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THE WHITE HOUSE

WASHINGTON

October 20, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: L. WILLIAM SEIDMAN
FROM: JAMES E. CONNOR *JEC*
SUBJECT: Future Relations with the International
Labor Organization (ILO)

The President reviewed your memorandum of October 11 on the above subject and made the following notation:

"I approve"

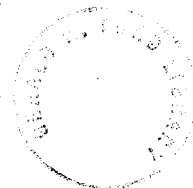
Before submitting your memorandum to the President, it was staffed to Messrs. Buchen and Marsh. Their comments follow and will be useful to you in implementing the President's decision.

Mr. Buchen -- "We also share the reservations of the Department of State, both as to the length of the letter and its specificity regarding the issues of concern to the United States. --- On the technical level, we would point out that the second sentence of the first paragraph of the letter should reflect the fact that the transmittal is being made "pursuant to Article 1, Paragraph 5 of the Constitution of the Organization as amended"

Mr. Marsh -- "I think it is vital that any withdrawal be well explained so this action is not mistaken by American Labor (rank & file) to be an anti-labor act."

Please follow-up with appropriate action.

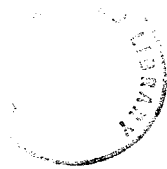
cc: Don Rumsfeld



Jim -

I felt that Seidman
should have Marsh's
comments as well as
Buchen's. OK?

Trudy



THE WHITE HOUSE
WASHINGTON

October 17, 1975

MR PRESIDENT:

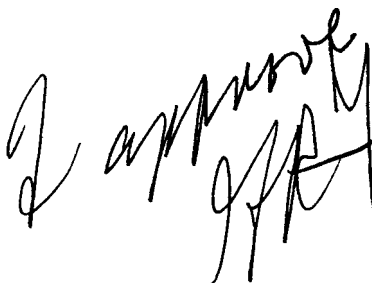
The attached letter was staffed to Phil Buchen and Jack Marsh.

They both agree with the unanimous recommendation of Secretaries Kissinger, Morton and Dunlop but offer some specific comments. Mr. Buchen's comments are at Tab B.

Mr. Marsh comments as follows:

"I think it is vital that any withdrawal be well explained so this action is not mistaken by American Labor (rank & file) to be an anti-labor act."

Jim Connor

A handwritten signature in dark ink, appearing to read "I approve" followed by a stylized signature, likely Jim Connor's. The signature is written in a cursive, somewhat slanted style.

THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

October 11, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: L. WILLIAM SEIDMAN *lws*

SUBJECT: Future Relations with the International Labor
Organization (ILO)

The attached memorandum from Secretary Dunlop summarizes the unanimous recommendation of Secretaries Kissinger, Morton and Dunlop that the U.S. should give a two-year notice of intent to withdraw from the International Labor Organization (ILO).



U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Future Relations with the International Labor Organization (ILO)

After consultation with Secretaries Kissinger and Morton, I am submitting for your information the following considerations concerning our future relations with the ILO.

The ILO was established to specify by conventions international labor standards and to improve working conditions, create employment, and promote human rights. It also carries out technical assistance programs in less developed countries.

The ILO is older than most UN specialized agencies; it was founded in 1919. AFL President Samuel Gompers chaired the Commission which drafted the ILO constitution at the Paris Peace Conference. The United States joined in 1934. We pay 25 percent of the ILO budget, or \$11,000,000 in 1975. The ILO is unique among international agencies in that it is tripartite. The U. S. tripartite Delegation to the annual Conference, which traditionally concerns itself with the development of labor standards, is composed of two delegates from the Government and one each from the AFL-CIO and the Chamber of Commerce of the United States. The two Government delegates normally come from the Department of Labor and Department of State with an alternate from the Department of Commerce. The United States has a Government seat (filled by the Department of Labor) on the tripartite Governing Body, which acts as a board of directors in providing instructions and guidance to the Director General. The U. S. worker delegate from the AFL-CIO, and the U. S. employer delegate from the U. S. Chamber have been elected to three year terms as Worker and Employer members of the Governing Body by their respective groups of the ILO Conference. Government, workers, and employers participate autonomously and vote separately, but the U. S. Government can continue to participate effectively only if U. S. Workers and Employers continue to support the Organization.

When the ILO Conference in June 1975 granted observer status to the Palestine Liberation Organization, the U. S. Workers walked out of the Conference and the Employers, together with the Government Delegation acting on instructions from Secretaries Kissinger and Dunlop, left for the balance of the day. The ILO action on the PLO was the latest event in a trend toward politicizing the ILO, diverting it from substantive work. The annual Conference spends too much time on political issues. Totalitarian states persistently seek to weaken the role of Workers and Employers, and the ILO itself seems indifferent to Communist bloc violations of its Conventions on Freedom of Association and Forced Labor.

The AFL-CIO Executive Council has now called on the U. S. Government to give the constitutionally required two-year notice of intent to withdraw from the ILO. The AFL-CIO Convention subsequently adopted a resolution calling for a reassessment of U. S. membership in the ILO. Until such a notice is transmitted, the AFL-CIO will not support payment of dues to the Organization and has pressured both Houses of Congress to cut off Department of State appropriations for these dues. Joint House Senate Conferees have opted for the House version which suspends payments for the last half of 1975.

An earlier crisis was reached in 1970 when Congress, stimulated in part by the AFL-CIO, cut off ILO dues for two years after the ILO appointed a Russian to a high-level position in the Secretariat. Although the funds cutoff was mildly successful in reducing political attacks, many countries considered that by failure to pay dues we had violated our treaty obligations.

The only means provided in the ILO Constitution to terminate membership is the issuance of a two-year notice of intent to withdraw. Should a notice be issued, the U. S. could press for reforms and, if satisfied, would be able to abort the action at any time within the two-year period.

Issue: In arriving at our unanimous recommendation that the U. S. should give the two-year notice of intent to withdraw, the following advantages and disadvantages were considered.

Advantages:

- The U. S. Government cannot continue effectively to participate if future U. S. Worker and/or Employer participation is in doubt. The AFL-CIO has made it clear that it will not support further dues payments



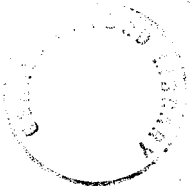
to the ILO until a letter of intent to withdraw is issued. The concerned committees of the U. S. Chamber agree with sending a letter of intent, and the position of the Chamber as to the timing of the letter will be decided by its Executive Committee in late October or early November.

- The interim period will provide an opportunity for labor and management, working with the Government, to develop a vigorous program of activities to reverse the objectionable trends in the ILO, and to ensure the U. S./ILO policy is reviewed continuously at high levels in State, Labor, and Commerce.
- A letter of intent is the only way we can establish a terminal date for US assessments, should we actually withdraw in two years.
- The letter may make the ILO, as well as other UN agencies, more amenable to reforms suggested by the U. S.

Disadvantages:

- U. S. Workers, Employers, and Government have never committed adequate resources for ILO work; a letter of withdrawal could be regarded as premature.
- U. S. influence in support of our main objectives-- such as preserving tripartism and human rights -- may diminish with the prospect of U. S. withdrawal, since the U. S. would in effect be a lame duck. In such circumstances, our adversaries could benefit.
- Some ILO Member States may resent the letter which they may regard as a bluff.
- A letter of intent to withdraw from one UN agency may have a domino effect on Congressional attitudes toward membership in other UN agencies.

Tab A provides a draft of the letter of intent to withdraw developed by the Departments of Labor and Commerce. The Department of State has reservations both as to the length of the letter and its specificity regarding the issues of concern to the United States. We will continue our consultations to resolve these differences within the next two weeks.



1. Congressional Consultations.

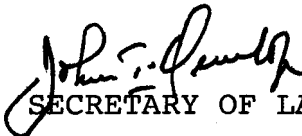
Consultations with appropriate members of the Senate and the House, to inform them in advance of the decision to issue a letter of intent to withdraw and the reasons therefor, will be undertaken by the Departments of State, Commerce and Labor.

2. Timing the letter of intent will be sent before the next session of the ILO Governing Body convenes on November 10. The precise timing will be worked out by the Secretary of State in consultation with the Secretaries of Commerce and Labor.

3. Intensified U. S. Participation.

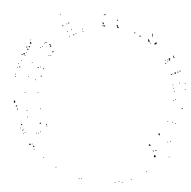
It is imperative to assemble a high level consultative committee to develop an ILO action program. Such a committee would not only deal with the US/ILO policy but would ultimately advise you on withdrawal.

While the committee is being formed, there are a number of actions we can take with existing staff; for example establishing a close consultative network with like-minded member states to arrive at joint positions on issues before the ILO and closer consultation with the ILO Director General and his office.


SECRETARY OF LABOR

Attachment Tab A





The Director General
International Labor Office
Geneva, Switzerland

Dear Mr. Director General:

This letter constitutes notice of the intention of the United States to withdraw from the International Labor Organization in two years. It is transmitted pursuant to Article 1, Paragraph 5 of the Constitution of the Organization. Worker and employer organizations in the United States have been fully consulted.

This action is taken with deep regret. That regret is the more profound in the light of the close association of the United States with significant milestones in the Organization's history and development.

Among these are AFL President Samuel Gompers' Chairmanship of the Commission which drafted the ILO Constitution in 1919; the Declaration of Philadelphia in 1944, which reaffirmed the Organization's fundamental principles and reformulated its aims and objectives to guide its role in the postwar period; the revision of the ILO Constitution in 1945-46 and its affiliation with the United Nations as its first Specialized Agency in 1946; and the provision of greatly expanded technical assistance to Member States during the leadership of an American Director General.

The participation of the United States Government and United States worker and employer organizations in the ILO has reflected this Nation's historical support for the promotion of social justice throughout the world by the improvement of labor conditions and by

the raising of living standards of all workers. This participation has been based on the belief that the goals of social justice can best be attained through the unique tripartite structure embodied in the ILO.

Unfortunately, the work of the International Labor Organization is being diverted from its original aims and objectives, and from its commitment to tripartism, by the increasing politicization of the Organization and a consequent diversion from substantive work; by the erosion of the autonomous role of workers and employers in tripartite representation and decision making processes; by the declining respect in the Organization for those fundamental human rights which are central to the Organization's concerns and responsibilities; and by the growing disregard for the principles of due process in the pursuit of basic human rights.

The International Labor Office and the Member States of the Organization have been aware, at least since 1970, that these trends have reduced the enthusiasm with which the United States has supported the ILO. It is likely, however, that the basis and depth of the growing disenchantment have not been adequately understood or appreciated.

Now that these trends and our resultant concern have reached the point that we have decided it is time to give this two-year notice of intent to withdraw, it is only fair to the other Member States and the International Labor Office that we should include in this notification information on the reasons which have led to our decision.

In this context, the following issues and trends are of particular concern.

1. The Increasing Politicization of the Work of the Organization

In recent years the ILO has become increasingly and excessively involved in issues, reflecting the political ferment among nations, which are beyond the competence of and at times beyond the mandate of the Organization. The ILO does have a legitimate and necessary interest in certain issues which have 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, the abolition of forced labor, and trade union rights. These are central to its concerns.

International politics is not the main business of the ILO. Questions involving political relations between individual Member States and proclamations of economic ideology should be left to the United Nations and other international agencies where their consideration is more relevant to those organizations' responsibilities. Such irrelevant issues divert the attention of the ILO from improving the working, economic, and social conditions of the workers; that is, from questions where the tripartite structure of the ILO gives the Organization a unique advantage over the other, wholly governmental, organizations of the UN family.

2. The Erosion of Tripartite Representation

We are greatly concerned at the acquiescence by many members to the erosion of employer and worker rights (consciously provided for by the ILO Constitution to assure the separate representation of their

interests within the unique structure of the Organization) in favor of a political doctrine which would limit the rights of workers and employers to choose their own representatives.

The erosion of the autonomy of the non-Government Groups has gained strength since the Conference in 1959 adopted procedures under which the authority of the Employer Group, regarding the determination of its representation on tripartite committees of the Conference, was reduced.

A dangerous attack on group autonomy is now taking place in the Working Party on Structure, where a formula for the arithmetic regional distribution of Government seats on the Governing Body has been proposed. This would bring non-governmental representation closer to regional governmental aspirations and objectives, and so splinter employer and worker interests as to effectively remove the influence of the non-Government Groups as such from the ILO.

The United States believes that if this trend continues, the ILO will cease to function as a tripartite organization in which the two non-governmental partners can reflect their separate interests in the development of policies and programs to advance the welfare of workers.

3. The "Double Standard" on Basic Human Rights

The ILO Conference for years has practiced a double standard in the application of the ILO's basic human rights Conventions on Freedom of Association and Forced Labor, condemning the violation of human rights in some Member States but not others. This seriously undermines the credibility of the ILO's support of freedom of association which is so central to its tripartite structure and limits the effectiveness with

which the ILO can promote and uphold the principle of freedom of association among its Member States. It adds credence to the proposition that these human rights indeed are not universally applicable, but are subject to different interpretations for States with different social and economic systems.

4. Disregard of Due Process

The ILO until recent years has had an enviable record of objectivity and due process in its examination of alleged violations by its Member States of basic human rights under the purview of the ILO. The Constitution of the ILO provides for such procedures in respect of representations and complaints that a ratifying Member State is not securing the effective observance of any Convention which it has ratified (Articles 24-34). In addition, the ILO established, in conjunction with the UN, fact-finding and conciliation machinery to examine allegations of violation of trade union rights.

In recent years, however, the ILO Conference increasingly has adopted resolutions condemning individual Member States which are the political target of the moment, in utter disregard of ILO machinery for objective examination and due process.

This trend is accelerating. It gravely damages the ILO and its capacity effectively and seriously to pursue its aims and objectives in the human rights field. It has serious consequences for the ILO and for the whole future of its work relating to human rights.

The United States believes that such changes would further politicize the ILO, but we are not able to assess the degree of that impact

until we have examined provisions adopted in their stead. It is a certainty, however, that the retention of the ten non-elective government seats in exchange for the adoption of a formula for the regional allocation of Governing Body seats would to no degree reduce the adverse consequences as viewed by the United States.

To summarize, the ILO which this Nation has so strongly supported, appears to be losing interest in effectively advancing its basic aims and objectives and to be increasingly used in a way which serves the interests of neither the workers for which the Organization was established, nor of the United States as a Member of the Organization.

If these unfortunate trends continue, if the ILO fails in the next two years to reestablish its fidelity to its original principles, the United States will with great reluctance have no choice but to carry through with the intention enunciated in this letter to withdraw from further participation in the ILO.

Sincerely,

Secretary of State



THE WHITE HOUSE

WASHINGTON

October 15, 1975

MEMORANDUM FOR: JIM CONNOR
THROUGH: PHIL BUCHEN *P.W.B.*
FROM: KEN LAZARUS *KL*
SUBJECT: Seidman's Draft Memo of 10/11/75
re Future Relations with the
International Labor Organization (ILO)

This office has reviewed the subject Memorandum for the President with attachments. We agree with the unanimous recommendation of Secretaries Kissinger, Morton and Dunlop that the United States should give a two-year notice of intent to withdraw from the International Labor Organization. We also share the reservations of the Department of State, both as to the length of the letter and its specificity regarding the issues of concern to the United States.

On the technical level, we would point out that the second sentence of the first paragraph of the letter should reflect the fact that the transmittal is being made "pursuant to Article 1, Paragraph 5 of the Constitution of the Organization as amended".

Attachment

