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ILO's actions and workers' voices against state terrorism in South America

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Autobiographical sketch (two or three sentences)

Luciana Zorzoli is *Lecturer in Employment Relations* at the Management, Employment and Organisation Section in Cardiff University Business School. Luciana's research interests include international and comparative employment relations focusing on labour unions in Latin America. In close connection to this, she is interested in the International Labour Organization (ILO) role in the region and the challenges faced by the ILO in the Global South.

She co-edited with Juan Grigera *Rethinking the Proceso* (Palgrave Macmillan, 2020) and with Juan Pedro Massano *Clase Obrera y Dictadura Militar 1983-1976* (AContraCorriente, The University of North Carolina Press 2021).

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Abstract (maximum 220 words, one paragraph)

The article argues that the ILO's Committee of Freedom of Association proceedings against dictatorships during the seventies, eighties and nineties in Latin America were a relevant site of conflict for the region's dictatorships, even when they did not stop the military from attacking workers, unions and labour rights.

By examining the most critical Cases opened in Geneva against Chile and Argentina between 1973-1990, the article explores the ILO's actions, the implicated voices, and the effects of the Cases before and after the coups while reflecting on the importance (and limitations) of international trade unionism solidarities and international efforts during the period.

Presentation

The South American political landscape underwent dramatic change between the 1960s and the 1990s. Ever-increasing social tensions and the fear to revolutionary change among the military, business and church paved the way for coups and the establishment of harsh anti-labour and anti-Communist regimes. The 1964 coup in Brazil began the trend, followed by Uruguay and Chile in 1973, then Argentina in 1976. In each of these countries, the military and its allies sought not simply to displace others from power, but rather profound social transformation that would permanently weaken workers' position and restructure economic relations under an emerging neoliberal agenda (Alejandra Estevez et al., 2018).¹

The Chilean and the Argentinean dictatorships were exemplary. In both, workers had a long tradition of building strong local, regional and national organizations, and both countries had labour movements that were vigorously engaged in politics. As has been widely documented, the military and their allies saw the 'unruly' workers as the most significant obstacle to their plans (Adolfo Canitrot, 1980; Paul W Drake, 1996). To discipline them was a prerequisite, and the best way to cut what they thought was their societies' Gordian knot. To restrict labour rights and reorganize labour relations, change society's political stance, eliminate contestation, and relaunch accumulation, quashing workers' disruptive power was seen as imperative on both sides of the Andes.

¹ I adjusted the reference style to include the name, not only the authors' surname. As Kruskaya Hidalgo Cordero and Carolina Salazar Daza explain (2020) surnames are traditionally paternal and lead to think about authors as male subjects. Changing the standard reference style to make women's contributions visible can be seen as a tiny step. Still, it is one within the diverse and rich rising feminist movement we are building to fight for equal political, economic, cultural, personal, and social rights for women in Latin America and elsewhere. *Ahora es cuando*.

Despite its centrality, the attack against workers and workers' organizations appears marginally in most academic accounts², highlighting instead the political turbulence of the previous years, the economic collapse that preceded both coups and the military government actions and human rights violations and their long-lasting effects at various levels. In the study of the fights against dictatorships, as well, the importance of labour movements' solidarities has been almost ignored, highlighting the role of human rights associations, political parties, and new social movements.

This article departs from acknowledging the centrality 'the workers' issue' had for those regimes and how that importance can be seen beyond the national borders. By examining what had happened in the international arena when workers in Chile and Argentina were under the rule of violent dictatorships, it seeks to accomplish three objectives. The first one is to demonstrate the importance and effects complaints against both coups had (considering workers international organisations but also actions from groups of exiles, trade unions, activists, and shop-floor organisations). Challenging nationally centred accounts about the fights against those regimes, the article presents data on workers international actions and international networks challenging Pinochet's and the Argentinean Juntas' rule from the seventies onwards. Furthermore, it debates the impact of those actions claiming that they remain, until now, mostly unappreciated.

The second objective is to analyse the Cases opened at the International Labour Organization (ILO) Committee of Freedom of Association (CFA)³ for violations of the

² This marginality is under debate as can be seen in Gabriela Aguila (2012), Danny Monsálvez Araneda (2016), Paulo Fontes and Larissa R. Corrêa (2018) and Luciana Zorzoli and Juan Pedro Massano (2021) among others.

³ The Committee was established in 1951 to study complaints about violations of freedom of association, whether or not the country concerned has ratified the relevant ILO conventions. The creation of the Committee followed the model of the ILO's Committee of Experts on

freedom of association rights, showing how and why they become a site of conflict. The Cases allow a unique exploration of the tensions within the labour movement and remarkable information about employers and governments' responses and strategies.

The final objective of the article is to contribute to the unravelling of the ILO's role and influence in the region, considering the measures taken by the organisation and the CFA during the period while assessing their impact, both in terms of denouncing, stopping, or curbing the violence against workers and in affecting the plans designed by both military governments. By doing so, the work connects with a growing amount of research on the ILO and Latin America relationships that is challenging what Jasmien Van Daele named a serious 'geographical narrowness' in the organization history (2010, p. 35). If in the past the initial cooperation between the ILO on Latin American was almost ignored, and little attention was given to their mutual influence, the landscape is now much more encouraging (see for example Fabián Herrera León & Patricio Herrera González, 2013; Norberto Osvaldo Ferreras, 2015; Laura Caruso & Andrés Stagnaro, 2017; 2019; Pedro Daniel Weinberg, 2019).

Methodology

The findings presented in this paper are part of a broad exploration that, using qualitative methods, investigates the functioning networks, influences, and effects of the ILO's presence in the region from the seventies onwards.

the Application of Conventions and Recommendations (CEACR), created in 1926, being since then a crucial element in the supervisory mechanism for standards.

This paper focuses on the CFA Cases against two specific countries that concentrated most of the Committee attention during those years due to their internal circumstances. Archival work was performed at the ILO's headquarters in Geneva and complemented with access to the ILO NORMLEX database, containing ILO's Conventions and Recommendations, ratification information per country, comments of the Committee of Experts and the Committee on Freedom of Association and numerous related documents. Additionally, the paper analyses documents found in research stays in Chile and Argentina, exploring the Ministries of Labour archives and relevant collections in the Chilean Museum of Memory and Human Rights and the Argentine 'Archivo Intermedio' of the National Archives in Buenos Aires.

Complaints at the ILO: voices against state terrorism

The project of a 'democratic road to socialism' personified by President Salvador Allende in Chile ended abruptly in September 1973. In a violent and unprecedented coup, the presidential palace was bombed, the Congress dissolved, and the rights established by the Chilean Constitution suspended. Arrests, disappearances, and political killings performed by state security forces and the army started immediately, targeting opponents, members of the political left, trade unionists and activists. At the same time, heavy controls on people movements, opinions and the media were imposed, while thousands were forced into exile.⁴

Allende's final radio broadcast to the people of Chile before committing suicide during Pinochet's all-out attack on *La Moneda* had a significant impact in Great Britain

⁴ On the memory of Pinochet's dictatorship see Steve Stern (2010) and Verónica Valdivia Ortiz de Zúrate (2003); on the consequences of the military coup Peter Winn (2004). A recent account of the studies addressing labour history can be found in Ángela Vergara (2018).

and other parts of the world (Alan Angell, 2013; Grace Livingstone, 2019), generating a wave of immediate solidarity in what was seen as the loss of a 'true democracy'. The arrival of thousands of exiles increased the understanding of the facts. It led to countless initiatives to denounce what was happening in Chile, seeking international actions to save lives and produce sooner or later the withdrawal of the military from power.

Among those initiatives, the ILO received multiple complaints, establishing a *Fact-Finding and Conciliation Commission on Freedom of Association*⁵ and opening thirty-five cases under the consideration of the CFA. Each one of these cases addressed different aspects and particular moments of what was happening in Chile, with the first one, numbered 765, structuring the ILO's intervention and gathering most of the information (Elizabeth Lira & Hugo Rojas, 2009; International Labour Office, 2018; Pamela Alejandra Martínez Martínez, 2019).

After a complaint presented by the World Federation of Trade Unions (WFTU), the International Confederation of Free Trade Unions (ICFTU), the Latin American Central of Workers, the World Confederation of Labour (WCL) and several other trade unions, Case 765 was opened, containing the first alarm about the lives and safety of several trade unionists on September 17, six days after the coup.⁶ The denunciations against Chile's military regime were based on serious violations of the Freedom of Association and Protection of the Right to Organize Convention (No. 87) and the

⁵ The Commission was set up by the ILO's Governing Body in January 1950 following negotiations with the Economic and Social Council of the United Nations, but has been rarely used, and dealt only with six complaints to date (See David Tajman & Karen Curtis, 2000). The one about Chile presented a *Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning the situation in Chile* in 1975.

⁶ Complaints and denunciations alleging violations of human rights in Chile were also sent to the Organization of American States and treated by the Inter-American Commission Human Rights (the Reports can be accessed [here](#)).

Protection of the Right to Organize and Collective Bargaining Convention (No. 98)⁷ and were immediately referred to the CFA.⁸ Chile's situation was followed with preoccupation as the first responses' strength, rapidity, and diversity show. In parallel to what was happening abroad, Chilean trade unionists began to accumulate information about what was happening in two vicariates linked to the Archbishopric of Santiago, the *Vicaría de la Pastoral Obrera* and in the *Vicaría de la Solidaridad*, both being very important in the construction of initiatives such as the Trade Union Research and Advisory Center (CIASI), with long-lasting effects. According to testimonies (Hugo Rojas, 2009), that documentation fed the content of the international complaints during the following years, which were sent from Chile and presented by federations and foreign trade unions to the CFA.⁹

This was a significant difference from the Argentine situation, where most of the active trade unions (not the unions' exiles) remained distant from the international actions against the military, including those happening at the ILO (Luciana Zorzoli, 2016, 2017). When in March 1976, the coup displaced the third Peronist government, it was quickly met with oppositions abroad. Swift reaction may very well have been shaped by what had happened with Chile, even when Argentina's military sought to distance from Pinochet's

⁷ Even when Chile had ratified none of both at that moment, they were accepted following the obligations derived from the country condition of member of the ILO, which transcends the ratification of agreements concerning fundamental rights (see the ILO's Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference at its Eighty-sixth Session, Geneva, 18 June 1998 and Gerry Rodgers et al., 2009).

⁸ There is still much to know about the creation of international networks of cooperation and how the information was gathered for those first complaints, considering that the Chilean labour movement, even when having international linkages, had not found its international relations until the decade of the seventies as a priority (Eric Palma González, 1996).

⁹ There were, as well, some claims sent by groups in exile. As an example, see Case 1183, where the reporting entity is the Central Única de Trabajadores de Chile *Comité en el exterior*.

example, participating in international organisations and presenting the government as a regime whose primary function was to defend the country ‘against external attacks’.

Rapidly after taking power, the Argentinean military appealed to foreign capital and credit in a bid to have resources to gain legitimacy while seeking at the same time to divert emerging criticism. Bilateral relations and participation in international organisms became especially important to that end, with the UN's Human Rights Commission and the ILO's being the central arenas of intervention (Iain Guest, 1990; Rodrigo Lloret, 2016).¹⁰

Despite their efforts, the government was seen as well as a threat to human and labour rights. Proof of this is that on March 25, 1976, only one day after the coup took place in Buenos Aires, the WFTU sent a telegram to the ILO lodging a formal complaint citing targeted persecution of labour organizations and Argentine workers. The following seven days saw an exponential increase in such claims, with other organisms raising similar concerns (ICFTU, WCL, the Trade Union Confederation of the Americas ITUC, the International Metalworkers Federation, and the World Federation of Teachers Unions, FISE among them). With varying degrees of detail, the denunciations claimed the military suspended the confederation of labour (the Confederación General del Trabajo, CGT) activities, freezing union's assets and imprisoning prominent trade unionists, all in violation of the ILO's 87 and 98 Conventions of which Argentina was a signatory since 1960 and 1956 respectively.

The ILO received those claims as it did with Chile and referred them to the CFA,

¹⁰ That the international arena was of interest to government should not be taken to mean that there was not an intense struggle within the military over the best international strategy to pursue, as Paula Canelo has shown (2008).

making those denouncing and those in Latin America expectant of the Committee's Reports to the ILO Governing Body and the annual conferences' debates, where the findings of the proceedings would become available.

Proceedings of the cases and trade unions' attitudes

The complaints against Chile covered a wide range of topics, from the personal safety of workers and trade unionists to trade unions rights and introduced changes in the labour legislation. The allegations referred to arrests, repression and assassinations and started to populate lists of people that were presumably in the regime hands. Furthermore, as the complaints denounced that the whereabouts of many of those union leaders captured by the dictatorship were unknown, they urged the ILO to intervene nothing less than to save lives.

The dissolution of Chile's unions federation, the Central Unitaria de Trabajadores de Chile (CUT) and other trade union organizations by legislative decrees, the elimination of protections against politically motivated dismissals, the cancellation of any form of collective bargaining and the suspension of agreements on wages, allowances and other forms of remunerations were part of the scenario. General civil liberties and rights such as assembly, freedom of opinion, residence or association were not granted, and workers were suffering a compact attack seeking to 'end politics in trade unions forever', as Pinochet declared as his intention.

Things in Argentina shortly after that were not different. Case 842 was initially filled with a long list of restrictions and human rights violations along with names of trade unionists and workers detained. As weeks passed, they were levelled as 'disappeared' following their arbitrary detention by security forces who remained mostly unidentified. The massive list of workers subject to such treatment made the CFA keep strict records,

as they were doing with Chilean trade unionists, petitioning both governments to submit periodic reports about those individuals included on their lists.

The Committee also began to receive personal letters entreating the organism to identify the whereabouts of detained family members and co-workers, reporting events, or seeking to provide testimony about what was occurring to raise awareness abroad. Whether those letters would be admissible in the cases was subject of debate, as groups of workers signed some of them, but not pre-existing organisations recognised by the ILO. The offices of Freedom of Association Services, housed within the Department of International Labour Standards, formulated then a pre-set response asking the senders that 'a trade union organisation file the corresponding complaint', as personal letters were deemed *inadmissible*.

To grasp the full implication this limitation posed to workers and affected families, it is essential to note that trade unions attitudes towards the cases were far from simple, showing that within the trade unions' movement in both countries, the military found a wide range of reactions, from degrees of support to contestation (Arturo Fernández, 1988; Gonzalo Falabella, 1990; Manuel Barrera & Gonzalo Falabella, 1990). For example, most Argentinean trade unions were supportive at the international level of the military rule, as they shared the anti-communist stance of the government and used the new situation to isolate left and grassroots sectors. As a show of this, only on two occasions did Argentinian trade unions address the Committee and express some grievances over the repressive situation. In those communications, they were careful not to provide damaging generalisations or question the dictatorship's narrative about what was happening openly. This strategy was shared by those belonging to the orthodox sectors of Peronism within and outside trade unions (Luciana Zorzoli, 2016, 2017).

On the Chilean side, even when a section of the labour movement associated with the CUT was an active denunciator acting through international initiatives (Rodrigo Araya Gómez, 2015), other figures accompanying the military government to the ILO annual conferences kept a shallow profile the first few years of the regime (and that is why they were challenged many times at the ILO *Credentials Committee*, sparking controversy regarding their ability to represent the Chilean labour movement).¹¹

The trade unions' failure to engage with the complaints was undoubtedly a constitutive feature of the cases, making the ILO requirement of complaints been sent by 'recognised unions' an obstacle for many.

The proceedings, even despite that, were of great importance, not only in Geneva but also in local terms. If this can be said about both regimes' international strategies, it is even more evident when analysing the launch of new labour codes or unions' bills between 1979-1980.¹² The CFA's Reports to the ILO's Governing Body were discussed regularly at the ILO's annual conferences, negatively impacting the regime's international position and prestige. They were a source of repeated concern for the military that kept pondering their impact on domestic politics either because the cases legitimised opponents and their protests or because they tried to function as a mould or a barrier to the regimes' new legislation.

¹¹ Details of the objections and the Credentials Committee debates and resolutions can be found [here](#), while academic inquiries considering these disputes at the ILO are pending. On the diversity of positions regarding the Pinochet's regime see Gonzalo Falabella (1990) and Rolando Álvarez Vallejos (2010).

¹² Pinochet formalized the changes introduced since 1973 with a comprehensive reform of the system of industrial relations approved in 1979, the *Plan Laboral*. The same year, in Argentina, the government passed a new bill for trade unions (and connected issues, as the health services) producing the first rupture on the alliance that sustained the government's international strategy (Mariana Stoler, 2021).

A probe of this can be found in secret documents from the Argentinean Junta, such as the Legislative Advisory Commission minutes and internal papers. They show a detailed study of the ILO's Conventions and the issues they create for the coup's plans, expressly stating the need for changes (and improvements) on legislation drafts on the grounds of avoiding confrontation or 'responding' to the ILO's claims, principles or observations.¹³ The *Secret Minutes of the Junta Militar* in Argentina showed, as well, the importance the proceedings had behind closed doors (asking, for example, to 'adjust the times' of the labour legislation promulgation to avoid matching with relevant ILO's meetings).¹⁴

In the Chilean case, the long-lasting legislation promoted by Pinochet, the *Plan Laboral*, has been understood itself as a strategy to confront the international campaigns against the regime (Rolando Álvarez Vallejos, 2011; Guillermo Campero & René Cortázar, 1986; Guillermo Campero & José A Valenzuela, 1984). The objectives behind its promotion were mixed. On the one hand, to normalise the functioning of the industrial relations pretending a full return to the law as requested by the ILO. On the other, to cement the deregulation of labour markets and establish very limited parameters for workers' action and rights to organise.

In both countries, the ILO annual conferences and the cases' proceedings were difficult to manage despite the governments' many efforts, as we will see in the coming section.

¹³ See the Legislative Advisory Commission secret documents (*Fondo CAL* for its acronym in Spanish) in the Archivo Intermedio del Archivo General de la Nación, sede Paseo Colón.

¹⁴ The collection of 280 secret minutes of the meetings held by the Argentine Military Junta between July 1976 and November 1983 was found in 2013 and published by the Ministry of Defense (2014). For an academic analysis of the documents see Paula Canelo (2016).

A cover-up strategy

As part of the procedure, the CFA asked the respective government for explanations and comments on all the relevant aspects of the complaints received. The responses have some variation but at its core were denials, counterattacks, and what was presented as the continuation of the initial military plans.

Pinochet's administration returned each complaint with an argument articulated around the idea that there were no violations of workers' rights or any other fundamental human right in Chile. In their say, those prosecuted, following the Chilean law, were not trade unionists or not charged because of being trade unionists, but 'extremist'. Along with this, and to tone down the criticisms, the regime included details on some of those mentioned, especially when they could say that those in the lists left the country, were legally expelled or were in foreign embassies waiting for asylum. As the Argentinean government was about to do, the Chilean dictatorship combined these responses with political pressure against the CFA and the ILO, arguing they were interfering with internal affairs. The main argument was that the CFA transmitted complaints drawn up in offensive terms, referred to persons who were not trade unionists, 'or to trade unionists who are free, or concerning whom the Government has already replied, or who have been duly tried'. By doing so, the regime rejected CFA's recommendations and the annual conferences' resolutions many times, considering them as expressions 'of an offensive attitude towards Chile' and as attempts, based on political reasons, to interfere in the domestic affairs of a sovereign state.

The Argentine government was even more active than the Chilean in their responses, operating via the Ministry of Foreign Relations and Religious Affairs in Geneva to deny the claims, confront the denunciations and denunciators, and engage in a

peculiar type of dialogue with the Committee. The argument was an inversion of the claims made by the international trade unions' movement, signalling that the communist and terrorist left (sic) rather than the military government were responsible for the human rights violations happening in the country. The strategy would be repeated in the years to come. Lengthy political arguments about the situation before the military takeover, followed by justifications for the military intervention in economic, social and political affairs alleging the repressive situation was the fault of foreign attacks. As a complementary approach, almost every year tripartite delegations with prominent trade unionists, employer's representatives and members of the Ministry of Labour were sent to the annual conferences, and invitations for visiting the country were sent to the ILO's Director, Francis Blanchard and his delegates.

Despite the preceding, claims continue to accumulate against both countries. The details of the situation in Argentina started to emerge, including reports on the military's *modus operandi*: to make people 'disappear', kidnaping them from their houses and workplaces using unidentified units to take them to the more than 500 clandestine centres for detention, torture, and extermination in the country.

The Argentine government responded by deepening its strategy and answering some claims confidentially. The engagement was meant to demonstrate goodwill and included one element without precedent: the provision of a list of prisoners, including specifics about renewed unionists. The government also handed over details of those under investigation or 'condemned by Special Wars Councils or the National Criminal Judiciary'. An additional list was included enumerating those for whom 'there is no available information and who are not detained in any prison' that were those mentioned in the complaints as disappeared (see, A-ILO, C842, 1/1977, *Confidential Memorandum* sent by the Offices of the ILO in Buenos Aires, March 30, 1977, and April 4, 1977).

The government's gambit run into difficulties anyway when an employer's representative who participated in the ILO since 1962 and at the Governing Body from 1967 was kidnapped by a task force presumably linked to the Navy. The sociologist related to the powerful Argentine Industrial Union, Antonio Vitaic Jakasa¹⁵, acted as a member of the CFA since 1972.¹⁶ His disappearance caused a great stir in Geneva, but as far as can be seen in the proceedings, little more than that. A file within Case 842 was opened to follow the news, but as he remained 'disappeared,' it soon became dormant.¹⁷

As was mentioned, both administrations pushed back during the period requesting complainant organizations to be asked to refrain in their claims if they couldn't provide 'full details' of those named (something they knew only they were in the position to do) while forward-moving with their plans, the *Plan Laboral* and the new trade unions law.

From there on, Argentina entered a political turmoil due to internal circumstances

¹⁵ Vitaic Jakasa was kidnapped on May 6, 1977. There is minimal information regarding his abduction and disappearance, denounced to the Argentine 'Truth Commission' by his family, and investigated under file number 3024 of the Commission on the Disappearance of Persons [Comisión Nacional sobre la Desaparición de Personas, CONADEP]. His disappearance had great international repercussions (see, among others, *New York Times*, 15/05/1977) and received careful government treatment including the provision of a special pension to his family sponsored by the Ministry of Labour in Argentina at that moment, Horacio Liendo. His file can be accessed in the National Archive of Memory [Archivo Nacional de la Memoria], Buenos Aires, Argentina <https://www.argentina.gob.ar/anm>.

¹⁶ He was designated in 1976 by the business sector as the Vice-president of the Annual Conference, which the Argentinean press highlighted as a sign of institutional support for the country (see, for example, *Clarín*, 03/06/1976). The opposed *post facto* interpretation is more plausible: that his designation to such an important and visible position was realised in order to protect him. During 1976, Vitaic Jakasa never explicitly mentioned the repressive situation in the country, although his position meant he was involved in debates of freedom of association and he could not have been unaware of the establishment of Case 842, nor could he have been ignorant of the government response issued through ambassador Martínez.

¹⁷ I am unaware of any other relevant action taken by the ILO in Geneva or in Buenos Aires beyond the file opened within Case 842.

(political and economic ones) that led to changes in the government and the aggressive campaign to 'recover' the Islas Malvinas/ Falklands islands in April 1982, making room for significant changes towards Argentina in the international stage. Most of the personalities and international trade unions who had once denounced the military government were expressing solidarity with the 'anti-imperialist' struggle for territorial sovereignty, in a sense shelving the accumulated progress made in Case 842, still under examination by the CFA. The military defeat in the South Atlantic War with Great Britain only deepened that effect, isolating international actions and claims in Case 842 while domestic concerns consumed the country (Luciana Zorzoli, 2017).

In the case of Chile, it was later, with the 1988 national referendum, that one could find a change towards Pinochet's regime, a regime that supported well all the actions and retaliation found in the international sphere. After a little more than fifteen years in power, a national referendum was unexpected, as much as a dictatorship asking people whether they should extend its rule for another eight years or not. When the 'NO' side won -with nearly 56% of the votes- the proceedings at the ILO entered their final stage.

It must be said, at this point, that the scale of the claims doesn't seem to have changed the determination of the civil-military governments to act criminally, targeting workers and workers' organisations to transform both countries. Despite this -and varying their strategy over time- both governments continually attempted to minimize the potential effects of the ILO's cases, which were a permanent reason for alarm. This shows, in our understanding, the overall importance of the ILO's actions -something we will review in more detail in the next section.

Key measures taken by the ILO and CFA

As shown, the CFA immediately understood the Chilean labour movement's

dramatic situation and acted with the ILO's Administration with great care and preoccupation. The role of the CFA in shedding light on the thousands of detentions of workers and trade unionists needs highlighting, especially considering the Chilean dictatorship put pressure on the ILO, stating as many times as possible that they believed no ILO body was competent to analyse the situation of those detained, what was a clear intention to make the CFA and the ILO withdraw their inquiries.

Far from giving up, the CFA mentioned numerous times its preoccupation with workers' procedures and trade unionists' detentions with unclear charges against them. Furthermore, they expressed concern about the new allegations, particularly those regarding trade unionists arrested by security forces that could not be found at the places of detention in the country. They recommended that the Governing Body request the governments to supply information in that one and other respects on countless occasions.

For the Chilean Case and the proceedings, as discussed before, the Governing Body appointed a *Fact-Finding and Conciliation Commission on Freedom of Association* to visit the country in 1974. That, along with the *Resolution concerning Human and Trade Unions Rights in Chile* adopted in June that same year (in the 59th Session of the ILO Conference), are flagships of the organisation's attitude towards Pinochet. With them, the ILO urged the Chilean authorities to 'cease the violations of human and trade unions rights, to close concentration camps and put an end to the torturing of trade union militants and leaders' asking for a repeal of all the repressive acts and decrees, legitimising the denunciations, and providing proof of what was happening. Also, the Direct Contacts missions sent to Chile (one carried out by Mr Luis Segovia, an official of the International Labour Standards Department, in 1978 and another one, with Nicolas Valticós, Manuel Aráoz and Bernard Gernigon in 1980) played a key role abroad and within the country, establishing the ILO as a reference, something that gave the organisation a prominent

place later in time, when the transition to democracy started to be discussed. Last but not least, the cases against Chile and the government's responses served to judicially accredit arrests and torture of workers paying a role in the fights for justice (Elizabeth Lira & Hugo Rojas, 2009).

Three elements should be considered key regarding Case 842 against Argentina and the measures implemented by the ILO and the CFA from 1976 to 1983.¹⁸ One was the publication and conveyance to the Governing Board of a series of reports, wherein any development in the case was communicated. This, along with the delegates' public claims at the annual conferences, was the source of great concern for the Argentine military as they reverberated around the country, proving and increasing the ILO's authority with later positive effects (Juan Pedro Massano, 2020). Secondly, the CFA kept a detailed record of three situations that would prove central to the claims: widespread suspension of trade unions operations, the approval of the new bill, and the kidnapping and disappearance of people, documenting all information received and calling on the government to explain and end them. Lastly, the ILO and the government reached an agreement to allow a representative of the ILO to officially visit the country and evaluate the domestic situation on two separate occasions, in 1978 and 1980. Even when we cannot address the details of those visits -as the Chilean ones- it is worth mentioning that its importance was remarkable and triggered heated debates in the national media and among the military, helping the public recognize the ILO as an external authority.

At political, judiciary, and historical levels, the importance of all this is yet to be

¹⁸ The ILO's Committee of Experts on the Application of Conventions and Recommendations also offered observations on the Argentine situation and new legislation. See as an example the *Summary of Reports on Ratified Conventions* for the 66th Session of the International Labour Conference in 1980.

adequately acknowledged both in Chile and Argentina and in many other Latin American countries.

It must be stated, as well, that even when any evaluation of the ILO's actions needs to highlight the role of the Committee and its capacity to, through persistence and detailed work, force the governments to some accountability (and made their participation at the ILO uneasy even when they were able to present supporting delegations), some differences in treatment and tone regarding these two cases ask for more reflection.

Even when human and labour rights violations were similar in both countries (and we know today there was a great deal of coordination and collaboration among them), the emphasis of the CFA and the Governing Body was different. The results of official trips, additionally, were not even. If the proceedings addressing the Chilean situation were a source of hope, the trips to Argentina proved disappointing for those expecting the organism to adopt a harder-line stance.¹⁹

Concluding remarks

The study of countries' participation at the ILO and the ILO actions, as shown here, can reveal a wealth of relevant information to broaden our understanding of an array of issues related to labour history in the centre as much as in the periphery.

By examining the Cases, for example, it is possible to observe how those proceedings were a site of conflict for the military government's international policy,

¹⁹ The person in charge of the contacts in Argentina was a lawyer and university professor at the University of Roma, Antonio Malintoppi. Malintoppi took part in other CFA Cases and was expected to shed light on the most delicate issues presented in the Case: trade union activities, claims regarding arrest and disappearances of trade unionists, and general concerns around the freedom of association in other many levels. An account of his two visit can be found in Victoria Basualdo (2010) and Luciana Zorzoli (2017).

where the regimes advanced cautiously in the hopes of avoiding harmful effects and simultaneously sought opportunities to engage in dialogue, negotiation and reach settlements in the domestic sphere that could also produce results abroad. As shown, and as part of this, some changes in both countries new trade unions' bills were made to avoid conflicts and more condemnations, considering ILO's principles even when that did not stop the military governments from advancing serious backward steps in labour rights.

It must also be acknowledged that the situation of both study cases was not equally treated, and the reasons behind that should remain as a question, connecting these with those dedicated to following the tensions within international organizations. The Chilean coup provoked immediate reactions in a country with a reputation for having a well-established democracy. Chilean exiles organized themselves quickly, and trade unionists in the country did not assume a homogeneous position nor adopted a positive stance to Pinochet. The Argentinean coup was made when the country was already in turmoil, and even when receiving great international support, the Peronist union leadership was overwhelmingly reluctant to back claims of human rights crimes and complaints of freedom of association violations, both of which often targeted rank-and-file workers and activists from the labour movement left.

Besides, the read of the cases allows us to reflect on the importance of international trade unionism in the fight for workers' fundamental rights, something that is not always acknowledged and is fully visible here. The actions and spaces open by the ILO were crucial for this to happen, creating a new '*public sphere*' (that became part of the news and debates in both countries) and was fundamental to allow ILO prestige and assistance after the coups.

Finally, the cases show the entanglements faced by the ILO and CFA when

governments, trade unions representatives and businesses allied for political internal or ideological reasons, leaving behind in the case of the trade unions, a large part of the working population that was effectively suffering tremendous restrictions to their rights, and some of them facing torture or death. Questions on the effects of the ILO's soft law, on how to handle these situations and to what extent delegations can be considered *representative* can be evaluated in the light of these examples. The admissions of complaints, as well, proved to be problematic.

Overall, this approximation helps us grasp the great importance of the ILO actions during those years and show the need for more research.

References

- Águila, Gabriela. (2012). La Historia Reciente en la Argentina: un balance. *Historiografías*, 3, 62–76.
- Álvarez Vallejos, Rolando. (2010). ¿Represión o integración? La política sindical del régimen militar: 1973-1980. *Historia (Santiago)*, 43(2), 325–355.
- Álvarez Vallejos, Rolando. (2011). El Plan Laboral y la negociación colectiva: ¿origen de un nuevo sindicalismo en Chile? 1979-1985. *Boletín Del Instituto de Historia Argentina y Americana Dr. Emilio Ravignani*, 35–36, 107–137.
- Angell, Alan. (2013). Las Dimensiones Internacionales del Golpe de Estado Chileno. *Política. Revista de Ciencia Política Universidad de Chile, Santiago*, 51(2), 57–78.
- Araya Gómez, Rodrigo (Ed.). (2015). *Movimiento sindical en dictadura: fuentes para una historia del sindicalismo en Chile, 1973-1990* (Primera edición). Ediciones Universidad Alberto Hurtado.

- Barrera, Manuel, & Falabella, Gonzalo. (1990). *Sindicatos bajo regímenes militares: Argentina, Brasil, Chile*. CES Ediciones ; United Nations Research Institute for Social Development.
- Basualdo, Victoria. (2010). The ILO and the Argentine Dictatorship (1976-1983). In Jasmien van Daele (Ed.), *ILO histories essays on the International Labour Organization and its impact on the world during the twentieth century* (pp. 401–413). Peter Lang.
- Campero, Guillermo, & Cortázar, René. (1986). Lógicas de acción sindical en Chile. *Revista Mexicana de Sociología*, 48(4), 283–315.
- Campero, Guillermo, & Valenzuela, José A. (1984). *El movimiento sindical en el régimen militar chileno, 1973-1981*. Instituto Latinoamericano de Estudios Transnacionales. <http://books.google.com/books?id=-XpFAAAAYAAJ>
- Canelo, Paula. (2008). *El proceso en su laberinto: la interna militar de Videla a Bignone*. Prometeo.
- Canelo, Paula. (2016). *La política secreta de la última dictadura*. Edhasa.
- Canitrot, Adolfo. (1980). Discipline as the central objective of economic policy: an essay on the economic programme of the argentine government since 1976. *World Development*, 8, 913–928.
- Caruso, Laura, & Stagnaro, Andrés. (2017). *Una historia regional de la OIT: aportes sobre regulación y legislación del trabajo latinoamericano*. FaHCE, UNLP.
- Drake, Paul W. (1996). *Labor movements and dictatorships: the Southern Cone in comparative perspective*. Johns Hopkins University Press.
- Estevez, Alejandra, Sales, Jean Rodrigues, Corrêa, Larissa Rosa, & Fontes, Paulo Roberto Ribeiro. (2018). *Mundos do trabalho e ditaduras no Cone Sul (1964-1990)*.

- Falabella, Gonzalo. (1990). La diversidad en el movimiento sindical chileno bajo el régimen militar. In Manuel Barrera & Gonzalo Falabella (Eds.), *Sindicatos bajo regímenes militares: Argentina, Brasil, Chile*. CES Ediciones ; United Nations Research Institute for Social Development.
- Fernández, Arturo. (1988). *Las prácticas sociopolíticas del sindicalismo (1955-1985): Vol. I*. Centro Editor de América Latina.
- Ferreras, Norberto Osvaldo. (2015). Europe-Geneva-America: The First International Conference of American States Members of the International Labour Organization. In Alan L McPherson & Yannick Wehrli (Eds.), *Beyond geopolitics: new histories of Latin America at the League of Nations* (pp. 83–96). University of New Mexico Press.
- Ferreras, Norberto Osvaldo. (2019). *La OIT y los países del Cono Sur en el período entreguerras*. Fundación Electra.
- Fontes, Paulo, & Corrêa, Larissa R. (2018). Labor and Dictatorship in Brazil: A Historiographical Review. *International Labor and Working-Class History*, 93, 27–51. <https://doi.org/10.1017/S0147547917000229>
- Guest, Iain. (1990). *Behind the disappearances: Argentina's dirty war against human rights and the United Nations*. University of Pennsylvania Press.
- Herrera León, Fabián, & Herrera González, Patricio (Eds.). (2013). *América Latina y la Organización Internacional del Trabajo: redes, cooperación técnica e institucionalidad social (1919-1950)*. Instituto de Investigaciones Históricas, Universidad Michoacana de San Nicolás de Hidalgo.
- Hidalgo Cordero, Kruskaya, & Salazar Daza, Carolina (Eds.). (2020). *Precarización laboral en plataformas digitales: una lectura desde América Latina* (1. ed). Friedrich Ebert Stiftung Ecuador : ILDIS.

- International Labour Office. (2018). *Freedom of Association. Compilation of decisions of the Committee on Freedom of Association*. ILO.
- Lira, Elizabeth, & Rojas, Hugo (Eds.). (2009). *Libertad sindical y derechos humanos. Análisis de los informes del Comité de Libertad Sindical de la OIT (1973-1990)*. LOM : Universidad Alberto Hurtado.
- Livingstone, Grace. (2019). *Britain and the Dictatorships of Argentina and Chile, 1973-82: Foreign Policy, Corporations and Social Movements*. Palgrave Macmillan.
- Lloret, Rodrigo. (2016). Represión, derechos humanos y política exterior. El rol de los diplomáticos argentinos en el Comité de Derechos Humanos de la ONU (1976-1983). *Papeles de Trabajo*, 10(17), 126–146.
- Martínez Martínez, Pamela Alejandra. (2019). *Los casos de vulneraciones a la libertad sindical cometidas por Chile, conocidos por el comité de libertad sindical de la OIT* (Ediciones Jurídicas de Santiago). Ediciones Jurídicas de Santiago.
- Massano, Juan Pedro. (2020). *El papel del movimiento obrero en la recomposición del régimen político argentino: una historia del reformismo sindical alfonsinista (1983-1987)* [Doctor en Historia, Universidad Nacional de La Plata].
<https://doi.org/10.35537/10915/122370>
- Ministerio de Defensa & Presidencia de la Nación. (2014). *Actas de la Dictadura: documentos de la Junta Militar encontrados en el Edificio Cóndor* (Vols 1–6).
- Monsálvez Araneda, Danny. (2016). La historia reciente en Chile: un balance desde la nueva historia política. *HISTORIA* 396, 1, 111–139.
- Palma González, Eric. (1996). *El movimiento sindical chileno y sus relaciones con la Organización Internacional del Trabajo 1944-1975* [To opt for the degree in Master in History]. Universidad de Chile.

- Rodgers, Gerry, Lee, Eddy, Swepston, Lee, & van Daele, Jasmien (Eds.). (2009). *The International Labour Organization and the quest for social justice, 1919 - 2009*. International Labour Office.
- Rojas, Hugo. (2009). Las quejas ante el Comité de Libertad Sindical de la OIT durante el régimen militar. In Elizabeth Lira & Hugo Rojas (Eds.), *Libertad sindical y derechos humanos. Análisis de los informes del Comité de Libertad Sindical de la OIT (1973-1990)* (pp. 53–104). LOM : Universidad Alberto Hurtado.
- Stern, Steve J. (2010). *Remembering Pinochet's Chile: on the eve of London, 1998*. Duke University Press.
- Stoler, Mariana. (2021). Estrategias sindicales en disputa. Un análisis de la Jornada de Protesta Nacional, primera huelga general en dictadura. In Luciana Zorzoli & Juan Pedro Massano (Eds.), *Clase obrera y dictadura militar en Argentina (1976-1983). Nuevos estudios sobre conflictividad y cambios estructurales*. Editorial A Contracorriente. Distributed by North Carolina University Press.
- Tajgman, David, & Curtis, Karen. (2000). *Freedom of association: a user's guide: standards, principles, and procedures of the International Labour Organization*. International Labour Office.
- Valdivia Ortiz de Zárate, Verónica. (2003). Terrorism and Political Violence during the Pinochet Years: Chile, 1973-1989. *Radical History Review*, 85(1), 182–190.
- van Daele, Jasmien. (2010). Writing ILO Histories: A state of the Art. In Magaly Rodríguez García, Geert Van Goethem, & Marcel van der Linden (Eds.), *ILO histories: essays on the International Labour Organization and its impact on the world during the twentieth century* (pp. 13–40). Peter Lang.

- Vergara, Ángela. (2018). Writing about Workers, Reflecting on Dictatorship and Neoliberalism: Chilean Labor History and the Pinochet Dictatorship. *International Labor and Working-Class History*, 93, 52–73.
- Weinberg, Pedro Daniel (Ed.). (2019). *La OIT en América Latina. Los orígenes de una relación*. Fundación Electra.
- Winn, Peter. (2004). *Victims of the Chilean Miracle: Workers and Neoliberalism in the Pinochet Era, 1973–2002*. Duke University Press.
- Zorzoli, Luciana. (2016). ‘Operativo Ginebra’. La dirigencia sindical ante la instalación internacional de la dictadura militar (1976). *Revista Archivos de Historia Del Movimiento Obrero y La Izquierda*, IV(8), 12–32.
- Zorzoli, Luciana. (2017). La OIT y las dictaduras latinoamericanas: una aproximación al Caso 842 contra Argentina. *Anuario de Historia Argentina*, 17(2), e037.
- Zorzoli, Luciana, & Massano, Juan Pedro (Eds.). (2021). *Clase obrera y dictadura militar en Argentina (1976-1983). Nuevos estudios sobre conflictividad y cambios estructurales*. Editorial A Contracorriente. Distributed by North Carolina University Press.