U.S. ends ILO moratorium by ratifying two conventions

TADD LINSNEMAYER

On May 12, 1988, President Ronald Reagan formally ratified two conventions adopted by the International Labor Organization (ILO) in 1976. The U.S. Senate had given its nearly unanimous consent on February 1.

These two actions broke an undeclared but unyielding moratorium on ratification of ILO standards that had lasted 35 years—a moratorium which ILO advocates, particularly AFL-CIO President Lane Kirkland, argued was eroding American influence in the organization. In Senate hearings, Kirkland, along with former Labor Secretary William E. Brock and Secretary of State George P. Shultz, noted that the United States was the target of increasingly sharp criticism not only from Communist countries, but from U.S. allies as well, for failing to ratify ILO standards.

Ratification of the two new conventions still leaves the U.S. ratification record—9 ratifications out of more than 160 ILO standards—far behind most other ILO members. The U.S. action nevertheless is historic. (See exhibit 1.) Not only is this the first American ratification of ILO standards since 1953, but one of the conventions is the first nonmaritime ILO standard ever ratified by the United States.

Prior to the ratification of the new standards, all but one of the U.S. ratifications involved ILO maritime standards (the remaining ratification is a purely procedural agreement transferring the ILO from the old League of Nations to the United Nations). One of the two new ratifications is similarly in the maritime field. Approved by a Senate vote of 84 to 0, Convention No. 147 (Minimum Standards in Merchant Ships) requires ratifying countries to ensure effective safety and health condi-

Tadd Linsnemayer is director, Office of Foreign Relations, Bureau of International Labor Affairs, U.S. Department of Labor.
American delegates to the forthcoming 1988 ILO conference, which meets in Geneva, Switzerland, June 1–22, say ratification of these two conventions should boost U.S. credibility in the organization. Edward J. Hickey Jr., longtime AFL-CIO representative in the ILO Conference Committee on the Application of Conventions and Recommendations, claims these ratifications will be particularly helpful during the 1988 conference in dealing with worker rights violations in other countries. Says Hickey, "Every time we point to problems in other countries, they point right back at our poor ratification record. Now we can show them we're doing something about it."

In spite of this optimism on worker rights issues, several other 1988 ILO conference issues may prove more difficult than those in the 1987 conference. A number of Americans who attended the 1987 conference described it as being surprisingly calm, and fear the mood may not be as "mellow" in 1988.

The 1987 conference agenda, for example, contained few issues requiring decisions. Two of the technical agenda items—those concerning employment promotion and construction safety—were before the conference for preliminary discussion. The 1988 conference, however, will have to vote on new conventions and recommendations on these issues. A third technical item in 1987 concerning ILO technical cooperation programs resulted in the adoption of noncontroversial general conclusions. This will be replaced in 1988 by two new and potentially contentious issues: proposed new standards on the rights of indigenous and tribal populations, and principles for rural employment promotion.

The 1987 ILO conference also temporarily sidestepped a challenge to the credentials of the Polish worker delegation, an issue which delegates to the 1988 conference may have to face squarely. The 1987 challenge, filed by Western worker delegates, charged that the Polish government had neither consulted Solidarnosc nor included any of its members in the Polish worker delegation, in violation of the ILO Constitution. The conference avoided a vote on this challenge by adopting a compromise report calling on Poland to consult Solidarnosc in the future. The Polish government, however, emphatically rejected this report, and according to recent press reports has shown no willingness to work with Solidarnosc since then. That may spark a new challenge for credentials in 1988 and a politically charged showdown vote.

The 1988 conference may also face other potentially contentious issues involving apartheid, as well as an annual survey on Israel and the occupied territories. But whatever else happens during the conference, 1988 will surely go into the record books as an important new milestone in the history of American involvement in the ILO.

The landmark provisions of ratified ILO conventions

JOSEPH P. GOLDBERG

Past U.S. inaction concerning the ratification of International Labor Organization (ILO) conventions was the result of concern over whether these conventions would overshadow existing Federal and State labor laws. The avenue to ratification was eased by the establishment of the President's Committee on the ILO. (The members of the Committee are the Secretaries of Labor, State, and Commerce; the President's Assistant for National Security Affairs; and the presidents of the AFL-CIO and the U.S. Council for International Business.) Its subordinate, the Tripartite Advisory Committee on International Labor Standards, had found unanimously that both conventions are consistent with U.S. law and practice.

Convention No. 144, (concerning tripartite consultation to promote the implementation of international labor standards) had been adopted at the 1976 ILO Conference, with the support of the U.S. Government, and employer and worker delegates. It requires ratifying members to establish and maintain machinery to ensure effective

Joseph P. Goldberg was the U.S. Government delegate to the ILO Maritime Conferences in 1975–76.