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Mr. Jawad Al-Maliki
Prime Minister
Republic of Iraq
Baghdad

iraqigov@yahoo.com

TUR/MT

13 August 2007

Prohibition of trade union activities in the oil sector

Dear Prime Minister,

I am writing you on behalf of 168 million of workers in 153 countries and territories, including Middle East, represented by the International Trade Union Confederation (ITUC), to protest against the anti-union harassment in the oil companies.

We were astonished to learn that on 18 July 2007 the Minister of Oil of your government issued a Directive prohibiting all activities of trade unions and non-governmental organisations in the oil sector (see enclosure). This intervention, as you certainly know, was based on the Law No. 150 (1987) inherited from the Saddam dictatorship times; such suppression of workers' rights has no place in contemporary Iraq, if its reconstruction as a democratic state is to be taken seriously.

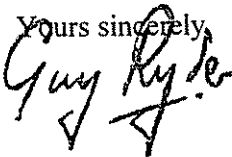
Mr. Prime Minister, as you certainly know, the Constitution of Iraq of 2005 gives all workers the right to form and join professional associations and trade unions. Trade unionists in Iraq and worldwide are under the impression that Law No. 150, whose constitutionality is debatable at least, was revived by the Minister of Oil in reaction to the Iraqi Federation of Oil Unions' vocal opposition to the envisaged oil sector reform. Moreover, on 8 August 2007 we learned that more anti-union harassment followed: Mr. Hassan Hamdi, the president of the "Gas Filling Union" of Iraq, has been transferred from his workplace in the South of Iraq to the North of the country, as a punishment for expressing his views on the privatisation of the oil sector.

Prohibition of trade union activities in the oil sector, harassment of trade unions, their leaders and members because of taking a position on something that directly concerns their members are flagrant violations of the international law applicable to Iraq. The UN Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (both including the right to form and join trade unions) have been applicable to Iraq for over 30 years. Furthermore, by virtue of its membership in the International Labour Organisation, Iraq is bound by the Declaration on Fundamental Principles and Rights at work, which obliges the State to respect, promote and realise freedom of association.

Finally, Iraq has ratified ILO Convention 98 (Right to Organise and Collective Bargaining), which obliges Iraq not only to protect the right to organise, but to promote voluntary negotiations between employers and workers and their organisations – a co-operation which has just been halted by the Minister of Oil.

Dear Prime-Minister, none of these international acts allow for any exception or discrimination as regards the workers in oil sector, even if the oil companies are state-owned and their employees are defined by the national law as public sector workers. I trust that the International Labour Office, which plays an important role in Iraq's reconstruction, is fully ready to explain in detail to your Government the UN and ILO jurisprudence on similar cases. Iraq's oil workers' fundamental right to form trade unions and organise their activities should be restored with immediate effect, regardless of the domestic legislation that may impede official registration of trade unions.

I therefore urge you to refute the statement of the ministry of oil banishing trade union and NGO activities in the sector, to take urgent measures so as to bring the national legislation on organising, including the oil sector, into full conformity with international standards, and to ensure that the Government guarantees full respect of internationally recognised fundamental principles and rights at work, now and in the future

Yours sincerely,


General Secretary

Enclosure - Directive of the Ministry of Oil – original and translation (2 pages)

Cc: Mr. Mahmoud Mohammad Al-Shaikh Radhi
Minister of Labour and Social Affairs

Dr. Hussein Al-Shahristani
Minister of Oil

Embassy of Iraq in the Kingdom of Belgium

Iraqi mission to the United Nations Organisation

(TRANSLATION)

Ministry of Oil
Administrative and Legal Directorate
Legal Department

Number 2d/763/12 1 14
Date: July 18, 2007

The General Companies and Directorates in the Oil Sector
Center for Oil Research and Development
Institutes for Oil Training in Baghdad, Beiji, Basra, Kirkuk

Advisory/Directive

Pursuant to the general order number 2304 issued February 14, 2007 ruling no dealings with any nongovernmental organizations not registered or in violation of the terms and conditions determined in 4583 of March 25, 2007 (a copy of which is enclosed).

The Minister has directed the prohibition of cooperation with any member of any union in any of the committees organized under the name of the Union as these unions do not enjoy any legal status to work inside the government sector. In no way is it permitted for them to use the offices, instruments or equipment of the companies as they do not enjoy any legal status to work in the public sector.

Please take notice and take the necessary procedures to implement the directive. These procedures should take place within two weeks at the latest according to the ministerial directive.

Laith Abd Al Hussein Al Shahir
General Director
July 17, 2007

Copies to:

The Office of the Minister
Offices of the Advisers and Trustees
Office of the Inspector General
Human Resources Department
Legal Department

٥١٧

الحدود / ٢٠٠٧/٧/١١
التاريخ: ٢٠٠٧/٧/١١
١٨

وزارة النفط
الدائرة الادارية والقانونية
القسم القانوني

الشركات والدوائر العامة في القطاع النفطي
مركز البحث والتطوير النفطي
معاهد التدريب النفطي بغداد / بيجي / بصرة / كركوك

م/ توجيه

الحاقاً بتعميمنا المرقمة على التوالي ٢٣٠٤ في ٢٠٠٧/٢/١٤ القاضي بعدم التعامل مع المنظمات الغير حكومية غير المسجلة او المخالفة للظوابط وشروط التسجيل المقررة و ٤٥٨٣ في ٢٠٠٧/٣/٢٥ (والمرفقة صورته طياً).
وجه السيد الوزير بمنع مشاركة اي عضو من اية نقابة في اية لجنة من اللجان المشكلة بعنوانهم النقابي لكون هذه النقابات لاتتمتع باية صفة قانونية للعمل داخل القطاع الحكومي ولايجوز السماح لهم باستخدام مكاتب او البيات او معدات الشركات لكونها لاتتمتع بالصفة القانونية للعمل داخل القطاعات الحكومية.

للتفضل بالاطلاع واتخاذكم الاجراءات اللازمة لتنفيذ التوجيه اعلاه على ان تنتهي هذه الاجراءات خلال مدة اقصاها اسبوعين وحسب توجيه سيادته واعلامنا
مع التقدير...

ليث عبد الحسين الشاهر
المدير العام
٢٠٠٧/٧/١١

المرفقات/
صورة تعميم.

نسخة منه الى /
مكتب السيد الوزير / اشار: بهامش سيادته شوزخ في ٧/٧/١١. مستند: ... مع التقدير...
مكاتب السادة الوكلاء و المستشارين / مع صورة من المرفق / للتفضل بالاطلاع .. مع التقدير...
مكتب المفتش العام / مع صورة من المرفق / للتفضل بالاطلاع .. مع التقدير...
قسم الموارد البشرية / مع صورة من المرفق / لنفس الغرض اعلاه. لطفا.
لقسم القانوني.