

**INTERNATIONAL
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AFL-CIO



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July 14, 2010

Head of State and Government
The Honorable Dr. Alan García Pérez
President of the Republic of Perú
Jr. de la Unión S/N 1ra. Cuadra, Cercado de Lima
Lima, Perú

Honorable President García:

I am writing to you about a matter of increasing concern to the International Longshore and Warehouse Union (ILWU) and labor worldwide. In May, the Government of Peru declared a 60 day emergency that allowed armed forces and police to intervene and restore operations in the Port of Callao. Until that time, the Callao Port Union of Maritime and Port Employees (SUTRAMPORPC) had been on strike seeking the very basic labor rights of union recognition and collective bargaining. To date, DP World, the terminal operator for Muelle Sur in the Port of Callao, continues to refuse to deal with SUTRAMPORPC, leaving domestic workers completely unprotected and subject to the caprice of the foreign port operator now running Muelle Sur. We have seen this before. Without the basic protection that union recognition and collective bargaining provide, DP World will extract massive corporate profits at the expense of the Peruvian public and Peru's unprotected dockworkers.

The United States – Peru Trade Promotion Agreement, the bilateral trade agreement between the United States and Peru which took effect February 1, 2009, sets forth certain requirements that its two signatories must follow. Specifically, Article 17.2, Fundamental Labor Rights, states that both the United States and Peru shall adopt and maintain in their statutes and regulations, and practices thereunder, the rights outlined in the Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998) (ILO Declaration). The rights outlined in the ILO Declaration include the freedom of association and the effective recognition of the right to collective bargaining. Also, Article 17.3, Enforcement of Labor Laws, states that each party shall not fail to effectively enforce its labor laws, including those adopted in accordance with Article 17.2. Thus, not only is it a moral requirement that the Peruvian government protect its citizens by taking action to demand that DP World recognize and bargain with SUTRAMPORPC, it is also a legal requirement under the bilateral trade agreement that Peru signed with the United States.

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Given the moral and legal requirements, the ILWU is deeply concerned about DP World's denial of union recognition and collective bargaining to dockworkers in Muelle Sur. We are also very concerned about the Peruvian government's apparent failure to demand that DP World comply with the fundamental labor rights contained in the ILO Declaration. The dockworkers of the Port of Callao, for their part, have placed their confidence in the democratic process in hopes of finding a legitimate way to solve the current crisis given the fact that the basic labor rights that they seek are both international and domestic legal requirements.

We respectfully request that the Peruvian government take swift action to ensure that DP World comply with the ILO Declaration, which clearly requires effective recognition of the right to collective bargaining. Until DP World comes into compliance, labor unions and their affiliates worldwide will join in the fight to defend the basic rights of Peruvian dockworkers – whatever that support entails.

Dockworkers worldwide are of a strong and unique fraternity that transcends nationalism. Cargo vessels and their owners are not dependent on any one country. Neither are dockworkers. An injury to one is an injury to all.

Thank you for your immediate attention to this matter.

Sincerely,



Robert McEllrath
International President

cc: Lindsay McLaughlin, Legislative Director, ILWU Washington, D.C. Office
Dra. Manuela García Cochagne, Minister of Labor, Peru
Wilmer Esteves, Secretary General, Callao Port Union of Maritime and Port Employees Peru
Sergio Valdivia, Secretary General, National Federation of Maritime and Port Workers, Peru
David Cockroft, General Secretary, International Transportation Workers' Federation
Antolín Goya, General Coordinator, International Dockworkers' Council
Cecilio Lepe Bautista, General Secretary, Federación Nacional de Trabajadores de Transportes y Maniobras Marítimas y Terrestres, México
Albino Vargas, General Secretary, National Association of Public and Private Employees, Costa Rica

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