

No Room for the Trade Unions in the Economic and Human Dimensions of the OSCE?

If one wants to know how the trade unions have presented themselves and what they have done in the CSCE and OSCE throughout the history of this institution, one will have a look, first, at the so-called "second basket" of the CSCE - dealing with economic co-operation - and at the economic dimension of security in the OSCE; second, at the "third basket" of the CSCE - on human contacts - and at the human dimension of the OSCE.

However, the Helsinki process gave the unions, in contrast to other social groups such as entrepreneurs, youth associations or universities, no explicit international role in promoting stable conditions. The Helsinki Final Act of 1975, in connection with the second basket, speaks at length about, *inter alia*, industrial co-operation, and a special section is devoted to economic and social aspects of migrant labour. The third basket stresses the importance of human contacts and expresses a determination to facilitate contacts between "non-governmental organizations and associations, including women's organizations". But neither here nor anywhere else in the Final Act are the trade unions mentioned.

In the CSCE documents that followed - in which they are mentioned - their role was acknowledged mainly for its significance within a given society. Still, the Madrid Document of 1983 - in the section on "Questions Relating to Security in Europe" and against the background of the prohibition of Solidarnosc in Poland - did manage to include the following statements: "The participating States will ensure the right of workers freely to establish and join trade unions, the right of trade unions freely to exercise their activities and other rights as laid down in relevant international instruments (...) They will encourage, as appropriate, direct contacts and communication among such trade unions and their representatives."¹ The document of the Conference on Economic Co-operation in Europe, held in Bonn in 1990, refers only to the right of workers to establish or join independent trade unions.² In the document of the Copenhagen Meeting of the Conference on the Human Dimension of 29 June 1990 there are three places where the trade unions are mentioned, initially with regard to freedom of association and the freedom to strike. Thus it states: "The right to form and (...) freely to join a trade union will be guaranteed (...) Freedom of association for

1 Concluding Document of Madrid, Madrid, 6 September 1983, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 257-287, here p. 262.

2 Cf. Document of the Bonn Conference, Bonn, 11 April 1990, in: Bloed (Ed.), cited above (Note 1), pp. 425-438, here p. 427.

workers, including the freedom to strike, will be guaranteed (...)". Then the document refers to the right of individuals to organize trade unions and join them and, finally, the participating States declare their willingness to encourage, facilitate and support contacts and co-operation between free and independent trade unions.³ In the documents of the Vienna Follow-up Meeting of 1989 and in the Charter of Paris of 1990, as well as in all succeeding CSCE/OSCE texts, trade unions were not mentioned.⁴

Do trade unions, in the OSCE's view, have a function following the epochal change at the end of the eighties? And do the unions themselves attach any importance to the OSCE? Where is the social dimension in the OSCE's comprehensive view of security? Is not social security, with its many facets, an integral part of the security of modern states?

On the one hand, the marginal position of the trade unions in CSCE documents is astonishing not least because during that period of détente Western and Eastern European trade unions had already begun to meet together for multilateral consultations under the aegis of the International Labour Organization (ILO). On the other hand, the US unions, unlike most West European ones, had always strictly rejected bilateral meetings with Eastern European unions and even condemned workers' organizations such as the German Trade Union Federation which did meet with them.

At the 1992 CSCE Ministerial meeting in Prague the participating States agreed to create an Economic Forum that would meet annually for two or three days. The idea was to provide a forum for the exchange of views and experiences on key issues related to the transition process in East-Central and Eastern Europe and on the work of relevant international organizations. It was also meant to review CSCE commitments and give appropriate political impulses to international organizations; in this respect in the Document of the fourth Follow-up Conference of Helsinki in 1992 the fields of economics and the environment are expressly mentioned, along with science and technology. It is striking that "social" matters are not included and, as a general matter, that amongst the many international non-governmental organizations which are listed in CSCE documents for purposes of co-operation the International Labour Organization finds no mention.

The ILO was, however, invited to participate in meetings of the Economic Forum. A representative of its Secretariat in fact took the floor for some statements that were held in very general terms and that betrayed - this was later confirmed by questions - that the ILO has no great interest in the OSCE because

3 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Bloed (Ed.), cited above (Note 1), pp. 439-465, here p. 446f. and p. 454.

4 In the Report to the CSCE Council from the CSCE Seminar of Experts on Democratic Institutions, Oslo, 15 November 1991, trade union developments are referred to as a characteristic of modern societies. Cf. Bloed (Ed.), cited above (Note 1), pp. 631-644, p. 637.

of its insufficient operational capability. The ILO Secretariat in Geneva set up a branch office in Budapest in 1993 to serve as a platform for its work with the transformation countries.

Meetings of the Economic Forum held so far have discussed issues that also had a social dimension. It would have been natural to include representatives of the European trade unions in the discussion of these and, in addition, social issues. But that thought does not seem to have occurred to anyone - not even during the 1996 review of the economic dimension's purposes - especially, perhaps, in view of the trade unions' own lack of interest in the OSCE.

Unlike other non-governmental organizations, the trade unions failed to appear at the three-week meeting to review the human dimension, put on by the Office for Democratic Institutions and Human Rights in Warsaw in 1993 and 1995; nor did they show up for the review conferences that preceded the follow-up meetings in Budapest (1994) and Vienna (1996). They did not even play a role in the human dimension seminars on migration (1993) and migrant workers (1994), both in Warsaw. When the OSCE Secretariat looked into relations with the non-governmental organizations and discussed them with the NGOs the trade unions were not among the participants.

The exclusion of the trade unions by the OSCE or, to put it the other way around, the trade unions' exclusion of the OSCE after 1989 from both the economic and human dimensions can be explained at least in part by the reputation the trade union movement had amongst large segments of the population in Central and Eastern Europe during the period before 1989 - one which it still has not shaken off. This is something with which both the "old", reformed worker organizations and the newer, uncompromised ones must come to terms. In the East, as opposed to the West, there are very few who regard them as typical elements of a "civil society". Nor do most of the new governments in the East have much of an interest in seeing the trade unions get involved in the process of economic restructuring and paying a social price for that.

Moreover, the trade union movement in the transformation countries has itself obviously never had a strong interest in playing a part in the Helsinki process. One indication of that is that the international trade union organizations, to which a large number of trade union federations and industrial trade unions from East-Central and Eastern Europe now belong, have not so far taken an interest in the CSCE/OSCE. If they or their sister organizations in Western Europe had wanted it to be otherwise they could doubtless have got their way. But there has never been a discussion of the CSCE/OSCE, or of the role of the trade union movement in the CSCE/OSCE, in the Boards of the International Confederation of Free Trade Unions (ICFTU) - the biggest worker organization with 125 million members in 137 countries - or of the much smaller World Confederation of Labour (WCL), which has a religious/social orientation, or of the regionally representative European Trade Union Confederation (ETUC).

On the other hand, the ICFTU, WCL and ETUC - along with the International Trade Secretariats (ITS), which represent workers according to their industrial field, e.g. metal, textiles, chemicals, mining, foodstuffs, agriculture - devote a lot of attention to the socio-economic subjects discussed within the Economic Forum, as they do in a general way to social issues connected with the transformation to a market economy. They have more than once taken the position that the ILO ought to have a bigger role in organizing the transitional process. In this connection, they have urged that the policies of the International Monetary Fund and the World Bank be co-ordinated more closely with the ILO. To deal with such issues, the ICFTU has long had a co-ordination committee for East-Central and Eastern Europe, and the ETUC has a trade union forum. The discussions in these bodies often lead to decisions on requests or queries directed to their own organization but also to requests and proposals sent to international organizations and forums. The OSCE is largely neglected as an addressee even though the requests often involve issues which the OSCE views as belonging to the economic or human dimension of security. The following examples illustrate this.

The considerable interest that the ICFTU and ITS have shown since 1989 in direct investment and sub-contracting on the part of multinational companies belongs to the field of the economic dimension. They have held courses and seminars on the problems that develop in relation to these activities (in connection with national programmes for the economic support of partner countries, among other things).⁵ It is worth mentioning here the support of the ETUC and the workers' group in the Economic and Social Committee of the EU for the European Commission's most recent White Book, which deals with necessary measures of adaptation in the East-Central and Eastern European countries that are candidates for admission. As far as the ETUC and its member Federations are concerned, one of the central issues of the transformation process is the extent to which the trade unions are included in the necessary economic reforms and adjustments in those countries that want to become members of the EU. The ETUC approaches the governments of these countries to suggest that they establish socio-economic advisory commissions in which appropriate interest groups become involved and that a system of labour relationships be created that is suitable to such councils and within which they can function. Along the same lines, the Economic and Social Committee of the EU (ESC), influenced by the workers' group, urges that in its recommendations to the European Commission and the Council of Ministers the interest groups in East-Central and Eastern Europe be taken into consideration through regular hearings and other contacts.⁶

5 For this and other activities, see: ICFTU (Ed.), Report on Activities 1991-1994. XVI. World Congress, Brussels 1996, pp. 275-276.

6 Cf. Economic and Social Committee of the European Communities, Position of the ESC on the White Book "Preparation of Associated Countries in Central and Eastern Europe for Integration into the Internal Market of the Union" (Doc. Com (95) 163 final), in: Bulletin, Brussels, September 1996.

The trade unions of course are interested in and participate in the programmes of the above-mentioned ILO Office in Budapest, especially in connection with the development of trade union organizations and the application of the ILO Conventions on the rights and freedoms of trade unions. Finally, they organize and finance specific trade union activities in East-Central and Eastern Europe, partly with resources from the EU's PHARE and TACIS programmes and partly through their own means on a bi- or multi-lateral basis.

It is in the nature of trade union activities that the economic and human dimensions overlap, especially when the promotion of human contacts and particularly when the enforcement of trade union rights and freedoms are at issue.

Many Western European trade unions have sent experts to East-Central and Eastern Europe since 1989 in connection with short and longer-term programmes for the building of trade unions. Many exchange programmes have also been organized (sometimes in co-operation with friendly political parties).

The ICFTU, the WCL and the International Trade Secretariats pay a great deal of attention to the interference and, in many cases, straightforward suppression that the trade unions are subjected to in East-Central and Eastern Europe. The "Annual Survey of Violations of Trade Union Rights" demonstrates how closely events in that region are followed.⁷ The most recent edition (1997) deals extensively with the situation in Belarus, Bulgaria, Croatia, the Czech Republic, Hungary, Kosovo, Lithuania, Romania, the Russian Federation, Serbia and Ukraine.⁸ In 1996 the ICFTU entered a complaint with the ILO executive committee's commission for the freedom of trade unions charging Belarus, Latvia and Romania with violations of the conventions on the freedom of trade unions and on the freedom of collective bargaining in labour contracts.⁹ In other ILO bodies (during the annual International Labour Conference, for example) strong protests were entered against Russia and Ukraine for breaching Convention No. 95 on wage protection.¹⁰ This does not directly affect basic trade union rights, to be sure, but the absence for months of any wage payments is an attack on workers' rights and can certainly be regarded as an aspect of a policy designed to weaken the position of the trade unions. Many of the violations of elementary trade union rights that are brought to the attention of the ILO involve limitations on the freedom of workers to organize trade unions, curtailments of the freedom to strike (*inter alia* by very broad definitions of "essential services" and all kinds of procedural rules), and dismissals of or discrimination against trade union

7 ICFTU (Ed.), Annual Survey of Violations of Trade Union Rights, Brussels 1996.

8 Cf. *ibid.*, pp. 104-119.

9 Cf. *ibid.*, p. 133.

10 Cf. ILO (Ed.), Report of the Committee of Experts on the Application of Conventions to the 85th Session of the International Labour Conference, Geneva 1996, pp. 224-227; Provisional Record No. 19 of the 85th Session of the International Labour Conference, Geneva 1996, p. 19/3 and p. 19/102-104.

functionaries and active union members because of their work for the union. Obviously the trade union movement, particularly in the East-Central and Eastern European countries, has concluded that it wants to deal with these abuses outside of the OSCE. But we were unable to obtain a convincing justification of this approach, even after repeated inquiries with the relevant organizations and international trade unions. No doubt the expectation that one is more likely to get results elsewhere plays a role. On the other hand, there are many examples of social and union-related concerns which the trade unions pursue with various international organizations, including ones where they have not traditionally had easy access.

Given the principles and goals of the OSCE, the trade union movement ought to work through its national and international organizations to play a role there as well. East-Central and Eastern Europe are facing enormous socio-economic problems, particularly as a result of unemployment and a lack of social security. These problems are probably underestimated by all-too many people (including those in the trade union movement), or perhaps they do not dare to think about them.¹¹ Even mitigating them, however - which is indispensable for future stability and security in the region - will call for a high level of joint effort by social groups and state authorities.

11 This was demonstrated, *inter alia*, by the discussions and the extremely modest results of the 5th European Regional Conference of the ILO in September 1995 in Warsaw, where employment policy and social security were priority items on the agenda.