



**AMERICAN
FEDERATION OF
TEACHERS** AFL
CIO

555 NEW JERSEY AVENUE NW
WASHINGTON DC 20001
202 879-4400

ALBERT SHANKER
President

**TESTIMONY BEFORE THE HEARINGS OF THE
GENERALIZED SYSTEM OF PREFERENCES SUBCOMMITTEE OF THE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

NOVEMBER 15, 1988

**ALBERT SHANKER
PRESIDENT, AMERICAN FEDERATION OF TEACHERS**

TESTIMONY BEFORE THE HEARINGS OF THE
GENERALIZED SYSTEM OF PREFERENCES SUBCOMMITTEE OF THE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

ALBERT SHANKER
PRESIDENT, AMERICAN FEDERATION OF TEACHERS

Mr. Chairman, thank you for this opportunity to testify on behalf of the American Federation of Teachers before the hearings of the Generalized System of Preferences Subcommittee of the Office of the U.S. Trade Representative. I regret that I must do so. I speak against the complaint put forward by the American-Arab Anti-Discrimination Committee on the conditions for trade union rights and workers health and safety in Israel and the Occupied Territories.

Others will provide more detailed refutations of these charges, including the AFL-CIO, whose International Affairs Committee I chair, and the Jewish Labor Committee, among others. I therefore restrict myself to a more general refutation and, additionally, to the unfortunate political effects of your decision to review Israel under Section 502(b)(8) of the 1984 Trade and Tariff Act.

Firstly, because the process adopted by the U.S.T.R. does not provide for review of all complaints submitted, and since there exists no comprehensive system for investigating trade union practices and workers' rights in all G.S.P. beneficiary countries, the countries under review join a fraternity of workers' rights violators, a grade below those which are ultimately suspended from G.S.P. by this process.

The creation of such a category is itself a mistake: the law requires that all G.S.P. beneficiaries should be reviewed, for its intent is to bring to bear equally the pressure of the United States on those countries that violate the most basic worker rights of their citizens. By not doing so, the U.S.T.R. politicizes this process, for it is unclear why some countries are selected and others not. By preselecting Israel as a target for review, the U.S.T.R. simply compounded the error.

Mr. Chairman, you should not dismiss the importance of your action. The U.S. Government has unfairly stigmatized Israel. It has sent a signal to a democratic ally that it can be arbitrarily treated, without merit, and a signal to the true violators of workers rights that they can continue abusing their citizens without fear of losing trade privileges. And it has sent a most unfortunate message to our citizens that the U.S. Government considers Israel in the same category as Syria, Haiti, Burma, Malaysia and the Central African Republic, and in a category below such countries as Indonesia, Thailand and Turkey, which were not selected for review this year.

shanker testimony
gsp subcommittee of the ustr
page 2

Secondly, the record must be set straight as to the country under review and the terrible conditions it labors under as a result of the belligerence of its neighbors.

Israel is the only functioning democracy in the Middle East and one of the most vibrant democracies in the world. It is the only country in the Middle East where a free labor movement enjoys fully workers' rights to freedom of association. For the American labor movement, the General Federation of Labor, Histadrut is a model: it defends and represents all its members -- Arab and Jew -- fully and responsibly. Israel should not and cannot be considered a gross violator of workers rights.

Most of the charges made that such rights are restricted or violated for Palestinians from the Occupied Territories who travel to Israel for employment are exaggerations or not true. The restrictions placed on certain benefits are quite legitimate, for those benefits are exclusively for residents, as they are in most countries; in any case, these Palestinian workers have rather extensive benefits that their fellow workers in other Arab countries do not have. The standard applied in the petitioner's complaint is simply not valid, and has not been found to constitute gross and massive violation in any of the cases brought before the I.L.O. One may disagree with certain practices--such as the 5% (not the 20 or 32% claimed) deduction for salary that is spent to improve conditions in the Occupied territories--but it is a misplaced charge in this forum.

The Histadrut on principle does not accept for full membership Palestinian workers living in the West Bank and Gaza on the grounds that such membership would constitute de facto legitimacy to annexation, which the Histadrut opposes. This is noble, and not a nefarious means to deny certain workers' rights. Thus, the Histadrut provides those who travel to Israel for employment full trade union protection and basic services of membership, violations of which may be grieved before the relevant labor courts.

The conduct of the military occupation in the West Bank and Gaza, which Israel never wanted, is not such to warrant the charges made by the petitioner.

I do not speak here to defend specific actions of the Government of Israel in the Occupied Territories. I would not state that all the cases cited in the petitioner's complaint are without merit, for obviously no government is perfect, and Israel, in its particularly difficult circumstances, may act in some cases arbitrarily. Those excesses are abundantly criticized in Israel

shanker testimony
gsp subcommittee of the ustr
page 3

itself, and by the Histadrut. But in no way can they be deemed gross or massive violations of workers rights according to the internationally recognized standards established by the I.L.O. or other standards adopted by the U.S. Government.

Even under the most adverse circumstances, the Civil Administration and the military authorities of the Government of Israel have sought to respect the legitimate rights of the inhabitants of the West Bank and Gaza, including the rights to freedom of association and collective bargaining, as defined under applicable local law. And an appeals process has allowed the Israeli Supreme Court to determine if the military authorities have gone beyond the bounds of security and public order, which it has done on two recent occasions. One should note that this is highly unusual to allow the Supreme Court of a country to have such jurisdiction over the decisions of the military administration in a belligerent military occupation. That Israel has provided such legal recourse is testimony to its desire to respect the basic rights of the residents of West Bank and Gaza.

There have been many charges made before the I.L.O. of Israel's practices regarding freedom of association. The I.L.O. conducts an annual review of such practices. Rather than citing gross and massive violations, the Director General has often cited Israel's willingness to respond to suggestions for improving labor standards where they are found in any way lacking.

It is a measure of the ADC's intent here that it cites I.L.O. reports as evidence in its complaint when it knows that the relevant bodies of the I.L.O. that investigate compliance (the Committee of Experts and the Committee on Freedom of Association) have found in only one instance that Israel had acted contrary to an I.L.O. Convention. (And that case is debatable: the Committee criticized the Israeli authorities for preventing six persons who were previously found guilty of security offenses, including espionage, from serving on the executive committee of a Gaza union.)

There is nothing new in the present complaint to alter this determination. Aside from various complaints about labor standards that have been dealt with above, the petitioner provides a list of trade unionists who have been detained, deported, or otherwise restricted in their activities, and a list of trade unions which have been restricted or suspended from carrying out their functions.

No where is it shown that the Israeli Government, within its own boundaries or in the Occupied Territories, has acted specifically

shanker testimony
gsp subcommittee of the ustr
page 4

to restrict trade union rights, either those of the Arab minority in Israel or those of Palestinians in the West Bank and Gaza. Nor is it shown that the Government encourages substandard treatment of its Arab citizens or Palestinians in the Occupied Territories.

Rather, the Israeli Government has stated that such actions were taken on the grounds that these individuals or organizations were suspected of cooperating with the P.L.O. or the leadership of the "intifadah," which have been fomenting violence and carrying out terrorist acts. In many cases, these individuals have been convicted of terrorist or other violent activity, or for other security offenses, such as espionage.

For this reason, the Israeli Government has acted selectively. A measure of that selectivity is that there remain today 31 freely functioning trade unions on the West Bank and Gaza, and that since 1967 there have been 15 new unions registered, despite the fact that the trade union federations clearly are organized along political lines, reflecting the various factions of the P.L.O.

But I have placed these matters too abstractly. Israel faces real security threats. Israel remains in a de facto state of war with its Arab neighbors who swear its destruction. Israel faces a degree of terror against its citizens organized by the P.L.O. and Islamic extremists that we could not even think of enduring. Israel has the obligation to maintain order in occupied territory many of whose residents in the last year have carried out an organized campaign of violence directed not simply against the occupation--which Israel never wanted--but also against the existence of Israel. (Notwithstanding rumblings that the P.L.O. may accept U.N. Security Resolution 242, such is stated clearly and plainly in the leaflets and proclamations of the organizations leading the "intifadah.")

There are real lives at stake. The existence of Israel is threatened by the outbreak of another war; its citizens and soldiers are threatened by organized violence. That the Arab American Discrimination Committee simply dismisses such is a measure of its dissembling.

The trade union federations in question openly state their adherence to the "Palestinian Revolution," a phrase in P.L.O. parlance that includes destruction of the "Zionist entity." Haider Ibrahim, the General Secretary of the Palestine Trade Unions Federation, has stated: "We consider the [PTUF] part of the Palestinian Revolution, which is led by the P.L.O." Several trade unionists have been apprehended for their activity in "terrorist squads," for example one in East Jerusalem responsible for the bombing of a number of public places.

shanker testimony
gsp subcommittee of the ustr
page 5

To defend the rights of persons as trade unionists who act not to defend the interests of their members but rather to cover their political or violent activities is simply outside the confines of this forum, and any other seeking to advance the rights of workers.

Why, then, if no demonstrable case can be presented, has the Office of the U.S. Trade Representative decided to consider the country of Israel for investigation as to whether she shall retain trade privileges under G.S.P., the suspension of which would gravely affect her economy at a most critical time? The only answers to that I have come up with are inexcusable.

Why, then, have other countries, the cases for which presented by the AFL-CIO have been so much more compelling, been denied consideration for review? Given this exercise, I again can come up with no excusable answers.

The U.S. Trade Representative's Office should not be surprised at the reaction to its decision. The message it has sent is very serious indeed. The lesson this decision has given is a bad one; the precedent an unfortunate one.

I urge that the Office speedily reject this complaint, and take its attention to the serious and egregious violators of workers' rights in this world. I can only hope that the U.S. Trade Representative shall quickly seek to remedy the effects of this unfortunate decision.