

WAC - Worker Advice Center (MA' AN) جمعية معاً
النقابية

Head Office: Jaffa, POB 41199 Israel 61411

Ph 972-3-6839145 Fax 972-3-6839148

Northern Office: Nazareth - Eastern Qua.

Ph 972-4-6462156 Fax 972-4-6462152 Mobil: 972-57-586198

E - mail: wacnas@netvision.net.il / Web site: www.workersadvicecenter.org

November,15, 2004

To: Mr. Bernard Gernigon

Chief of the Freedom of Association Branch

International Labor Standards Department – ILO

4, route des Morillons

CH-1211 Geneve 22

Switzerland

Dear Mr. Gernigon,

Please be informed that the Israeli Registrar of Non-Profit Associations (NPA's) has decided to dismantle WAC-MA'AN. In our correspondence of February 2004, I mentioned that the Registrar was investigating the organization. Since then, a new Registrar was appointed, and we hoped for a change of attitude. Instead, he has merely accepted the report done under his predecessor, including its recommendations.

The new Registrar, Attorney Yaron Kedar, claims that WAC has not been acting in accordance with its stated goals: to defend workers' rights. Rather, he says, "The NPA acted in cooperation with other NPA's to advance the interests of the political party known as the ODA" (the Organization for Democratic Action – or Da'am in Arabic). He states, in particular, that WAC-MA'AN has served as a conduit of funds to the ODA.

WAC rejects these claims. Since its registration as an NPA in the year 2000, it has been devoting **all** its energy and resources to advance the interests of under-represented workers, especially Arabs, by organizing them into work teams, finding them jobs with construction companies, and representing them in their battles with Israeli bureaucracy. All of WAC's financial records were provided to the Registrar. He did not find a single shekel that went from WAC, or through WAC, to the ODA.

Why then has he decided to dismantle WAC?

The story begins with the former Registrar, Amiram Boget. He attempted to deny registration to WAC. In May 2000 a Jerusalem court forced him to go through with it. One year later, however, Boget undertook an investigation on the pretext that "WAC is not fulfilling the goals for which it was established, and it is serving as camouflage for political activity." The spur to his action was a complaint, but Boget refused to divulge who made it. Now, with the release of the investigative report, the source has at last been revealed. The complaint stemmed from a disgruntled former employee who had lost a personal lawsuit against WAC. After giving false testimony, he received permission from the Registrar to found a rival NPA.

The investigative report consists of innuendoes and suspicions. Some border on sheer ignorance, like one that deals with defense of illegal migrant workers: "A suspicion arises that the NPA's activity concerning aid to illegal foreign workers is against the law." In fact, international labor laws and conventions oblige the state to defend every worker, legal or illegal. These conventions encourage organizations such as WAC-MAAN, which provide legal advice to migrant workers even if they do not have legal status.

Here we face a steep downhill slope: If the Israeli judicial system allows the Registrar's point of view – that the defense of illegal workers contravenes the law –this will be a mortal blow to associations that today protect illegal workers from the harsh treatment of Israeli employers, manpower companies and the "Immigration Police." Some 200,000 migrant and Palestinian workers who lack proper papers will then find themselves utterly at the mercy of these powers.

The Registrar's investigator, in his report, cannot help but acknowledge that WAC has carried on "energetic activity in the field of job placement," but he goes on to say that the hidden purpose of this activity has been to advance the ODA. The hidden purpose? If it is hidden, then how does the Registrar know about it? Or is it no longer hidden? Has he brought the hidden purpose to light? But if so, why does he show no evidence? Apparently, WAC's purpose is still hidden, like the WMD in Iraq!

In the investigative report we read that WAC-MA'AN, as well as other NPA's it cooperates with, "were established and operated by central activists in the ODA party." So what? The law permits a person to be active both in a political party and in an NPA. The ODA is legal.

But the Registrar has certain persons in mind. In the report we read the following sentence: "As communicated to me, these activists stem from 'Derech Hanitzotz...'" The investigator then mentions them by name, pointing out that "these activists" are the leaders of WAC-MA'AN and other NPAs it cooperates with. That is the nub of the vendetta: In the 1980's, the named persons were accused of contact with the PLO, and some sat in prison as a result. The Registrar's investigator does not say what possible relevance this fact can have. Nothing in the law prohibits former prisoners from leading an NPA. But the Registrar conveys the subliminal message that regardless of the law, such a thing should not be allowed. The political stance of certain WAC members is a thorn in the flesh of the Registrar, as it was in that of his predecessor.

WAC-MA'AN today has more than 600 members, most of them construction workers. It is open to all, without regard to nationality, gender, religious belief or political tendency. It is run in a spirit of cooperation and equality between Arab and Jewish members. The leaders are chosen in democratic elections. Some of them are identified indeed with a socialist orientation. That is their right. The members decide who should be on the Board of WAC-MA'AN and who should be its field coordinators. If they do not like people with socialist ideas, they can replace them. The members and only they have the right to determine WAC's policies and agenda. When the Registrar attempts to interfere with this process, he violates the basic rights of all WAC members.

WAC-MA'AN is a very active organization in defense of workers' rights. As mentioned to you in a letter of July 2, 2003, to which I attached an agreement between WAC-MA'AN and the Association of Contractors and Builders in Israel, WAC has signed wage agreements with fifteen construction companies, including the largest in Israel. This has ensured secure jobs with proper salaries for hundreds of Israeli citizens.

In addition WAC-MA'AN is represented on a regular basis in the discussions of the Knesset Committee on Migrant Workers. Its representative has been invited to take part in the Israeli Bar's Special Commission on Migrant Workers.

WAC-MA'AN's contribution to the labor relations in Israel is recognized by the Employment Service and the Ministry of Commerce and Industry. Israel's National Insurance Institute and its Employment Authority exchange letters on a regular basis with WAC-MA'AN regarding individual cases of unemployed workers. In September 2004, the Employment Authority Director-General, Ms. Esther Domonisini, invited WAC-MA'AN to present its point of view before a governmental committee established to investigate the situation of the labor force in the Israeli construction branch.

The Registrar's decision to dismantle WAC-MA'AN is political harassment. It should also be seen against the background of the socio-economic situation in Israel today. The government has slashed social welfare in recent years, pushing tens of thousands outside the network of social security. The towns of the periphery, and especially the Arab villages, have undergone social and economic devastation. Given its neo-liberal agenda, the government pursues organizations like WAC, which demand justice for the deprived and neglected.

WAC has no intention of rolling over backwards and yielding to the Registrar's decree. The right to organize is specified in the ILO's Convention No. C87 concerning Freedom of Association and Protection of the Right to Organise. WAC – MA'AN insists on its freedom of organization, including its freedom to determine the internal regulations of its organizations, its plan of operations, and the choice of its leadership, without interference from the government.

WAC-MA'AN calls on the Freedom of Association Branch of the International Labor Standards Department of the ILO to act upon our request and to make its views known to the Israeli Government, allowing for free organization of workers according to Israel's obligation to the principles of the ILO.

Yours faithfully
Assaf Adiv
National Coordinator
WAC