



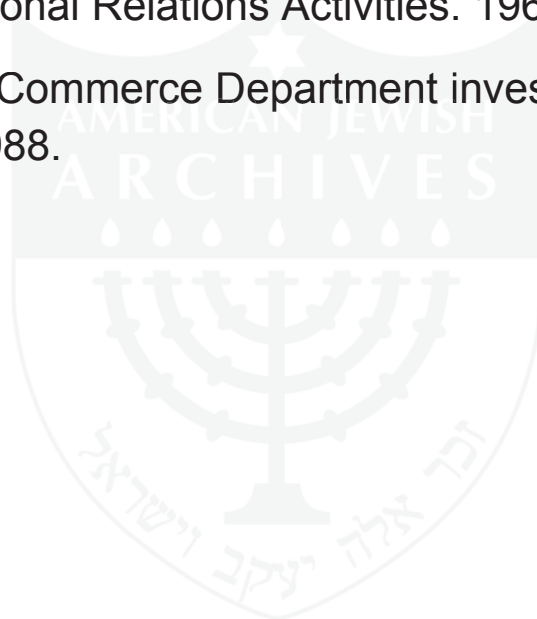
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MS-603: Rabbi Marc H. Tanenbaum Collection, 1945-1992.

Series D: International Relations Activities. 1961-1992

Box 57, Folder 5, Commerce Department investigations of workers' rights, 1988.



THE AMERICAN JEWISH COMMITTEE

date August 26, 1988
to Marc Tanenbaum
from Gary Wolf
subject Commerce Department Investigation

Following is my translation of the attached article from today's Ma'ariv, dealing with the Commerce Department's investigation of Israel and several other countries:

"U.S. Commerce Department Will Investigate Violations of Workers' Rights in Israel"

Israel is one of six countries that the U.S. Commerce Department said yesterday it will investigate for violations of workers' rights. The other countries are Syria, Haiti, Burma, Malaysia and Liberia. This was reported yesterday in Washington. If it turns out that there is national ['NIKO] or other discrimination against workers in Israel, Israel would stand to lose important customs benefits [ODN -1877] in its trade with the U.S.

The move is the result of an anti-Israel campaign carried out by Arab organizations in Washington over the past year. These organizations relied on the clause in the law saying that customs exemptions for developing countries will not be granted to countries wherein workers are discriminated against. They allege that there is clear discrimination between Israeli workers, who enjoy protection of the law and of the Histadrut, and workers from the territories, who receive less than minimum wage and do not enjoy social rights [118c'310 -11125].

Sources in Washington said yesterday that the investigation is connected to Secretary of State Shultz' decision to emphasize quality of life in the territories. The Israeli embassy in Washington said that Israel is certain that the allegations will be refuted.

[by] Ofra Yeshua-Leit

cc: Mort Yarmon

Ma'ariv, 8/26/88.

מעריב

יום ר' 26.8.88
ר"ג באלול תשמ"ח

2

AMERICAN JEWISH
ARCHIVES

משרד הסחר האמריקני יחקור הפרת זכויות עובדים בישראל

ישראל וכללת בין שש המדינות שמשרד הסחר האמריקני הודיע אתמול, כי יפתח בחקירה על הפרת זכויותיהם של עובדים מתומן. המדינות האחרות הן סודיה, האיטי, ברמה, פאלזיה וליביה. כך נמסר אתמול בושינגטון. אם יתברר שקיימת בישראל אפליית עובדים על רקע לאומי או אתר, עלולה ישראל לאבד הקלות מכס חשובות בסחר עם ארה"ב.

ההודעה היא תוצאה של מערכה אנטי-ישראלית שניהלו אירגונים ערביים בושינגטון בשנה האחרונה. אירגונים אלה הסתמכו על הסעיף בחוק, לפיו פטורי מכס המיועדים למדינות מתפתחות לא יועדו למדינות שבהן קיימת אפליה של עובדים. לטענתם, קיימת אפליה ברורה בין פועלים ישראלים, הנחגים מהגנת החוק וההסדר תדרות, לבין פועלים מהשטחים המקבלים פחות משכר המינימום ואינם נהנים מוכינות סוציאליות.

מקורות בושינגטון אמרו אתמול, כי החקירה קשורה להחלטתו של שר החוץ שולץ לשים דגש על תנאי החיים בשטחים. שגרירות ישראל בושינגטון אמרה, כי ישראל בטוחה שהדאשמות יופרכו.

ענת ישראליית

8/29/88 - ODED ERAN

- onus on Palest, PLO
- some polit gain
- PNC, PLC - their move
- provisional govt. - no change
- some diplomatic problems - Greece
- > Steps - harsher problems
- U.S. border problem - 1975 Commitment re PLO
- Republicans change Covenant language
- propaganda is political gain
- GA 181 - Partition 1947 / or change 242 / ^{only} _{refugee} _{problem}
- PLO - difficult to accept any formula
- 242 - accept Israel June 5, 67
- 181 - Partition - problems for PLO Covenant
- Arts. 19 - 47 resol. null & void / so is Israel
- polit - warning that if changing PLO Covenant will help in U.S.
- ① ask UN for Palest. state w.o. resolution
- ② UN Trusteeship - west bank; Gaza
- (Hussein - intifada spilling over to Jordan?)
- Nov. 8 elections - 7-spilling over to Israel
- may help Likud short-term / long-term labor
- Govt in Exile - Egyptian role
- USSR silent Syria, Habbash oppose state
- Israel initiative for peace negotiations
- COVENANT - / MAJOR TEST OF INTENTIONS
- = Demonstration
- Arafat visit - Not Press Club → visa

- ① HUSSEIN
- ② PLO / Govt in Exile
- ③ Commerce Dept

- ~~Rabbi~~ Rabbi Miller --
- Headquarters Agreement -
 - feature oppae visit to AM



Thur.

Rabbi Tanenbaum,

There may be more in here than
need be, but do you think this
flows a little better?

Karen

DRAFT

A proposal to declare an independent Palestinian state and establish a provisional government is ~~currently~~ ^{reportedly} being considered by the Palestine Liberation Organization. The plan reflects the growing momentum of Palestinian nationalism generated by the uprising in the territories. The leaders of the uprising ~~are~~ ^{seem to appear} anxious to translate the months of violent unrest in the territories, as well as the increased international attention it has engendered, into concrete political gains. They are pressing for the adoption of the plan. King Hussein's recent decision to disengage Jordan from the West Bank has added yet more momentum to the Palestinian movement.

Thus at this juncture, it is clear that the Palestinians stand at an important crossroad. In their quest for international recognition, one must ask if the Palestinian leaders, who have amassed a record of missed opportunities, are ready to move past the achievement of tactical political gains, and toward real political leadership. Such leadership necessitates the acceptance of international norms of behavior and political realities with which the Palestinians must come to terms. The unconditional acceptance of Israel's right to exist within secure borders, the ~~renunciation~~ ^{renunciation} of ~~terrorism~~ ^{and guerrilla warfare,} and the unequivocal acceptance of permanent and peaceful co-existence with Israel are the first steps. If this declaration is not merely a maneuver intended to exert international pressure on Israel, but rather represents a fundamental transformation of goals and policy, we are confident that the Israelis would in turn respond positively and constructively. We feel equally assured that the American Jewish community would support such a genuine effort to end hostilities and establish peace.

5 ME. RR. - Columns
8.24.89
**Recognition of Israel by Arafat's PLO
Would Be a Dilemma for Jewish State**

**FOREIGN
INSIGHT**

By GERALDINE BROOKS 10

Staff Reporter of THE WALL STREET JOURNAL

TEL AVIV, Israel—"Be careful what you want. You might get it."

This old saying is getting quite a workout here as Israeli and U.S. officials grapple with the prospect of a new-style Palestine Liberation Organization.

For decades, Israel and the U.S. have called on the PLO to renounce terrorism and recognize Israel. Nine months into Israel's Palestinian uprising and 10 weeks from Israel's general election, the rumor among influential Palestinians on the West Bank and elsewhere is that PLO Chairman Yasser Arafat is indeed moving toward recognition of Israel, probably in a September speech to the United Nations.

If Mr. Arafat arrives at the U.N.—this time without the empty pistol-holster he wore in 1974—and makes an unambiguous statement of recognition along the lines the U.S. has demanded since 1975, Washington will have little choice but to open a dialogue and urge Israel to do likewise.

The thought of this, and the political risks it entails, is enough to give presidential candidates nightmares. But ambiguity is the PLO's stock-in-trade, and U.S. officials aren't sweating yet. What is most likely, senior analysts say, is a vague statement that allows doves to hear recognition and hawks to hear rejection.

Stubborn Suspicions

For many Israelis, hating the PLO for its years of terror and duplicity, even a speech of sparkling clarity, delivered in words of one syllable, won't assuage their suspicions. And, Catch-22, therein lies the snag that may forestall Mr. Arafat's ability to speak with clarity. The biggest risk he runs is to give the Israelis exactly what they have so long demanded and then to have the Israelis give him nothing to show his people in return.

The PLO launched a trial balloon on recognition of Israel at June's Arab sum-

mit in Algiers, in a document calling for mutual recognition and cooperation for the sake of "our children and the children of the Israelis."

While the document drew condemnation from extreme PLO factions outside the occupied territories, Palestinians in the West Bank and Gaza didn't repudiate it. Indeed, interviews with scores of Palestinians, from refugee youths to university professors, reveal an overwhelming majority in favor of recognition.

Those voices must be heard by an outside leadership that wants to retain both its credibility in the occupied lands and some of the credit for the struggle being waged there. And, indeed, the past few days have seen a flurry of statements by senior PLO officials seemingly paving the way for recognition.

Focus on PLO

This thaw in the PLO's position was accelerated by Jordan's King Hussein. His sudden renunciation of West Bank sovereignty late last month made the PLO the new address for any peace initiatives, and created great confusion among Israelis as they hurtled toward elections.

Israel's Labor Party, with a peace plank firmly resting on a "Jordanian option," found its platform suddenly turned to rubber. An attempt to redraft its policy resulted in wording so murky that few can agree if the party means to accept negotiations with the PLO under certain circumstance or not.

The more-hawkish Likud bloc, meanwhile, has its own debate. Prime Minister Yitzhak Shamir maintains that the king's move changes nothing and Israel's only response should be to build more Jewish settlements on the West Bank. But his influential trade minister, Ariel Sharon, has launched what amounts to a separate campaign, vigorously advocating annexation of almost all the West Bank.

Meanwhile, the uprising has spread from the occupied West Bank and Gaza into Israel's cities and suburbs. In separate incidents in the past few weeks, Israelis are being held in connection with the burning to death of three Palestinian laborers as they slept near a building site near Tel Aviv. Abu Nidal's PLO faction has claimed responsibility for a grenade attack at a Halfa cafe that wounded 25 Israelis, and two Palestinian workers were badly beaten by Israeli youths in attacks in Tel Aviv.



Yasser Arafat

NATIONAL JEWISH



COMMUNITY RELATIONS ADVISORY COUNCIL

143 PARK AVENUE SOUTH, NEW YORK, NEW YORK 10018 • 684-4950

Memo

Pls make copies for Phil Baum & Ken Jacobson

TELECOPY INFORMATION

SANFAX 515 (212) 686-1353, New York, NY, USA

TO: PHIL BAUM, KEN JACOBSON,
MARC TANENBAUM

FROM: MARTIN RAFFEL

DATE: _____ TIME: _____

SUBJECT: _____

No. of Pages: _____ (including cover)

Comments: Re: U.S. TRADE Representative's
Decision to INVESTIGATE ISRAEL:
Will be circulating attached to
communities for background. Do
you have response?

This just arrived

Jewish Labor Committee

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August 12th, 1988

Mr. Hiram Lawrence
 Executive Director
 Generalized System of Preferences
 Office of the United States Trade Representative
 600 17th Street, Room 517
 Washington, D.C. 20506

Dear Mr. Lawrence:

On behalf of the Jewish Labor Committee, I urge you to reject the request for a review of the State of Israel's status under the Generalized System of Preferences that is currently being considered by your office.

The petition requesting the review of Israel's status contains a variety of charges. Some charges are patently untrue, others are based on unpublished papers and otherwise unverifiable sources, and still others have been decisively rejected by objective human rights agencies.

I. The petition

The petition contends that Generalized System of Preferences benefits should be denied to Israel because

1. "Israel effectively denies Palestinian workers under its authority ... the right of association in trade unions of their choice and the right to organize and bargain collectively."

To buttress this charge, the petition accuses Israel of closing union headquarters, banning individual trade union meetings, arresting trade unionists, and in a limited number of cases deporting trade unionists. The petition charges that Israel prohibits union representation elections and the election of union officers within individual trade unions. The petition condemns Israel for prohibiting Palestinians who live in the Occupied Territories from joining the Israeli labor federation, the Histadrut. The petition also claims that the Histadrut collects their dues but fails to represent Palestinian workers.

2. "Israel effectively denies Palestinian workers under its authority ... acceptable conditions of work with respect to minimum wages, hours of work and occupational health and safety and enforcement of prohibitions against the employment of children."



-2-

To buttress this charge the petition claims that Palestinian workers receive lower wages than their Israeli counterparts, that they pay for social security benefits they do not receive, that conditions facing Palestinian workers from the Occupied Territories who stay overnight in the State of Israel are intolerable, and that child labor is employed.

II. Comments

While a detailed rebuttal of these charges is outside the scope of this correspondence, and hopefully will not be necessary, I would like to make the following general points to guide you in your decision concerning an investigation of the GSP status of the State of Israel:

1. The State of Israel has firmly declared on many occasions that it respects the rights of Palestinian workers in the Occupied Territories "to affiliate with trade unions or to set up their own trade unions [which] operate freely, negotiate collective agreements, and protect their members' rights in labor matters ..." (Report of the Director-General, International Labor Organization, 1988, p.89)

2. The West Bank and the Gaza Strip are currently under military occupation. For the last nine months the Palestinian population has been engaged in an uprising against the Israeli military authorities. For many years prior to the current unrest, elements within the Palestinian population living on the West Bank and Gaza Strip represented a clear and present security threat to the State of Israel. Israel can not tolerate military and/or terrorist acts against the Israeli or Palestinian populations in the State of Israel or the Occupied Territories. Terrorist organizations, which have a long, bloody, and spectacular history of attacking Israeli civilians, are notorious for hiding for protection behind legitimate organizations.

Israeli authorities have charged that some trade unionists have engaged in terrorist and/or military activities against the state. No wholesale banning of trade union organizations or interference in their programming and other internal matters have taken place. The Israeli authorities have acted in selected instances to combat a security threat to their country.

3. Trade unions in the Occupied Territories are manifestly not banned, and they are certainly not government controlled. At the present time, there exist 31 independent trade unions in the West Bank and seven independent trade unions in the Gaza Strip. Fifteen new unions have been registered in the West Bank since the Israeli occupation began. (Ibid.)

-3-

4. It is precisely because the Histadrut disapproves of Israeli annexation of the West Bank and Gaza Strip that it provides services to Palestinian workers, but has decided not to accept Palestinian workers as members. To accept Palestinian workers as full members would be tantamount to recognizing Israel's annexation of these territories. (Ibid., p.29)

5. The charge that Histadrut collects fees from Palestinian workers on the West Bank but does not provide services is simply untrue. The same goes for other unsubstantiated charges, such as that the wages of Palestinian workers are deducted for social service benefits that they do not receive; that Palestinian workers regularly receive lower wages than their Israeli co-workers for performing the same work; that Palestinian workers who sleep in Israel during the week habitually live in intolerable conditions; that underage children habitually work in Israel. The International Labor Organization has confirmed that the Histadrut represents Palestinian workers' grievances in labor courts, and through a variety of other means (radio programs, information posters in Arabic at worksites, etc.), protects the rights of Palestinian workers (Ibid., p. 28). Palestinian workers, similar to guest workers in other countries, are not citizens of the State of Israel and do not participate in some Israel social security programs. However, Palestinian workers do pay into funds that provide them with accident insurance, employers bankruptcy insurance, maternity benefits, and pensions. (Ibid., pp. 22-23). All employers that provide overnight sleeping facilities are subject to inspection by the Minister of Labor and Social Affairs (Ibid., p.81). To condemn the State of Israel, which, as the ILO has documented, is taking energetic measures to combat illegal employment arrangements, (Ibid., p.21) for the actions of a small number of employers, is equivalent to accusing the government of the United States of systematically tolerating trade union abuses because sweatshops are still uncovered in American cities. Finally, far from using underage children as laborers, the Israeli military authorities instituted an ordinance in the Occupied Territories raising the minimum age at which children can work from 12 in the Gaza Strip and 13 in the West Bank to 14. (Ibid., p.80).

5. It is instructive to analyze how this issue has been handled by the International Labor Organization (ILO), a United Nations body to which the United States, Israel, and many Arab nations are affiliated. As a result of pressure from the Arab nations, the Director-General has issued annual reports on the conditions of Palestinian workers in the Occupied Territories since 1978. In addition, the respected ILO Committee on Freedom of Association, which examines charges of government suppression of trade union rights, has investigated one case involving Israeli treatment of Palestinian workers.

The Director-General's reports have traditionally pointed to ways in which the the State of Israel could improve the conditions of Palestinians workers. The reports have not, however, substantiated the kind of extreme charges that appear in the petition currently before the U.S. Trade Representative. Arab countries, perhaps recognizing the weakness of their case, have only taken two cases to

-4-

the ILO's Committee on Freedom of Association. (One charge is currently pending.) In the only case acted on to date, the Committee looked into charges that Israeli military authorities raided "a number of trade union premises in Nablus and Jerusalem and that as a result the premises were temporarily closed and union meetings banned." (Case No 1390, Committee on Freedom of Association, p.49) The ILO Committee also looked into allegations of house arrests and deportation of trade unionists. The allegations in this case closely mirror those contained in the petition before the Office of the United States Trade Representative, and warrant careful consideration.

The Israeli government denied "... that trade union activities have been restricted or that union premises have been closed for their union activities" and contended that "... trade unions have been convicted and sentenced for planting explosives and that such terrorist acts, like other illegal or political activities, are ostensibly being carried out in the name of legitimate trade union activity." (Ibid., pp. 47-48.)

After an extensive examination in the field, the ILO Committee on Freedom of Association concluded that:

a. "... the military operations were ... mounted to put a stop to activities that the Israeli authorities considered to be terrorist-related. The Committee is not in a position to rule on this aspect of the case, particularly since it is unable to judge with any degree of certainty from the facts before it whether in this particular instance the Palestine trade unions concerned acted in a way that went beyond the scope of genuine trade union activities." (Ibid., p.49)

b. The Committee admonished "interested parties" (i.e. the Palestinian trade unions) that political actions by trade unions "... should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions ..." (Ibid.)

c. With respect to house arrests, the committee "... recognize[ed] that such a procedure may be motivated by a given critical situation" and "[drew] the [Israeli] Government's attention to the desirability of such measures being accompanied by all necessary safeguards to ensure that they cannot be used to hinder the free exercise of trade union rights." (Ibid., p.50)

d. With respect to expulsions, while asserting that "... the forced exile of trade unionists is an infringement of freedom of association ..." the Committee stated that "... it is not clear to the Committee whether the measures taken against [the individual expelled to Jordan] have been taken strictly on trade union grounds, particularly since the complainant organizations supply no details and since the person concerned is referred to simply as a trade unionist." (Ibid.)

-5-

d. The ILO Committee decided that "[i]n the absence of more precise information on this aspect of the case" that the alleged arrest of six members of the Executive Committee of the Federation of Palestine Trade Unions, "... does not call for further examination." (Ibid.)

The ILO Committee expressed misgivings about some Israeli actions. Yet given the facts before them, which included plausible assertions of union-based terrorist activity, the committee could not and did not conclude that the Israeli military authorities violated trade union rights.

6. It is important to note that the AFL-CIO, which closely monitors trade union rights around the world, has never found it necessary to ask the Office of the United States Trade Representative to review Israel's status under the GSP.

7. Finally, it is important to note that U.S. law prohibits extension of General System of Preferences to any country "if such country has not taken or is not taking steps to afford internationally recognized workers' rights to workers in the country." A decision by the Office of the United States Trade Representative to investigate the treatment of Palestinian workers in the West Bank and Gaza is tantamount to recognizing the Occupied Territories as legally part of the State of Israel. This has not been the policy of the United States government.

The Jewish Labor Committee is an organization that represents the organized American Jewish community on questions relating to trade unionism. We have worked for 54 years to promote trade union rights in the United States and around the world. We have worked extensively with the Histadrut, a free and independent trade union federation that is a member in good standing of the International Confederation of Free Trade Unions. We have observed that the State of Israel has a long and proud history of affording the utmost respect for trade union rights.

We hope that you will recognize that the petition for review is essentially a political document that is intended to discredit Israel, and we urge you to reject this request for hearings on the GSP status of the State of Israel. Thank you for your consideration.

Sincerely,

Herb Magidson

Herb Magidson
President

ope1u:153

THE AMERICAN JEWISH COMMITTEE

date August 30, 1988

to Marc Tanenbaum

from Gary Wolf *G.W.*

subject IRD files on Arab lobbying groups in the U.S.

I checked through our files, and found that we have little material on the actual lobbying activities of Arab groups in the U.S. However, we have a fair amount of literature regarding the general activities of Arab and pro-Arab organizations. Most of what we have takes the form of letters and advertisements that they put out.

In order to put together some sort of analysis, we would have to draw on other sources for most of the research.

Following are a few of the organizations that we have material on:

- American-Arab Anti-Discrimination Committee
- Palestinian Human Rights Campaign
- Foundation for Middle East Communication
- General Union of Palestinian Students
- Assoc. of Arab-American University Graduates
- Foundation for Middle East Peace
- American-Arab Affairs Council
- Middle East Watch Committee

P.S. - Anything further on the 60 Minutes crowd?

American Federation of Labor and Congress of Industrial Organizations



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August 11, 1988

Mr. Abdeen Jabara
President
Arab-American
Anti-Discrimination Committee
4201 Connecticut Avenue, NW
Washington, D.C. 20008

Dear Mr. Jabara:

On behalf of the AFL-CIO, President Kirkland has asked me to respond to your letter concerning the state of workers' rights in Israel and the Occupied Territories.

The AFL-CIO has a clear record of support for workers' rights the world over. We hold to a single standard of conduct in this regard and believe it applies to Christians, Moslems, Jews, and other believers or non-believers. We also are mindful of the fact that minority rights must be protected by every state.

I should say that on the basis of this strict and rigorous standard the AFL-CIO cannot support your case against Israel under the workers' rights provisions of the Generalized System of Preferences. This decision is based on the following judgments of the AFL-CIO: a) Israel has the freest and most dynamic trade union movement in the Middle East; b) Arab citizens of Israel, together with Jews, are free to join and democratically participate in unions; c) the right to strike and the right to bargain collectively are enjoyed by the workers of Israel; d) trade unions function in the West Bank and Gaza Strip so long as they do so in accordance with the local laws which Israel administers.

Permit me to elaborate on several of these essential points. Workers who are citizens of the state of Israel are equal under law regardless of religious or ethnic background. This is particularly true in the case of membership in labor unions. As far as the Histadrut labor federation is concerned, there is no separate category for Arab, Jewish, or Druze workers. There was an Arab department in the Histadrut, but it was abolished and its staffers integrated into the Organization Department and the local Labor Councils of the Histadrut in the spirit of non-denominationalism. Nawaf Massalha, is Deputy Chairman of the

powerful Organization and Labor Councils Department, making him the highest ranking Arab in the Histadrut.

Histadrut's membership includes 160,000 Arabs (about 60 percent of the working-age Arab population of Israel) and 10,000 Druze. In total, 68% of Israeli Arab and Druze workers and employees are covered by Histadrut contracts.

From this standpoint is it clear that for all Israeli citizens, there are full trade union rights, a situation nowhere else to be found in the Middle East and certainly nowhere in the Arab world.

The situation of workers from the West Bank and Gaza Strip is somewhat different in part because they are not citizens of Israel but residents of an area currently under occupation. As these territories are not part of Israel, that country has not sought to impose its own laws on them. These territories are administered in accordance with local law-- on the West Bank, the law that is followed is Jordanian, in the Gaza Strip, the law followed is British Mandatory law.

It is true, as your petition asserts, that on average 100,000 Arabs from the Occupied Territories cross over into Israel to work, slightly more of them from the West Bank than from the Gaza Strip.

Although the Histadrut does not function in the West Bank and Gaza (as it does, for example, in the Golan Heights and East Jerusalem) the federation provides trade union contract and grievance protection for West Bank and Gaza workers in Israel in return for a one percent agency fee paid through Ministry of Labor and Social Affairs employment offices in the West Bank and Gaza. The Histadrut arranges for West Bank and Gaza day laborers to be represented on Histadrut plant or enterprise workers' committees wherever they comprise 20% or more of the work force. And such is the case in more than half of all workplaces employing non-Israelis. West Bank and Gaza laborers are not legally eligible for Histadrut membership as they are regarded as guest workers who voluntarily come to work in Israel on a temporary basis.

More significantly, contrary to your petition to the Trade Policy Staff Committee of the U.S. Trade Representative's Office, workers from the territories have the same rights as Israeli workers to affiliate with trade unions or set up their own trade unions. Existing laws and regulations in West Bank and Gaza concerning trade union rights are strictly observed by Israeli authorities. There are seven registered unions in the Gaza district and 31 in the West Bank. According to local regulations any group of 21 or more workers may register as a trade union. The scope of union activity must be determined by the workers themselves, and the government does not interfere in the organization of activities. Contrary to your petition, fifteen

new unions registered in the West Bank after 1967--the year of Israeli occupation.

terrorist

Your petition provides a list of trade union organizations which you assert have been shut down by the Israelis. While we are unable to examine all the separate cases you have raised, we would like to remind you of the following quotation from Haider Ibrahim, the General Secretary of the Palestine Trade Unions Federation, which Israeli officials charge is behind much organizing of banned labor unions: "We are affiliated to the Palestine National Council, the parliament in exile of the Palestinian people, and play a full role in its work and its deliberations. Delegates to the Council are directly elected by constituent members to the PTUF. We consider ourselves part of the Palestinian Revolution, which is led by the PLO."

terrorist

It is our understanding that Israel's banning of some trade union organizations is linked to their support for the P.L.O.-- a known terrorist organization, which has as one of its aims the destruction of the State of Israel. Surely you will concede that no government, particularly one in a de facto state of war with several of its neighbors and itself the victim of numerous terrorist acts can be indifferent to activities that under the guise of trade unionism work to support terrorist entities.

As to your charge that Arab workers are being bilked of their salaries for rights for which they do not qualify, it is our understanding that workers from the West Bank are entitled to the following: workers' compensation insurance, bankruptcy insurance, annual paid leave, sick pay, payment for "festivals," payment for work clothing, severance pay, old age pensions, and payment for "spouse". According to Brother Haim Haberfeld (Chairman of the Trade Union Department of the Histadrut): "...we wish to make it clear that workers from Judea, Samaria and Gaza are entitled to get all the rights and benefits enjoyed by Israeli workers, in accordance with the labour contract of the particular branch or enterprise that applies to the place of work at which they are employed."

As in any society, including the U.S., Israel doubtless confronts a problem of a large "gray market" of Palestinian laborers from the Occupied Territories. But the Israeli authorities actively work to punish those who violate Israeli labor law and standards.

As to your assertion that Palestinian trade union activists are subject to military repression, the most recent report of the U.S. Department of State points out that only Palestinians accused of security offenses are tried in Israeli military courts, but that residents accused of nonsecurity offenses receive "public trials in local courts" by "an independent Palestinian judiciary."

The AFL-CIO would not deny that on occasion, Israeli authorities have acted with excessive use of force in attempting to contain protests by Palestinians. As the attached statement of our Executive Council indicates, we have criticized such actions strongly and forthrightly. We certainly sympathize with the legitimate aspirations of Palestinian workers to earn an honest day's wage for an honest day's work in a climate of peace and prosperity. This is why we are convinced that it would be in the interests of precisely these workers if Palestinian leaders, together with Israel's neighboring states, recognized Israel's right to exist within secure borders and engaged in peaceful dialogue rather than rioting, terrorism, and war.

Despite our sympathy for all workers in this region of conflict, Arabs and Jews alike, we cannot agree with your charges. In our view, the Arab-American Anti-Discrimination Committee's petition inaccurately accuses Israel-- the only Middle-Eastern state with a powerful, free and independent multi-ethnic and non-denominational trade union movement-- of gross workers' rights violations. Such a brief simply does not stand up to informed scrutiny.

In our view, the Arab-American Anti-Discrimination Committee would be advancing the interests of all workers in the Middle East if it turned its attention to the regrettable anti-worker practices of the many Arab dictatorships and tyrannies. Such states exploit and punish Arab workers, driving many of them to seek safe haven in our country.

Sincerely,

Tom Kahn

Tom Kahn,
Director,
Department of
International Affairs

Enclosure
cc: Jack Otero

Congress of the United States
House of Representatives
Washington, DC 20515

July 8, 1988

The Honorable Clayton Yeutter
United States Trade Representative
600 - 17th Street, N.W.
Washington, D.C. 20506

Dear Ambassador Yeutter:

On June 1, 1988, the American-Arab Anti-Discrimination Committee (ADC) filed a petition with your office, seeking an investigation of the violation of trade union rights of Palestinians in Israel and the Israeli occupied West Bank and Gaza as part of your annual review of the Generalized System of Trade Preferences.

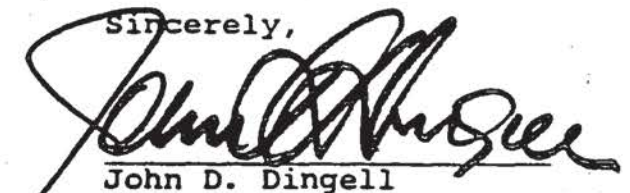
We understand that this is one of thirteen such petitions filed for investigations of countries with whom the United States enjoys a trade relationship. Israel has enjoyed a special trade status with the United States since 1987 as a result of the signing of the Free Trade Agreement between the two nations. As you know, 19 U.S.C. section 2462(b)(7) prohibits the extension of General System of Trade Preferences to any country "if such country has not taken or is not taking steps to afford internationally recognized workers' rights to workers in the country."

A public inquiry would demonstrate to the international community our commitment to hold all nations trading with the United States to the same legal and ethical standards of behavior in protecting the rights of workers.

For these reasons, we urge you to grant this petition and to begin the requested investigation into the cases of Israel and of any other country on which petitions have been filed.

Sincerely,


Geo. W. Crockett, Jr.


John D. Dingell


Walter E. Fauntroy


Ronald V. Dellums

Donald J. Pease
Donald J. Pease

Nicholas Mavroules
Nicholas Mavroules

Charles A. Hayes
Charles A. Hayes

James A. Traficant
James A. Traficant

Mervyn M. Dymally
Mervyn M. Dymally

John Conyers, Sr.
John Conyers, Sr.



OFFICE OF
THE UNITED STATES TRADE
REPRESENTATIVE
WASHINGTON

DAVID -

NO SOURCE ON THIS LETTER

THANKS

In reply to your letter of 30 June 1987, relating to the complaints of two trade unions in Gaza (case No. 1414), the Government of Israel wishes to inform you of the following :

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1. The Government of Israel recognizes the principle of freedom of association, and its obligation to fulfil the term of Treaties No. 87 and 98 to which it is a party. These principles are the underlying basis of the legislation and activities of the different branches of the Israeli Government in all that relates to the rights of workers and unions.

2. In its activities in Judea and Samaria, too, the Government is fully aware of the principles and values which guide democratic governments in the free world in their relations with workers. No prohibitions or restrictions have been imposed on trade unions in Judea and Samaria on account of bona fide activities. Whenever any steps have been taken againsts trade unions or their activities, this has been on account of terrorist acts, subversion, or other illegal activities, which have absolutely no connection with the declared mandate of trade unions.

3. The Workers Association in Gaza, which unites the operations of six trade unions, was established in 1965, during the period of Egyptian rule. They are : the Commercial and Public Service Workers Union; the Drivers Union; the Building Workers and Carpenters Union; the Sewing Workers Union; the Union of Agricultural Workers and the Union of Metal Workers. The Association froze its activities between 1967 and 1979, when it started functioning again in accordance with the law, with Abd El Rahman Darbiyeh at its head. On 25 October 1984 an attempt was made on Darbiyeh's life by members of the terrorist Fatah organization, in order to gain control of the Association. After that, Darbiyeh effectively ceased to be the chairman of the association, which became a focus of activity for the various terrorist organizations, and a focus of rivalry amongst them for positions of power in the organization. In spite of this, the administration did not take advantage of the breaches of the Egyptian Law that regulates the conduct of Trade Unions in Gaza (see below) and

made no use of its legal authority to disband either the Workers' association or unions belonging to it.

4. The Israeli Administration in Gaza acts in these matters in accordance with the Trade Unions Law (Order No. 331) enacted by Egypt on 15.11.1954. Every Trade Union in the Gaza area is obliged to operate in accordance with this Law, which contains clear provisions regarding the holding of elections for Trade Unions. These provisions regulate the conduct of elections so as to ensure that there are no restrictions on the right of democratic election by workers, as provided by Treaties No. 87 and 98. Attached hereto are copies of Trade Union Law (Order No. 331), and its Annexes, in Arabic.

5. The Unions that have made the complaint violated the following two major sections of the Law regarding elections :

a) Section 8 (a) which requires that elections should be secret, and conducted on the basis of equality. In fact, the elections for the organs of these two trade unions were held by using a system based on the system of "Tazkiyeh" unanimous oral election of a list of candidates agreed upon in advance, with only one candidate for each position. This system is contrary to the concept, underlying the method of election described in Section 8 (a) of the Law, that the voters should elect candidates by a genuine exercise of their free will, and not simply rubber-stamp a predetermined list of persons for specific tasks. Nor was the principle of secrecy maintained during the elections carried out by the Trade Unions. In fact, there were never any real elections at all, but only appointments through an exercise of force majeure. These so-called "elections" were carried out despite the express prohibition of the administration on the grounds of failure to comply with certain other provisions of the law, as explained below.

b) Section 7, which prohibits anyone found guilty of a felony from being member of the Governing Council of the Union. In fact, at least 7 persons who had been found guilty of felonies were elected to the Governing Council of unions that have filed the complaint. It is obvious that the characterisation of an act as a criminal offence

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whether of an ordinary or a security nature, cannot be affected by whatever ideological motives might have prompted the accused to commit them.

1. Ayesh Obeid : elected to the Governing Council of the Union of Carpenters and Builders. He was found guilty of membership of a hostile organization, and of planting explosive devices, and was sentenced to 10 years imprisonment (Military Court Case No.71/81).

2. Jamil Ahmed Said Jaras : elected to the Council of the Building Workers and Carpenters Union. Found guilty of an offence against the security of the region, and sentenced to 8 months imprisonment (Military Court Case No. 1180/82).

3. Tawfiq al-Mabhouth : elected to the Council of the Building Workers and Carpenters Union. Found guilty of the offence of membership of a hostile organization, and sentenced to 8 months imprisonment (Military Court Case No. 775/73).

4. Ziad Sabhi Abdallah Ashour : elected to the Council of the Building Workers and Carpenters Union. Found guilty of the offence of incitement (Military Court Case No. 21/86).

5. Hussein Mahmud Aljamal : elected as a member of the Governing Council of the Commercial and Public Service Workers Union found guilty of the offence of membership of a hostile organization. Sentenced to five years imprisonment. (Military Court Case 678/75).

6. Yehia Dib Salam Obeid : elected to the Council of the Commercial and Public Service Workers Union. Found guilty of offences of contact with a hostile organization and carrying out services for a hostile organization (Military Court Case No. 446/82).

7. Hussein Abu-Nar : elected to the Council of the Union of Commercial and Public Service Employees. Found guilty of attempted murder and planting explosive devices, and sentenced to 10 years imprisonment (Military Court Case No. 395/71).

6. Against three of these seven, a police investigation was opened on the suspicion that offences had been committed under Article 7 of the Egyptian Law, which, as stated, prohibits anyone found guilty of a criminal offence from being a member of the Governing Council of a Trade Union. A complaint was lodged concerning this with the Gaza police, after all three had been warned to give up their membership in view of the offences they had committed. Since they did not do so, File No. P.A. 1411/87 was opened against them. The three suspects were Tawfik al Mabhouh, Hussein Aljamal, and Hussein Abu-Nar.

After the police had completed their investigation concerning the three, and the investigation file had been passed to the military prosecution, Prosecution File No. 1676/87 was opened. No charge has yet been issued concerning these three.

As regards the legal aspect of previously imprisoned persons who have committed security offences and yet continue to serve as members of the Governing Council of Trade Unions, the election of such a person has two consequences. The first is that he is committing a criminal offence for which he is liable to punishment (and a police investigation has already been opened- at present against only three of them). The second consequence relates to the Union itself. A Union which elects someone who had in the past been sentenced for a felony violates the provisions of Section 7 of the Law. Such a violation can, under Section 14 (c) of the Law, serve as grounds for annulling the Unions' registration.

7. In addition, these unions systematically violate the provisions of the Trade Union Law (Order 331 of 1954) in the following respects :

1) Section 18 (d) states that "unions may not engage in political or religious affairs". The prohibition against political involvement is connected with a concept expressed also in Section 5, which states the aim of establishing Trade Unions as being mutual assistance in promoting the professional interests of members, and their material and moral condition.

On 23 July 1986 the Workers Association, which is the roof organization of Trade Unions, adopted a resolution unequivocally recognizing the PLO as the sole representative of the Palestinian people, and rejecting Security Council Resolution 242. Thus the Association violated the prohibition against engaging in political affairs.

b) Section 21 requires every union to submit to the Officer for Labour Affairs an annual balance sheet at every financial year, certified by an accountant. With the exception of the Commercial and Public Service Workers Union, none of the unions prepare or submit such balance sheets.

c) Section 25 obliges every union to notify the Officer for Labour Affairs of every session of the General Meeting. Section 21 obliges every union to send the Officer for Labour Affairs each year a protocol of the General Meeting (together with the balance sheet). The Unions do not do so.

d) According to Article 5 of the Trade Union Law, the Unions can confer membership only on "workers", and this term is defined in Section 3, where "workers" and "non-workers" are distinguished from each other, on the basis of the degree to which they are subject to the supervision of the employer (this is similar to the distinction between an employee and independent contractor in Israel Labour Law).

The Commercial and Public Service Workers Union violated Section 5 by conferring membership, and electing to the Governing Council, two persons who are not workers, namely Ilias al-Jeldeh a jewel dealer, and Yedia Salem Obeid, who owns a shop for the sale of flour. This breach of the Law also occurred in the Agricultural Workers Association, which is a member of the Workers' Association, and which elected Ahmed Atiah as a member of the Governing Council, notwithstanding the fact that he was not a member of this profession.

8. As stated, Article 14 (B) of the Law states that a Trade Union which does not satisfy its requirements can be dissolved. In view of

the principles on which Treaties 87 and 98 are based, the Administration has not taken this step.

9. The Government of Israel ^{has objection that} sees no reason why elections to ^{trade} Unions in Gaza ~~should not~~ ^{be conducted} be held in a manner that complies with the law, and will recognize only the results of such elections ^{if they} are conducted in accordance with the law.

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To: Chairperson
General System of Preferences Subcommittee
Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, Room 517
Washington, D.C. 20506

From: American-Arab Anti-Discrimination Committee
4201 Connecticut Avenue, N.W. Suite 500
Washington, D.C. 20008

Re: Annual Review of the Generalized System of Trade
Preferences Program - Request for Review of the GSP
Status of Israel

The American-Arab Anti-Discrimination Committee hereby requests a review of the conditions for trade union rights and workers health and safety in Israel and the territories occupied by it as required under section 502(b)(8) of the Trade and Tariff Act of 1984 and Section 213(A) of the Overseas Private Investment Corporations Amendment Act of 1985. The law prohibits the extension of General System of Trade Preferences to any country "if such country has not taken or is not taking steps to afford internationally recognized workers' rights to workers in the country." 19 U.S.C. Section 2462(b)(7).

The American-Arab Anti-Discrimination Committee (ADC) is the largest grass-roots organization of American Arabs in the United States with 22,000 members and 60 chapters throughout the country. ADC was established for and is dedicated to the protection of civil and human rights. With this petition, ADC seeks to redress through relevant United States law Israel's violation of internationally recognized workers' rights.

GSP beneficiary status should be denied to Israel based on its persistent violation of internationally recognized workers'

rights. Israel effectively denies Palestinian workers under its authority the following:

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1. the right of association in trade unions of their choice and the right to organize and bargain collectively;

2. acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety and enforcement of prohibitions against the employment of children

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separate
allegations - 1
The information set forth below is derived from reports of the West Bank Data Base Project, the International Labor Organization, Al-Haq which is the West Bank Affiliate of the International Commission of Jurists, the Palestine Human Rights Information Center (Jerusalem), the International Center for Peace in the Middle East, unpublished academic papers, and various newspapers in the United States and Israel. The American-Arab Anti-Discrimination Committee is prepared to present evidence through live testimony and affidavits at the scheduled hearing in support of these allegations.1

In support of these allegations, the following evidence is presented:

A. CONDUCT WHICH INTERFERES WITH THE RIGHT OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

1. Closures of Union Headquarters and Bans on Union Meetings

7-1-87
a. As of May, 1987, three union offices were under administrative closure. [Al Haq, "Briefing Papers on Twenty Years of Israeli Occupation of the West Bank and Gaza," June, 1987 (Twenty Years), p. 32] The headquarters of the General Federation of Trade Unions on the West Bank was closed for a period of one year. [International Labour Office, "Appendix III: Report on the Situation of Workers of the Occupied Arab Territories," Report of the Director-General, Geneva: International Labour Organization, 1987, p.46] The closure was carried out through administrative procedures and the trade unions were not given the opportunity to respond to the charges, if any were made, against them. [Id.] The Association of Workers of Nablus was also closed. [Id.]

1 It is the position of the American-Arab Anti-Discrimination Committee that office of the United States Trade Representative is required to provide a public hearing on this petition in accordance with its own regulations.

b. The office of the Construction and General Institutions Workers Union in Deir al-Ghussoun was closed in November 1987 for a six month period. [Joost R. Hiltermann, "Mass-Based Organizations in the West Bank and Gaza: Offering Services Because Of And Despite The Military Occupation," unpublished paper delivered in Jerusalem, January, 1988, p. 24]

c. Authorities frequently ban individual meetings and impose closure orders on meeting halls, like the Hakawati Theater and the Orient House in Jerusalem, when union meetings are scheduled. [Al Haq report of April 15, 1987, p. 6] On April 19, 1987 the army broke into a meeting of the Tailoring Workers Union in al-Bira. Eight union leaders present were arrested and detained for ten days without charges. [Hiltermann, p. 22] On May 1, 1987, the authorities closed down the Cinema al-Hamra for twelve hours to prevent a May Day celebration by the Workers Unity Bloc. Although the closure order was overturned by the High Court later that day, authorities closed the al Hakawati Theatre the following day when another union was scheduled to hold its May Day celebration. [Id. at 24]

d. Branches of the Gaza Federation of Trade Unions in Khan Younes and other locations have not been permitted to open since 1967. [Hiltermann, Unpublished Thesis Draft, p. 29]

e. Since the uprising in November, 1987, many union centers, such as the following, have been closed for two years by military orders:

Union of Building Workers of Tulkarem
Union of Public Institution and Municipality
Employees in Tulkarem
Union of Construction Workers in Jenin
Union of Drivers and Maintenance Workers in Jenin
Union of Iron and Aluminum Workers in Jenin
Union of Public Institution Employees in Hebron
Union of Iron and Maintenance Workers in Hebron
Union of Engineer Assistants in Hebron
Union of Quarry Workers in Hebron
Union of Construction Workers in Nablus
Union of Public Institution and Municipality
Employees in Nablus
Union of Food Producer Workers in Nablus
Union of Olive Wood and Public Carpentry in
Bethlehem
Union of Building and Public Institution Employees
in Ramallah, Ya'bad, A'rabeh, Dura, Bani
Na'im, Deir al-Ghussoun, Qabatia.
Construction and General Institutions Workers
Union, Ramallah

Construction and General Institutions Workers
Union, Ya'bad
Construction and General Institutions Workers
Union, A'Rabeh
Construction and General Institutions Workers
Union, Dura
Construction and General Institutions Workers
Union, Bani Na'im
Construction and General Institutions Workers
Union, Deir al-Ghussoun
Construction and General Institutions Workers
Union, Qabatia
Construction and General Institutions Workers
Union, Salfit
Construction and General Institutions Workers
Union, Al-Yamoon

[Statement Issued By General Federation of Trade Unions in the
West Bank, May 1, 1988]

2. Raids on Trade Union Offices and the Seizure of
Union Membership Lists²

a. On February 12, 1987, the military authorities
raided the offices of four trade unions in the town of Jenin.
Union property was destroyed; union records, including
membership lists were seized; the union's general secretary,
Mohammed Ibrahim Abu Fadala was beaten. [Al-Haq, Newsletter No.
18, March-April 1987, p. 8-9]³

Partial
b. Similar raids and seizures occurred at the
offices of the General Federation of Trade Unions at Nablus and
of the Trade Union of Workers in Public Establishments of Abou
Dis, El Azizie and El Sawahira. [Report, p. 46]

2 The International Labour Organization has determined that
the protection of trade union property is essential for the
normal exercise of trade union rights. [International Labour
Conference 54th Session "Resolution Concerning Trade Union Rights
and Their Relation to Civil Liberties", Paragraph 2, p. 289]
Israeli Military Order 378 states that a soldier may enter a
premise without a warrant only when he suspects that an illegal
offense is actually taking place. [Al Haq, Newsletter of 18
March 1987, p.2] In the cases of the raids on union headquarters
described below, there were neither warrants nor allegations of
an offense occurring at the time of the raids.

3 Under Jordanian Labor Law of 1960, Article 82, which is
the applicable law in the West Bank, a union is required to
maintain a register of its membership which may not be removed
from the union headquarters. [Al Haq, Letter of 18 March 1987]

c. These raids of union offices frequently involved the seizure of lawfully published pamphlets of workers rights. In Gaza in April of 1987 and in Deir al-Ghussoun in the West Bank in November, 1987, Israeli officers confiscated pamphlets prepared by Al-Haq. [Hiltermann, p. 21] Lawfully published pamphlets on workers rights were also seized during raids on union offices in Jenin. [Al-Haq letter of 18 March 1987.

d. On March 26, 1987, agents of Israel's secret service, the Shin Bet, broke into the General Institutions Workers Union headquarters in Bethlehem and confiscated files of pending workers' claims and complaints. [Hiltermann, p. 22]

3. Interference with Trade Unions Elections

a. The Israeli authorities have denied permission for new elections in any Gaza trade union since 1967. In addition, all general meetings of trade unions in the Gaza strip are prohibited. ⁴ The Israeli authorities have also prohibited all Gaza trade unions from soliciting new members. [Report of Al-Haq and International Association of Jurists Affiliate, the Gaza Center of Rights and Law, to Yitzhak Rabin dated April 1, 1987 and Report from the Building Workers and Carpenters Union and Commercial and Public Services Workers Union to the Committee on Freedom of Association of the International Labor Organization dated June 2, 1987, p.5]

b. The Commercial and Public Service Workers Union of Gaza was banned from holding elections scheduled for April 4, 1987. Nevertheless the trade union held its scheduled elections but authorities refused to recognize the results and, by letters of May 26 and May 27, 1987, banned all members of the newly elected executive board from participating in trade union

4 Protection of the freedom of assembly for trade union organizations is essential for the normal exercise of trade union rights. [International Labour Conference, 54th Session, "Resolution Concerning Trade Union Rights and Their Relation to Civil Liberties", Paragraph 2, p.289]

activities.⁵ [Al-Haq Newsletter, No. 19, May-June 1987] There is no provision for appeal from the ban on trade union activity.

*see H. 1002
by ILO*

c. The Gaza Building Workers and Carpenters Union was banned from holding elections scheduled for February 21, 1987. When the trade union held its scheduled elections, authorities refuse to recognize the results. Trade unionists active in planning the election were called into the military headquarters where they were told that if they did not cancel the results of the election the entire labor federation would be closed. [Al-Haq, "West Bank Trade Unions Under Israeli Occupation." Internal Report prepared for the Australian Government, 1987] On February 28, 1987, the son of trade union leader Muhammad Sha'ban, was arrested by the army, taken to a beach and beaten. Leaders of the election movement were told by military authorities they could expect the same treatment if the election results were not cancelled. [Middle East International, 12 September 1987] By letters of May 26 and May 27, 1987 the Israeli authorities banned all members of the newly elected executive board from participating in trade union activities. [Al-Haq Newsletter, No. 19, May-June 1987]

4. Arrest and Detention of Trade Unionists Without Trial

a. Prior to November 1987, at least 16 trade union leaders were under town arrest and 7 others were in administrative detention. As with all administrative detainees, they were held without charges and without the right to trial. Among the administratively detained were Chehade al-Minawi, general secretary of the General Federation of Trade Unions and Shaher Sa'ed, treasurer of the General Federation of Trade Unions who were placed under house arrest. [Report, p.46] George Hazboun, the general secretary of the General Institutions Workers Union was administratively detained on June 3, 1987. [Al-Fajr Jerusalem Palestinian Weekly, 7 June 1987]

*see H. 1002
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5 The Israeli authorities cited Article 7 of Law 331, an Egyptian labor law applicable to the Gaza Strip, as justification for this ban. Article 7 prohibits persons convicted of certain crimes from serving on the executive boards of trade unions. None of the eight banned labor leaders has been charged or convicted of the criminal sections set out in Article 7. Six of the elected officers had previously been sentenced for "membership in an illegal organization." However, two of those barred, Ziad Ashour and Ilias al-Jeldeh were never charged with any crime. The International Labour Organization has held that legislation which disqualifies persons from trade union office on the basis of political affiliation and political belief violates internationally recognized labor law. [Digest of Decisions of the ILO, paragraph 309]

b. Town arrest is also imposed without specific charges being brought and without the right to trial.⁶ Persons under town arrest are frequently banned from attending union meetings. Among those unionists under house and town arrest prior to the November, 1987 uprising were:

Salameh Hilsa	Secretary of the Textile Workers Union of Jerusalem	1/12/87
Abed al-Bakri	Hebron Shoemakers Union	1/15/87
Nabil Sariya	Jerusalem Food Processing Workers Union.	1/20/87
Azmi Sandokeh	General Federation of Trade Unions (WUB)	1/20/87
Salah Ayad	General Institutions Workers Union, Abu Dis	1/31/87
Fadwa Labadi ⁷	Democratic Teachers Union Abu Dis	1/31/87
Yusef Amir	General Secretary, General Institution Workers, Hebron	2/6/87
Ahmad al-Wahesh	General Secretary, Tailors and Seamstresses Union, Beit Sahour	2/6/87
Yusef al-Wahesh	General Institution Workers Beit Sahour	2/6/87
Adel Wazwaz	General Institutions Workers Jerusalem	3/30/87

[Marty Rosenbluth, Unpublished report prepared on behalf of Al-Haq at pp.7-8]

c. An unknown number of trade unionists have been administratively detained since November, 1987. These include the top leadership of the two major trade union federations on the West Bank, Hassan Ayoub and Shafer Sa'ed. Riyal Jubran was also detained without charges and then released in May, 1988. [Beth Goldring, PHRIC, Report of May 26, 1988] Trade union secretaries presently administratively imprisoned include:

Hilal al-Ahmad	Assistant Engineers Union Jenin
Salameh Halassah	Seamstress and Tailors Union Jerusalem

⁶ In its annual report of 1987 Amnesty International noted that it had "received the names of 66 people, mostly students and trade unionists, who during 1986 were restricted to their home towns or villages." [Amnesty International, Amnesty International report 1987, London: Amnesty International Publications, 1987, pp.351-2]

⁷ Fadwa Labadi was arrested in the spring of 1988 and then release. [Goldring]

Salim Halassah	Ironworkers Union Ramallah
Abdel-Aziz Nazal	Construction and General Institution Workers Union, Qabatia
Faris Abu Aisheh	Construction and General Institutions Workers Union, Nablus
Mohammed Faqih	Public Service Workers Union Jerusalem
Musa Manasra	Public Institution Employees Union Banina'im
Nidal Jaraysh	Public Institution Employees Union Beit Sahour
Iyad Abu Hilal	Health Services Employees Union Jerusalem
Hakam Qadri	Public Institution Employees Union Salfit
Ihab Salameh	Public Institution Employees Union Jenin
Jamal Issa	Construction Workers Union Tulkarem
Salameh Halasseh	Tailors and Seamstresses Union Jerusalem
Salim Halasseh	Iron Workers Union Ramallah
Mohammad Badran	Public Institution Employees Union Deir al-Ghussoun
Abdul Aziz Nazzal	Public Institution Employees Union Qabatia
Fares Abu Eisheh	Construction Workers Union Nablus
Mohammad Faqib	Public Services Employee Union Jerusalem
Jamal Abu Saleh	Iron Workers Union Jerusalem
Ahmad al-Wahesh	Tailors and Seamstresses Union Bethlehem
Hussien Amro	Public Institution Dura

[Statement Issued By General Federation of Trade Unions in the West Bank, May 1, 1988]

d. Eight members of the thirteen-member Executive Committee of the General Federation in the West Bank were arrested, including the General's Secretary, Mahmoud Ziadeh and Khamis Abu Daba'ar, Radwan Ziadeh, Ibrahim Khader, Suleiman Rihani, Omar Zidani and Adnan Kilani. More than fifty other members, representing the federation council, secretaries of branch unions, members of administrative committees and active unionists have also been arrested. [Statement Issued By The General Federation of Trade Unions in the West Bank, May 1, 1988]

5. Harassment of Trade Union Activists

a. There are numerous reports of Israeli intelligence officers intimidating union members by posting photographers outside of union offices. [Twenty Years, at p.33]

b. Military authorities forced fifteen unionists from the Construction and General Institutions Workers Union in Dheir al-Ghussoun to sign a statement that they would not engage in union activities for a period of six months. Military authorities forbade them to educate workers of union rights, refer workers to lawyers in cases involving labor disputes or solicit blood for persons injured at work and threatened them with deportation for violation of these prohibitions [Hiltermann, p.24]

6. Deportations and Threats of Deportation for Engaging in Trade Union Activities

a. Trade unionists expelled from the occupied territories since September 12, 1987 include: Jebreel Rajoob, member of the Press Workers Union in Jerusalem; Husam Khader, Public Institutions Workers Union in Nablus; Jamel Jubarah, Public Institutions Workers Union in Tulkarem; Ghasan Al-Masri, Medical Services Union in Ramallah. [General Federation of Trade Union in West Bank, Nablus, electronic communication to the ADC on May 27, 1988]

b. Three members of the Union of General Service Workers were threatened with expulsion if they continued trade union organizing. [Report, p.46]

c. Freij Ahmed Khalil, deputy head of the Engineer's Union of Gaza was ordered deported. [Palestine Human Rights Information Center (Jerusalem), Update January 3, 1988, Jerusalem]

d. Adnan Mohammad Abdul Fatah Daoud Dagher, head of the Public Institutions and Labor Union in al-Bireh, who was arrested and held without charges in Ansar 3 prison, has been ordered. [Palestine Human Rights Information Center (Jerusalem), Update April 20, 1988, Jerusalem]

7. Refusal to Recognize Trade Unions

a. In the Gaza Strip, Israel has maintained a continuous ban on the organization of any new trade unions since 1967. Any union activity outside of the six existing unions is considered illegal and is suppressed. [New York Times 2/22/87;

*In all these
as per
other
documents*

International Labour Organization, "Report on the Situation of Workers of the Occupied Arab territories." Geneva: ILO, 1987]

b. In the West Bank, the Israeli authorities have refused and/or failed to register many newly organized trade unions. There are presently 31 registered unions. Over 50 additional West Bank trade unions have applied for registration but either been rejected or not received a reply. [Twenty Years at 31. See also, Report, p. 34]8

c. In East Jerusalem, which was annexed to Israel, Palestinian unions were declared illegal and workers were told to report to the Histadrut. [Hiltermann, p.18]

8. Deprivation of the Right to Participate in Internal Union Affairs.

While legally registered workers from the Occupied Territories who work in Israel are required to pay 1 percent of their wages in dues to the Israeli labor union, the Histadrut; the West Bank and Gaza workers are denied the right to become members of the union or to vote in elections for local worker councils or the Histadrut executive council. Despite receiving dues payments from them, the Histadrut does not provide services to these workers [Twenty years at p.33; Sara M. Roy, The Gaza Strip: A Demographic, Social and Legal Survey, The West Bank Data Base Project, Jerusalem, Harvard University, Cambridge, 1986, p.35]

B. SUBSTANDARD WAGES AND HOURS AND WORKING CONDITIONS

1. Under Israeli law, Palestinian workers may not be considered "permanent" employees despite the length of their continuous service with an employer. [ILO 85.62] Because of their designation as temporary employees, workers from the occupied territories are denied seniority security, seniority pay increases, sick and vacation days. Therefore, a Palestinian worker receives 25 percent to 30 percent less than an Israeli worker in wages and benefits for the same work. [Jerusalem Post, June 10, 1986; See also ICPME, Human Rights in the Occupied

8 Under the Jordanian Labor Law of 1960, which is applicable in the West Bank, any group of 20 or more workers in one trade or establishment may apply to establish a labor union. However, also under Jordanian law, the non-registration of a union prevents it representing workers. [Report, p.34; Twenty Years, p.31]

2. Approximately 20 percent of the gross wages of residents of the Occupied Territories legally registered as employed within Israel are deducted for the "deduction fund". This sum is equivalent to that intended to cover the insurances provided to Israeli workers except that Palestinian workers from the occupied territories are not entitled to draw such benefits. However, these benefits are available to Israeli settlers on the West Bank and Gaza whether they work in Israel or the Occupied Territories. The benefits include payments for old age, widowhood, dependent children, survivors, disability, and unemployment. [Benvenisti, West Bank Data Base Project, 1987 Report, Demographic, economic, legal, social and political developments in the West Bank, p.31] According to ICPME statistics, 32% of the gross wages are collected as social security contributions. However, these funds are not used to create retirement pensions. Moreover, Palestinian workers are ineligible for pension benefits. [ICPME, p. 76]

3. The Israeli budget for the Occupied Territories allots an average wage for Palestinian civil administration workers at approximately two fifths the rate allocated for Israeli civil administration workers. [ICPME, p.84]

4. Workers from the West Bank and Gaza are not permitted to remain in Israel overnight unless special sleeping permits are obtained. Nevertheless, approximately 20% of the workforce from the occupied territories remain within Israel overnight. [ICPME, p.83] A 1985 report issued by the Knesset, the Israeli parliament, estimated that up to 50,000 workers sleep each night in Tel Aviv alone. [International Labour Reports, "Migrants in Their Own Land," Issue 24, November/December 1987, p.9] These workers regularly stay locked within the facilities of their employers without proper beds, adequate sanitary facilities, kitchens or ventilation. [David Grossman, The Yellow Wind, Farrar, Stauss and Giroux, New York, pp.175-187] A worker in a hostel run by the Histadrut-owned Solel Boneh described his living situation:

The company hostel was more like a jail. At night they would lock us in. The rooms we slept in were 4 metres square and we had six workers sleeping in them. There weren't enough beds for everyone so 4 would sleep in the beds and 2 would sleep on the floor, and we would take turns. THE blankets were dirty and had holes in them...Only a few days each week would we have hot water...[T]hey took 10% of our wages just for food.


[Id.]


5. It is estimated that twenty percent of the Palestinian workers performing agricultural work inside of Israel are between 11 and 15 years of age. [Report, p. 44] There are reliable reports of child labor including children as young as 8 years old. [Roy, p.32]


CONCLUSION

For the reasons set forth above, the United States Trade Representative should ~~conduct an investigation into workers rights within the territories controlled by the State of Israel.~~

Dated:


ABDEEN JABARA
ADC
4201 Connecticut Ave., N.W.
Suite 500
Washington, D.C. 20008


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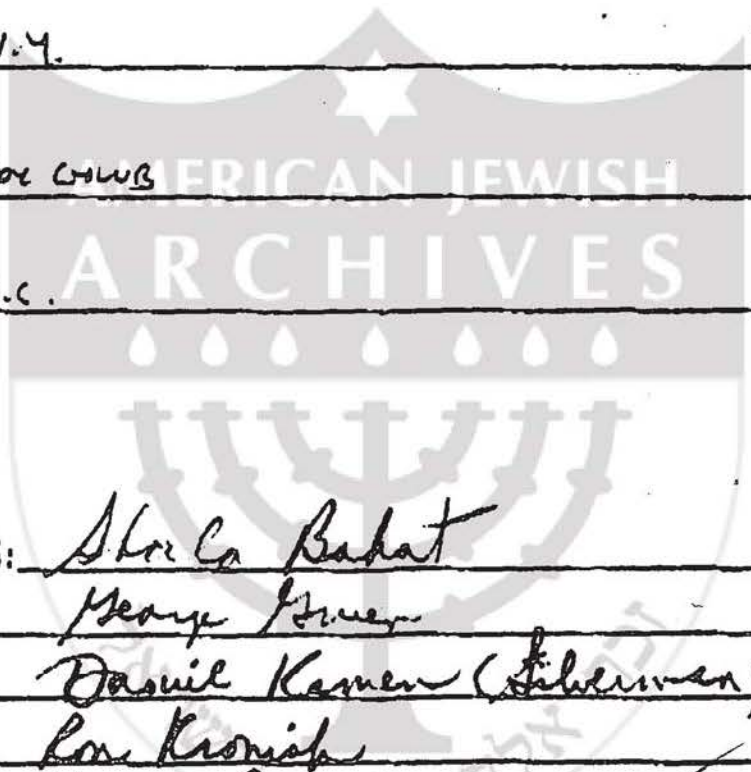
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FOR YOUR IMMEDIATE ATTENTION

THE AMERICAN JEWISH COMMITTEE

date September 8, 1988
to Ira Silverman
from David Harris
subject USTR, GSP AND THE COMPLAINT AGAINST ISRAEL

As you will recall from my most recent memo (September 6), the hearings have been postponed until November 13-15. Please note, however, that the deadline to request the right to testify remains September 18th and will not be postponed. At least a summary of the testimony must accompany the written request to testify.

As of today, the following organizations are expected to testify in Israel's behalf:

Israeli Embassy
Israeli Civil Administration
Israeli Ministry of Labor
Histadrut
U.S. Friends of Histadrut
AFL-CIO
ADL
AJCongress
Jewish Labor Committee

In addition, the AFL-CIO has approached ten of its affiliates, including the American Federation of Teachers and the Communications Workers of America, with a request to testify. Finally, the American Association for Import and Export and Freedom House are considering testifying.

The Israeli Embassy here is trying to coordinate testimony in order to minimize repetition and to insure that all key points are covered. For example, the AFL-CIO will be criticizing the complaint procedures which they long have claimed are highly politicized. AJCongress will document Israel's efforts to encourage labor unions in the territories and their manipulation and abuse for terrorist purposes by the PLO. The ADL is considering an attack on the Arab-American Anti-Discrimination Committee which the ADL claims is not an anti-discrimination agency but a front for anti-Israel activity in this country. The Jewish Labor Committee will review the reports of international organizations (like the ILO) on Israeli's labor

USTR, GSP AND THE COMPLAINT AGAINST ISRAEL, continued...
page 2

I strongly urge that AJC agree to testify. I believe both for political and institutional reasons we should be there. The Israeli Embassy also hopes that we will agree to testify. The challenge will be to say something distinct and important. Help is available from the AFL-CIO, the Israeli Embassy and other sources.

In the interests of time, I hope we can have an answer by tomorrow, Friday, to allow a sufficient period to prepare the written request to testify and a summary of our principal points.

AMERICAN JEWISH
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DAH:dw

cc: Shula Bahat
George Gruen
Daniel Kamen
Ron Kronish
Gary Rubin
Marc Tanenbaum
Mort Yarmon



U.S. TO INVESTIGATE ISRAEL'S TREATMENT OF PALESTINIAN WORKERS

By Howard Rosenberg

WASHINGTON, Aug. 28 (JTA) -- The Israeli government and pro-Israel groups have expressed dismay at U.S. Trade Representative Clayton Yeutter's decision last week to accept an American-Arab Anti-Discrimination Committee petition urging him to investigate Israel's treatment of Palestinian laborers.

If Israel is found to have violated recognized standards for workers by mistreating Palestinians, it could lose its ability to export products duty-free to the United States under the 12-year-old Generalized System of Preferences program.

Five other countries are also being investigated following other petitions filed with the trade office. They are Syria, Haiti, Burma, Malaysia and Liberia. The Central African Republic will again be investigated this year, as in 1987.

"This is the first step in determining whether these countries should be denied special access to the U.S. market on the basis of their labor practices," Yeutter said Thursday in making the announcement.

Hearings are set for Oct. 3 to 5, with a final decision to be announced April 1.

Israeli Embassy spokesman Yosef Gal said Israel "regrets" the U.S. decision and that the two principal charges against Israel were not summarily dismissed. He termed the accusations "baseless."

But he said he does not "see this as a major issue" that could damage American ties with Israel. "U.S.-Israeli relations are too strong and too deep for this attempt by the ADC to disrupt us," Gal said.

A trade representative source said that Israeli exports to the United States in 1987 totaled \$486 million.

Other Petitions Rejected

In the past, the only countries whose U.S. duty-free status has been rescinded are Nicaragua and Romania, while the trade statuses of Paraguay and Chile are under suspension.

This year, Yeutter rejected petitions to investigate El Salvador, Guatemala, Indonesia, the Philippines, Thailand and Turkey.

The trade representative source said the 1974 Trade Act, as amended, sets a "low threshold for accepting petitions for review" and allows the public to request an inquiry.

The American-Arab committee petition was accepted, the source said, because the trade representative "could not refute the charges as either irrelevant or factually wrong."

The source said that for a formal review to be granted, "charges have to be relevant to the criteria we look at it."

Those criteria include the right of labor to organize; the right to have collective bargaining arrangements; the right to protection for child labor; the right to health and safety standards, as well as to a minimum wage; and the right to protection from compulsory or forced labor.

The American-Arab committee elected to accuse Israel of impinging on the rights of Palestinian workers to organize; to work under basic

standards of health and safety; and to a minimum wage.

The source added that "all levels" of the trade representative's review process, leading to the formal inquiry, found the 12-page petition acceptable.

In addition to the American-Arab committee petition, 10 members of Congress had written Yeutter urging him to investigate the treatment of workers in about 13 countries, including Israel. Among them were Rep. John Dingell (D-Mich.), chairman of the powerful House Energy and Commerce Committee.

AFL-CIO Protests Move

Harsh reaction from pro-Israel groups, including the AFL-CIO, followed Yeutter's decision to accept the petition.

The labor group supported petitions to probe four of the countries, but not Liberia and Israel.

"If you have a country that is facing terrorism . . . annihilation of your own country, and despite these conditions you maintain a multiracial trade union, and allow 38 unions and union organizations to form over 21 years of jurisdiction over the Gaza Strip and the West Bank . . . that country is not massively violating workers' rights," said Adrian Karatnycky, a spokesman for the AFL-CIO's international affairs department.

"By the standards of the Middle East, it is preposterous for the American-Arab Anti-Discrimination Committee to criticize Israel," Karatnycky said.

He urged Yeutter to "investigate the Arab dictatorships which totally control workers and thoroughly deny freedom of association."

U.S. Jewish leaders generally criticized the American-Arab committee petition as politically motivated.

Rabbi Marc Tanenbaum, director of international relations for the American Jewish Committee, termed it "propaganda warfare."

He said his group released a study in 1987 that assessed rights of Palestinian women in Israel and the territories, and concluded that Israel's treatment of them was "far superior to the conditions (for them) in all of the surrounding Arab countries."

"If this is to be an objective inquiry . . . then let them study what is going on in the Arab countries," Tanenbaum argued.

Labor Committee To Testify

Robert Lifton, president of the American Jewish Congress, called the Arab committee's charges "spurious" and pointed to the fact that aside from European Community member states, Israel is the "only country" that has a Free Trade Area agreement with the United States.

Lifton added that "most Palestinian residents of the territories are represented by the Histadrut," Israel's main trades union.

Jewish Labor Committee President Herb Magidson termed the Arab group's petition "a thinly veiled political attack on the State of Israel and the Office of the Trade Representative should have recognized it."

Magidson wrote a letter Aug. 12 to Hiram Lawrence, General System of Preference executive director, asking him to reject the petition.

E. ROBERT GOODKIND
122 EAST 42ND STREET
NEW YORK, N. Y. 10168

September 13, 1988

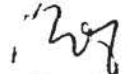
Mr. Gary Rubin
American Jewish Committee
165 East 56th Street
New York, NY 10022

Dear Gary:

Enclosed please find a proposal which I received today from the International Center for Peace in the Middle East relative to the Israeli Response to the Declaration on the Establishment of a Palestinian Government in Exile. The document appears to be reasonable to me and I thought it might be helpful to our Board of Governors in shaping AJC policy with respect to the same issue.

Best personal regards.

Sincerely,



E. Robert Goodkind

ERG/pw
Enclosure

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המרכז הבינלאומי לשלום במזרח התיכון

المركز الدولي للسلام في الشرق الأوسط

107, Hahashmonaim St., Tel-Aviv 67011, Israel. Tel: (03)5612266

PROPOSAL BY ICPME FOR AN ISRAELI RESPONSE TO THE DECLARATION ON THE ESTABLISHMENT OF A PALESTINIAN GOVERNMENT IN EXILE

This declaration, if confirmed by the Palestine National Council, should be considered a positive development, provided that the following conditions are fulfilled:

1. The willingness of the PLO to abandon the Palestinian Covenant, to proclaim the establishment of a Palestinian state that will exist side by side with the State of Israel, and to form a Palestinian government in exile that will strive to make peace with Israel are welcome developments, provided the PLO states these explicitly.
2. Israel should declare that it will recognize the Palestinian government in exile and regard it as a partner for direct negotiations, with or without an international umbrella, provided that the Palestinian government:
 - a. declare its recognition of Israel and Israel's right to exist;
 - b. declare its intention to end the conflict and to sign a comprehensive and binding peace treaty between the two states;
 - c. declare its willingness to hold negotiations on open borders, the demilitarization of the Palestinian state, and the prevention of entry of a foreign army.
3. The Palestinian government in exile will call for an end to all hostile acts during the negotiations, among these:
 - a. terrorist acts and other acts of violence in Israel, and against Israeli and Jewish targets abroad;
 - b. attempts at infiltration to carry out attacks in Israel, and other acts of violence beyond Israeli borders;
 - c. acts of violence connected with the uprising in the territories under Israeli rule.
4. During negotiations the Israeli government will undertake:
 - a. to allow elections to be held in the territories, under international auspices;
 - b. to refrain from establishing new settlements in these territories, or expanding existing ones;
 - c. to refrain from further confiscation of land in these territories;
 - d. to put an end to administrative detentions, deportations, and the demolition of houses.

(over)

5. Negotiations will include discussion of:
interim stages; permanent borders based on pre-1967 lines, with mutually agreed-upon rectifications; a mutual obligation to abstain from any irredentist activities; cooperation in the fight against terrorism; mutual security and international guarantees; the nature of relations and economic and political cooperation with Israel, Jordan, and the other countries in the region; settlement of the refugee problem and other bilateral issues.
6. During negotiations, in accordance with progress made and provided quiet is maintained, steps are to be taken to allay tension and promote trust, such as: the release of detainees, the lifting of restrictions of movement and other restrictions now imposed on residents of the territories.

AMERICAN JEWISH
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August 1988



Jewish Labor Committee

25 East 21st Street • New York, N.Y. 10010 • (212) 477-0707
ATRAN CENTER FOR JEWISH CULTURE

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August 12th, 1988

Mr. Hiram Lawrence
Executive Director
Generalized System of Preferences
Office of the United States Trade Representative
600 17th Street, Room 517
Washington, D.C. 20506

Dear Mr. Lawrence:

On behalf of the Jewish Labor Committee, I urge you to reject the request for a review of the State of Israel's status under the Generalized System of Preferences that is currently being considered by your office.

The petition requesting the review of Israel's status contains a variety of charges. Some charges are patently untrue, others are based on unpublished papers and otherwise unverifiable sources, and still others have been decisively rejected by objective human rights agencies.

I. The petition

The petition contends that Generalized System of Preferences benefits should be denied to Israel because

1. "Israel effectively denies Palestinian workers under its authority ... the right of association in trade unions of their choice and the right to organize and bargain collectively."

To buttress this charge, the petition accuses Israel of closing union headquarters, banning individual trade union meetings, arresting trade unionists, and in a limited number of cases deporting trade unionists. The petition charges that Israel prohibits union representation elections and the election of union officers within individual trade unions. The petition condemns Israel for prohibiting Palestinians who live in the Occupied Territories from joining the Israeli labor federation, the Histadrut. The petition also claims that the Histadrut collects their dues but fails to represent Palestinian workers.

2. "Israel effectively denies Palestinian workers under its authority ... acceptable conditions of work with respect to minimum wages, hours of work and occupational health and safety and enforcement of prohibitions against the employment of children."



To buttress this charge the petition claims that Palestinian workers receive lower wages than their Israeli counterparts, that they pay for social security benefits they do not receive, that conditions facing Palestinian workers from the Occupied Territories who stay overnight in the State of Israel are intolerable, and that child labor is employed.

II. Comments

While a detailed rebuttal of these charges is outside the scope of this correspondence, and hopefully will not be necessary, I would like to make the following general points to guide you in your decision concerning an investigation of the GSP status of the State of Israel:

1. The State of Israel has firmly declared on many occasions that it respects the rights of Palestinian workers in the Occupied Territories "to affiliate with trade unions or to set up their own trade unions [which] operate freely, negotiate collective agreements, and protect their members' rights in labor matters ..." (Report of the Director-General, International Labor Organization, 1988, p.89)

2. The West Bank and the Gaza Strip are currently under military occupation. For the last nine months the Palestinian population has been engaged in an uprising against the Israeli military authorities. For many years prior to the current unrest, elements within the Palestinian population living on the West Bank and Gaza Strip represented a clear and present security threat to the State of Israel. Israel can not tolerate military and/or terrorist acts against the Israeli or Palestinian populations in the State of Israel or the Occupied Territories. Terrorist organizations, which have a long, bloody, and spectacular history of attacking Israeli civilians, are notorious for hiding for protection behind legitimate organizations.

Israeli authorities have charged that some trade unionists have engaged in terrorist and/or military activities against the state. No wholesale banning of trade union organizations or interference in their programming and other internal matters have taken place. The Israeli authorities have acted in selected instances to combat a security threat to their country.

3. Trade unions in the Occupied Territories are manifestly not banned, and they are certainly not government controlled. At the present time, there exist 31 independent trade unions in the West Bank and seven independent trade unions in the Gaza Strip. Fifteen new unions have been registered in the West Bank since the Israeli occupation began. (Ibid.)

4. It is precisely because the Histadrut disapproves of Israeli annexation of the West Bank and Gaza Strip that it provides services to Palestinian workers, but has decided not to accept Palestinian workers as members. To accept Palestinian workers as full members would be tantamount to recognizing Israel's annexation of these territories. (Ibid., p.29)

5. The charge that Histadrut collects fees from Palestinian workers on the West Bank but does not provide services is simply untrue. The same goes for other unsubstantiated charges, such as that the wages of Palestinian workers are deducted for social service benefits that they do not receive; that Palestinian workers regularly receive lower wages than their Israeli co-workers for performing the same work; that Palestinian workers who sleep in Israel during the week habitually live in intolerable conditions; that underage children habitually work in Israel. The International Labor Organization has confirmed that the Histadrut represents Palestinian workers' grievances in labor courts, and through a variety of other means (radio programs, information posters in Arabic at worksites, etc.), protects the rights of Palestinian workers (Ibid., p. 28). Palestinian workers, similar to guest workers in other countries, are not citizens of the State of Israel and do not participate in some Israel social security programs. However, Palestinian workers do pay into funds that provide them with accident insurance, employers bankruptcy insurance, maternity benefits, and pensions. (Ibid., pp. 22-23). All employers that provide overnight sleeping facilities are subject to inspection by the Minister of Labor and Social Affairs (Ibid., p.81). To condemn the State of Israel, which, as the ILO has documented, is taking energetic measures to combat illegal employment arrangements, (Ibid., p.21) for the actions of a small number of employers, is equivalent to accusing the government of the United States of systematically tolerating trade union abuses because sweatshops are still uncovered in American cities. Finally, far from using underage children as laborers, the Israeli military authorities instituted an ordinance in the Occupied Territories raising the minimum age at which children can work from 12 in the Gaza Strip and 13 in the West Bank to 14. (Ibid., p.80).

5. It is instructive to analyze how this issue has been handled by the International Labor Organization (ILO), a United Nations body to which the United States, Israel, and many Arab nations are affiliated. As a result of pressure from the Arab nations, the Director-General has issued annual reports on the conditions of Palestinian workers in the Occupied Territories since 1978. In addition, the respected ILO Committee on Freedom of Association, which examines charges of government suppression of trade union rights, has investigated one case involving Israeli treatment of Palestinian workers.

The Director-General's reports have traditionally pointed to ways in which the the State of Israel could improve the conditions of Palestinians workers. The reports have not, however, substantiated the kind of extreme charges that appear in the petition currently before the U.S. Trade Representative. Arab countries, perhaps recognizing the weakness of their case, have only taken two cases to

the ILO's Committee on Freedom of Association. (One charge is currently pending.) In the only case acted on to date, the Committee looked into charges that Israeli military authorities raided "a number of trade union premises in Nablus and Jerusalem and that as a result the premises were temporarily closed and union meetings banned." (Case No 1390, Committee on Freedom of Association, p.49) The ILO Committee also looked into allegations of house arrests and deportation of trade unionists. The allegations in this case closely mirror those contained in the petition before the Office of the United States Trade Representative, and warrant careful consideration.

The Israeli government denied "... that trade union activities have been restricted or that union premises have been closed for their union activities" and contended that "... trade unions have been convicted and sentenced for planting explosives and that such terrorist acts, like other illegal or political activities, are ostensibly being carried out in the name of legitimate trade union activity." (Ibid., pp. 47-48.)

After an extensive examination in the field, the ILO Committee on Freedom of Association concluded that:

a. "... the military operations were ... mounted to put a stop to activities that the Israeli authorities considered to be terrorist-related. The Committee is not in a position to rule on this aspect of the case, particularly since it is unable to judge with any degree of certainty from the facts before it whether in this particular instance the Palestine trade unions concerned acted in a way that went beyond the scope of genuine trade union activities." (Ibid., p.49)

b. The Committee admonished "interested parties" (i.e. the Palestinian trade unions) that political actions by trade unions "... should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions ..." (Ibid.)

c. With respect to house arrests, the committee "...recognize[ed] that such a procedure may be motivated by a given critical situation" and "[drew] the [Israeli] Government's attention to the desirability of such measures being accompanied by all necessary safeguards to ensure that they cannot be used to hinder the free exercise of trade union rights." (Ibid., p.50)

d. With respect to expulsions, while asserting that "... the forced exile of trade unionists is an infringement of freedom of association ..." the Committee stated that "... It is not clear to the Committee whether the measures taken against [the individual expelled to Jordan] have been taken strictly on trade union grounds, particularly since the complainant organizations supply no details and since the person concerned is referred to simply as a trade unionist." (Ibid.)

d. The ILO Committee decided that "[i]n the absence of more precise information on this aspect of the case" that the alleged arrest of six members of the Executive Committee of the Federation of Palestine Trade Unions, "... does not call for further examination." (Ibid.)

The ILO Committee expressed misgivings about some Israeli actions. Yet given the facts before them, which included plausible assertions of union-based terrorist activity, the committee could not and did not conclude that the Israeli military authorities violated trade union rights.

6. It is important to note that the AFL-CIO, which closely monitors trade union rights around the world, has never found it necessary to ask the Office of the United States Trade Representative to review Israel's status under the GSP.

7. Finally, it is important to note that U.S. law prohibits extension of General System of Preferences to any country "if such country has not taken or is not taking steps to afford internationally recognized workers' rights to workers in the country." A decision by the Office of the United States Trade Representative to investigate the treatment of Palestinian workers in the West Bank and Gaza is tantamount to recognizing the Occupied Territories as legally part of the State of Israel. This has not been the policy of the United States government.

The Jewish Labor Committee is an organization that represents the organized American Jewish community on questions relating to trade unionism. We have worked for 54 years to promote trade union rights in the United States and around the world. We have worked extensively with the Histadrut, a free and independent trade union federation that is a member in good standing of the International Confederation of Free Trade Unions. We have observed that the State of Israel has a long and proud history of affording the utmost respect for trade union rights.

We hope that you will recognize that the petition for review is essentially a political document that is intended to discredit Israel, and we urge you to reject this request for hearings on the GSP status of the State of Israel. Thank you for your consideration.

Sincerely,

Herb Magidson

Herb Magidson
President

Copy to Donna Bishop Lois Gottesman

ARTICLES

Human Rights in Arab Countries*

by
A. Youssoufi**

The Arab Lawyers Union, an association grouping together the Bars of 16 of the 22 Arab countries, celebrated the 20th anniversary of the adoption of the International Covenants on Human Rights (ratified by 9 Arab states) by dedicating the December 1986 meeting of its Permanent Committee to the examination of human rights in Arab countries. Its 16th Congress held in Kuwait in April 1987, discussed the right to self-determination, human rights and international peace. Two principal conclusions were drawn from these meetings: 1) that from the Atlantic to the Persian Gulf the human rights situation is deteriorating more and more, given the increase in, and gravity of, violations perpetrated by the authorities, 2) that at the same time an important sector of Arab opinion has shown a growing interest in the protection of human rights.

The violations begin at the constitutional and legislative level. Many constitutions entrust to the law the protection of liberties and the guarantee of rights. Others invest exceptional powers in the executive. Certain countries, such as Bahrain, have suspended their consti-

tutions. Others, such as Kuwait, have reversed certain provisions for proceeding to new legislative elections after the dissolution of Parliament. Still others live under states of emergency which empty the constitutions of their content, as is the case in Egypt, Jordan, Iraq and Syria. Emergency regulations invest the authorities with significant powers to the detriment of human rights. For example, in Egypt the chief of state is empowered to criminalise certain actions and omissions which become punishable by forced labour. Emergency provisions in Arab legislation, have flourished, particularly over the last few years, to the point of becoming the norm rather than the exception.

Another factor common to a number of Arab states, for example Egypt, Sudan, Iraq, Kuwait and Libya, are preventative measures with respect to suspects. These allow suspects to be imprisoned or placed under police control, measures which are normally imposed only as penalties for criminal offences.

The laws concerning freedom of opinion and expression are, apart from some minor exceptions, restricted in most Arab

* This article is taken from an intervention delivered by Mr. Youssoufi at the 39th session of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, in September 1987.

** Deputy Secretary General, Arab Lawyers Union.

countries. Information agencies are generally the property of the state or strictly controlled by it. Freedom of association does not exist in a number of Arab countries. The structure of the judiciary naturally allows the emergency court and military tribunals to enlarge their jurisdiction. This is the case in Jordan, Sudan, Egypt, Iraq, Lebanon, Syria, Algeria and Libya.

In general it can be said:

- that the Gulf countries tend to forbid the formation of political and social organisations, limit cultural activity, control the conditions of women and discriminate against Arab migrant workers. The violations vary from country to country; Saudi Arabia being the most and Kuwait the least restrictive.
- that the similarities between Syria and Iraq are remarkable in the severity of their behaviour towards political opponents, notably their practice of detention without trial, the use of torture and the imposition of the death penalty by emergency courts.
- that in the other Arab states of the Middle East the dominant feature is the absence of political organisations. Jordan is characterised by lack of academic freedom; the tragedy of Lebanon is well known, as is the tragedy following the bloody events in South Yemen of January 1986. The situation in North Yemen is similar to that in the other Gulf countries.
- that Egypt and Sudan are characterised by the volume of emergency laws which endanger the existence of human rights.
- that difficulties in the freedom of association of trade unions is common to the Maghreb countries, with the added problem in Algeria and Libya of the prohibition of political organisations. Mauritania is ridding itself of the after effects of slavery which is gradually disappearing.
- that Morocco has drawn the attention of world opinion many times because of its political prisoners. It should end quickly the deplorable case of the detention of the children of a dead general in the well known circumstances of 1972.¹
- that many of the phenomena that characterise the different groups of Arab countries, can be found in Somalia.
- that the reports of the special rapporteurs of the last session of the Commission on Human Rights revealed the implication of a certain number of Arab states in practices of torture, forced and involuntary disappearances and summary executions.
- that the 16th Congress of the Union of Arab Lawyers examined the situation of Palestinians living in Arab countries and reminded Arab states of the resolution concerning the status of Palestinians adopted by the Arab Council of Ministers of the Interior in Casablanca in December 1982 concerning the problems affecting the protection and establishment of Palestinians and the reunion of Palestinian families.
- that concerning the situation of detainees and prisoners, if no Arab state takes advantage of the opening for signature of the Standard Minimum Rules for the Treatment of Prisoners, the Union of Arab Lawyers is of the opinion that the only party to profit from this would be the Israel in its occupation of Palestinian territories.

1. *Ed.* The detention of the children of General Oufkir ended at the beginning of November 1987.

The hunger strike heroically observed by Palestinian detainees was proof of the cruelty and inhumanity of the occupying Israeli forces responsible for other mass and systematic violations already presented to the UN Sub-Commission on Minorities.

Space does not permit a detailed account of these violations. But there is one that confirms all the others and underlines the gravity of the human rights situation in Arab countries.

In 1983, the Arab Organisation of Human Rights was formed in Cyprus. It is a non-governmental organisation (NGO) whose objectives are the promotion and protection of human rights. Following the practice of other NGOs, it is apolitical and chose dialogue with Arab governments as its method of action. In fact, seven governments had responded to action it had taken concerning certain allegations. But as soon as it was known that the first report on human rights in Arab countries of the organisation was to appear in 1987, the government of Egypt, where the headquarters of the organisation is located, decided to prohibit the 1st General Assembly, scheduled for November 1986 and which should have adopted that report before its publication. According to certain official "leaks", this prohibition had been requested by certain Arab governments concerned about the contents of the report. If it were not for the new regime established in Sudan after the fall of Nimeiri, who was responsible for many human rights violations, it would probably have been difficult to find some other Arab country in which to hold this General Assembly. It met in Khartoum at the end of January 1987.

Two weeks later, the ECOSOC com-

mittee in charge of NGOs meeting in New York should have examined the candidature of the organisation for consultative status for the second consecutive time. But to the surprise of the Organisation a "holy alliance" of Arab states, progressive and conservative states allied together with their fraternal enemies, was set up under the direction of Algeria to attack the Organisation and oppose its candidature. It is regrettable that the delegation of an influential country lent its approval to this coalition. The result was that the question of the candidature has been postponed for the second time, to the meeting in 1989!

This hostility with regard to an NGO concerned with human rights is not an isolated incident. Since 1985, one Maghreb country has persecuted the leaders of the League of Human Rights in that country. Another bordering republic arrested the Secretary General of that country's ten year-old League of Human Rights in the spring of 1987. Thanks to international pressure, Mr. Chamari was freed and his trial put back till October 1987.²

We are in the presence of a phenomenon peculiar to the Arab world - the overt opposition of Arab governments to national and international NGOs concerned with human rights.

This is a human rights violation *par excellence* and one which tacitly admits the existence of human rights abuses in the offending countries. Thus, it is of critical importance that the Sub-Commission do everything it can to ensure the realisation of rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

2. Ed. In October his trial was postponed again until January 1988.

MIDDLE EAST

Jew and Arab on the UN Battlefield

The Commission brought together two victims of the Middle East tragedy. Andree Farhi works in Geneva for the International Council of Jewish Women, and is a loyal supporter of Israel. Hanan Awwad is a Palestinian poet and teacher who lives in Jerusalem and has witnessed the current turmoil at first hand. Both women sat near each other at the Commission but did not meet. Both see the UN as anything but neutral.

"A new language seems to have flourished here, borrowed from the worst anti-Semitic literature."

Andree Farhi is typical of Israel's unswerving supporters abroad. She works for the Geneva-based International Council of Jewish Women. She has only been to the West Bank once -- six years ago, and never met with Palestinians. Yet in her own way Andree, too, is at the front. She is troubled by the unrest in the Middle East but cannot bring herself to believe there is systematic mistreatment by the Israeli defense forces. The rhetoric of the Commission helps her to swallow misgivings. Some feel that it is healthy for the Arabs to have an outlet for their frustration. Andree disagrees. She feels, like many Americans, that it simply exacerbates the tension, and turns political opposition to the Israeli occupation into anti-Semitism.

"I have come from behind the barbed wire to speak to you."

What makes the Commission intimidating for Andree makes it exhilarating for Hanan Awwad. Here on a world stage, she meets supporters, not intimidating Israeli patrols. She seizes the opportunity to press the PLO as the legitimate representative of the Palestinians. Accredited by the Women's International Democratic Federation, headquartered in the GDR, Hanan is general secretary of the Palestinian writers' group, several of whom are in jail. She refuses to answer the inevitable question: does Israel have the right to exist? This is the Palestinians' last bargaining chip, and they won't surrender it without major concessions. "How can you ask me to recognize the existence of people who put my family in a refugee camp?"

Arab Violations Denounced

0016.006 -- The charge of "selectivity" is often levelled against the Commission because it rarely takes up Arab violations. On March 8, Ahmed Yousoufi, deputy secretary general of the Union of Arab Lawyers, delivered a withering denunciation of human rights in the Arab world.

These, Yousoufi told the Commission, could not be justified by the violations perpetrated by the Israelis in the Occupied Territories. Among the situations he referred to:

- A state of emergency is now in effect in Jordan, Syria, Iraq, Bahrain, Kuwait, Egypt and Libya.
- The Libyan government continues its campaign of assassination against opponents.
- Last year's pilgrimage to Mecca was marked by a frightful massacre. To this day there has been no independent Islamic enquiry.
- In the South Yemen 40 persons were condemned to death after bloody political clashes.
- Torture in clandestine prisons is widespread, if hard to quantify. Yousoufi noted that Egypt is the only Arab country to have ratified the UN convention against torture.
- The opening of the Commission coincided with the trial in Mogadishu (Somalia) of 17 persons detained since 1985 (the 18th died in detention). The death sentences were commuted.
- The right to form unions barely exists. One exception is the recent decision of Egyptian courts to recognize the right of railway workers to strike. Saudi Arabia has violated migrant workers' right to social security.
- There is widespread discrimination against women, although 10 Arab countries are members of international agreements which call for equality between men and women.
- Academic freedom has suffered a set-

back. The majority of the professors of Yarmouk, in Jordan, were recently sacked and are still unemployed.

- Arab states remain lukewarm in their attitude towards the Arab Organisation of Human Rights (AOHR). Egypt, where the organization is headquartered, still refuses official recognition.

Earlier in the Commission, David Littman, from the World Union of Progressive Judaism, had raised the plight of Jews in Arab countries.

Littman reminded the Commission that 40 years ago, 900,000 Jews had lived in ten Arab countries. Today, he said, there remained scarcely 20,000. Many, he claimed, lived in difficult circumstances. He singled out:

- 250 unmarried Jewish women in Syria who are denied the right to leave and marry.

The Libyan government continues its campaign of assassination against opponents.

- 30,000 Jews in Ethiopia, known as Falashas, who are also denied the right to leave and join relatives. Several thousand Falashas left for Israel three years ago in a controversial operation.
- In Lebanon, where the Jewish community has shrunk to less than 100, nine Jews are known to have been taken hostage by fanatical Islamic groups. Their lives, said Littman, could be in danger.

Littman's statement prompted a round of angry denials. The Ethiopians denied that the Falashas were Jews and said that those who had escaped had been abducted by Israel. The Libyan delegate accused Israel of forcing Jews to leave Arab countries so as to swell immigration to Israel, and demanded that Littman be prevented from making statements of "blind racism."

[For a profile of Littman, see p. 64.] □

Waldheim Lies, Says Nazi-Hunter

0016.007 -- Beate Klarsfeld, the renowned pursuer of Nazi war criminals, accused Austrian President Kurt Waldheim of lying about his wartime activities in a statement to the Commission on February 25.

Speaking on behalf of the World Jewish Congress, Klarsfeld said that President Waldheim had done serious damage to Austria, the United Nations, and political morality.

"For two years I have been campaigning in Austria against the fact that the Austrian head of state was a criminal," she said.

Beate Klarsfeld: Pleading with the UN not to give up the hunt for Nazi war criminals

Klarsfeld also accused Syria of harboring Alois Brunner, a noted Nazi war criminal.

Following Klarsfeld's statement, Austrian delegate Kurt Herndl protested vigorously at this "slur" against a head of state.

Klarsfeld spoke 45 years to the day after a train arrived at the Auschwitz death camp carrying 413 Jewish men and 688 women.

It was, she told the Commission, a macabre - if familiar - story. "87 of the Jews were condemned to forced labor, and death. 1014 were immediately sent to the gas chambers."

Klarsfeld has devoted her life to tracking down war criminals, and she insisted that the search was still relevant. "Judging Nazi war criminals," she said, "is the best way of turning young people away from totalitarian ideology, racism and intolerance."

Klarsfeld urged support for the UN genocide convention, adopted on December 9, 1948, and praised countries which had decided not to pose a statute of limitation on war crimes.

The Commission adopted three resolutions on the subject all by consensus. The first reaffirmed support for the 1948 Genocide Convention.

The second, a US proposal, called for the prosecution of war criminals and welcomed the cooperation between the governments of Bolivia and France which had led to the extradition and trial of Klaus Barbie. The resolution was considered one of the major US achievements at the Commission, but it met with halfhearted support from other Western delegations.

The Belgian delegate, in a surprise statement, said that the issue would have been better handled by the General Assembly, adding that governments would do better to join the additional protocols of the Geneva conventions, which strengthen extradition procedures, than make political gestures. The US has signed but not ratified the Additional Protocols, and has yet to pass legislation giving effect to the Genocide Convention.

The third resolution, on an East European proposal, called for measures to be taken against "fascist, neo-fascist and other totalitarian ideologies and practices based on terror, hatred and violence."

This has traditionally been used by the East Europeans to attack Western governments for tolerating extreme right wing groups like the Ku Klux Klan in the US and the National Front in Britain. On this occasion, however, the debate was mercifully brief and the resolution passed by consensus.

Surfeited by its pursuit of war criminals, the Commission decided not to act on a suggestion by its Sub-Commission that the UN War Crimes Commission should be prodded into opening up its files. □