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Essays on the International Labour
Organization and Its Impact on the World During
the Twentieth Century

edited by
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or the quarrel surrounding the status of the ILS – all broke out or at least increased in intensity after Morse had left, he cannot be exonerated completely from blame. In many areas he had succeeded in maintaining what was only the appearance of stability; a facade which broke down when Morse was replaced by Wilfred Jenks, a man who possessed neither the diplomatic finesse nor the personal charisma of his predecessor and who additionally found himself forced to make the difficult decisions (as in the case of the Soviet assistant director-general) which Morse had successfully managed to put off.

Furthermore, it is important to remember from a long-term perspective that despite the complications caused by the Cold War and the decolonization process, the conditions under which the ILO was able to work during Morse's time in office were probably better, in a way, than those faced by any of Morse's predecessors or successors. The optimism, belief in progress, and "planning euphoria" that characterized the 1950s and 1960s on both sides of the ideological divide provided a favourable climate for the activities of the ILO, which during this phase of welfare state extension and Keynesian economics was uniquely in tune, in many respects, with the *zeitgeist* of social and economic policy. Since Philadelphia, the ILO had also had for the first time in its history a mandate to extend its activities beyond the narrow field of labour and social policy into the field of economic policy. It was not until the 1990s, and then only very tentatively, that the ILO regained even a fraction of the agency on a programmatic level which it possessed in the areas of social, economic, and development policy in the 1950s and 1960s and which the swing towards neoliberalism in the 1970s deprived it of altogether. In this sense, despite the numerous difficulties the ILO was forced to negotiate while David Morse was at its helm, the end of the Morse Era marked in many ways the end of the golden age of the ILO.

CHAPTER 16

The ILO and the Argentine Dictatorship (1976–1983)¹

Victoria Basualdo

This article aims at analyzing the relationship between the International Labour Organization (ILO) and the Argentine government from 1976 to 1983. First, it will provide a brief characterization of this military dictatorship and its impact on labor. Second, it will analyze the evolution of the relationship between the ILO and the dictatorship, paying special attention to the period between 1976 and 1979, which was the most critical in terms of violations of human and trade union rights. In particular, it will study two main aspects: Argentine representation and action at the annual ILO International Labour Conferences, and the analysis of the evolution of cases submitted against Argentina at the ILO Committee on Freedom of Association (CFA), concerning violation of labor rights. Third, it will examine the contributions and shortages of the ILO, considering the Argentine case as a useful example to examine the potential and limitations of the actions of international organizations with respect to dictatorial governments.

¹ A preliminary version of this article was presented at the conference "ILO Past and Present" in Brussels in October 2007. This work was made possible by the Reid Hall Fellowship granted by the Graduate School of Arts and Sciences, Columbia University, which provided partial funding for a research trip to Paris, Brussels, Leuven, and Geneva, to the archives of the *Confédération Générale du Travail* (French CGT), the *Confédération Française Démocratique du Travail* (CFDT), the World Confederation of Labor (WCL), the World Federation of Trade Unions (WFTU), and the International Confederation of Free Trade Unions (ICFTU), as well as the ILO. I would like to thank the conference's participants and commentators for their useful suggestions and insight, the *Archivo del Sindicalismo Argentino* "Santiago Senén González" at the *Universidad Torcuato di Tella* for the material provided, María Laura Cheb Terrab for her assistance with archival tasks, and Ashli White for her collaboration with the final version of this article.

The Argentine Dictatorship, 1976-1983

The military coup that took place in March 1976 constitutes a watershed in Argentine history, not only politically but also in economic and social terms. It put an abrupt end to the government of María Estéla Martínez de Perón, who succeeded her husband President Juan Domingo Perón after his death in 1974. The military government that seized power was the most repressive in Argentine history and it fostered the transition from an economic model in which the industrial sector played a leading role, to a model of financial valorization and deindustrialization that transformed the social structure of the country.²

In the early 1970s, Argentina had one of the strongest and most powerful union movements in Latin America, at its core was the industrial working class, strengthened by four decades during which the industrial sector drove economic growth.³ Workers in the most dynamic industrial activities (e.g. steel, automobile, and chemical) together with those from other unions (e.g. Light and Power Union) led a process of increasing labor and political confrontation that demanded political representation and redistribution of wealth. The "Cordobazo", in 1969, is a clear example of social upheaval led by workers and students in the industrial city of Córdoba against the military government of General Juan Carlos Onganía, and it was followed by – among many other actions – the "Viborazo" in 1971.⁴

The coup in 1976 put an end to the process of increasing confrontation between rival projects of economic, political, and social organization, in which the military forces, various political and social organizations, guerrilla movements, and paramilitary organizations participated. The means chosen to close the cycle of struggle was the establishment of a terrorist state that was internationally known because of its record of violence and

2 In particular, see E. Basualdo, *Estudios de Historia Económica Argentina desde mediados del siglo XX a la actualidad*.

3 Labor historiography for the period until the 1970s is quite extensive. See, for example James, *Resistance and Integration*; Schneider, *Los compañeros*. On the first half of the 1970s, see among others, Torre, *Los sindicatos en el gobierno*, and Jelin, "Los conflictos laborales en Argentina".

4 The mass uprising called "Viborazo" in March 1971 took place shortly after a speech delivered by the governor of the province, in which he referred to the struggle of workers and students in the city of Córdoba as a "poisonous serpent" whose head he intended to "cut with a single blow". The uprising was considered by those who led it as the response of the "serpent" (*víbora*) to these threats. See among many others Brennan, *The Labor Wars in Córdoba*.

human rights violations.⁵ The figures speak eloquently: between 15,000 and 30,000 people disappeared and thousands of others were taken as political prisoners, tortured, murdered, or exiled. Personal property and even the children of the missing were seized. These legacies were denounced by human rights organizations and by the Argentine judiciary system, which in 1985 convicted the military leaders to life sentences.⁶

Workers, labor militants, and union leaders were among the most prominent targets of this repression. At the same time, trade union activity was severely affected by the suspension of civil liberties and the military takeover of the General Labor Confederation (*Confederación General del Trabajo*, CGT) and many of Argentina's most prominent unions. Beginning with the right to strike, labor rights were suspended along with any form of collective organization and bargaining.⁷ Moreover, the economic policies of increasing commercial openness and financial liberalization decreased the participation of the industrial sector in the economy, which promoted the establishment of a new economic model centered on financial valorization. These economic transformations were imposed in a context of terror and control and had severe implications for the industrial working class (the core of the union movement) and its ability to organize. Labor, economic, and repressive policies were closely interrelated and influenced each other, dramatically transforming the situation of workers and unions.⁸

5 Among others, see *Nunca más*; Duhalde, *El Estado terrorista argentino*; and Calveiro, *Poder y desaparición*. For testimonies, legal norms, governmental documents, and materials related to the action of human rights organizations, see: <http://www.desaparecidos.org/nuncamas/web/> (last accessed 11 March 2010).

6 The social effects of this trial, the first of its type in Latin America, were quite important, since it proved some of the most blatant crimes of the dictatorship and punished those responsible. However, two laws passed in the following years established that the members of the military of inferior rank to those in the junta were not responsible for their acts because they were following orders, and therefore could not be prosecuted, and that there was a specific deadline for suing the terrorist state for the atrocities committed, after which legal actions were unacceptable. Finally, President Carlos Menem granted an Executive Pardon in 1989 to the junta and the guerrilla leaders, thereby releasing those who had been convicted at the 1985 trial.

7 Some of the important legal norms affecting labor were Law 21261 which suspended the right to strike, Law 8596 that authorized firings in state agencies, and Law 21297 in April 1976 that changed hiring procedures, among many others. On the situation of workers under the dictatorship, and the labor policies affecting trade union activity, see Pozzi, "Argentina 1976-1982", pp. 111-138; Abós, *Las organizaciones sindicales y el poder militar*; Fernández, *Las prácticas sociales del sindicalismo*; and Pozzi, *Oposición obrera a la dictadura*, among others.

8 See Canitrot, "La disciplina como objetivo de la política económica".

The armed forces counted on the support of key actors, such as important sectors of the political and economic elites and the leadership of the Catholic Church.⁹ The common strategic interest of some sectors of the economic elite with those of the ruling military force manifested itself not only in the imposition of economic policies beneficial to the business elite, but also in jointly developed policies of repression to workers. Some of the major industrial enterprises collaborated actively with the armed forces in repressing their own workers by providing the armed forces with lists of workers – especially activists – to be kidnapped, and/or funding these activities in direct and indirect ways. As a result, “labor problems” in the factories vanished with the activists and both productivity and control over workers increased.¹⁰ José Alfredo Martínez de Hoz, minister of the economy from 1976 to 1981, had been president of Acindar – a steel enterprise deeply implicated in the worker repression from 1975 onwards – and he became a symbol of the alliance between economic power and the military during the period.

These policies encountered resistance from the working class and its organizations. Strategies against the dictatorship varied as repression, anti-labor strategies, and economic policies evolved. During the first years of the dictatorship every kind of mass organization and protest was harshly repressed, so underground activities developed in the factories. From 1979 onwards, a relative decrease in repression allowed for more direct opposition, an example of which was the national day of protest in April of that year.¹¹ Another way of opposing the dictatorship was by appealing to international solidarity, not only by means of participating in the human rights transnational organizations and networks, but also by getting involved in labor networks.¹² The international campaign against the dictatorship, developed mainly by exiles in different countries in Europe and the Amer-

9 Among others, see Mignone, *Iglesia y Dictadura* (also available at <http://www.nuncamas.org/investig/investig.htm>, last accessed 1 March 2010) and Verbitsky, *El silencio*. See also Novaro et al., *La dictadura militar*.

10 See V. Basualdo, “Complicidad patronal-militar en la última dictadura argentina” (<http://www.riehr.com.ar/detalleInv.php?id=7>, last accessed 1 March 2010), and Lorenz, *Los zapatos de Carlotto*, among others.

11 See Pozzi, *Oposición obrera*, and Fernández, *Las prácticas sociales del sindicalismo*.

12 See V. Basualdo, “Unions’ International Campaign Against the Last Argentine Dictatorship”; “La participación de trabajadores y sindicalistas en la campaña internacional contra la última dictadura argentina”; and “Dictadura militar, sindicalismo combativo y relaciones internacionales”.

icas with support of militants in Argentina, put pressure on the military junta and created concern about the image of the country abroad.¹³

The Relationship Between the Argentine Dictatorship and the ILO

During the years of the dictatorship, the relationship between Argentina and the ILO became a central political issue for two reasons. First, the ILO received and evaluated denunciations of the labor situation in Argentina. Immediately after the military coup, the World Federation of Trade Unions (WFTU) and the World Confederation of Labor (WCL), together with the National Confederation of Workers of Perú and other Peruvian worker organizations, submitted complaints to the ILO’s Committee on Freedom of Association, which were labeled case number 842, and became the main case against the anti-labor policies.¹⁴ This case referred to two main issues: the imprisonment and disappearance of union leaders, militants, and workers; and the violations to union rights in Argentina – including the takeover by the government of Argentina of the CGT and other union organizations and restrictions imposed on trade union activities and workers rights.¹⁵ Later, the International Confederation of Free Trade Unions

13 According to Kathryn Sikkink, even prior to the 1976 coup “international human rights pressures already influenced the Argentine military’s very decision to use the practice of so-called disappearing their perceived political opponents rather than imprisoning them or executing them in public”. The influence of the Chilean case, in which the executions and imprisonments were rejected by the international community leading to the isolation of the regime, was, according to this author, a main influence. See Sikkink, “Human Rights, Principled Issue-Networks”, and Mignone, *Derechos humanos y sociedad*.

14 As labor confrontation and repression had been on the rise from the late 1960s to the early 1970s, the Committee of Freedom of Association had received, in the years prior to the military government, various cases related to Argentina. Examples of these are Case 809 submitted in 1974 by the Graphic Federation of Buenos Aires relating to its withdrawal of trade union status, and the imprisonment of some of its leaders, and case 836, submitted by the WCL in January 1976 against the government of Argentina concerning the interference with the exercise of trade union rights in Argentina. Regarding case 809, see for example ILO, *157th Report of the Committee on Freedom of Association* (CFA), Governing Body (GB), Session 199 (February–March 1976), pp. 14–16. Regarding case 836, see for example ILO, *160th Report of the CFA*, GB, 201 (November, 1976), p. 51.

15 Although the WFTU supported the demands for the restoration of labor rights in Argentina, it initially had a contradictory position about the military dictatorship; its position was influenced by strong commercial relations with the Soviet Union

(ICFTU) as well as national trade unions and confederations from various countries supported the case.

Second, the annual ILO International Labour Conference (ILC) in Geneva became a major political issue and attracted the attention of the national press, with articles devoted to the designation of the tripartite delegation and the development of the meeting – with special attention to the speeches of the representatives – as well as any kind of official or off-the-record reference to the Argentine case. Besides the remarkable attention that national media devoted to the meeting, there were also articles analyzing the situation of the ILO itself, which was in a critical moment of its history as a result of the announced withdrawal of the US.¹⁶

The political importance given to the ILC was clear from the start. In May 1976, conversations were held between Horacio Tomás Liendo – who had been appointed minister of labor by the military government – and the secretaries-general of over one hundred unions that had not been seized, discussing participation in the ILC in Geneva.¹⁷ These labor leaders were invited to choose a list of representatives, from which the executive power

and the position of the Communist Party of Argentina, which believed that the military junta belonged to the “moderate” sectors of the armed forces. Although they denounced the disappearance of workers, they attributed them to right-wing “terrorist bands” and demanded the government to put a stop to them. Eventually, as the responsibility of the Argentine government regarding violations of human rights became undeniable, the WFTU hardened its position towards the government. See for example the press release signed by the WFTU “Stopper l’action des groupes terroristes en Argentine!” (October 1, 1976), Confédération Générale du Travail-Fédération Syndicale Mondiale Archives, France.

¹⁶ See “En Ginebra los asuntos laborales se desplazan”, *La Opinión* (May 30, 1976): “Like other international organizations, the ILO lives a moment of intense politicization. Developing countries, acting almost always in agreement with those of the Eastern Europe, seem more interested in achieving the exclusion of South Africa or the isolation of Israel than in solving the labor problems that should concern them more than anyone else” [author’s translation]; “La OIT, conflictuada” (“The ILO, troubled”), *Clarín* (June 4, 1977); “Las pugnas políticas en la OIT” (“The political struggles in the ILO”), *Clarín* (June 7, 1977); “Futuro incierto para la OIT” (“Uncertain future for the ILO”), *Clarín* (June 21, 1977); “Decidió reducir sus actividades la OIT” (“The ILO decided to reduce its activities”), *La Prensa*, (November 2, 1977); “Kissinger y el retiro de la OIT” (“Kissinger and the withdrawal from the ILO”), *La Opinión* (November 22, 1977), among many others. President Carter’s decision in November 1977 to withdraw the US from the ILO has also been analyzed in a large number of articles.

¹⁷ The union leaders that met with the military government included Fernando Donaires (representative of the paper workers), Florencio Carranza (commerce workers), Maximiliano Castillo (glass workers), Ramón Elorza (food workers), Hugo Barrionuevo (pasta makers), Roberto García (taxi drivers), Jorge Rivera López (artists), and

(i.e. the military junta) appointed the labor delegation.¹⁸ A tripartite delegation emerged as a result of these negotiations. Ramón Antonio Baldassini was appointed as the workers’ delegate and seven other trade union representatives traveled with Liendo to Geneva.¹⁹

Minister Liendo emphasized in his address to the ILC the significance of foreign investment for job creation, but he also underlined the responsibility of each country to provide solutions to its problems and to determine the best path of development, adding that the military government granted great importance to international forums such as the ILO. Antonio Baldassini delivered a speech in which the most critical note was related to the need to re-establish its “organic structures”, “so that we could fully participate in giving solutions to the great national problems”.²⁰ This first conference was deemed a success by the regime because representatives of the union movement had participated in it. Many union leaders also praised the minister’s “understanding”, while he referred to the “indubitable legitimacy” of the Argentine delegation.

A few months later, in November 1976, case 842 was discussed in meeting 201 of the CFA. Probably influenced by the non-confrontational positions expressed by the workers’ representatives at the yearly meeting of the ILO, the CFA only made preliminary recommendations, granting the government more time to submit concrete answers to the complaints expressed.²¹ In March 1977 the CFA reexamined case 842 with new elements to consider. From November 1976 to January 1977 the WCL submitted updated lists of trade unionists who had disappeared or been imprisoned as well as another list with over a hundred labor leaders that had taken refuge abroad or in embassies. Other organizations added subsequent materials. The government also provided information in November 1976 and February 1977, stating that many of the persons listed had been released and that some were

Gerónimo Izzeta (municipal workers). See Senén González, *Diez años de sindicalismo argentino*, p. 60.

¹⁸ Fernández, *Las prácticas sociales del sindicalismo*, p. 83.

¹⁹ See, ILO, *Record of Proceedings (RoP)*, International Labor Conference (ILC), Session 61 (Geneva, 1976), pp. xvi–xvii. The seven trade unionists who traveled were: Ramón Antonio Baldassini, Rafael Valle, Ramón Elorza, Demetrio Lorenzo, Juan Horvath, Ricardo Pérez, Hugo Barrionuevo and Ramón Valle. Minister Liendo headed the governments’ delegation, with Captain Roberto Dall’Asta and Ambassador Gabriel Martínez as the government’s delegates. The employers’ delegate was Federico Zorraqín, the adviser and substitute delegate was Antonio Vitaic Jakasa.

²⁰ Senén González, *Diez años de sindicalismo argentino*, p. 61 [author’s translation].

²¹ See ILO, *160th Report of the CFA*, GB, 201 (November 1976).

placed at the disposal of the executive branch, while others had been tried and sentenced. The military government argued that there was no information available on a number of the listed trade unionists and that there was no record whatsoever about persons in asylum in embassies.²²

With regard to trade union activities, the government confirmed that they had to be suspended temporarily as an emergency measure, as "there had never been such a serious situation in Argentina".²³ The CFA noted these explanations, drew attention to the right to organize, and requested that the government move to re-establish labor rights. With regard to the detention of trade unionists, the CFA also noted that several of them had been released, invited the government to submit all the additional information it had, and requested in particular information on the labor leaders listed.²⁴

This report of the CFA was submitted at the same time that an extremely critical assessment of human rights in Argentina was published. In December 1976, facing increasing international criticism of the situation in Argentina, the military government invited Amnesty International to visit. In March 1976, one year after the military coup, Amnesty published a report charging that the regime had taken nearly 6,000 political prisoners and abducted between 2,000 and 10,000 people.²⁵

The situation of the Argentine labor movement had deteriorated substantially with respect to one year before in terms of basic civil and labor liberties, economic rights, and organization. Previously, some of the prominent trade unionists could still hope to dissociate their situation from that of the guerrilla militants and leaders whose defeat was the proclaimed objective of the regime's repressive forces. But it had become evident even for the most pro-military factions of the trade union movement that, in spite of the speeches and formal declarations, the repressive labor and economic policies targeted the labor movement. In September 1976, Law 21400 concerning "Industrial Security" prohibited any kind of collective organization – such as direct action, strikes, interruption, or decrease of the work rhythm – as well as any other possible way to promote conflict at the workplace. In December, Law 21476 introduced substantial changes to the collective bargaining code which eliminated privileges considered by the authorities as "damaging for the country".

22 See ILO, *165th Report of the CFA*, GB, 202 (March 1977), paragraphs 124 to 134.

23 *Ibid.*, paragraph 137.

24 *Ibid.*, paragraphs 139 and 150.

25 See Sikkink, "Human Rights, Principled Issue-Networks", p. 424.

In early 1977, confronted with an abrupt decrease of real wages and deterioration of work conditions, workers of the Light and Power Union questioned the enforcement of Law 21476, which allowed for an increase from a thirty-two- to a forty-two-hour work week, and decided to strike. In February, the secretary general of the union, Oscar Smith, a prominent trade unionist at the national level who had participated in talks with the government, was kidnapped after reaching an agreement favorable to workers in the electricity sector. The armed forces did not admit any hand in the disappearance of Smith (who never reappeared, despite international campaigns demanding his release) but it was clear in political circles at the time – and afterwards, demonstrated – that they were responsible.²⁶

The reaction of Argentine trade union leaders to the government's offensive on labor was not, however, univocal. During 1977 the differences within the labor movement deepened, resulting in the consolidation of two main sectors: a group that presented a more critical stance towards the dictatorship, known as the Commission of the 25 [hereafter, the "25"]; and the so-called "pro-participation" group that maintained a closer relationship to the government and eventually formed the National Commission of Labor (*Comisión Nacional de Trabajo*, CNT).

As the main targets of the repressive policy, the combative sectors of the labor movement had been largely eliminated from public life in Argentina. Their leaders had disappeared, been killed, imprisoned, or forced into exile or hiding. Some exiled union leaders did, however, play an important role in raising awareness about the Argentine situation. One prominent case is that of Raimundo Ongaro, a graphic worker, who had been elected secretary general of the CGT in 1968 and had built extensive international connections during the late 1960s and early 1970s.²⁷ Ongaro, who had a close relationship with the French CFDT and the WCL, developed an active inter-

26 See for example Abós, *Las organizaciones sindicales y el poder militar*, pp. 22–28.

27 Ongaro, a major leader of the combative groups in the labor movement, was elected Secretary General of the CGT in March 1968, when many of the most important labor leaders and unions (who subsequently rejected the validity of the election) were absent. Therefore Ongaro and the unions that had supported him founded the CGT de los Argentinos, which became a rival national union confederation that, during the two years that it managed to resist repression and opposition of the orthodox CGT, articulated the voice of the more combative groups throughout the country. See Brennan, *The Labor Wars in Córdoba* and <http://www.cgtargentinos.org/segunda.htm> (last accessed 11 March 2010).

national campaign against the dictatorship and was accepted as an observer in the ILO conferences.²⁸

The year 1977 was also characterized by a strong presence of the international labor movement, in the form of a series of visits. A few days after the disappearance of Oscar Smith in February 1977, a delegation of the ICFTU, with which the Argentine General Labor Confederation (CGT) had been affiliated since 1975, arrived with the aim of contacting key representatives of the labor movement and collecting information on the situation in Argentina. The ICFTU representatives, headed by Otto Kersten, met not only with union representatives, but also Minister of Labor Liendo and General Jorge Rafael Videla, head of the military junta.²⁹ This visit was followed by others: in August 1977, a delegation of the WCL – the labor confederation that had been the most critical of the policies of the regime – presided by its chair, Marcel Papin; in September 1977, a delegation from the American confederation AFL-CIO; in April 1978, a delegation of the Inter-American Regional Organization of Workers (ORIT); and in May 1977, the three Italian labor confederations (communist, socialist and Democratic-Christian).³⁰

Argentina did not send a tripartite delegation to the ILC in 1977 because the labor movement, even with its internal differences, made the decision to refrain from attending.³¹ The Argentine delegation to the conference was headed by Gabriel Martínez, Argentina's ambassador to Switzerland.³² According to other investigations, Martínez played a crucial role in dealing with the international campaign denouncing the human rights violations perpetrated by the junta.³³ This is especially evident as the Argentine case was discussed in every meeting of the ILO Governing Body.

In mid-1977, the General Report of the Committee on the Application of Conventions and Recommendations included a paragraph concerning

Argentina's application of Convention 87 (C 87) – concerning freedom of association and protection of the right to organize – in which it expressed its concerns, noted that the government representative had submitted a statement declaring the government's good will, and expressed the hope that measures to rectify the situation and to bring it into conformity with the obligations under C 87 would be taken as rapidly as possible.³⁴ At the same time, the ILO Governing Body started to consider the possibility of passing the case on to a Commission of Inquiry, and asked the Argentine government to submit information by October 1977, in order to be able to make a final decision on the matter.³⁵

It was in this context of increasing pressure that the Argentine government and its leading figure in Geneva, Ambassador Martínez, consolidated a strategy that the government had been leaning toward since the early period of the regime. The dictatorship decided to defend its position against growing criticism in the ILO by maintaining a strong presence in Geneva.³⁶ With regards to the yearly conferences, the presence of a tripartite delegation was preferred and promoted by all means, as the participation of employers' and workers' delegates side-by-side with the government gave the impression of openness and pluralism. Learning from the 1977 experience, the government managed to summon tripartite delegations in 1978 and 1979.

In terms of the CFA, the Argentine military government complied formally with every instance and procedure, constantly providing information – inaccurate or simply false on numerous occasions – on each and all of the points required. When dealing with case 842, the government worked in two main directions. Concerning the imprisonment of trade unionists, the government alluded to the "chaotic situation that prevailed on 24 March 1976 and to the corruption of trade unions and their leaders and their involvement in subversive activities".³⁷ The Argentine government

28 See V. Basualdo, "Unions' International Campaign" and "La participación de trabajadores y sindicalistas en la campaña internacional".

29 See *La Opinión* (February 17, 1977) and *La Nación* (February 24, 1977). During the first years of the regime the ICFTU kept a "neutral" position, refraining from seriously criticizing the dictatorship, which contrasted strongly with the attitude of other sectors of the international labor movement, such as the WCL.

30 See *Clarín* (August 28, 29, and 31, and September 6, 8, and 12, 1977).

31 See *La Opinión* (May 13 and 27, 1977).

32 See, ILO, RoP, ILC, 63 (1977), pp. xx-xxi. The advisers and substitute delegates were Daniel Antonio Priano and Santos Néstor Martínez, and the advisers were Fernando Jimenez Davila, Eduardo Amaro Pourciel, Ruth Guevara Achaval and Domingo V. Budic.

33 See Guest, *Behind the Disappearances*.

34 See ILO, RoP, ILC, 63 (1977), p. 581. Convention 87, concerning Freedom of Association and Protection of the Right to Organize, is one of the fundamental ILO conventions. It was adopted in 1948, it came into force in 1950, and it is an up-to-date instrument. For more information, see <http://www.ilo.org/>.

35 See ILO, 175th Report of the CFA, GB, 204 (November 1977), paragraph 13.

36 Ambassador Martínez dealt with criticism not only from the ILO but from various international organizations in Geneva, as well as other offices of the United Nations (UN). See Guest, *Behind the Disappearances* for an analysis of other UN offices, especially the UN Commission on Human Rights (UNCHR) directed by Theo van Boven and the pioneer Working Group on Disappearances created in 1977.

37 ILO, 175th Report of the CFA, GB, 204 (November 1977), p. 4.

argued that imprisonment, therefore, was a measure to counter terrorism; none of the labor leaders had been detained "on account of proper trade union activities, but on account of irregularities that had taken place in the exercise of their function".³⁸ The second strategy was to provide updated information on many of the trade unionists mentioned, showing alleged progress concerning freedom of association and the right to organize as frequently as possible, and denying the existence of the "disappeared".

With respect to freedom of association, the government repeated incessantly, in spite of the passing of months and years, that "restrictions on trade union activities were of a temporary nature and that there had been a suspension and not a prohibition of certain activities". The central positive commitment made by the government – introduced in 1976 but reiterated in 1977, 1978, and 1979 – was that they were in the process of elaborating a law regulating trade unions.³⁹ In November 1977, the government assured the CFA that "the draft law concerning trade union organizations was now completed and that the new law would replace Law No. 20,615" and that the government wanted to "ensure that the new legislation took account of the terms of the Convention 87".⁴⁰

By constantly submitting information on the release of some of the trade unionists on the list of the international organizations and referring to this forthcoming law, the Argentine dictatorship was able to repeatedly postpone the decision of the Commission of Inquiry. In fact, the "Law on Occupational Associations" was not passed until November 15, 1979, two full years after the government assured the CFA that the draft was completed. Moreover, despite CFA and Governing Body requests to send the draft to ILO experts for comments – and constant assurances on the part of the government that it would do so – the law was passed without consulting them.

In the meantime, from 1977 – the year of the most intense international pressure and criticism of the Argentine dictatorship – to 1979, the government bought precious time. When the workers' delegation expressed a vocal opposition to the military dictatorship in June 1978, synthesized in the so-called "Declaration of June 9" (which contained a denunciation of

³⁸ *Ibid.*, p. 4.

³⁹ Already in 1976, three years before the actual passing of the law in 1979, the newspaper *La Opinión* (November 7, 1976) published an article stating that the salient points of the "Law of occupational organizations" had been sent to Geneva in order to "neutralize possible international irritations".

⁴⁰ See ILO, 175th Report of the CFA, p. 6.

its economic and social policies), government representatives argued that this was another demonstration of the democracy and pluralism promoted by the junta.⁴¹ Certainly, another important factor in strengthening and validating the discourse of the government was the characterization of the regime by employers. The employers' delegate, Eduardo Valentín Oxenford, argued in his 1978 address to the conference:

I wish to emphasize that the Argentine employers, like other sectors of the community, have suffered as a result of the disappearance of many of their number [...] as a consequence of the violent actions of terrorists. Fortunately, this violence has been eliminated by our country, where life is proceeding normally in a peaceful and orderly atmosphere.⁴²

Speeches in which the "disappearances" were attributed to terrorist organizations and the military government was presented as the agent of peace and order played a key role in reinforcing the position of the dictatorship's representatives. Another way to preserve this image was to collaborate with information gathering missions that arrived. Although the Commission of Inquiry was not implemented, ILO Director-General Francis Blanchard, who was scheduled to visit Argentina in August 1978, asked Antonio Malintoppi, professor of law at the University of Rome, to act as his personal representative, to establish contacts with Argentine authorities and representatives of the employers' and workers' organizations, and to report back with his findings.⁴³

The government continued, in this case, with the strategy of formal collaboration, and as a result the Malintoppi report emphasized both that "the Argentine authorities provided him with all necessary facilities to carry out his mission" and that "the higher authorities and senior officials with whom he was in contact gave him the information and explanations that he requested and, on some aspects of the matters dealt with, stated that they were quite prepared to collect additional information to be sent to the ILO".⁴⁴ Based on the 16-page CFA report on the Argentine situation – elaborated in November 1978 – which thoroughly analyzed Malintoppi's findings and compounded them with new information submitted by

⁴¹ See Press Communiqué of the "Commission of the 25", (June 7, 1978) and *Clarín* (June 10, 1978).

⁴² ILO, RoP, ILC, 64 (1978), 14/28.

⁴³ *Clarín* (August 28 and 29, 1978).

⁴⁴ ILO, 189th Report of the CFA, GB, 208 (November 1978), p. 5.

the military government, the CFA determined that significant progress had been made.

In the meeting of the Governing Body in November 1978, therefore, the evolution of the Argentine case was considered relatively favorable in view of the evidence presented by the government, the release of some of the detained union leaders, and the report of the CFA. At the same time, the WCL and the WFTU submitted new complaints – based on the protests of sectors of the Argentine union movement – demanding the normalization of the union activity and the release or return of all of the labor leaders, militants, and workers who had disappeared or been imprisoned. Also in 1978, the Argentine workers' representative Ramón Baldassini was re-elected to the Administration Council, occupying the place that Casildo Herreras, an exiled labor leader, had left vacant.⁴⁵

1979 marked an important shift in the Argentine labor situation. Due to a number of internal problems – including the deterioration of the economy, confrontations between different fractions of the armed forces, and protests by both the incipient human rights movement and some political organizations – as well as to diplomatic conflicts and increasing international pressure against human rights violations, the dictatorship lessened its repression and loosened its control, which opened new opportunities for the labor movement.

The first major change occurred when the “25” called for the first “National Day of Protest” on April 27; although repressed by the military government, it signaled the beginning of a period of relatively and progressively more open confrontation and labor reorganization of the Argentine labor movement. From 1979 to the end of the dictatorship in 1983, international initiatives – which had previously had a pre-eminent role due to local repression of the labor movement – became increasingly subordinated to internal struggles, essentially only supporting the actions that the trade union organizations developed in Argentina. The protests on the part of the three major international confederations of labor (the ICFTU, the WCL and the WCTU) for the detention of the “25” leaders after the strike, as well as cases submitted to the ILO after the second National Day of Protest on July 22, 1981, are examples of this support.⁴⁶

Taking advantage of the divisions within the Argentine union movement, the military authorities managed to summon a delegation of workers willing to negotiate with the regime, headed by Jorge Triaca, for the International Labour Conference in 1979. More critical towards the dictatorship, the representatives of the CFA rejected the legitimacy of the Triaca delegation in Geneva. They looked for the support of the international labor confederations to denounce the dictatorship and to demand the normalization of union activity. In his address to the ILC, Triaca questioned the economic policies of the government while justifying his presence by arguing that he was a true representative of the Argentine workers.

During the meeting of the CFA in May–June 1979, the workers' delegation presented a demand for a Commission of Inquiry to be sent to Argentina, but opposition by the government and the representatives of the employers prevailed. Also under discussion was the possibility of placing Argentina on the “black list” of countries violating union freedom. Noting the progress as reported by the government, the CFA only urged the government to provide additional information on the missing trade unionists and to accelerate the passing of labor legislation.⁴⁷

The second major change in 1979 was the adoption of the Law of Occupational Associations (22105) in November. The dictatorship had finally fulfilled the promise it had been making for over three years and taken a step supposedly in the direction of the normalization of trade union activities, but this was soon obscured by the obvious shortcomings of the law – evident not only to the Argentine trade unionists, but also to international organizations. The Unified Labor Leadership (*Conducción Unificada de los Trabajadores*, CUTA), which constituted an attempt to create a single leadership in order to unify and strengthen the position of the labor movement, filed new complaints against the Argentine government with the ICFTU and the WCL at the CFA. They protested restrictions of the free establishment of trade unions, interference with the right to create federations and confederations, dissolution of trade unions by administrative authority, and exclusion of trade unions from the management of trade union welfare schemes.⁴⁸

Archive, France. The case submitted to the ILO concerning the 1981 day of protest is case 1067 submitted by ICFTU and WCL in July 1982, which was preceded by case 1060 submitted by the ICFTU against the Argentine government for interfering with trade union activities. See ILO, *214th Report of the CFA*, GB, 219 (March 1982).

⁴⁷ ILO, *196th Report of the CFA*, GB, 210 (May–June 1979), paragraph 46.

⁴⁸ ILO, *201st Report of the CFA*, GB, 212 (March 1980).

⁴⁵ *La Opinión* (June 14, 1978).

⁴⁶ For a detailed report on the repercussions of the 1979 day of protest in Argentina and the international campaign against the dictatorship, see among others Movimiento Peronista Montonero, “Crónica de la resistencia sindical argentina. Resumen de publicaciones periodísticas argentinas del mes de abril de 1979” (May 1979), in CGT

The CFA report in March 1980 – the first after the law had been passed – echoed most of the objections raised by the Argentine and international organizations. The extensive and detailed text pointed out a number of concerns: the geographical competence of trade unions was restricted by the law and subject to the authorization of the Ministry of Labor, therefore imposing limits on the right of workers to establish organizations of their own choosing; the prohibition of political activities of any kind on the part of trade unionists was incompatible with Convention 87; the danger of abuse provided by granting wide supervisory powers to the administrative authorities on union funds; the right to elect representatives freely was violated by the clauses establishing maximum length of the terms of trade union officers and limiting their right to re-election; and especially the dissolution of the CGT as a result of stripping away the legal status of existing third-degree workers' occupational organizations. The CFA expressed the hope that the government would take effective measures to re-establish the right to organize according to Convention 87.⁴⁹

In 1980, the recently created CUTA, which was supposed to provide a single and unified leadership for the labor movement, dissolved over disagreements with respect to representation in the ILO and the position the workers' delegation should take with regard to the Law of Occupational Associations that had been passed in November 1979.⁵⁰ The government decided not to send an official delegation to Geneva, while the "25" and the CNT attended separately and presented critical reports on the general situation of the country and the recent law. The military dictatorship reacted by sending an official delegation headed by Ambassador Martínez to the ILO.

Given the critical CFA report and the widespread international criticism towards the law, it seemed likely that the Governing Body would consider again the possibility of sending a Commission of Inquiry to Argentina. Therefore, Martínez decided to take the offensive and request a "direct contact" mission, with more constrained capacities and prerogatives than the Commission of Inquiry. The ILO "direct contact" mission – once again headed by Prof. Atonio Malintoppi – stayed in Argentina from 7 to 12 December, 1980 and conducted meetings with various sectors of the government and the union movement.⁵¹ The mission held in special consideration the recently passed Law of Occupational Associations and the release of union leaders such as Lorenzo Miguel, Rogelio Papagno, and

49 See, *ibid.*

50 *Clarín* (April 25, 1980).

51 *Clarín* (December 7, 8, 9, 12 and 14, 1980).

Diego Ibañez. The official report of the mission to the conference, released months later and analyzed in the 210th CFA report of May 1981, argued that there had been progress towards the normalization of labor relations, although there were many important unions which were still suffering from military interference.⁵²

In 1981, the new military administration headed by General Viola received the support of union leaders affiliated with the CNT, who entered into negotiations with the military government to participate in the official delegation to the ILO in Geneva. This participation was denounced as illegitimate by the CGT, which was headed by union leader Saul Ubaldini. More commonly known as the CGT "Brasil" – after the street in Buenos Aires where its headquarters were located – it had been founded late in 1980 in open defiance of the dissolution decreed by the regime. This situation continued during 1982 and 1983, showing the fracture between "pro-participation" and "confrontational" factions of labor leadership.

As the military regime deteriorated in 1982 and 1983, social mobilization reappeared and labor protests increased. One such action, the national strike on March 30, 1982, was obscured by the Malvinas War, which started a few days later. Case 842 was still not resolved by the end of Malvinas war in April–June 1982, when the military's admission of defeat helped to foster the transition to democracy. As late as May–June 1983 the CFA argued that:

the return to normal trade union activity can only be achieved by fulfilling three necessary requirements: the amendment of the trade union legislation, so as to bring it into conformity with the freedom of association conventions [...], the lifting of the measure of supervision of the remaining thirty-one trade union organizations and the adoption of all measures to ensure the rapid release of the trade unionists who are still in prison on account on their trade union activities.⁵³

That is, the CFA was still demanding some of the essential points that had been denounced by the ILO for years.

52 ILO, 210th Report of the CFA, GB, 216 (May 1980), p. 3.

53 ILO, 227th Report of the CFA, GB, 223 (May–June 1983), pp. 4–5.

Impact and Limitations of ILO Action in the Argentine Case

The ILO played an important role during the Argentine dictatorship in many senses. As some investigations have demonstrated, the military junta paid special attention to its image in international spheres for political, diplomatic, and commercial reasons. In terms of the impact of the yearly ILC, the military government – concerned with the international campaign against the human and labor rights violations in Argentina – considered it important to present a tripartite delegation in order to preserve the image of a certain “normality” in labor relations. This was achieved in most of the years – with the exception of 1977 and 1980, when only the delegate of the government attended.

In a context of censorship and control over the press in Argentina, international meetings such as the annual ILCs provided information and encouraged discussion about the controversy that had been silenced within the country. For Argentine trade union leaders the ILO became a forum in which to speak out about the situation in Argentina to representatives from all over the world. Precisely because of this opportunity, it became the object and site of constant confrontations between the two main sectors of the labor movement.

Importantly, the delegates to the conferences were not the best representatives of the interests of Argentine workers, whose position and power had been severely undermined by the regime. Although in certain years (such as 1978) more independent and representative trade union leaders could make their voices heard, many other trade unionists that appeared superficially as critics of the dictatorship were actually quite close to the military government. This was the case of Jorge Triaca and Antonio Baldassini who in the 1985 trial against the military juntas testified that they had been extremely well treated by the authorities, had not heard of people in the labor movement who had disappeared, and specifically that they knew nothing of the disappearance of trade union leader Oscar Smith.

The ILCs, however, also offered a place for persecuted and exiled union leaders, such as trade unionist Raimundo Ongaro, who attended the conference every year as an observer. This authorization by the ILO allowed him to develop an almost invisible – at least from the point of view of the institutional records used as sources in this paper – but essential task of providing information and contacts to the international and national organizations that participated in the campaign denouncing violations of labor rights.

Examining the evolution of case 842 by the Committee on Freedom of Association provides interesting evidence to rethink the potential and limitations of the CFA at the time. On the one hand, the pressure the case imposed on the Argentine government had important effects, such as the release of some trade unionists, the official recognition of the situation of others who had been kidnapped, and certain concessions in terms of trade union activity. An illustration of the widespread appreciation that workers and trade unionists expressed for the international campaign against the dictatorship is expressed by Ricardo Pérez, leader of the truck drivers union and member of the “25” who was in prison for a short period during the dictatorship:

I would argue that, in a way, our lives were saved thanks to international solidarity. We encountered a lot of support on the part of the international organizations, regardless of their ideological orientations. There was strong pressure from the ICFTU and the ILO, in defense of our liberties. They were a permanent presence that, in a way, safeguarded our lives. The dictatorship had certain fears of international criticism, especially when information that had been hidden in Argentina was available abroad.⁵⁴

On the other hand, the strategy of full, formal collaboration adopted by the Argentine government allowed the dictatorship to differentiate its case from the military dictatorships of Uruguay and Chile, which attracted considerably more criticism and international action.⁵⁵ The junta's strong presence, apparent willingness to collaborate, and explanations or justifications for each of the points raised, were successful in dismantling attempts to thoroughly examine the case with more powerful means – such as the Commission of Inquiry – and to find alternative ways of applying more pressure on it.

This duplicitous tactic of seeming to collaborate while in reality undermining progress, both hid the inaccuracy of most of the information provided and enabled the Argentine dictatorship to postpone passing the Law of Occupational Associations for more than three years. During the

54 Testimony given by Ricardo Pérez, in Calello *et al.*, *De Vandor a Ubaldini*, vol. II, p. 187.

55 The reactions against the Argentine case seem quite moderated when compared to the discussions, measures, and engagement that the cases of Uruguay and Chile generated in the ILO Records of proceeding, Minutes of the Governing Body sessions, and Reports of the CFA.

first two years of the dictatorship, in which the most serious violations of labor and human rights took place, the Argentine government successfully avoided serious reprisals from the ILO. Only in August 1978 did ILO Director-General Blanchard and an appointed representative arrive in the country. However, this mission had considerably fewer formal attributes and prerogatives than a Commission of Inquiry. The government approached this visit with its usual policy of bureaucratic collaboration by presenting seemingly convincing arguments with respect to the disappearance and imprisonment of opponents and the restoration of union liberties. It made a positive impression. The government also counted on the aid of important sectors of employers who not only did not denounce the human rights violations but described (as Mr. Oxenford had in 1978) the Argentine situation as one of peace and order.

The law on trade unions that finally passed in late 1979 did not respect Convention 87. On the contrary, it dissolved the CGR and violated various fundamental labor rights. When the Commission of Inquiry seemed again inevitable, the dictatorship's representative in Geneva proposed a "direct contacts" mission, which would be less damaging and compromising for the government. The visit of this mission in 1980 was received with the same conciliatory attitude and presented any denunciation on the part of trade unionists as a proof of the democracy and pluralism that reigned in Argentina. As the above-referenced 1983 CFA report argues, the violation of human and labor rights continued until the end of the regime in December 1983.

The difficulties the CFA had in dealing with cases of serious and repeated violations of labor rights were perceived at the time.⁵⁶ A letter submitted by the WCL to the CFA in March of 1976 made interesting comments regarding the functioning of the CFA. It criticized its insufficient equipment, staff, and resources to function properly, its dilatory process, and the generous deadlines it granted to governments. It also lamented that governments always had the last word, since their replies were not forwarded to the complainant as soon as they were received and the complainants were thus unable

⁵⁶ For an example of a discussion on the insufficiency of the CFA action with regard to severe violations of rights, see ILO, *Minutes of the 205th Session of the Governing Body* (28 February-3 March 1978), VI/10. Mr. Griffin, a representative of the Venezuelan government, pointed out that "at the last meeting of the CFA he had noted the contrast between the blandness of some of the Committee's recommendations and the cruelty of the acts of brutality and repression reported in the confidential papers submitted to the Committee" and that "the Committee should put an end to the practice of merely 'deploring' or 'deeply regretting' some atrocity or other".

to respond before the Governing Body reached its conclusions. They also regretted the low number of meetings (three) each year, which conspired against an effective and constant supervision of the cases.⁵⁷

However, even when the procedures and resources of the CFA were amended, thereby increasing its ability to apply pressure, the Argentine case constitutes an excellent example of the intrinsic limits of an organization like the ILO when dealing with labor- and human-rights violations perpetrated by a sovereign country that appears to carefully and dutifully comply with requests of information and collaboration. Analysis of the Argentine dictatorship, by exposing some of the strategies used by governments to deal with international pressure, prompts reflection about possible ways to improve procedures to provide international organizations with more efficient instruments to face the challenge of dictatorial regimes that manipulate information in their favor. Yet this case also shows that the pre-eminence of the principle of sovereignty of governments in the international community puts a clear limit on the action that these organizations can develop, even in the cases of unlawful and criminal governments.

⁵⁷ See ILO, *Minutes of the 199th Session of the Governing Body* (2-5 March 1976). Their proposals are interesting, and include among others: to allow the Committee to act promptly when circumstances so require - for example, when human life is in danger or when trade union representatives are imprisoned or suffer collective dismissal - they suggest that the director-general should be empowered to do more than just communicate complaints to governments. They propose a more proactive attitude, the abandonment of "diplomatic language", and the public declaration of guilt or responsibility when the case so warrants.