

AFL 1988

775/9881

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BURMA

The Government of Burma has demonstrated through its actions that it does not respect, observe, or enforce internationally recognized worker rights. The AFL-CIO, therefore, urges that Burma's GSP eligibility be terminated.

The AFL-CIO does not maintain fraternal contact at all in Burma (because nothing resembling a free trade union movement exists in the country), and this fact circumscribes significantly the Federation's ability to gather information directly. However, it is well known that the Government of Burma denies its people their rights to freedom of association and to organize in every area of life. That denial of a basic right applies also to working people.

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That conclusion is based on the U.S. State Department's own Country Reports on Human Rights Practices, as well as on testimony we have gathered from informed Asian trade unionists. It is reinforced by the assessments of the International Confederation of Free Trade Unions (ICFTU) and the International Labor Organization (ILO). Together the information available from these sources constitutes a prima facie case that Burma should be removed from the GSP program.

The latest State Department report on human rights, like those of previous years, clearly reflects the restrictions on the ability of Burmese to exercise their freedom of association. It points out that all mass membership organizations in Burma operate under the tight control of the Burma Socialist Program

Party (BSPP). On the rights of workers, the report has this to say:

FOIA
There is no independent trade union movement in Burma. Workers do not have the right to organize independently, to bargain, or to strike. The labor force is organized in BSPP-controlled workers' and peasants' mass organizations. Most of the leaders of those organizations are party officials, and the national leadership is made up of ranking party and government officials. For example, the workers' organization national chairman is also the Minister for Social Welfare and labor, and the peasants' organization is also the Minister for Agriculture and Forests; both are members of the BSPP's Central Committee.

The ICFTU's latest annual survey of trade union rights violations, published in June 1987, reported that Burma is among the Asian countries in which "a single trade union structure has been imposed by means of legislation, and the trade union movement ... is dominated by the political party in power."

Burma has long been criticized by the ILO for its violations of Convention No. 87, regarding freedom of association and protection of the right to organize. In the 1987 report of the Committee of Experts on the Application of Conventions, Burma is again cited for violating that convention by its failure to revise legislative provisions which "establish a trade union monopoly." The committee report pointed out that "even in a case where a de facto monopoly exists as a consequence of all the workers having been grouped together, legislation should not institutionalize that factual situation by designating the single central organization by name, even if the existing trade union so requests."

Press reports corroborate these facts. The Far Eastern Economic Review in its April 3, 1986 issue, summarizes the fate of free trade unionism in Burma. In 1964, General Ne Win promulgated the National Unity Protection Law, which abolished all existing non-governmental organizations, including unions, and in 1968 created a central labor unit under BSPP control. As a result, Burma has "turned trades unions into an arm of the state," under the "Marxist-Leninist principle that trade unions should function as a 'transmission belt' between the party and the workers." In a critique that it also applied to the People's Republic of China, the Review added:

Employers and employees are assumed to have the same interests, for they are all supposed to be working to enhance the interests of the working class. In practice, the unions no longer take labour's side in conflicts with management, as they used to do in pre-Socialist days. Their functions are now purely social and educational.

The case for indicting a country for worker rights violations could hardly be stronger than the case against Burma, and the AFL-CIO urges that it be removed from the list of eligible countries immediately.

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CENTRAL AFRICAN REPUBLIC

The Government of the Central African Republic has demonstrated through its actions that it does not respect, observe or enforce internationally recognized worker rights. The AFL-CIO urges that the Central African Republic's GSP eligibility be terminated.

BACKGROUND

On May 16, 1981, The Union Generale des Travailleurs du Centrafrique (UGTC), the country's principal labor organization, was dissolved by the government, and it has been legally banned since. In June 1987 the AFL-CIO filed a petition with the Office of the United States Trade Representative urging that the Central African Republic be denied trade benefits under the Generalized System of Preferences (GSP). On the basis of that petition, the USTR determined on April 1, 1988 that there was sufficient reason to question the CAR's labor practices and announced that they "will continue to be reviewed." In describing labor practices in the CAR, the USTR acknowledged that "the right of workers to organize and bargain collectively is not recognized and does not exist."

Since the bloodless coup which overthrew the government of David Dacko on September 1, 1981, President Andre Kolingba has made some tentative steps to restore constitutional rule to the

people of the CAR. However, the Kolingba government has not allowed for the development of democratic institutions and processes for workers. There has been no lifting of the suspension of trade union activities in 1981 immediately after the coup.

In November 1987, an AFL-CIO representative visited the CAR to update the charges which form the basis of the AFL-CIO's case against granting the Kolingba government GSP privileges. The case was discussed at length with officials of the CAR Government, the American Embassy in Bangui, and leaders of the former labor movement. In summary, the AFL-CIO case concerning the CAR's violation of worker rights provisions in the GSP legislation remains fully justified. In the Federation's view the CAR's present government has specifically violated ILO Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organize and Convention No. 98 Concerning the Right to Organize and Bargain Collectively.

FOIA

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The history leading up to the current situation is this: a solidarity strike was called by the UGTC for May 15, 1981 to support an industrial conflict which emerged at the Colalu aluminum cooking utensil factory in Bangui. This action was a success in shutting down most of the private sector for two days. Many workers joined in the protest as a means of expressing a wide range of individual and collective grievances. On May 16 the strike was declared illegal. The UGTC was dissolved and charged with organizing and leading a political manifestation.

With the sudden demise of the UGTC, the Confederation Nationale des Travailleurs du Centrafrique (CNTC) which had engaged in no militant independent activities and which was more accommodating to government pressure, became the only legal organization.

Jean Richard Sandos, leader of the CNTC, attended the June 1981 ILO Conference in Geneva as the sole representative of CAR's workers. Opposition parties demanded that the ban on UGTC be removed, declaring that the action constituted a prelude to the dissolution of all opposition political parties. The government's reply was that the UGTC was being manipulated by political parties and therefore could not continue to exist. The government seized the Bourse de Travail, the UGTC's headquarters, and the building was looted and destroyed. It is now a ruin.

The UGTC had affiliated with the Brussels-based ICFTU in 1980. Periodic visits and financial assistance from ICFTU representatives were viewed with suspicion by many in the government as manifestations of external support for the political opposition. Jean Oulatar, ICFTU's Francophone African specialist, visited Bangui in November 1981, six months after the banning of the UGTC and two months after the suspension of all trade union activities by the military government. He was promptly expelled by the authorities. On February 2, 1983, Sonny Cole and several teachers were arrested and charged with inciting workers to stage an illegal political strike. They were released three months later.

Even Sandos' CNTC remained in a rather tenuous state of suspended animation, as the only officially recognized trade union in the CAR. However, it was neither able to collect dues nor perform the basic union functions such as collective bargaining and grievance resolution.

F&A
FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

The following elements of ILO Convention No. 87 Concerning Freedom of Association and the Right to Organize and Convention No. 98 Concerning the Right to Organize and Bargain Collectively offer illustrative guidelines on fundamental worker rights against which the policies and practices of the CAR can be judged.

In Convention No. 87:

- o Article 2 concerns the right of individuals to establish and join organizations of their choosing without previous authorization;
- o Article 3 covers the right of a labor organization to draw up its own rules, elect representatives and formulate programs without interference from public authority;
- o Article 4 states that unions cannot be dissolved by administrative authority;
- o Article 11 encourages member governments to take measures to ensure the right to organize.

In Convention No. 98:

- o Article 2 states that there should be protection against any acts of interference by employers' organizations which are designed to dominate or control unions by financial or other means;

- o Article 3 states that appropriate machinery/measures shall be established to ensure respect for the right to organize;
- o Article 4 encourages the promotion and use of such machinery for voluntary negotiations and the regulation of working conditions through collective agreements.

Over the past six years, no trade union activities have been permitted in the CAR. The CAR government illegally dissolved the UGTC for engaging in political activities which are integral to any organization representing workers effectively. The UGTC headquarters were taken over by the police, looted, destroyed and abandoned. There are no worker representatives on the National Social Security Board despite legal requirements. No collective bargaining can take place, and layoffs and illegal dismissals are common. No collective defense of workers is allowed.

The employers' association continues to function without any restrictions. According to workers, management pays off labor inspectors to ignore flagrant violations of labor law. This should be judged in terms of Convention No. 98, Article 2, which prohibits any acts of interference by employers' organizations which are designed to dominate or control unions by financial or other means.

The CNTC has kept its organizational cohesion somewhat intact even though it cannot collect dues or hold meetings. The UGTC appears to have largely disintegrated. Leaders of both organizations are totally opposed to any government attempt to

"reconstruct" the labor movement as a branch of Kolingba's Central African Democratic Rally (RDC) party.

Since it suppressed workers' organizations, the Government of the CAR has tried to present a facade of free trade unionism for external appearances. A CNTC representative attends the June ILO sessions and the suspended UGTC can occasionally send participants to external seminars. The visit of an ILO mission to investigate case 1040 of the organization's Committee on Freedom of Association has been put off for two years by the government. These abuses are also documented in the U.S. State Department's Country Reports on Human Rights Practices.

**INFORMATION CONCERNING THE REPORT BY THE UNITED STATES
TRADE REPRESENTATIVE'S OFFICE ON THE CENTRAL AFRICAN
REPUBLIC'S LABOR POLICIES**

The analysis presented by the Office of the United States Trade Representative in defending its decision to continue GSP benefits for the Central African Republic, if anything, supports the claims made in the AFL-CIO petition.

USTR states:

* In 1981, the Government of the Central African Republic dissolved the General Union of Central African Workers (UGTC) by administrative fiat and suspended all trade union activities.

* To date, however, the right of workers to organize and bargain collectively is not recognized and does not exist.

Response:

By themselves these acknowledgments constitute sufficient evidence to warrant withdrawing GSP benefits from the Central African Republic. The USTR, however, has chosen to concentrate on government promises of reform when the realities of labor practice continue to deny basic worker rights. The USTR's response to the AFL-CIO petition also suggests that even the fundamental issue of a union's right to exist is somehow less meaningful or pressing because the Central African Republic has a poor and backward economy.

USTR states:

* It was also determined that in light of the fact that the Government of the Central African Republic has only recently evolved to a constitutionally representative form of government, and in recognition of the low level of economic development and subsistence living conditions prevailing in that country, the review of worker rights in the Central African Republic should continue in the upcoming annual review of the GSP . . .

Since coming to power in 1981, the Kolingba Government has undertaken to restore the rule of law to the republic, which has had a turbulent political history, and to establish democratic institutions. In the past year it has adopted a new constitution, founded a political party, held elections for deputies to the national assembly and formed a regional and economic council that acts as an advisory body to the assembly and has provisions for labor representation.

Response:

Whatever these actions mean or whatever the truth of the claims, they simply do not address the issues presented in the

AFL-CIO's case, namely that independent unionism is banned and that there is no right to bargain collectively.

In February 1988, before the USTR issued its decision -- the Secretary General of the CNTC was detained for several days, his house ransacked and all union-related material confiscated, his car taken and his job denied. No charges against him were ever specified. The apparent cause for this abuse was the union's decision to press for the two empty labor seats on the above mentioned economic council. So, while the USTR cites the existence of official allotments for labor representation, attempts to exercise the supposed representation rights have resulted in harsh reprisals.

While reference to the Central African Republic's level of economic development might be relevant in considering wage levels and other cost factors associated with labor rights, it has no bearing on basic union recognition and the right to organize and bargain collectively.

USTR also states:

* The labor minister invited the CNTC in late 1987 to meet ministry officials and employers to discuss working conditions and collective bargaining -- the first official recognition of a union role in industrial relations since 1981.

Response:

The events of February prove just how meaningless gestures such as these can be.

USTR states:

* The Government of the Central African Republic has stated that although it is unable to set a specific date at this

time, it will come to a decision on the following issues: date for the planned ILO contact mission; the prospects for labor representation on the economic and regional council, the current legal status of old statutes that appear to violate ILO conventions, and the future of union activity in the Central African Republic.

Response:

If follow-through on items other than the council representation follows precedents set on that item, the USTR is engaging in false hopes. Besides, practice must be the subject for judgment.