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May 31, 1988

REV 1
OUT 2

Hiram Lawrence
Chairman
GSP Subcommittee
Office of the Trade Rep.
600 17th Street, N.W.
Washington, DC 20506

Dear Mr. Lawrence:

The Lawyers Committee for Human Rights is filing a GSP Petition documenting the violation of internationally recognized workers rights in Liberia. Please find enclosed 20 copies of the petition as required for the Subcommittee to review.

If you need any additional information or material, please let us know.

Thank you.

Yours sincerely,

Michael Posner

Enclosure

Gen 4/lawrence

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Worker Rights Violations in Liberia.

A Submission by the Lawyers Committee for Human Rights Regarding
the Generalized System of Preferences.

May 31 1988.

SUBMITTED TO:

HIRAM LAWRENCE,
CHAIRMAN, GSP SUBCOMMITTEE
OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE,
600 17TH STREET, N.W.
WASHINGTON D.C. 20506

CALLED FOR PICK-UP

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BY: *[Signature]*

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I. INTRODUCTION:

This petition is submitted by The Lawyers Committee for Human Rights in reference to the Generalized System of Preferences (GSP). The Lawyer's Committee for Human Rights, requests that the Office of the Trade Representative review the GSP status of Liberia. To the best of the Committee's knowledge, the reasoning and information contained in this petition have not been presented to the TRSC previously.

Since 1978, The Lawyers Committee for Human Rights, a nonprofit organization, has worked to protect and promote international human rights, laws and legal procedures. The Committee has investigated serious human rights violations in more than 30 countries in Asia, Africa, Latin America, the Middle East and Eastern Europe, and has issued over 75 reports. In recent years, Lawyers Committee fact-finding delegations have visited the Soviet Union, South Africa, the Philippines, Liberia, Pakistan, Uganda, Cuba, Kenya, Nicaragua, El Salvador, Haiti, Chile, Cambodia, Poland and Zimbabwe. The Committttee's work is non-partisan and impartial; it holds every government to the standards affirmed in broadly accepted instruments of international law.

The information in the petition has been gathered by consulting various sources in Liberia and elsewhere. A number of

the individuals with whom the Lawyers Committee has been in contact with have asked that their names not be used for fear of reprisals by the Liberian government.

The following information is offered pursuant to Sections 502(b)(8) and 502(c)(7) of the Trade Act as amended. That law prohibits a government from receiving trade preferences under the Generalized System of Preferences program if it "has not taken or is not taking steps to afford internationally recognized workers' rights to workers."

The petition describes a pattern of labor rights violations in Liberia. It is the Lawyers Committee's belief that the government of Liberia is violating internationally recognized workers rights, and therefore should not be entitled to tariff preferences under the Generalized System of Preferences.

We believe that the Liberian government, has consistently denied its workers the following internationally recognized rights:

THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY, AND
THE RIGHT OF ASSOCIATION.

Since 1980, when President Doe took power, workers in Liberia have been denied their basic rights. The government has become increasingly restrictive through a number of means, including widespread government harassment and intimidation which has created a climate in which workers are not able to function

freely. In particular, the Liberian government is responsible for violating internationally recognized workers rights by;

- Outlawing the right to strike with Decree 12, in violation of the International Labor Organization (ILO) Convention No. 87¹;

- Preventing all government workers from forming unions or engaging in strikes, in violation of the International Labor Organization (ILO) Convention No. 98²;

- Attempting to codify into law the Civil Service Reform Act which would prohibit all government workers from unionizing, striking or being members of any political party;

- Banning unions and other organizations that have expressed views contrary to the government;

- Preventing workers from selecting unions of their choice;

- Using government intimidation and the threat of unemployment to ensure government workers are members of the ruling party.

1. International Labor Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). Ratified by Liberia 1962.
2. International Labor Organization (ILO) Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Ratified by Liberia 1962.

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II. THE RIGHT TO ORGANIZE AND BARGAIN
COLLECTIVELY/THE RIGHT OF ASSOCIATION.

Decree 12 - Outlawing strikes: Decree 12 outlaws strikes and "any other type of labor unrest" in Liberia.³ In 1980, the People's Redemption Council (PRC) issued Decree 12 abolishing strikes and any labor unrest within the Republic of Liberia. It stated that all labor decisions already acted upon by the defunct Tolbert government were null and void. The government's rationale for Decree 12 was that "The rate of growing labor unrests within various vital sectors of the economy and the adverse effect which these unwholesome disturbances could impose on the nation and lives of all citizens and foreign friends alike had necessitated the move."⁴

Even within the Liberian government, it has been conceded that Decree 12 is unconstitutional. In 1980, the Minister of Planning and Economic Affairs, Dr. Togba-Nah Tipoteh, called for a repeal of Decree 12 which abolishes workers' right to strike stating it was in violation of the International Labor Organization Convention to which Liberia is a signatory. The New Liberian, August 27 1980, reported that Tipoteh said the right of workers in Liberia to strike was fundamental and that

3. Country Reports on Human Rights Practices for 1987. U.S. Department of State, February 1988, p 158.

4. New Liberian, July 24 1980.

the rights of workers like the rights of other people, must always be respected.⁵

The International Labor Organization (ILO), in 1987, concluded that

"[w]ith regard to the general ban on strikes introduced by Decree in June 1980, the Committee reiterates its view that this constitutes a serious violation of trade union rights, and draws attention to the principle that such a prohibition can only be justified in the event of an acute national emergency and for a limited period of time: it shares the hope of the Conference Committee on the Application of Conventions and Recommendations in 1985 that the Government will in the near future adopt the Labour Code and other necessary measures which will enable due action to be taken of the divergencies between the provision containing the ban on strikes and the Government's obligations in terms of Convention No. 87, especially as regards the rights of trade unions to defend the interests of their members and to organise their activities."⁶

In October 1985, President Doe, promised to consider repealing Decree 12 in the Second Republic. The President admitted that the repeal of Decree 12 would make Liberia's "labor code consistent with international standards and ensure the full protection of the rights of [Liberian] workers." President Doe also stated publically that when Decree 12 was repealed, the government would ensure that neither management nor labor would

5. New Liberian, August 27 1980.

6. International Labor Organization 251st Report by the Committee on Freedom of Association, Case No. 1219 (Complaint Against the Government of Liberia Presented by the National Agricultural and Allied Workers' Union), Governing Body Document 236/8/11, May 28 1987.

disrupt or destroy Liberia's free enterprise system.⁷ Despite these assurances, three years later, Decree 12 is still on the books.

Government employees prevented from unionizing or striking: The Government of Liberia does not recognize the right of civil servants or employees of parastatals (public corporations) to unionize or to strike.

In March 1987, the legislature enforced this prohibition by invalidating the charter of the National Union of Liberian Teachers (NULT). The Union was forced to become an "association". In February 17 1987, the government continued to harass the "association" by insisting that it had not been constituted and incorporated correctly under the law. It was enjoined from functioning until it did so. One prominent newspaper in Monrovia, editorialized that the restrictions on the association were "against due process of law" and a "violation of basic rights guaranteed by the Constitution."⁸

According to one news report, "the National Teacher's Association was dissolved by a joint resolution passed by the

7. Footprints Today, October 2 1985, "Repeal of Decree 12 Will be Considered." West Africa, October 21 1985, "Decree 12 May be Repealed."

8. Daily Observer, February 17 1987, "Teachers Union Stopped."

National Legislature and subsequently approved by the President of Liberia."⁹

In August 1987, a government sponsored Civil Service Reform Bill was introduced in the legislature which would codify these restrictions on government employees and also enjoin them from membership in political parties. The bill was passed by the Senate and sent to the House of Representatives for concurrence.

In the face of widespread opposition, the legislature adjourned without taking action on the bill. The Liberia Federation of Labor Unions (LFLU) termed the bill as being anti-worker, and the United People's Party (UPP), said the bill "encroaches on the basic rights of workers, the freedom of association and also violates certain portions of the Liberian Constitution."¹⁰

Since 1983, the International Labor Organization (ILO) has noted that the Liberian Government's restrictions on government employees are in violation of ILO Convention 87 regarding freedom of association.¹¹ In the 1988 ILO Report of

9. Mirror, February 23 1987, "Teachers Express Views."

10. Daily Observer, August 29 1987.

11. Country Reports, U.S. Department of State, February 1988 at 159 and Country Reports on Human Rights Practices for 1985, U.S Department of State, February 1986, p 182;

the Committee of Experts¹², found that there were "discrepancies between the [Liberian] legislation and Articles 2,3,5 and 10"¹³ of ILO Convention 87. The Committee stated that the following Liberian laws should be repealed immediately; "Decree No. 12 of 30 June 1982 which bans strikes; Section 4102 which prohibits agricultural workers from joining industrial workers' organisations; and section 4102, paragraphs 10 and 11, of the Labour Practices Act which provides for the supervision of trade union elections by the Labour Practices Review Board." The Committee also stated that "in view of the fact that the Committee has been raising these matters for very many years, it urges the Government to make every effort to adopt the announced measures in the near future."¹⁴

Government Interference with unions: The following events are illustrative of the Liberian government's pattern of harassment against workers who are attempting to exercise their rights to organize and bargain collectively. The ILO noted in November 1987, that there is a "lack of clear and precise provisions in the current Liberian Labour Law to protect workers'

12. International Labor Organization Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labor Conference, 1988. Convention 87. Liberia
13. International Labor Conference, 1988. Convention 87. Section on Liberia; and International Labor Organization Convention No. 87.
14. International Labor Conference, 1988. Convention 87. Section on Liberia.

organisations adequately against acts of interference as required by Article 2 of Convention No. 98."¹⁵ We have chosen to highlight several events chronologically from 1980 to illustrate the ongoing pattern of harassment and government interference.

- Case of the National Port Authority workers, 1981:

In 1981, workers at the Free Port of Monrovia threatened to go on strike because of low wages. They were urged to wait for a plan by management to improve their situation. In January 1981, Mr. Anthony Tarpeh, the new managing director of the Port, stated that he was working on a comprehensive plan to improve conditions for all workers at the port. Mr. Tarpeh said he was looking into the matter after withdrawing the case from the Labor Ministry.¹⁶ In a newspaper interview, Mr. A.K. Kieh, spokesman for the workers and acting president of the dock workers' association, said that the union wanted a minimum salary of \$200 like government employees. He said that they had been seeking such readjustments since September of 1980 from the management.¹⁷

The management of the National Port Authority (NPA), acting on the orders of President Doe, responded by firing the

15. International Labor Organization 253rd Report by the Committee on Freedom of Association, Case No. 1219, (Complaint Against the government of Liberia Presented by the National Agricultural and Allied Workers' Union), Governing body Document 238/8/10, November 16 1987.
16. New Liberian, January 23 1981.
17. New Liberian, February 2 1981, "Port Workers Ordered; Back to work or be Fired."

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400 port workers. The Liberia News Agency reported that as many as 2,000 workers might have been affected. Despite warnings from the Board of Directors that such dismissal was illegal, Mr. Tarpeh, NPA director, charged that the management of the port had dismissed the workers because they had failed to channel their grievances through the "appropriate authorities before resorting to strike action and because of their defiance of PRC Decree 12 which prohibits strike." 18

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- Case of the LAMCO workers at Buchanan, 1981: In 1981, the Liberian-American-Swedish Minerals Company (LAMCO) workers at the Buchanan facilities who went on strike in 1981 were ordered back to work by President Doe. The striking workers were objecting to the fact that LAMCO management had refused to pay them 12 months of retroactive wages as promised.

President Doe told workers that they were acting in "strict contravention of PRC Decree 12 banning all strikes in the country." He ordered the workers were to return to work by 6 pm the following day or "immediately be replaced."¹⁹ The workers' rights were further restricted by Acting Labor Minister Harold Tarr, who banned all labor union activities at the Buchanan and

18. New Liberian, February 3 1981, "400 Port Workers Fired."

19. New Liberian, October 1 1981

Yekepa plants indefinitely, saying that the "workers were disposed to destructive activities within the plant."²⁰

According to the Daily Observer, LAMCO dismissed 209 workers for not complying with President Doe's ultimatum. Unofficial reports held the figure to be between 500-600 workers.²¹

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- Dismissal without compensation of Booker Washington Institute (BWI), 1982: Mr. Daniel Jappah, the Principal of Booker Washington Institute (BWI) dismissed 18 instructional and administrative staff of the institute for inefficiency and for acts of sabotage. The sabotage charge was based on what Mr. Jappah referred to their "subversive activities with the intent to create disunity and unrest" amongst students and employees of BWI. He admitted that his actions were "mandated by former Education Minister Fahnbulleh to have them dismissed without compensation." When he was asked for evidence that these employees, including typists, be subversive, Mr. Jappah said

.....
20. New Liberian, October 2 1981, "200 LAMCO Workers Face Dismissal."

21. Daily Observer, October 1 1981, "LAMCO Striking Workers Given Ultimatum." Daily Observer, October 12 1981, "Sacking of LAMCO Strikers Final Count is 209." Daily Observer, October 13 1981, "Labour Union Condemns Banning of its Branch."

"This action is evident by the unanimous writings and conducting of unauthorized meetings on campus" by the 18 staff members.²²

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- Government interference with unions, 1985: Despite a Constitutional guarantee of the right to organize and to form unions, there has been and continues to be a continuous pattern of governmental interference with trade union activity in Liberia. In 1985, to cite one example, President Doe ordered the Labor Ministry in Liberia to recognize one of two competing unions as the bargaining representative for workers at the Firestone plantations, despite the fact that the issue was at the time under appeal to the Liberian Supreme Court. The Liberian government's suspension of a union which previously represented the Firestone workers was criticized by the ILO in 1985. The Liberian government responded by denying the charge. The ILO Committee on Freedom of Association urged the Liberian government to "adopt as soon as possible a new Labour Code in order to provide, in particular, adequate protection against acts of employer interference as required by Article 2 of convention No. 98 and so as to repeal certain sections of the present labour legislation which are contrary to convention No. 87, ratified by Liberia."²³

22. Daily Observer, March 19 1982, "18 Staff, Teachers Dismissed At B.W.I."

23. Country Reports, U.S. Department of State, February 1986 at p 152; and International Labor Organization, Case No. 1219, Governing Body Document 238/8/10, November 16 1987. Case No. 1219.

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- National Port Authority (NPA) Strike Action, 1986: In 1986, National Port Authority workers who were striking were compelled to return to work after the Supreme Court issued an injunction against the strike. The NPA spokesperson, Mr. Joseph K. Cole, said they were incensed by the dismissal of several of their colleagues without benefits and the NPA management's refusal to offer medical and transportation facilities to workers. The labor court ruled that the strike would have led to chaos and would have robbed the government of much needed revenue.²⁴

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- Interference with Union elections - Re: The Case of the National Seamen and General Workers Union, 1986: On September 11 1986, the Minister of Labor in Liberia, Mr. John C.L. Mayson, wrote a letter to Mr. Nyanfor Gibson, the newly elected President of the National Seamen and General Workers Union. He acknowledged receipt of information about the union's elections and the submission of the names of the nine persons, including Gibson who had been duly elected. The elections, which had been ordered by the Ministry of Labor as a means of resolving an internal dispute within the union, was considered authentic and legitimate by the Minister of Labor and the legal means of resolving the internal dispute about leadership.

24. New Liberian, May 27 1986, "Port Workers Resume work," and New Liberian, May 23 1986, "RIA, NPA Workers Told to Remain Calm."

On September 11 1986, Mr. John Mayson wrote a letter to President Doe confirming the results of the union's elections, citing the relevant law supporting the confirmation of the elections results.

On October 13, 1986, President Doe reversed the results of the elections and installing Mr. George Tarbah as president in contravention of the law and against the wishes of the majority of the membership of the union. The union has virtually disintegrated as a result of the intervention of President Doe.

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- Teacher's Strike; Hospital 'go-slow', 1986: In recent years, government workers in Liberia, are often not paid their salary on time and are forced to wait for months with no other assistance or income. According to one press report in 1986, ²⁵ public school teachers throughout the country had not been paid their salary for three months. Similar conditions affect other government workers, including hospital employees.²⁶ Because government workers are prohibited from striking or from unionizing it is easy for the government to disregard their grievances and to penalize them without adverse consequences to the government. Given these circumstances, government workers in Liberia have virtually no recourse to voice their grievances.

25. Daily Observer, November 11 1986

26. New Liberian, May 8 1986, "Go-Slow Persists at JFK Hospital."

08 - Intimidation of the Bong Mine Workers, 1987: In

December 1987, striking workers at the Bong Mines workers were threatened by President Doe. The workers were threatened with dismissals, forcible removal from the work site and imprisonment by President Doe. The Minister of Labor suspended the executive committee of the union. Knowing that General Doe's threats are credible, the strike ended abruptly without any effort to settle the underlying issues, which are still unresolved.²⁷

09 - The Case of the Stevedores Union, 1987: Also in

December 1987, the joint shop stewarts of the Stevedore Workers Unions lodged a complaint with the Ministry of Labor alleging missappropriation of union funds in the amount of \$576,000 by the union leadership. Without an investigation, the Ministry of Labor supported the union's leadership and threatened to ensure the dismissal and imporisonment of "disgruntled" members of the union.²⁸

The right of association: Article 17 of the Liberian Constitution guarantees every citizen the right to assemble and to associate fully with others or refuse to associate in political parties, trade unions and other organizations. Article 18 guarantees every citizen equal opportunity for work and employment regardless of sex, creed, religion, ethnic background,

27. Daily Star, December 7 1987.

28. Daily Observer, December 16 1987.

place of origin or political affiliation. Despite these constitutional guarantees, the Liberian government has restricted the right of association.

- Banning of Organizations: The Liberian government has curtailed the right of association by banning organizations, including unions. In 1985, the Liberian government announced a ban on five civic organizations - the Press Union of Liberia; the National Union of Liberian Teachers; the Liberian National Students Union; the Liberian Business Caucus; and the Provisional Student Leadership Council of the University of Liberia. The government gave no explanation for the ban, but members of some of the organizations banned had been outspoken during the November 1985 presidential campaign, or have been in detention following the November coup attempt.²⁹

- Pressure to belong to ruling party: Government workers are pressured to belong to the ruling party (NDPL). Many senior officials of the major opposition parties who had been employed by the government or by state-owned organizations lost their jobs because they did not belong to the NDPL. The U.S. State Department has noted that "Although there is no formal policy within the government requiring membership in the ruling NDPL, government employees are sometimes pressured to join the

29. Country Reports, U.S. Department of State, February 1986 at 182.

party. Most senior civil servants are members of the NDPL."³⁰
The State Department report also noted "Government authorities in the country-side often prohibit[ed] ... attempts by an opposition party to hold political meetings in the country in 1987. When opposition meetings do take place outside Monrovia, participants frequently are harassed ... Opposition groups did not attempt to organize any significant public demonstrations in 1987, fearing that the Government would react harshly if they did."³¹

III. CONCLUSION

It is clear from the events described that there is a long-standing pattern of interference in union activity in Liberia, including the right to organize and the right of association. Government workers, are not allowed to unionize or strike, and they often are not paid by the government for months on end. In addition, those who are not members of the ruling political party face the constant risk of losing their jobs.

The government of Liberia has relied on unconstitutional means such as Decree 12 to deprive workers of their rights. Despite continued protests from workers in Liberia

30. Country Reports U.S. Department of State, February 1988 at 158. and Country Reports, U.S. Department of State, February 1987 at 168.

31. Country Reports, U.S. Department of State, February 1988 at 158.

and from the International Labor Organization, the Liberian government has continued to outlaw strikes utilizing Decree 12.

Where government intimidation has not succeeded, the Liberian government has proven that it will restrict rights further through outright banning of unions, or dismissal of large numbers of workers. The government, in recent years, also resorting to selecting its own choice of unions for workers, and to dismissing government workers simply because they have asked to be paid their salary.

A proposed Civil Service Reform Act, which will codify the ban on government employees to unionize or strike and prohibit political affiliation, remains a threat to government workers. This Act is another indication that the Liberian government has little or no intention of permitting legitimate union activity in the future.

In assessing Liberia's eligibility for trade preferences, we would urge the U.S.T.R. to consider the extent to which the government of Liberia is willing to take the following corrective measures:

- Revocation of Decree 12 which takes away workers' rights to strike in violation of the Liberian Constitution and the International Labor Organization (ILO) Convention No. 87, to which Liberia is a signatory.

- Withdrawal of the Civil Service Reform bill, proposed by President Doe, and passed by the Liberian Senate, that would codify the restrictions preventing government employees from striking and being members of any political party.

- Establishment of policies designed to ensure that there is no government harassment and intimidation of workers and their organizations during labor disputes.

- Revocation of the current rule preventing government employees from unionization. Alternatively, is the government willing to develop a grievance mechanism by which government employees can present their concerns?

