

Action Alert

# Appeal for Solidarity : KCTU affiliate, KMWU Strikes to Oppose FTA Signing

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## **Korean Confederation of Trade Unions (KCTU)**

June, 2007

### Situation summary

Workers, peasants, students, women's groups, progressive academics, cultural activists, public health advocates, independent media activists and many other social movement groupings in South Korea have been fighting the Kor-US FTA by staging strikes and mass demonstrations with each round of trade negotiations since last year. With the government shortcutting democratic discussion within Korea of an FTA, turning a deaf ear to workers, farmers and civil society concerns, and no channels to convey our concerns about the FTA, in April, KCTU member HEO, Se-wook took the drastic action of setting himself on fire in protest in front of the hotel where the last round of negotiations were taking place, shouting: "Stop the FTA negotiations!) as he fell. Brother HEO since passed away on April 15 from complications related to his third-degree burns.

Yet, the trade negotiators concluded an agreement on April 2, and South Korean President ROH, Moo Hyun will be traveling to the United States to sign the Korea-US Free Trade Agreement (Kor-US FTA) with US President George W. Bush on June 30. To voice auto workers' opposition to the signing of the Kor-US FTA, which would have massive impact on auto, the Korean Metal Workers' Union (KMWU) has undertaken a week of strike action beginning with rolling regional strikes from June 25 (Chungcheong and North Jolla regions), June 26 (Seoul Metropolitan and Kwangju/South Jolla region) and June 27 (Yeongnam region) and culminating in all KMWU members being called to strike in the whole country on June 28 and June 29.

But the Thursday before the strike (June 21), the South Korean government announced that the KMWU strike is now defined as "illegal." The Minister of Labor (LEE, Sangsoo), Minister of Justice (KIM, Seongho) and Minister of Commerce, Industry and Energy (KIM, Yeongju) clarified the grounds for this in a joint statement of June 21 : "this general strike bears no relation to the improvement of working conditions, and is undertaken with the motive of preventing the conclusion of the FTA, and as a political strike, it is clearly illegal ..."

This is consistent with the government's attitude that workers should not hold viewpoints on larger globalization issues that they express through unions, but rather should confine the role of unions to narrow enterprise-level economic issues. This view runs contrary to the ILO Committee on Freedom of Association report of June 2007 which recognizes that globalization does impact workers' wages and working conditions and states that unions can take action on "wider socio-economic issues linked to globalization" (paragraph 778).

In their statement, the Ministers of Labor, Justice and Commerce, Industry and Energy justify their view of the strike as intolerable by staking out their opinion that:

*"The Kor-US FTA is an inevitable choice for surviving this global market through market-opening and competition" and their belief that "it is time for the workers to join their strength [with employers] such that our economy will leap forward to another stage through this [the FTA]."*

But the auto workers of the KMWU have analyzed the text of the agreement and concluded it would create the conditions to erode not only wages and working conditions, but also the very industrial base upon which they rely for employment; thus, the KMWU independent analysis does not support the ministers' claim that "auto assembly workers would be the greatest beneficiaries of an FTA" and the KMWU does not agree that this Kor-US FTA is the only and "inevitable" choice we should make.

While announcing that "No more shall we tolerate illegal conduct," the Ministers explain a transition:

*"Recently, the OECD has recognized that our labor-management relations system compares favorably with other advanced industrial nations, and ended the labor-relations system monitoring process that our country had been under continuously for 10 years." Thus, the ministers proclaimed: "Needless to say the union officers, and even those forces who lead the illegal strike even if they are not officers will be treated with the 'No Tolerance' principle and the accompanying disadvantages that would surely follow."*

Since the evening of June 25, the South Korean police has been trying to deliver summons to all the KMWU national officers and the chairs of all 19 KMWU Branches nationwide to submit themselves to police intelligence unit investigation for potential criminal activity (criminal obstruction of business), which can lead to imprisonment. On June 26, the Minister of Labor announced in a national radio interview that he could use the physical force of the state to stop the strike in the middle or before or any timing.

### Call for action

:

***We are calling for statements in support of the KMWU General Strike.***

Solidarity Statements addressed to JUNG, Gap-Deuk can be faxed to :

KMWU +82-2-714-0662

or e-mailed to [inter.metal.nodong.org](mailto:inter.metal.nodong.org)

Examples of solidarity statements can be seen on the IMF webpage at

<http://www.imfmetal.org/main/index.cfm?n=47&l=2&c=16210>

Please send a copy to KCTU, inter kctu.org or +82-2-2635-1134(fax)

Your solidarity would be enormously helpful in showing the South Korean metal workers that we are not alone in the struggle against free trade agreements that would pit us against other workers in a race to the bottom.

## **Background: KMWU General Strike against the Signing of the Korea-US FTA (KOR-US FTA)**

June 25 was the first day of a Korean Metal Workers' Union (KMWU) week of strike action against the Korea-US Free Trade Agreement (Kor-US FTA), a bilateral agreement scheduled to be signed by South Korean President ROH, Moo Hyun and US President George W. BUSH on June 30. This general strike is the KMWU's first strike since completing the organization transformation to industrial unionism last year. In keeping with the logic of fostering supra-enterprise solidarity actions in regions, the first three days will be rolling strikes by region leading up to two days of national metal industry strikes where all our members will be called upon to strike against the FTA. The KMWU strike actions are part of an all-out struggle of the Korean Confederation of Trade Unions (KCTU) against the Kor-US FTA.

### **Week of strike action against the FTA**

**MONDAY** (June 25) : Some 9,000 members of the Korean Metal Workers' Union (KMWU) in the Chungcheong-do (both north and south Chungcheong-do) and North Jolla regions went on strike on Monday, including workers at auto and auto-components companies in the region such as GM Daewoo (Kunsan plant), Tata Daewoo, Modine, VDO Siemens, and Riken.

**TUESDAY** (June 26) : Over 20,300 KMWU members struck companies such as Ssangyong Motors (taken over by Shanghai Motors), GM-Daewoo (Bupyeong plant), Kia Motors, Seunglim Carbon (Schunk), Doowon Industries (Bosch), Carrier Aircon (United Technologies Corporation) TRW, Mando, Gibbs Die Casting Korea, Hitec RCD Korea, and others in the Seoul Metropolitan Region and the Kwangju/South Jolla region.

**WEDNESDAY** (June 27) : The rolling regional strike will spread to Yeoungnam region.

**THURSDAY** (June 28) : KMWU calls on all its members to undertake a nationwide, metal industry strike

**FRIDAY** (June 29) : KMWU calls on all its members to undertake a nationwide, metal industry strike

### **Why are we fighting the KOR-US FTA?**

The KMWU is taking strike action to oppose the signing of the Korea-US Free Trade Agreement (KOR-US FTA). If signed and ratified, the KOR-US FTA would be the most commercially significant free trade agreement for South Korea, and the US's biggest FTA since NAFTA.

As the union representing all organized auto assembly plants in South Korea, KMWU is concerned that the FTA will lock in the conditions to pit both Korean and US auto workers against one another in a race to the bottom while augmenting capital mobility and financial speculation. The FTA auto provisions would grease the rails toward industrial hollowing-out in both countries and remold the Korean auto industry to become much more globally sourced; our previous experience with

neoliberalism during the Asian economic crisis with IMF bailout was that neoliberalism fosters capital mobility, financial speculation, restructuring ( with destruction of employment ), casualization, social polarization and impacts wages and working conditions, even pushing workers into poverty.

The FTA will also have broad impacts throughout Korean society that impact workers. The excessive extension of intellectual property rights would push up the price of and effectively deny patients needed medicines and undermine the public health care system. The FTA would also devastate farmers and local agriculture, undermine government capacity to protect the environment and maintain food safety, and allow individual companies to sue local governments for not only real but also imagined losses (this FTA includes the ability to sue for as yet unknowable “potential” losses that companies feel they might not have lost had it not been for the local laws or changes to the local laws.) Indeed, the “special sacrifice” clause of this FTA clarifies that the local government can be sued even in cases where the legal change is recognized as being for the greater public good. The potential of being sued by a transnational corporation would affect local sovereignty to enact local regulations for local communities instead of only the regulations that line the pockets of private transnational investors.

In sum, the FTA would lock in a system where economic growth would be generated off of the destruction of good jobs, augments casualization, undermines universal health care and other public services while putting control in the hands of privately-owned corporations and speculative investors who do not have any democratic mechanisms to be accountable to the local community.

### **Government efforts to prevent strikes**

Since Monday night, the South Korean police have been trying to deliver summons to all the KMWU national officers and the chairs of all 19 KMWU Branches to submit themselves to police intelligence unit investigation for potential criminal activity (criminal obstruction of business) , which can lead to imprisonment. The Thursday before the strike (June 21) the supreme prosecutors office announced that the KMWU strike is now defined as “illegal.”

The Minister of Labor (LEE, Sangsoo), Minister of Justice (KIM, Seongho) and Minister of Commerce, Industry and Energy (KIM, Yeongju) also released a joint statement to the press saying that, “this general strike bears no relation to the improvement of working conditions, and is undertaken with the motive of preventing the conclusion of the FTA, and as a political strike, it is clearly illegal under the current legislation.” This is in keeping with the government’s opinion that workers should not hold viewpoints on larger globalization issues that they express through unions, but rather to confine the role of unions to enterprise level economic issues.

One of the issues the KCTU had fought against since the very beginning of the independent union’s struggles in the 1980s was the prohibition on union political activities, but the government still retains discretion to label even enterprise-level strikes against restructuring (which certainly impacts employment and other economic issues) as “illegal” by deciding they are “political” and “unrelated to the improvement of working conditions.”

Indeed at a June 26 debate, a member of “Lawyers for a Democratic Society” commented, “The government’s conjectural judgment of the strike before it happened reflects that police-state ideas still linger, the kind of thinking that the government should actively intervene to dissolve a situation and control it is the kind of government handling of the situation that ignores the citizens.”

On the FTA, concerning wider socio-economic issues linked to globalization the ILO Freedom of Association had recently allowed that workers should be allowed to strike on globalization and trade issue.

## **International Solidarity**

Speaking in support of the unions, IMF general secretary Marcello Malentacchi said, "In negotiating this deal, neither government has evaluated the likely economic and social impact the deal will have on workers. This free trade agreement between the US and South Korea fails to include meaningful protection of fundamental workers' rights and threatens both the number of jobs and conditions of employment in both countries."

The UAW from the United States, the IG Metall from Germany and the AMWU from Australia, the UE from the United States, and the AFL-CIO have sent in solidarity letters to show the KMWU their support for the struggle.

### **[KCTU Statement] The Strike by the Metal Workers' Union is Just! Stop the FTA!**

The Korean Metal Workers' Union(KMWU), affiliated to the KCTU, has commenced on a strike to stop the conclusion of the Korea-US FTA. It started on the 25<sup>th</sup> and is planning a general strike on the 28<sup>th</sup> and 29<sup>th</sup>. However, the government has been doing all that it can to repress the strike. Summons for the leadership of the union have already been issued, and it has warned that the principle of "intolerance" would be applied if the union proceeded with the strike. Minister of Labor Lee Sang-Soo has said in an interview that "strikes are to improve working conditions and are directed at the employer," while "this strike is directed at government policy." He went on to say that "strikes are not the appropriate means because employers cannot change government policy," and that "political strikes that are not related to improving working conditions, and that aim at stopping the conclusion of the FTA are clearly illegal strikes according to the current law."

However, the KCTU stresses that the objective and procedures leading to the strike are not 'illegal' according to international labor standards, as well as the domestic legislation, and that they are a just exercise of basic labor rights.

The government's assertion is that political strikes are to attain political objectives and are illegal because they do not aim to conclude a collective agreement with the employers. Article 33 of the Constitution stipulates that "workers have the right to independently organize and engage in collective bargaining and action in order to improve their working conditions." Therefore, collective action and strikes are possible if the objective is to improve working conditions, and strikes to change or revoke legislation that is related to the working conditions of workers is thereby also guaranteed as a basic right in the constitution. Such action in response to the legislative action on the part of the government that can have an effect on the working conditions of workers is called an industrial political strike, and most constitutional scholars agree that such strikes are guaranteed by the constitution. The general strike regarding the FTA, is clearly an industrial political strike, for it is action against the KORUS FTA that if concluded, would have an immense impact on domestic industries and the workers' employment and working conditions.

The government has also claimed that the strike by the metal workers is illegal because there was no vote for industrial action. However, this is a strike that has already gone through a vote. But the members of the metalworkers' union and the then Korean Metalworkers' Federation have already gone through a vote in Nov of 2006. Of the 146,741 members, 124,952 participated in the vote and 78599(62.9%) were in favor of industrial action. A vote for a strike has a certain objective and the validity of the results do not expire after there has been industrial action, nor does it have to necessarily be before the strike. This is the common interpretation in jurisprudence. Moreover, it should be noted that the current general strike was decided upon at the KMWU Congress last April.

Korea is probably the only nation in the world where, not only are the voting procedures for industrial action stipulated in the law, but trade union officials are prosecuted through the criminal code if these requirements are not met. Such provisions, which force upon workers through the penal code procedures and matters that the workers should be deciding on autonomously, and thereby violate the constitutionally guaranteed right to organize and engage in collective action. The relevant provisions were instituted directly after the coup of 1960, and are remnants of an oppressive past that should have been abolished long ago.

Furthermore, applying the criminal code to workers simply refusing to provide labor, without violence or destructive activities, is tantamount to denying the right to strike. Applying the penal code to strikes is a legal practice that has been overcome nearly 150 years ago, and is also in violation of international labor standards. The ILO has accordingly recommended to the Korean government that this practice be revised.

Lastly, the government's 'illegal strike' argument does not correspond to international labor standards and the ILO's principles regarding the freedom of association. This can be confirmed by referring to the recommendation submitted by the ILO's Committee on Freedom of Association and adopted by its Governing Body. "It recalls moreover that the right to strike is one of the essential means through which workers and their organizations may promote and defend their economic and social interests[para. 780]." "With regard to the participation by trade unions in rallies concerning wider socio-economic issues linked to globalization, the Committee notes that the fundamental objective of the trade union movement should be to ensure the development of the social and economic well-being of all workers;... On the other hand, it is difficult to draw a clear distinction between what is political and what is, properly speaking, trade union in character. These two notions overlap and it is inevitable, and sometimes usual, for trade union publications to take a stand on questions having political aspects, as well as on strictly economic and social questions[para 778]".

The KCTU cannot tolerate repression of the metalworkers' union strike that is just, both in terms of its purpose and procedural aspects, and that furthermore is in line with the ILO's principles on the freedom of association. The government's drive to turn public opinion against strike is an attempt to block the growing opposition to the Korea-US FTA, and to render powerless what is the first strike against government policy by the newly formed, and largest of the industrial unions in Korea. The 800,000 members of the KCTU have resolved to engage in a struggle to protect the future of all the working people of Korea and will continue to struggle despite the oppression and threats from the government and capital. The KCTU also resolves to stop work at all its workplaces if the government continues to distort and oppress the strike by the metalworkers, which is spearheading the KCTU's June struggle.

The Roh Moo-hyun government needs to stop the spreading of the delusion that there is no future without a Korea-US FTA, for he is driving the working people of Korea toward an agreement that will have disastrous effect on us all.

## **Korean Confederation of Trade Unions**

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