



## 2003 Convention Panel Highlights War on Workers

by Tom Stephens

The National Lawyers Guild Maurice and Jane Sugar Law Center for Economic and Social Justice, in conjunction with the Guild's Labor and Employment Committee, will present a major panel at the NLG 2003 convention in Minneapolis, on Saturday, October 25, regarding the War on Workers.

The anti-union political tide of the past 25 years, resulting in rapid and significant reductions in the numbers of workers who belong to unions in this country, has been severely aggravated by post-9/11 political and economic developments that have thrown the organized labor movement into a deep crisis. In 2003 the US Government's expanded imperialist foreign policy is matched at home by an aggressive, all-out assault on unions, wage levels, social benefits, and other vital interests of workers and our families. For example, the recent passage of such repressive laws as the Patriot Act and the Homeland Security Act contain provisions which are blatantly anti-union and anti-worker. While the government and corporate media fanatically urge Americans to rally around the flag, the president, and US troops for an apparently endless series of wars, and the economy struggles to recover from recession, multinational corporations and the Bush administration are commencing a broad and potentially fatal attack on unions and the rights of working people.

This Major Panel will address the Bush administration's corporate-controlled domestic policies of greed and death. For the past decades, organized labor has too often overlooked the power of grassroots coalitions as an impetus for both organizing workers into unions and for social change. Currently, however, the simultaneous actions of the living wage movement, the peace movement, the global justice movement, and other kindred activist initiatives offer many opportunities to change this focus. The challenge is to move beyond single issue politics to address the broader issues of workers' rights, economic justice and the right to organize one's workplace in the context of the reactionary times in which we live. This Major Panel will bring together activists with attorneys and legal workers from vital, fighting social/political movements, to explore the strategic questions confronting these movements, as well as how they can work together to increase each others' strengths.

The successful coalescing of forces – labor unions, grassroots community organizations and faith-based workers' justice groups – in local and regional communities around the

right to a living wage among the working poor has demonstrated the need for a universal increase in statutory minimum wage levels across the board. This vital political movement has also dramatically illustrated the potential for strengthening and politicizing the labor movement, by providing an opening for unions to organize low-wage workers and generate concrete social benefits for communities and their poorest residents. Grassroots organizing around such workers' rights issues has tremendous potential for moving the labor movement to the left and building a broad-based progressive movement for social change and economic justice.

The nationwide grassroots mobilization of local and international labor union officials and membership in opposition to the war against Iraq, as part of the historic international peace movement that emerged in late 2002 and early 2003, is another example of an economic-rights based constituency that has mobilized rapidly to confront current events. Making the organized labor movement directly relevant to the personal lives of union members and their families, neighbors and friends, by adopting sound policy resolutions on the current crisis of the war on terrorism and the occupation of Iraq, and their virtually inevitable consequences in spreading violence and economic hardships elsewhere, is another way to foster healthy, democratic debate among working People and build labor's power in hard times.

The Global Justice Movement dating back from before the 1999 Seattle WTO uprising, has once again found its footing in opposition to further and more intensively militarized corporate globalization, putting forth alternative international economic and political frameworks, in a period when the Bush administration's cowboy radicalism has endangered the so-called "Washington consensus" on development and trade, perhaps creating a historic opening for democratic activism and sweeping social change. Standing on the shoulders of this "movement of movements," a grassroots labor/ community mobilization for economic justice and living wages has transformative potential, much as the historic civil rights movement of the 1960s rose up to challenge the deadening politics of Cold War McCarthyism.

The relevance of this Major Panel to the NLG's mission of the sanctity of human rights over property rights is self-evident. Our work in support of each of these movements

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## NYC REPORT

The NYC Committee is swinging back into action with an event on October 21 about Coca Cola's involvement in the murdering of trade unionists in Colombia. Speakers will be Dan Kovalik of the United Steelworkers (lead counsel in ATCA litigation), Dean Hubbard of the International Commission for Labor Rights (planning a human rights monitoring trip to Colombia), and Ray Rogers of the Campaign to Stop Killer Coke. The event will be followed by a fundraising dinner for union ctivists for the victims' families on October 22.

The Committee is now meeting on a monthly basis as well as having a Happy Hour on the first Monday of the month at Flannery's Bar, 14th Street and Seventh Avenue, Manhattan, 6-8 pm. Come and meet up with us! For more information, contact Ursula Levelt at ulevelt@ksclaborlawyers.com or (212) 358-1500.

Equally if not more important is the potential for ICLR projects to provide workers' advocates with practical tools to pursue concrete remedies for violations of workers' rights as violations of human rights under international law. This work provides hope for resurrecting the ideal, much abused and maligned of late by the Bush administration, of limiting the arbitrary global actions of the powerful through the use of international law and international institutions.

I found ICLR activists and leaders to be very open to ideas for future projects, including investigation of recent state terrorism against striking union leaders in Peru, investigation of violations of core international labor standards in the United States, and legal research to support transnational grass roots worker solidarity actions.

The most important contributions NLG members can make now to the efforts of ICLR and ICTUR are to become trained as ICLR Commissioners (contact Jeanne Mirer at mirerfam@earthlink.net), to participate in the research for the Manual on enforcing international labor standards (contact Peter Barnacle at pbarnacle@canada.com), to sign up to receive the ICTUR urgent action bulletin ([www.ictur.org](http://www.ictur.org)), to provide financial support (contact Jeanne Mirer), and to attend next year's meeting. For more information about the ICLR, its purposes and preliminary activities, go to its web site, [www.labourcommission.org](http://www.labourcommission.org) or contact Daniel Blackburn (iclr@labourcommission.org ([www.labourcommission.org](http://www.labourcommission.org)).

### Ending Poverty: Guaranteeing a Right to a Job at a Living Wage

by Bill Quigley

Temple University Press 2003

Across the United States tens of millions of people are working forty or more hours a week . . . and living in poverty. This is surprising in a country where politicians promise that anyone who does their share, and works hard, will get ahead. In **Ending Poverty**, Bill Quigley argues it is time to make good on that promise by adding to the Constitution language that ensures those who want to work can do so - and at a wage that enables them to afford reasonable shelter, clothing and food. For more information, please see [www.endingpoverty.com](http://www.endingpoverty.com).

*Bill Quigley draws on the common sense of Thomas Paine, the moral inspiration of Martin Luther King, Jr., and the political wisdom of Franklin Delano Roosevelt to issue a bold challenge for our society: to guarantee people who want to work the right to a job at a living wage. In a brave and witty book that is both visionary and practical, Quigley reminds us that if once radical ideas like social security and the abolition of slavery can become realities, then the current partnership between poverty and work can be upended too.* - Lani Guinier, Professor of Law and co-author of **The Miner's Canary**

Bill Quigley is at Loyola Law School, 7214 St Charles Avenue, New Orleans, LA 70118. You can reach him at (504) 861-5590 or [quigley@loyno.edu](mailto:quigley@loyno.edu), and he would be pleased to receive e-mail about the book. The book is \$17.95 and can be ordered on-line if not available at a local bookstore.

# Patriotism is Defending the Bill of Rights

by Peter Erlinder

In the weeks following the September 11 tragedy, the Bush Administration acted with blinding speed to deflect attention from its own short-comings in preventing the devastating events, by claiming that *new powers* were needed to fight *terrorism*. In short-order, John Ashcroft's Justice Department proposed the *PATRIOT ACT* and began assuming additional administrative authority to collect information, to limit judicial oversight and to begin the *profiling* of immigrants.

In October 2001, Congress passed the *PATRIOT ACT* by an overwhelming margin, even though most members had not even read all the provisions of the 342 page bill. After all, in late 1991, either you were *with Bush* or *with the Terrorists*. Ordinary people were afraid, and politicians were afraid of appearing weak in the face of a new threat.

But, as early as the winter of 2002 a counter-trend was already being organized. A few patriotic individuals in small towns, acting on their own, responded to the Bush Administration's grab for new powers by proposing city council resolutions to *Defend the Bill of Rights*. Those local resolutions in Northampton Massachusetts and Ann Arbor Michigan have been transformed into a national movement to Defend the Bill of Rights that is sweeping the nation at the grass-roots level, underneath the national media *radar*. As of September 2003, more than 166 cities and three states [liberal Hawaii, Republican Alaska and libertarian New Mexico] have all passed resolutions to Defend the Bill of Rights, in direct opposition to the growing powers claimed by the Bush Administration. Over 20 million people live in the places where the resolutions have passed and 200 more cities and units of local government have committees working on passage today.

The growing grass-roots movement has even surprised supporters as it has become clear that people from across the political spectrum: Republicans, Libertarians, Democrats and Greens have begun to work together to ensure that the protections of the Bill of Rights, which *MUST* exist during times of emergency if they have any real meaning, are not lost in a headlong rush to support a never-ending *War on Terrorism*. During the past year, as it has become clear that failures of federal law enforcement and intelligence agencies to use powers they had *BEFORE* 2001 were at the heart of the problem, the movement to *Defend the Bill of Rights* has been building steam.

In the past several months, both Republican and Democrat members of Congress have authored bills to reduce the scope of *PATRIOT ACT* powers to get information from Libraries, to carry out secret searches and to establish national databases. Some cities, like Minneapolis, have passed Ordinances preventing city funds from being used for immigration enforcement, to make sure that safety of city residents does not suffer because of fears of accessing city services. AND, John

Ashcroft has found it necessary to go on a national *campaign tour* to seek support for the *PATRIOT ACT* and other measures limiting civil liberties while providing no safety.

**On October 18-20, 2003, the grassroots movement to *Defend the Bill of Rights* will convene the first National Conference of local Bill of Rights Defense Committees in Washington, DC. *Grassroots American Defends the Bill of Rights* will bring together activists from across the country to trade experiences and strategies and to make plans for taking the Campaign into more city councils, into state legislatures, and into all bodies where public opinion can be registered: to labor organizations, churches, community groups, etc. The speakers will reflect the political spectrum supporting this movement.**

In many local organizing drives, labor has been an important component in the success of the *Resolutions Movement*. It is becoming clear to labor activists that attacks on immigrants, the broadening the definition of who is a *terrorist*, surveillance of legal political groups and other threats to civil liberties and due process threaten ALL organizers and activists who oppose the *rule of corporations* that is now obviously the Bush Administration agenda. Union locals from SEIU, HERE, UE and many Central Labor Councils have provided support in the local campaign.

Now that the local campaigns are beginning to take on a coherent national character, it is important for statewide and national labor bodies to put their muscle behind the movement. This fall Ashcroft is pushing *PATRIOT II* which would increase the reach of the Federal death penalty into *non-terrorist* crimes, limit the right to bail, and, most importantly, give Ashcroft the power to force ANYONE to respond to his demand to appear and talk to federal officials or face jail time.

In the near future, the *Bill of Rights Defense Movement* will be fighting *PATRIOT II*, preventing the repeal of *sunset* provisions in *PATRIOT I* and backing the passage of legislation to protect civil liberties and due process for all socially and politically active people.

The Labor Movement has been playing an important role on a local level. Nationally, organized labor can play an even greater role in defending democracy and civil liberties which is necessary to change the political climate in the country - paving the way for a change of Administration. What began as a *drop in the bucket* in a few small towns is gaining power. That wave can sweep away the policies that steal from us the democracy that makes America worth fighting for.

**Please endorse this event, send representatives and donations. Help build the *Bill of Right Defense Movement* wherever you are. For more info, see [www.bordc.org](http://www.bordc.org).**

Claiming that the war on terror may be undermined if U.S. federal courts entertain claims for human rights violations, the Bush Administration is acting in Congress and the Courts to prevent the application of the Alien Tort Claims Act (ATCA), one of the few tools available to use the rule of law to apply universally accepted human rights principles. This law, passed by our nation's founders in 1789 in the very first Congress, permits federal courts to hear cases brought by "aliens" for violations of the "law of nations." There is general agreement by legal scholars that the ATCA was passed to assure the nations of Europe that the new United States of America would respect and apply the "law of nations," and that foreign nationals could do business with America safe in the certainty that their legal claims for damages would not be subject to the whims of 13 diffuse state legal systems.

The ATCA would seem, on its face, to have the potential to serve the objectives of the war on terror. Demonstrating by example the system our soldiers believe they are fighting to establish in Iraq and Afghanistan, victims of terror could use the rule of law to bring legal cases in US federal courts seeking to enforce universally-accepted standards of human rights. Indeed, those who were terrorized by the former Philippine dictator, Ferdinand Marcos, and more recently, the leader of the Bosnian Serbs, Radovan Karadzic, successfully brought claims under the ATCA for their injuries. As these and other high profile cases demonstrate, federal courts handle a wide range of international disputes every day, and now have more than 20 years of modern experience with the ATCA without notable incident. Moreover, since the ATCA is limited in its scope to violations of the "law of nations," which has been narrowly interpreted to apply to those who knowingly commit or assist in genocide, war crimes, slavery, summary execution, torture, unlawful detention and crimes against humanity, there is little danger that these cases involving only extreme human rights violations will flood the courts. Since the modern revival of the ATCA, such cases are rare, and very few have made it past the dismissal stage due to tough standards applied by able federal courts.

So why is the Bush Administration up in arms over the handiwork of the likes of Thomas Jefferson, James Madison, Alexander Hamilton, and other supporters of the ATCA? Our current leaders have been moved to attack the ATCA because the law is being applied to human rights violations in the offshore operations of U.S. multinationals. For example, the International Labor Rights Fund (ILRF) has sued Unocal Corporation on behalf of villagers who were forced at gunpoint to construct the company's gas pipeline in Burma. The case is based on the Nuremberg Tribunals which found that a company that knowingly aids and abets slavery is itself liable. Three different courts in the case have already found that there is evidence that Unocal knowingly benefitted from slave labor.

In addition, ILRF has sued Exxon Mobil under the ATCA for torture, murder and rape committed by brutal mercenaries hired to guard the company's natural gas facilities in Aceh Indonesia, and Coca-Cola is facing charges by ILRF that its Colombian subsidiaries support paramilitary death squads that have murdered and tortured trade union leaders representing workers at bottling plants in Colombia.

Unable to defend directly the well documented human rights violations that these and other companies commit or knowingly assist, the Bush Administration instead has concocted a timely ruse – these cases may offend the foreign governments where the claimed atrocities took place, and these governments might then be reluctant to cooperate with the U.S. in the war on terror. This position was expressly articulated in a letter from the State Department's Legal Advisor, William H. Taft IV to the judge handling the case against Exxon Mobil urging dismissal of the case on foreign policy grounds. More recently, the Department of Justice has filed a brief in the Unocal and Exxon cases claiming that the ATCA establishes no right to sue, and asserting that courts are ill-equipped to interpret and apply a federal statute, the primary function assigned to the courts under the Constitution. Conveniently, the Bush Administration has offered no alternative to address clear corporate complicity in human rights violations. Apparently, the administration believes the solution is to allow these companies free reign to violate international law. In less hysterical times, the administration's position would not even pass the straight face test. Counting on the public's trust and patriotic deference, they are attempting to use the war on terror to establish an Orwellian legal foothold. Now, proponents of the rule of law find themselves defending the use of the ATCA against attacks by an administration that took the country to war claiming to be defending the sanctity of the rule of law.

The historical origin of the ATCA and its ongoing importance today demonstrate yet again the timeless wisdom of the nation's founders. We need the ATCA more than ever to show the world, once again, that the U.S. respects the law of nations, and that the war on terror has a principled purpose to expand, not contract, respect for the rule of law internationally. As the founders intended, the nation's courts, not its armies, should be the first resort to resolve international disputes. If multinationals are immunized by the Bush Administration for their role in torture and murder for profit on unsupported assertions about the effects on foreign relations, the rest of the world will see this for exactly what it is – a double standard. Indeed, in response to the State Department's letter, Juliette Kayyem, a former member of the National Commission on Terrorism, filed an affidavit with the Exxon court urging the case to go forward, stating, "as many counterterrorism experts recognize, a major cause of the Is-

**Gov. Bill Richardson Signs  
Public Employee Bargaining Act**

New Mexico once again has a statute providing public employees with a mechanism for collective bargaining. In March the New Mexico legislature passed the Public Employee Bargaining Act and it was signed by Governor Bill Richardson. The previous act was vetoed by the former Governor Gary Johnson. While we would have preferred better language, it nevertheless represents a significant advance for public employees in the state.

# L&E Committee Announces 5th Bilateral / 2nd International Professional Exchange in Cuba

The Committee's annual research/solidarity trip to Cuba continues, unimpeded by the Bush Administration's attempts to restrict Cuba travel. Next year's exchange will begin with a welcoming event Sunday night, March 14, 2003, and run through Saturday, March 20. We will begin with a two day conference in Havana. Day one will focus on bilateral issues (themes related specifically to U.S. and Cuban labor law and relations) and day two on international issues. On the morning of day three, we will journey together to Matanzas province (perhaps we'll stop at the beach in Varadero on the way there). Days four and five (Thursday and Friday) will consist of visits to workplaces to meet with workers and local union leaders and municipal court to see a labor case. Hopefully, we'll also have the opportunity to observe a session of one of the grass roots labor justice boards. We'll return to Havana either Friday night or Saturday morning.

This year, in addition to the Cuban Workers' Federation (the CTC), the Cuban Labor Law Society is working with us to plan and organize the conference, which should heighten its professionalism. We are planning to limit the number of panels in order to permit time for more in-depth presentation and debate. Specifically, for the bilateral day (to which the international participants are invited) we are planning to divide into two working commissions corresponding to the broad themes of dispute resolution and the political/social role of trade unions. Each commission will address two topics within its theme. For the workplace visits in the provinces, we will divide into two groups corresponding to the working commissions. On the international day, we will limit ourselves to four plenary panels/debates. Some of the possible topics to be discussed that day include the role of trade unions in the mechanisms of international integration, the role and function of the ILO, The WTO and its impact on labor, and the role of labor lawyers in a globalized neoliberal economy. We will be sending out an official call in early October, in which we will invite the submission of papers.

Join us as we continue our critically important work of building bridges of mutual education and understanding, and contribute to the growing momentum for an end to the illegal blockade of Cuba and the normalization of relations between our countries.

**TO PREREGISTER, PLEASE SEND A CHECK FOR \$200\* PAYABLE TO "NATIONAL LAWYERS GUILD LABOR AND EMPLOYMENT COMMITTEE" to: Dean Hubbard, Coordinator, NLG Cuba Labor Delegation Sarah Lawrence College, One Mead Way, Bronxville, NY 10708.** Contact Dean at [dhubbard@slc.edu](mailto:dhubbard@slc.edu) or call (914) 395-2410. Refundable if cancellation received before December 15, 2003.

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## Fifth Bilateral (US / CUBA) and Second International Exchange of Labor and Employment Lawyers, Neutrals and Trade Unionists Havana, Cuba - March 14-20, 2004

*co-sponsored by the  
National Lawyers Guild Labor and Employment Committee and the Cuban Workers' Federation (CTC)*  
Preliminary Topics

### Bilateral Conference (3/15)

The Role of Unions at Work and in Society  
Resolution of Workplace Conflicts

### Workplace Visits (3/17 - 3/19)

Travel to Matanzas province, meet with workers, labor lawyers and union leaders, observe functioning of grass roots and judicial workplace dispute resolution mechanisms

### International Conference (3/16)

The New World Economic Order and its Effect on Workers  
The Role of Labor Lawyers in a Globalized World  
Unions and Mechanisms of International Integration  
The Role and Function of the ILO in the Enforcement of Workers' Human Rights

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City State Zip: \_\_\_\_\_

Work & Home Phones: \_\_\_\_\_

E-mail: \_\_\_\_\_ Labor & employment professional affiliations (eg Genl

Counsel for ABC Intl Union): \_\_\_\_\_

*By preregistering, I acknowledge that the purpose of this trip is to conduct professional academic research and to exchange information and views regarding labor relations and workers' rights in Cuba, the US and other countries. I agree to participate in the preparation of a report of the results of this research which is intended for public dissemination. I agree to participate in this research and exchange with an open mind and in a spirit of solidarity.*

Signature: \_\_\_\_\_





## **L & E International Solidarity Work: The Dominican Republic**

*by Dean Hubbard*

The NLG L&E Committee is working with the World Organization for People's Right to Health Care, an inter-American coalition of health care unions and community-based health advocacy organizations, in its efforts to stem the tide of health care privatization and foster recognition of universal public health care as a basic right. One concrete aspect of this multi-pronged effort is our work with a community organization formed and led by the residents of the impoverished barrio of Lebrón in the Dominican Republic to establish a medical clinic there. This community led clinic will be developed around a health-centered model for social change. L&E co-Chair Dean Hubbard is collaborating with WORPHC, Doctors for Global Health and the Sarah Lawrence College Institute for Policy Alternatives on this initiative.

Like the majority of the world's people, the children and residents of Lebrón have no hospital or medical clinic, no schools, no plumbing, inadequate housing and no garbage collection. The low places are filled with piles of garbage and waste water flows unimpeded through areas where children play. The residents who have jobs toil in a nearby free trade zone for less than the Dominican minimum wage, making clothes for U.S. transnational corporations such as the GAP, Wal-Mart and JC Penney. (During an August visit, L&E Co-Chair Dean Hubbard shot video inside a sweatshop in the FTZ of workers making children's clothes for the GAP.) The clinic, to be built at the site of a community center already established by the neighborhood organization, will provide a forum for residents to educate each other about basic health and sanitation issues (including AIDS and domestic violence), and to build a democratic organization capable of pressuring the government and the corporations in the nearby free trade zone to provide the basic infrastructure necessary for health, including plumbing, sewage, waste disposal, potable water, schools and a permanent health care facility. Ultimately, our aim is that the community will work with Dominican unions to organize the workers in the Free Trade Zone.

During visits in March and August of this year, Dean Hubbard and WORPHC General secretary Luis Matos made good progress in working with the Lebrón community to lay the groundwork for the clinic. In August, Luis and Dean met twice with community leaders in Lebrón, as well as with the Executive Board of the Dominican nurses' union, and the Director of the government agency which is responsible for defending the rights of Dominicans to social security (which there theoretically includes health care). Both the union and the government pledged their support for the project, and a member of the executive board of the nurses union is working closely with the community. Beginning last Spring, working with Luis, the community organized itself into 8 "zones" and has now identified leaders and activists and elected a coordinator in each zone. In August, we established a subcommittee consisting of 3 community leaders, Luis and Dean to coordinate the efforts of the organizations. We have identified a strong, committed community leader who will serve as our lead community health promoter. She will be responsible for training other community members to be community health promoters themselves. We secured the commitment of the Public Health Ministry and the nurses' union to send Doctors and nurses to a two day community health fair which took place September 4 and 5. Luis obtained and had shipped to the DR thousands of dollars worth of medicines and medical equipment for this fair. He also obtained donations of over 50 hospital beds, two of which we placed in the community center that will be the site of the clinic. (Several others we have donated to public hospitals in the DR.) The health fair was a first step on the road towards the a permanent clinic. While Luis and Dean were in Cuba, one of the national union federation executive board members expressed interest in sending Cuban doctors to work at the clinic.

This project is just one of the concrete ways L&E members are addressing the urgent problems faced by the working poor in a global economy integrated under the neoliberal model.

# Defending Workers' Human Rights in a Global Economy: Report from Inaugural Meeting of International Commission for Labor Rights

by Dean Hubbard<sup>1</sup>

On June 14, 2003, I attended the first formal meeting of the International Commission for Labor Rights (ICLR) and the annual Administrative Council meeting of the International Centre for Trade Union Rights (ICTUR), representing the NLG Labor and Employment Committee. Both meetings took place at the headquarters of the International Labor Organization (ILO) in Geneva, concurrently with the ILO's annual meeting. Foremost among the many critical projects being initiated by the ICLR are 1) sending Commissions of preeminent labor lawyers to Colombia to investigate the assassinations and disappearances of union activists; and 2) preparing a publication which will provide practical assistance to workers' advocates seeking to enforce compliance with core international labor standards by international financial institutions.

**Background.** The ICLR, the brainchild of longtime Guild activist and L&E member Jeanne Mirer, is an international network of labor lawyers constituted jointly by ICTUR and the International Association of Democratic Lawyers (IADL), a United Nations (UN) accredited NGO.<sup>2</sup> The Commission is a response to increasing attacks on working people worldwide stemming from the rise of globalization under the neoliberal model. The ICLR recruits labor lawyers into panels of Commissioners to engage in a variety of actions intended to protect the human rights of workers and international labor standards. While independent of the trade union movement, the Commission has attracted support from the international trade secretariats (international sectoral labor organizations within the ICFTU) and intends to work closely with the ILO.

Immediately prior to the ICTUR and ICLR meetings, the management and government representatives to the ILO succeeded for the seventh consecutive year in blocking an initiative by the labor representatives to appoint a Commission of Inquiry to investigate the endemic murders of union activists and their perceived supporters in Colombia. Yet the ILO delegates managed to reach agreement on language condemning far less onerous repression of union activity in both Cuba and Venezuela. The prevalence of this double standard framed much of the discussion at the ICTUR and ICLR meetings.

Both the ICTUR and ICLR meetings were attended by delegates representing France, Germany, Japan, Canada, the United States, the United Kingdom, Colombia, Panama, Australia and Switzerland, the Secretary General of the Organization for African Trade Union Unity, and officers of several of the International Trade Secretariats.

**ICTUR MEETING - Human Rights of Colombian Union Activists.** The primary item on the agenda of the ICTUR meeting was a presentation and discussion regarding the ongoing human and workers' rights tragedy unfolding in Colombia. The body received reports from the Presidents of Colombia's three principal trade union federations, Carlos Rodriguez of CUT, Julio Roberto Gomez of the CGTD (General Confederation of Democratic Workers), and Alphicides Alvis of the CTC, as well as Francisco Ramirez, an attorney for the Colombian mine workers' union who is part of a Colombian lawyers' collective which is coordinating legal actions against several multinationals, and Peter Drury of Amnesty International in London. The speakers were unanimous both in analyzing the murders of trade unionists as one of an arsenal of tactics in the strategy of implementing the neoliberal economic model in Colombia, and in calling for international solidarity to support Colombians in reaching an autonomous solution.

Colombia has the highest rate of assassinations of union activists of any nation, by far. Among the thousands of killings per year in political violence in Colombia, the vast majority of which are carried out by the country's armed forces and allied right wing paramilitaries, an astonishing number take place in the context of labor disputes. Indeed, Mr. Drury of Amnesty stated that 80-90% of the acts of political violence are the responsibility of the security forces and paramilitaries, and of these fully 25% are against members of trade unions. Further, 80-90% of the murders of trade unionists take place in the context of a labor dispute either against privatization or over natural resources, according to Mr. Drury. Since 1986, over 4,000 union activists have been assassinated in Colombia, according to ICTUR.<sup>3</sup> 12 million people are internally displaced as a result of the political violence.

Sr. Rodriguez of the CUT emphasized that these acts of violence take place in the context of an economy controlled by a small number of powerful economic actors; for example, 4 economic groups own 80% of the media, which makes it very difficult for the unions to reach public opinion. The country has a 33% unemployment rate and a growing informal sector. The majority of government spending goes to service debt owed to international financial institutions. In addition to the assassinations, legal "reforms" liberalizing subcontracting and indefinite contracts are another factor leading to the decline in unionism in Colombia. As Sr. Gomez of the CGTD expressed it, the implementation of the neoliberal model has led not only to violence, but to greater poverty and "the marginalization of the majority."

For decades, the **Jerry Lewis** telethon for the Muscular Dystrophy Association has dominated the airways in some 200 cities for some 20 hours on Labor Day weekend. Perhaps because of its timing, perhaps because it's been considered a feel-good charity, it has enjoyed enormous support from organized labor. The 2002 telethon opened with a union representative presenting a big check, and many others, totaling millions of dollars followed. Throughout the broadcast, performers and technical unions received effusive thanks for making the show possible.

Sr. Ramirez, the mine workers lawyer, briefly discussed the legal complaints in U.S. courts under the Alien Tort Claims Act against 3 multinationals (Coca-Cola, Occidental and Drummond) arising from the murders of workers and union leaders, before placing the situation in the mineral extraction and natural resources industries in its geopolitical context. The campaign to eliminate the union movement in Colombia is supported by the governments of the United States, the United Kingdom, Europe and numerous transnational corporations. Attorneys for transnational corporations drafted the Colombian laws which protect the interests of those corporations in the mining sector. He charges that the strongest military and paramilitary presence is precisely where Lewis refused to apologize and MDA stood by him. In the years since, a steady stream of insults have continued. Lewis has called disabled children "mistakes who came out wrong,"

The disability rights movement wants unions to end their support of the telethon. Within the disability movement, the

*continued on page 11 at bottom*

in those areas of the countries where transnationals are planning to develop mining projects, and that those areas are effectively occupied by the paramilitaries with the cooperation of the military and the financial support of the U.S. government. According to the CUT's Human Rights Department, 42% of the human rights violations in Colombia take place in the energy and mining sectors.

Peter Drury of Amnesty confirmed that the violence in Colombia is not just a case off "government vs. guerrillas," but that it arises from an effort to consolidate control over economic resources and stems in large part from a desire to profitably access natural resources. He stated that principal responsibility for the deterioration of human rights in Colombia rests with the armed forces' counterinsurgency strategy, which is largely carried out by their paramilitary allies in the form of killings, "disappearances," internal displacement and other forms of state and quasi-state terror. He also noted that the FARC, Colombia's principal guerilla organization, has committed violations of international humanitarian law, principally through the use of kidnaping

Drury stated that "impunity," or the ability to carry out atrocities without legal consequences, is intrinsic to the counterinsurgency strategy. With respect to the killings of trade unionists, there is "100% impunity." Of the hundreds of unionists murdered in 2000-2002, there has not been a single conviction of a killer. Some of the reasons the policy of impunity thrives include the murder and disappearance of attorneys investigating human rights cases, as well as the ability of the Colombian Attorney General to remove attorneys from such investigations and to determine which if any are investigated. Another factor encouraging the climate of impunity is the fact that the victims of human rights violations are portrayed in the press as associated with "subversive" or "terrorist" organizations, which limits public support for investigation of these cases.

When asked by the delegates what can be done to assist our trade union brethren in Colombia, all the Union Presidents agreed all the Union Presidents agreed upon one proposed form of assistance among the many discussed: Workers around the world should bring pressure on their governments to support the establishment of a Commission of Inquiry to examine and report to the ILO on the realities of the situation.

**ICLR MEETING.** Given the exigency of the human rights situation for union activists in Colombia, it is not surprising that Colombia was a principal focus of the inaugural meeting of the ICLR.

**Colombia.** Steve Gibbons, the Vice-Chair of the British division of ICTUR, reported for the Colombia working group. He proposed that, at the invitation of Colombian trade unions, the ICLR take "strategic interventions" with respect to Colombia by establishing two delegations or "Commissions." The first delegation would investigate, compile information and report on the issue of impunity with respect to the assassination of union activists. The second delegation would investigate, analyze and write about labor (and related environmental and indigenous) rights issues raised by the operations of multinationals in the Colombian mining and petroleum sectors. Prior work by UN agencies would be reviewed and taken into account. The ICLR would work with the American Association of Jurists ("AAJ," the inter-American lawyers' organization) and the Colectivo de Abogados in Colombia in coordinating the delegation. Each Commission would be composed of 4-5 commissioners from Latin America, the U.S., Europe and another region. Each commissioner would be carefully selected based upon her/his knowledge of labor, international human rights law, etc. The Commission reports could be submitted to the ILO. Subject to several recommendations of the Chair, the proposal of the working group was approved.

**Enforcing International Labor Standards.** Peter Barnacle, a Canadian labor lawyer, reported on the ICLR working group which has been established to produce a manual to provide practical assistance to trade unions and labor lawyers around the world who are seeking to promote the application and compliance with core international labor standards by international financial institutions and in the interpretation of trade treaties. The Manual will contain three parts: 1) The legal framework for the application of international labor standards; 2) The application of international labor standards to the policies, activities and programs of International Financial Institutions (IFIs); and 3) the application of international labor standards in the interpretation of trade treaties. The second part of the manual in particular will be very useful to activists and practitioners, as it will identify the specific IFIs, review mechanisms within the institution that could be used to promote compliance with international labor standards, and set out the forms and procedures for making complaints both within the IFI and more coercive external legal processes.

**CONCLUSION.** The work of the ICLR is critical, given the globalization of the ideology of "free" (non-union) enterprise as a cover for the personal enrichment of a handful at the expense of the many through transnational corporations and international financial institutions aided by the coercive financial and military power of the United States. The ICLR's Commissions to Colombia in particular have the potential to credibly publicize the connection between terrorism carried out in the economic interests of TNCs supported by governmental allies who falsely claim to the world to be fighting against terrorism. This manipulation of the truth is believed by many, given the obsequiance of corporate media, which at best ignores the epidemic of assassinations of union activists and at worst blithely amplifies the Orwellian equation by the powerful of trade union activity with terrorism. The success of this formula has inspired emulation by others, most recently the government of Peru, perhaps fueled by the Bush Administration's post 9/11 success at labeling as terrorist those who oppose its policies.

# L&EC Meetings & Stuff!

## AFL-CIO LCC in New Orleans - May 2003

Monday April 28 - 12:10-2 pm - L&EC Steering Committee MEETING  
(lunch)

Tuesday April 29 - 7-8:15 am - Breakfast - GOLD ROOM

All are welcome to both events

### Challenging Corporate Support for International Terrorism against Workers

Speakers will address the use of the Alien Tort Claims Act and International Law to address US corporate involvement in acts of terror against workers in other countries

Marielena Hincapie, Attorney, Natl Immigration Law Center

Moderator and will discuss Columbia labor issues

Dan Kovalik, Attorney, United Steelworkers of America

re the lawsuit against Coke in Columbia

Jeanne Mirer, Attorney, Pitt Dowty McGehee Mirer & Palmer

re the Intl Labor Rights Commission and the Intl Assoc of Democratic Lawyers

**STOP BY THE L&EC TABLE FOR MORE INFO**

### National Lawyers Guild

Labor & Employment Committee

c/o Kazan McClain Edises Abrams Fernandez Lyons & Farris

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