

**Exhibit 1. Chronology of American participation in the ILO**

1919 .....	Samuel Gompers chairs the commission which drafts the ILO Constitution
1920 .....	U.S. Senate refuses to join the League of Nations or the ILO
1934 .....	U.S. joins the ILO
1938 .....	U.S. ratifies five ILO conventions (only two others are ratified 1938-88)
1970 .....	U.S. withholds ILO funds, charging pro-Soviet bias
1972 .....	U.S. restores ILO funds, citing progress on reforms
1975 .....	After ILO recognizes Palestine Liberation Organization, U.S. files letter of intent to withdraw
1977 .....	U.S. withdrawal takes effect
1980 .....	U.S. rejoins ILO
1988 .....	U.S. ratifies two ILO conventions, including first nonmaritime convention

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.

consultations between governments and employers and workers of "the most representative organizations . . . enjoying the right of freedom of association." The United States has had a long history on effective tripartite consultation on ILO matters, the present President's Committee of the ILO was institutionalized in 1980, when the United States reentered the ILO, after withdrawing in 1977.

U.S. ratification of Convention No. 144 is innovative in that it is of general application and does not deal with seamen and international shipping matters—the sole areas of concern of the only six substantive conventions previously ratified by the United States. These areas were already basically covered by Federal law and practice. Convention No. 144 sets procedures by which adherence to effective tripartism, the foundation of the ILO, can be evaluated. In testimony supporting ratification, Lane Kirkland, president of the AFL-CIO, stressed the role of the ILO in protecting the fundamental interests of workers—including freedom of association; Abraham Katz, president of the U.S. Council for International Business, stressed the ILO role in protecting "free business association as well as free labor unions." In reaching agreement to ratify, the President's Committee also

agreed to principles to be used in the consideration of the ratification of additional conventions.

Convention No. 147 (concerning minimum standards in merchant ships) adopted by the ILO Maritime Conference in 1976, was born of long and arduous deliberation. Originally, discussions were directed at dealing with substandard conditions on ships operated under so-called "flags of convenience." To prevent maritime catastrophes, to set uniform international standards, and to avoid *ad hoc* actions by unions and other private groups in individual ports, the conference majority reached tripartite agreement to set minimum standards on the ships of all nations. The convention was supported by the U.S. Government, and seamen's union and employer representatives, including tanker operators.

Not only does the convention set the standards to be met on the ships of the ratifying country, it also contains "port control" provisions—a significant innovation in an ILO convention, in that the standards apply beyond the national limits of the ratifying country. In deciding that the control provided by this article was essential to the effectiveness of the convention in setting international ship standards, the majority recognized the historic

### Profile of two ILO conventions ratified by the United States

**Convention No. 144.** Tripartite Consultations to Promote the Implementation of International Labor Standards, No. 144, was adopted by the International Labor Conference in 1976, with the active participation and support of the U.S. tripartite delegation. It essentially relates to the administrative machinery for participating in the ILO. The Convention provides that ILO members which ratify it must establish and maintain machinery to ensure effective tripartite consultations between the government, employers, and workers on matters relating to the ILO—in particular, matters relating to the adoption, ratification, and implementation of ILO standards.

The United States effectively practiced tripartite consultation on such matters even before the Convention was adopted. U.S. practice in this area has been strengthened in recent years by the establishment of the tripartite President's Committee on the ILO, by regular meetings of its staff-level Consultative Group, and by creation of the Tripartite Advisory Panel on International Labor Standards.

The tripartite advisory panel has unanimously determined that the United States is in full compliance with Convention No. 144, and that no modification of U.S. legislation is required to give effect to its provisions.

**Convention No. 147.** The Minimum Standards in Merchant Ships, No. 147, is one of 32 conventions adopted by the ILO that deals with the working and living conditions of seafarers. This particular Convention was adopted at a special maritime session of the International Labor Conference in 1976 with

the active support of the U.S. Government, employer, and worker delegations.

It obligates ratifying ILO members to establish, by national law and regulation, as well as by encouragement of appropriate collective agreements, labor standards applicable to ships registered in their territory covering:

- safety, including standards of competency, hours of work, and manning;
- appropriate Social Security measures;
- shipboard living arrangements;
- hiring, training, and conditions of employment; and
- investigation of complaints and casualties

The Convention also provides that, if a ratifying member receives a complaint or obtains evidence that a foreign flag ship in its port does not conform to the standards of the Conventions, it may report the matter to both the country of registry and to the ILO, and take measures necessary to rectify conditions on board ships which are clearly hazardous to safety and health.

Following an extensive review, the tripartite advisory panel unanimously determined that there are no legal obstacles to U.S. ratification of Convention No. 147, because existing U.S. legislation, regulations, and industry practice are in full compliance with the obligations of the instrument. All members of the President's Committee on the ILO fully support ratification of Convention No. 147.

jurisdiction of the port state over the health and safety conditions on all ships when in the port country. Henceforward, the port control provisions will apply to foreign flag ships when in the ports of ratifying states. They also provide that if a ratifying state "receives a complaint or obtains evidence that a foreign flag ship does not conform to the standards of the convention, . . . it may prepare a report to the government of the country in which the ship is registered, with a copy to the Director-General of the ILO and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health."

The ratification of the convention, consistent with U.S. standards and law and practice, included several clarifying provisions. With ratification, the United States joins 19 other nations which together represent about 60 percent of the world's merchant fleets. The Soviet Union as a major merchant fleet operator has not ratified the

convention. At the 1976 Conference, the Soviet Union pressed for limitation of the convention to "flags of convenience," and opposed the "port control" provision when the Convention was extended to ships of all nations.

In 1982, 14 West European nations drew up a Memorandum of Understanding on Port State Control to coordinate their implementation of the convention. From July 1985 until June 1986, 11,740 inspections were carried out on 8,720 ships of 116 nations. While the total deficiencies on ships did not drop from previous years, the number of ship delays and detentions decreased substantially, suggesting a decline in the number of serious deficiencies, but also the need for continuing inspection.

The minimum international standards of this convention can save lives, cargo, and costs by reducing marine casualties, particularly tanker spills. The standards also reduce the unfair competitive advantage of substandard ships over ships of nations that adhere to ILO standards. □