL OF COMMERCE, Sept. 16, 1977, at 28. The frustration engendered for U.S. labor delegates in the ILO is clearly revealed in a caustic comment made by AFL-CIO President George Meany:

Now, I have had to sit in plenary sessions with the ILO where they discuss the Director General's report. They discussed it for three weeks; three or four speakers in the afternoon. And we kept a score sheet of it and speaker after speaker did not address themselves to the Director General's report. Oh, yes, we'd have an opening paragraph in which we say we compliment the Director General on the wonderful report. Then they would launch an attack on the United States of America, speaker after speaker. This went on year after year. Now, the work that the ILO did in the early years is gone and it's not doing that type of work now. They're not doing the things for the peasants, for the little people of the world that they're set up to do.

U.S. Dept. of Labor, *Press Conference of George Meany, John G. Dunlop and Charles H. Smith*, Jr. Nov. 6, 1975, at 21-22.

Important to note also was that the admission of representatives of the PLO as observers to the June 1975 ILO Conference triggered on October 3, 1975 a resolution at the AFL-CIO national convention of continued U.S. membership in the ILO. See generally Cox, *Labor and Hegemony*, 31 INT'L ORGANIZATIONS 385 (1977).

Opined President Meany on the issue of PLO participation,

Now, of course, the last straw and of course, its's certainly not unimportant, was the admission of an organization to the ILO where they have no territory. They have no mandate from anybody. If they can document at all they just say that they represent \_\_\_\_ I think they represent a lot of murderers and I think the record is quite clear or that \_\_\_\_ and we had to sit there and have these people admitted to the ILO. The only right they don't have in the ILO is the right to vote. They have a right to participate in all of the work of the ILO. So this was the last straw.

Lewin, at 28. Lane Kirkland, AFL-CIO Secretary Treasurer, embellished Meany's observations with a more substantive assertion:

The constituents of the AFL-CIO and indeed the American public will not tolerate the ILO as an instrument controlled by totalitarian forces for their own political interests. Unless the democratic members of the ILO make a serious joint effort to reverse its political degeneration, the organization will become just another organ of anti-democratic ideological warfare.

Raskin, *supra* note 48, at 5. See also Koepfel, *Meany and Business vs. The ILO: Will We Pick Up Our Marbles?*, 225 NATION, Oct. 29, 1977, at 429-31.

<sup>31</sup>U.S. Chamber Supports Government's Decision to File Notice of Withdrawal from the ILO, U.S. Chamber of Commerce News, Nov. 6, 1975, at 1. While agreeing with the basic principles of the ILO, Mr. Smith went on to posit that the U.S. business community has been highly dissatisfied with "the willingness of a growing number of member states to use the Conference [of the ILO] to pursue political objectives, diverting the organization from the responsibilities spelled out in its constitution and diverting the attention of participants from the technical work that could serve a vital and useful purpose." *Id.* On an earlier occasion, Mr. Smith had expressed his concern that ILO technical programs have become of slight import and were "hardly visible." He concluded: "[It] is my opinion that the net accomplishment of the ILO in terms of total U.S. interests are, at best, neutral." Kirkland, *A Time of Testing at the ILO*, 83 AFL-CIO AMERICAN FEDERATIONIST, Aug. 1976, at 13.

Yet, not all American trade unions and not all AFL-CIO affiliated international unions favored departure from the ILO. In organized labor, both the President of the International Association of Machinists, William W. Winpisinger, and United Auto Workers President Douglas Fraser advocated continued participation.<sup>32</sup> Moreover, at least thirty foreign governments and several prominent persons (including Pope Paul VI) lobbied expressly to persuade the United States to redirect its avowed course of withdrawal.<sup>33</sup>

The principal argument leveled against U.S. disassociation from the ILO was that such action inevitably would inhibit the ability of the United States to win concessions on the very political issues it considered paramount. David A. Morse, former Director-General of the ILO from 1948-1970, argued cogently for the United States to stay affiliated with the ILO. Said he:

From the standpoint of promoting U.S. foreign policy, continued U.S. participation in the ILO is of first importance. We have a historical commitment to uphold. The United States has been the key proponent of world order through international cooperation. If we now go it alone we reverse and contradict ourselves and leave our friends and allies behind. At a recent regional ILO conference in Abidjan, employer delegates from 18 African countries urged the U.S. Chamber of Commerce to remain in the ILO so that it would continue to "extend its invaluable assistance to free enterprise." Our responsibility as well as our good sense dictates the necessity of continuing our membership in the ILO.<sup>34</sup>

As indicated in Secretary Kissinger's letter, the two-year period prior to U.S. withdrawal purportedly would allow for continued U.S. activities in the ILO, with the hopeful expectation that reproachable conditions in the organization might be ameliorated by late 1977, thereby enabling retraction of the

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<sup>32</sup>*The Human Rights Dilemma of Leaving the ILO*, BUSINESS WEEK, Sept. 19, 1977, at 130. In an editorial to the Washington Post, Mr. Winpisinger cogently summed up the pro-ILO viewpoint as follows:

There are those who believe it is best to stay in the U.N. agency and fight for human rights and global economic and social justice. Withdrawal would forfeit the conflict to our adversaries, who would be delighted to see the United States abandon friends, allied nations and pivotal third world countries, too.

Winpisinger, *Correspondence*, Washington Post, Oct. 22, 1977 at col.

<sup>33</sup>For representative discussions on efforts made to dissuade the United States from leaving the ILO, see Radcliffe, *A "Liberated Lunch for Mrs. Schmidt"*, Washington Post, July 14, 1977, at B 10, col. 1 and Raskin, *Pressures by Diplomats to Keep U.S. in ILO*, N.Y. Times Aug. 10, 1977, IV, at 1, col. 3.

<sup>34</sup>Morse, *Correspondence*, Washington Post, Oct. 22, 1977, at A 18, Col. 1. In a statement released by the National Catholic News Service, Msgr. George C. Higgins maintained that, If we were to [disaffiliate from the ILO] at this time, we would, in effect, be cutting off our nose to spite our face, or, to put it another way, would be playing right into the hands of those member states which are determined to use the ILO for their own political purposes. In the absence of the United States, there would be nothing to prevent them from radically changing the nature and structure of the organization to advance their own interests and, in the process, to hasten the demise of the ILO.

Higgins, *U.S. Withdrawal from the ILO Would Encourage Political Manipulation*, National Catholic Features, Sept. 12, 1977, at 1.

withdrawal notice.<sup>55</sup> It should be realized in this regard that some achievements were evidenced in a series of related developments.

First, the annual meetings of the ILO and the World Employment Conference in June 1976 proved to be less disruptive than those of the previous year, though selective political maneuverings were still highly visible.<sup>56</sup> Furthermore, the World Employment Conference Guidelines for Action to Combat Unemployment and Poverty, a proposal sponsored by the United States, passed without amendments, albeit not without antithetical parliamentary attempts by the Group of 77.<sup>57</sup>

Second, in 1976 the ILO Conference successfully adopted a Convention calling for creation by member states of national consultation machinery for strengthening the ILO tripartite structure. Also, the independence of worker delegates was reiterated at the 1977 Conference, at which, incidentally the U.S. worker delegate, Irving Brown, was selected Vice-President.<sup>58</sup>

Third, the practice of politicizing issues within the ILO apparently became less salient during 1976 and 1977. At none of the international ILO conferences during those years—the two annual Conferences and the concurrent World Employment Conferences—was a resolution concerning Israel, Zionism, or the Middle East situation adopted.<sup>59</sup>

During 1977, U.S. efforts at reform in the ILO included soliciting active support from moderate Third World members while at the same time trying to unify more closely the position of the industrialized nations. At a meeting of the ILO Governing Body in late February 1977 (during which the budget and agenda for the 1977 International Labor Conference were set), the United States won important political coups concerning due process within the ILO. For American observers, this meeting was interpreted as positive encouragement. The 1974 Labor Conference resolution censuring Israel and calling for an investigation of alleged Israeli discrimination against Arabs in the occupied territories<sup>60</sup> was stricken at the request of the ILO Director General.<sup>61</sup> In addition a recommendation was passed which permitted the ILO's procedural rules

<sup>55</sup>See U.S. Letter of Withdrawal, *supra* note 38, at 1582.

<sup>56</sup>For example, the PLO was admitted as an observer to the World Employment Conference when the Governing Body of the ILO, under intense pressure from the League of Arab States, the Organization of African Unity, and the Soviet bloc, reversed an earlier decision. The original vote in May 1977 was 24-23, with 4 abstentions; the reversal vote in June was 31-23, with 1 abstention. *N.Y. Times*, June 5, 1977, at 1, col. 4. For further elaboration on this development, see *id.*, May 9, 1977, IV, at 14, col. 5; *id.*, May 30, 1977, at 5, col. 1; *id.*, June 3, 1977, at 11, col. 1; and *id.*, June 17, at 49, col. 6.

<sup>57</sup>Bradsher, *U.S. vs. ILO: Showdown Time in a Long, Bitter Feud*, *Washington Star*, Oct. 20, 1977, at D-13, col. 1.

<sup>58</sup>*Id.*

<sup>59</sup>*But see supra*, note 56 and text *infra*, at note 66.

<sup>60</sup>See text at notes 42-45, *supra*. Procedurally, such a condemnation should follow the investigation, not precede it. See INT'L LAB. ORGAN. CONST., arts. 24, 26, and 28.

<sup>61</sup>*N.Y. Times*, June 21, 1977, at 9, col. 5.

to be modified such that an independent body of experts would be charged with screening out resolutions deemed motivated principally for political reasons. Importantly, the proviso specifically precluded condemnation of member states without first following the procedures outlined in the ILO Constitution for hearing and investigating allegations of possible violations.<sup>62</sup>

Notwithstanding these optimistic developments, events three months later at the 1977 Annual Conference undercut them and in fact engendered even more serious doubts concerning the propriety of continued U.S. participation in the ILO. First, a quorum rule was wielded by a coalition of developing and Soviet bloc countries to postpone indefinitely implementing the Governing Body's decision to activate the designated group of experts for ferreting out politically inspired resolutions.<sup>63</sup> Second, a similar parliamentary tactic was employed—with vocal Soviet support—to forestall adoption of an ILO committee report which had criticized eight particular states<sup>64</sup> for their failure to meet ILO labor standards.<sup>65</sup> Third, abstention in voting was used as a device for obviating the Governing Body's recommendation that the ILO should terminate its ad hoc investigation into alleged Israeli mistreatment of Arab laborers in occupied territories.<sup>66</sup> As an upshot, assessment as to whether events at the 1977 ILO Conference proceedings represented a worsening of those conditions deplored in the U.S. letter, or a continuation of past trends, or an indication that the Soviet bloc-developing countries' coalition was in fact deteriorating remained unclear and open to conjecture.<sup>67</sup>

On November 1, President Carter issued a three-sentence statement declaring that because corrective measures had not yet been taken by the ILO to restore commitment to its original mandated purposes, he was directing that the United States terminate its membership in the ILO.<sup>68</sup> U.S. withdrawal, the

<sup>62</sup>*But see id.*, June 1, 1977, IV, at 5, col. 2.

<sup>63</sup>The vote was 134 in favor, 2 against, 219 abstaining, with the required quorum being 227. According to Phil Baum, Associate Executive Director of the American Jewish Congress, ". . . the June plenum roundly rejected this proposal in a debate punctuated by hooting, hollering and table pounding—apparently what now passes for rational discourse in the ILO." Baum, *Correspondence*, N.Y. Times, Aug. 27, 1977, at 20, col. 1.

<sup>64</sup>The states cited included Argentina, Bolivia, Chile, Czechoslovakia, Ethiopia, Liberia, Uganda, and the USSR.

<sup>65</sup>The report had been prepared by an independent group of political jurists and was submitted to the Annual Conference by the ILO's Committee on the Application of Conventions and Recommendations. The vote for adoption was 135 in favor, 0 against, and 197 abstentions. With a required quorum of 227, the vote was thereby rendered nugatory. See Legum, *Why Carter May "Sack" the ILO*, Observer (London), July 17, 1977, at 5.

<sup>66</sup>*Id.*

<sup>67</sup>See, e.g., Kirkland, *A Time of Testing for the ILO*, 83 AFL-CIO AMERICAN FEDERATIONIST, Aug. 1976, at 11-15 and *Why the U.S. Plans to Quit the UN's Labor Arm*, *supra* note 40, at 28-33.

<sup>68</sup>Statement by the President, *supra* note 3. Also see Briefing by F. Ray Marshall, White House Press Release, Nov. 1, 1977, reprinted in 16 INT'L LEGAL MATS. 1561-68 (1977). The reaction by ILO Director-General Blanchard was predictable. In a public statement, he lamented that

I regret this decision, and I am sure it is a matter of regret for the many Member States which

ramifications of which had been discussed earlier in October by the ad hoc Cabinet-level committee, was effectuated on November 5, 1977.<sup>69</sup>

It is fair to infer from reported accounts that President Carter's decision for withdrawal was intimately linked to the perceived influential role of George Meany in domestic politics. Mr. Meany, though cool to the President at the outset of his term, did activate the AFL-CIO's lobbying apparatus throughout 1977 in order to marshal support for both the troubled energy bill and Panama Canal treaties. As a result, President Carter could ill afford to jeopardize his political rapport with Mr. Meany; to do so might precipitate immediate defeat for these important legislative priorities. Thus, U.S. membership in the ILO seemingly was compromised in order to sustain a healthy political alliance with domestic labor in general and Mr. Meany in particular.

Moreover, there is every likelihood that even if the President had opted for continued U.S. presence in the ILO, Congress would have nevertheless blocked the \$20 million U.S. annual contribution for 1978-1979 to that organization—an act which not only would have been politically popular with the AFL-CIO, but also with the Chamber of Commerce and many pro-Israeli supporters.<sup>70</sup> Consequently, irrespective of President Carter's personal wishes, the tide of domestic political sentiments gravitated heavily in favor of U.S.

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urged the United States to continue its participation in the ILO. Its departure will deprive the world community gathered together in our Organization to improve the condition of all workers—particularly the poorest among them—of the support of a great country whose people and leaders have always been committed to the progress of humanity and the defence of freedom.

Declaration of Mr. Francis Blanchard, ILO Press Release, Nov. 1, 1977, reprinted in 16 INT'L LEGAL MATS. 1568 (1977). Also of interest to note was the observation of irony made by Michel Tatu of *Le Monde*:

Oddly enough, Mr. Carter's decision to leave the ILO was announced on the very day when the President in a message to Congress on UN activities assured the world organization of his "full support" regardless of the fact that "its activity concerning human rights was disappointing" in 1976 . . . Mr. Carter seems to have been prompted by consideration of domestic politics.

U.S. Dept. of State, *Television and Radio News: The U.S. and the International Labor Organization*, From Today's Paris Press, Radio, TV, Nov. 3, 1977, at 1.

<sup>69</sup>On Aug. 16, 1977, the Cabinet-level committee had met to determine what course of action should be recommended to the President vis-à-vis the letter of intent to withdraw. At that time Secretary of Labor Marshall and Secretary of Commerce Kreps were firmly in favor of leaving the ILO; however, Security Adviser Zbigniew Brzezinski wanted to postpone withdrawal in order to allow more time for winning concessions favorable to the U.S. position. No recommendation, therefore, was made at that time to the President. \_\_\_\_\_, *Cabinet Panel Stands by Decision to Quit the ILO*, Washington Post, Aug. 18, 1977, at A5 col. 5.

The Cabinet-level committee reconvened on October 12, and, in essence, produced two recommendations for the President: (1) U.S. withdrawal from the ILO (submitted by Secretary Marshall and supported by George Meany and Charles H. Smith); and (2) renewal of U.S. membership in the ILO for one year (submitted by Secretary Vance and Mr. Brzezinski). Though the latter position was initially believed to be an abbreviation of ILO procedures, ILO parliamentarians approved the legality of its submission on grounds of urgency. Reportedly, Secretary Kreps had shifted her position to one of neutrality. Raskin, *Question of Leaving UN's Labor Group Divides U.S. Cabinet*, N.Y. Times, Oct. 17, 1977, at 56, col. 1.

<sup>70</sup>Raskin, *supra* note 3 and Bradsher, *supra* note 57, at A-1.

withdrawal. For all intents and purposes, then, his decision had been rendered a *fait accompli* by the implicit political power of U.S. labor and the explicit recalcitrance of the Soviet bloc-Afro-Asian coalition in the ILO.

#### IV. The U.S.-ILO Balance Sheet

The U.S. letter of withdrawal is undeniably a carefully contemplated bill of particulars which contains serious allegations about the political motives and parliamentary behavior of many ILO members. Nevertheless, the cardinal question remains whether these allegations, to whatever extent they are valid, constitute appropriate indicies of the value of continued U.S. association in the ILO. Though the historical record on each of these conditions admittedly has been important, it does not seem necessarily sufficient as the primary criterion for evaluating all benefits of future U.S. involvement in a world labor body. To be sure, the relevance of the ILO's contributions to the United States and the international community, the impact of U.S. withdrawal from the ILO, and the now-legitimized anxiety of possible U.S. departure from other multilateral institutions are all vital factors that must be considered in the balance sheet.

##### A. *The Unaltered Utility of the ILO*

Even absent U.S. membership, the ILO's usefulness to the world community remains fundamentally intact. In this regard, the ILO is one of only a few international institutions possessing a mechanism for promoting better human rights conditions within nations.<sup>71</sup> In sum, the ILO since its inception has promulgated 149 Conventions concerning, *inter alia*, wages, working conditions, migration, and discriminatory employment behavior.<sup>72</sup> Moreover, the ILO continues to be instrumental in providing technical assistance to nations in a multiplicity of fields, e.g., labor relations, vocational training, managerial development, worker education, forecasting manpower and occupational safety and health.<sup>73</sup>

Though of little direct economic benefit to either American labor or business,<sup>74</sup> the ILO still holds ample potential for securing greater equality in

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<sup>71</sup>In 1976, for example, as a result of pressure exerted by the ILO, at least 45 countries amended some 80 pieces of national legislation to foster compliance with ILO standards; the year before, 94 acts of legislation were changed by 55 national governments. *Human Rights Dilemma of Leaving the ILO*, *supra* note 52, at 131.

<sup>72</sup>For the texts of these conventions, see INT'L LAB. CONF., CONVENTIONS AND RECOMMENDATIONS: 1919-1966 (1966) and INT'L LAB. OFFICE, *supra* note 22.

<sup>73</sup>See generally ALCOCK, *supra* note 2, at 338-64; INT'L LAB. OFFICE, *supra* note 22; JOHNSTON, *supra* note 40; and Stoermann, *ILO Activities in the Field of Multinational Enterprises*, 10 J. INT'L LAW OF ECONOMICS 347-53 (1975).

<sup>74</sup>Withdrawal from the ILO did not have much effect on U.S. labor standards. Of the 149 Conventions, the U.S. is party to only seven because the others are considered to lie within the legal

labor conditions internationally. Labor Secretary Marshall recently suggested, for instance, that a possible long-term solution to the loss of U.S. jobs due to import competition might include establishment of a worldwide minimum wage.<sup>75</sup> Certainly, the ILO would be a useful forum within which to consider such a measure.

### B. *Implications of U.S. Withdrawal*

A second facet underpinning the benefit of participation by the United States in the ILO was the politico-economic impact U.S. disqualification would have upon the ILO itself. As repeatedly stressed to U.S. diplomats in 1976 and 1977, loss of U.S. leadership in that body likely would aggravate the four "areas of fundamental concern" which Secretary Kissinger cited in his letter of intent to withdraw.<sup>76</sup> Consequently, the ILO's credibility and effectiveness could be further impugned. Also, not to be overlooked is a real possibility that the political vacuum created by U.S. withdrawal might be filled in the near term by the Soviet Union, presumably a boon to the less developed socialist countries, but surely a detriment to the remaining free economies.<sup>77</sup>

The financial repercussions of U.S. nonparticipation in the ILO are more clear. In 1977, the U.S. paid in \$20 million as its contribution to the ILO—a sum equivalent to 25 percent of the total ILO fiscal resources supplied by member nations.<sup>78</sup> Obviously, U.S. withdrawal entails at least that great a dues loss for the ILO in 1978, and this realization was quickly borne out when, on November 16, 1977, Director-General Blanchard cut \$36.6 million from the 1978-1979 ILO program budget.<sup>79</sup> Significant to note, however, is that the U.S. will continue to contribute funds indirectly to ILO activities via the United Nations Development Program (UNDP).<sup>80</sup>

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prerogatives of the state governments under the U.S. federal system. For a full listing of ILO Conventions ratified by the U.S., see JOHNSTON, *supra* note 40, at 332.

<sup>75</sup>*The U.S. and the ILO*, Baltimore Sun, Oct. 14, 1977, at A18, col. 1.

<sup>76</sup>See text at notes 39-46 *supra*.

<sup>77</sup>Briefing by F. Ray Marshall, *supra* note 68, at 1563.

<sup>78</sup>Int'l Lab. Office, *ILO Fact Sheet*, July 11, 1977, at 6.

<sup>79</sup>*ILO Body Approves Programme Cuts to Offset United States' Withdrawal*, 14 U.N. MONTHLY CHRON., Dec., 1977, at 53. The United States' contribution of 25 percent would have amounted to \$42.3 million for 1978-1979. The proposed cuts of \$36.6 million equalled 21.7 percent of the \$169 million budget. The deficit 3.3 percent, or \$5.7 million is intended to be made up largely through voluntary contributions from member states. *Id.* Reportedly, savings in ILO expenditures will be facilitated by suspending the *Legislative Series*, integrating headquarters' functions, and reducing the number of ILO staff. See Int'l Lab. Office, *Further Proposed Cuts in ILO Programs Bring Total Staff Reduction to 230 People*, ILO News, Nov. 14, 1977, at 1-2 and *Employees at ILO Clear Pay Cut to Save 150 Jobs*, Wall St. J., Feb. 22, 1978, at 19, col. 2.

<sup>80</sup>The U.S. currently pays in \$100 million annually to the UNDP. Most of the ILO's technical assistance funds—some \$35 million—come from the UNDP. Briefing by F. Ray Marshall, *supra* note 68, at 1565.



### C. Implied Precedent of U.S. Withdrawal

The final point meriting mention is the possible effect the precedent of U.S. withdrawal from the ILO will have upon other international organizations in which the United States partakes. At the very least, finalizing the decision to leave the ILO highlighted the credibility and political resolve of the Carter Administration. Yet, the U.S. action also intimated to other governments that, when circumstances become unsuitable, the United States will "pick up its marbles and go home," rather than work through regular diplomatic channels to ameliorate the political situation. Such a policy does little towards the furtherance of achieving solutions for international problems, irrespective of whether they pertain to labor conditions, energy programs, or environmental measures.<sup>81</sup>

In this connection, it is true that in recent years the political clout of the United States in international organizations has waned, while its dues assessments to them correspondingly have increased. This uncomfortable paradox has evolved as the product of a world transformed since 1960 by the political process of decolonization. In the words of Edward Lamb, we now have

... a deeply divided world in which more than 100 new and inexperienced countries are trying to cope with economic and social inequities inherited from their past. It is a world in which the economic gap between rich and poor nations, with all its oppressive consequences, continues to widen.<sup>82</sup>

Thus, the continent of Africa alone is able to count forty-nine separate states as members in the ILO—a voting strength equivalent to the ILO's total membership in 1955.<sup>83</sup> Not surprisingly, the rub for the United States is exacerbated even further: on the one hand, at least seventy-two nations within the ILO structure are assessed only the minimum dues payment, i.e., .02 percent of the ILO budget. Together, these so-designated nations account for 1.44 percent of the budget and represent 53 percent of the delegate voting strength. On the other hand, however, the United States (before its departure) and other industrial democracies furnished 68 percent of the funding, but had only 15 percent of the voting strength.<sup>84</sup> Understandably, such a disparate situation wears

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<sup>81</sup>Some evidence exists to support the contention that the United States actually failed to manage effectively its participation in the ILO, a fault primarily attributable to lack of both planning and clear-cut, long-range objectives. See generally U.S. GAO, *Need for U.S. Objectives in the International Labor Organization: Report to the Senate Committee on Governmental Affairs by the Comptroller General*, May 16, 1977; U.S. GAO, *Numerous Improvements Still Needed in Managing U.S. Participation in International Organizations: Report to the Congress by the Comptroller General*, 1974; and U.S. GAO, *U.S. Participation in the International Labor Organization Not Effectively Managed: Report to the Congress by the Comptroller General*, Dec. 22, 1970.

<sup>82</sup>Lamb, *Correspondence*, N.Y. Times, Sept. 18, 1977, IV, at 16, col. 4.

<sup>83</sup>*Why the U.S. Plans to Quit the UN's Labor Arm*, *supra* note 40, at 29.

<sup>84</sup>*Id.*, at 33.

thin the patience of U.S. diplomats and, very likely, it was a crucial factor in aggravating U.S. frustrations in the ILO that eventuated into withdrawal.<sup>45</sup> In any case, the shift to the Third World of voting power in international organizations is a fact of contemporary political life. Though some sort of equitable accommodation surely is necessary,<sup>46</sup> unilateral abandonment hardly seems to be the most expeditious means for bringing it about.

## V. Conclusion

For better or for worse, the United States has withdrawn formally from the ILO. Nonetheless, the importance of the ILO issue rests not so much in that single event as it does as a gauge for pointing up the current realities of international politics. In this respect, some general observations can be posited.

First, recognizing the crucial financial role the United States has been assigned to play in UN specialized agencies, its withdrawal from the ILO has had for other UN members a sobering impact. If the United States quits the very international organization with which it has had the longest formal affiliation, why is there cause to believe it will be less reluctant to withdraw from other highly politicized UN agencies as well? Certainly, that possibility at this time can neither be ignored nor dismissed.

Second, because the United States historically has been the most ardent spokesman and supporter of the tripartism concept, its departure from the ILO makes it all the more probable that international adherence to this pluralistic practice will diminish further. Concurrently, the opportunity ostensibly has been enhanced for introducing additional politically inflammatory matters into the ILO Conference proceedings, at the expense of more pertinent labor-related issues. Consequently, future Annual Conferences might take on the earmarks of vituperative propaganda forums for the majority Soviet bloc-Group of 77 coalition, rather than a standard-setting facility for the betterment of all members.

Third, whatever the espoused attributes of U.S. foreign policy, the developing countries are more likely today to be preoccupied with efforts aimed at articulating their own economic wants and political aspirations. This trend should be expected, given their newly acquired ability in international bodies, such as the ILO, to concentrate on their own perceived developmental needs. Thus, it falls incumbent upon the United States to work more actively in order to convince the poor-nation majority of the sincerity of its policy motivations.

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<sup>45</sup>See Holland & Henriot, *supra* note 49, at 210-11 and notes 50-51 *supra*.

<sup>46</sup>One palliative suggestion in this respect was made by Charles H. Smith, and would involve the ILO's adopting a weighted voting formula which, *inter alia*, would consider such factors as a member's gross national product, geographic size, population, and fiscal contribution to the ILO budget. *Why the U.S. Plans to Quit the UN's Labor Arm*, *supra* note 40, at 31.

In answering this challenge squarely, cooperative participation through other international agencies will be of critical import for U.S. decision makers; to opt contrariwise would be sure to invite contempt and ill will—not only from Third World countries, but also from U.S. allies as well.

Finally, it should be noted that as an international organization, the ILO can only be as effective an instrument for socio-economic progress as its member states want it to be. That is, the ILO will have available only those resources which the nations of the international community—especially the wealthier developed nations—are willing to allocate to it. Admittedly in this regard, without the United States' active presence, adequately financing the ILO's programs has been made more difficult, though certainly not impossible. Hence, the ILO will have to demonstrate to its 135 member states that it is still striving to be an effectual, efficient, and more apolitical agency for alleviating poverty and social injustice. If this objective can be accomplished, perhaps then the United States might find it politically advantageous to rejoin the world labor body. Pursuant to this end, however, time and the mercurial politics of international labor will persist as the ultimate arbiters.

