

# The rise and fall of social partnership in post-socialist Europe: the Commonwealth of Independent States

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Most of the discussion and research on post-socialist industrial relations has focused on the states of Central and Eastern Europe that are now or are prospectively members of the European Union, and most particularly on the significance of tripartite institutions and the extent to which there has been a convergence with the 'European Social Model'. Despite substantial differences in detail between countries (Avdagic 2005), the overall pattern of development of tripartism across the region has been fairly uniform. Tripartite institutions were established in all countries immediately after the collapse of Communism, with the aim of securing a degree of social and political stability through the transition, but in general these institutions had only limited scope and served primarily an ideological purpose (Martin and Cristescu-Martin 1999). The trade union movement was politically divided between the successors to the traditional Communist unions, which at least rhetorically sought protection for their members from the ravages of neo-liberal reform, and the new anti-Communist unions which initially supported such reform. Both wings of the trade union movement were oriented to the political process and made little effort to organise or recruit in the emerging private sector, so the trade union movement as a whole suffered a severe membership decline and was increasingly confined to the representation of public sector employees and the residues of the old state industrial sector. The decline in trade union membership, divisions within the trade union movement and the narrowing of its sectoral base meant that trade unions were powerless to prevent tripartite institutions from falling into abeyance during the latter half of the 1990s, as governments sought to by-pass trade union resistance to continued market reforms. However, the EU accession process required national governments of the candidate countries to resurrect or revitalise the institutions of social dialogue and in most countries the trade unions were able to make use of this development to achieve some gains, although whether or not these gains will be sustained following EU accession remains to be seen (Tóth and Neumann 2004; Clarke 2005).

In this paper we want to assess the development of social dialogue in the 'hidden half' of Europe,<sup>2</sup> those European countries which are not and have no realistic expectation of becoming, members of the European Union, by reviewing developments in the countries of the Commonwealth of Independent States, which comprises the former Soviet

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<sup>2</sup> Just how many European states there are outside the European Union is somewhat indeterminate because of territorial and jurisdictional disputes. In the international trade union movement all of the former Soviet Republics are considered to be part of Europe, including not only Russia, Belarus, Ukraine and Moldova and the Caucasus Republics of Georgia, Armenia and Azerbaijan, but also the Central Asian Republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

Republics, with the exception of the three Baltic States. This review will show that the development of social partnership in the CIS countries followed a similar pattern to that of East and Central Europe through the 1990s, but that there has not been a similar resurgence of social dialogue in the new century, but rather a polarisation between those countries in which the regime has sought to restore the former soviet relationship with the trade unions by subordinating the traditional unions fully to state structures and those countries in which the state has effectively renounced social dialogue and has sought to marginalise the unions. In the most extreme cases of the latter, Georgia and Ukraine, there has been some tendency to trade union renewal.<sup>3</sup>

### ***Trade unions in the CIS***

The majority trade unions in all the CIS countries have their roots in the Republican organisations of the Soviet All-Union Central Council of Trade Unions (VTsSPS), which declared its independence of the Party-state in 1987 and was transformed in October 1990 into a confederal organisation of independent Republican trade union federations (the General Confederation of Trade Unions (VKP)), which were reconstituted, or at least renamed, at the same time. After the collapse of the Soviet Union these federations retained their traditional structures and, to a considerable extent, their traditional practices, although over the next few years they lost some of the rights and privileges that they had enjoyed in the Soviet Union, such as the right of legislative initiative, statutory responsibility for health and safety and the control of social insurance funds. Trade union membership has fallen dramatically, although trade union density in most countries remains high by international standards (ranging from around 25-35% of the economically active population in Georgia, Kazakhstan and Azerbaijan, through 40-60% in Moldova, Ukraine, Russia, Armenia, Kyrgyzstan and Turkmenistan to over 60% in Uzbekistan, Tajikistan and Belarus).

There has been some fragmentation of the traditional unions, most notably in Moldova, where a separate federation was established in the Russian-occupied industrial region of Transdnestr (FST) and the national federation split in 2001. In Azerbaijan the Trade Union Council of Azerbaijan was reconstituted as the Azerbaijan Trade Union Confederation in 1993, which is a much looser confederation of 30 independent member organisations. In Russia there has been some turnover of affiliations to the Federation of Independent Trade Unions of Russia (FNPR) as sectoral unions have affiliated and disaffiliated. In Kazakhstan, mainly as a result of disputes about the distribution of trade union property, the Almaty Oblast' Council of trade unions, with 340,000 members, left the Federation of Trade Unions of Kazakhstan (FPRK) in 1999 and in 2002 seven sectoral and a few other trade union organisations (amounting to about 10% of the membership) left FPRK and tried unsuccessfully to create a new federation, the

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<sup>3</sup> This paper is based primarily on the findings of an INTAS project (03-51-6318) on 'Trade unions in post-socialist society: overcoming the state-socialist legacy?', covering Russia, Belarus, Ukraine, Moldova, Kazakhstan, Kyrgyzstan and Tajikistan, on interviews and observation conducted by Vadim Borisov in various CIS countries and on reports prepared by the Moscow offices of the ILO and ICFTU, to whom we are very grateful. Country Reports from the INTAS project can be accessed at <http://go.warwick.ac.uk/russia/Intas/2005workshop.htm>.

Kazakhstan Trade Union Centre (KPTs). However, the crucial oil and gas trade union disintegrated and the remaining six unions returned over time to FPRK.

New independent trade unions began to be formed on the basis of strike activity in the final years of the Soviet Union but the vast majority were very small workplace organisations which rarely proved to be sustainable outside the transport and mining sectors. This process of creation and demise of small new trade unions and worker organisations has continued in the post-Soviet era in most Republics. In a few countries there has been a consolidation of some of these unions into federations of 'free' trade unions, many of which have been supported financially by the US through the AFL-CIO, some having gained affiliation to the international trade union organisations, ICFTU or WCL. However, these alternative unions have had a strong 'social movement' character, often to the neglect of their trade union functions (Ost 2002). They are dwarfed in size by the traditional unions and have only played a significant role in Russia, Belarus, Ukraine and Kazakhstan. There has also been some independent worker activism in Georgia and Azerbaijan, but here there has been no consolidation of the new trade unions into federations.

### ***Social partnership and the trade unions in the CIS countries.***

After the collapse of the Soviet Union the new Republican governments, whose political legitimacy was problematic, quickly came to appreciate the potential threat posed by protest actions on the part of workers facing deteriorating living and working conditions, which could easily be exploited by political opponents and escalate from economic to political demands. The immediate priority of all the governments was political stabilisation and the achievement of social peace.

In some of the Central Asian Republics there was a high degree of continuity with the old regime and, most notably in Uzbekistan and Turkmenistan, the collapse of the Soviet Union was followed by an intensification of repression, including the ruthless repression of social protest and of any oppositional political or trade union activity. The complete absorption of the trade unions into the state apparatus means that it is hardly appropriate to speak of social partnership in these two countries.

The Trade Union Federation of Turkmenistan is completely controlled by the state to the extent that in 2001 the functions of the Minister of Social Welfare and the Chairman of the Trade Union Federation were combined and in 2003 the former Minister of Defence and Deputy Prime Minister, Redzhepai Arazov, was appointed President of the Union Federation by State President Saparmurat Niyazov. All sectoral trade union structures have been eliminated, and there is no legislation providing for any trade union rights, although the trade union still claims that 1.3 million of the 2.3 million economically active population are members.

The Federation of Trade Unions of Uzbekistan (FPU) retained all of the structures and practices of the Soviet era intact and claims a membership of 6.2 million out of an economically active population of 9.7 million. The election of a new FPU President, Ms Dilbar Dzhilhangirova (the only woman trade union President in the CIS countries), in 1997, was associated with the development of a more active role for FPU, with participation in the elaboration of economic and social reforms being a priority for the

union, whose leaders meet regularly with the President and Prime Minister. FPU has also actively used its administrative authority to combat the problem of wage arrears in the country.

Elsewhere, the principle of 'social partnership', heavily promoted by the ILO and even endorsed by the World Bank, provided the former-Communist leaders of the new states with a new ideology and a new set of political practices which could help to soften any potential conflict between the state, which initially remained the principal employer, and waged employees. The new governments adopted the western terminology and from the beginning of the 1990s, first in Russia and then in the other countries, tripartite structures of social partnership were established by Presidential or government decree.

The traditional trade unions embraced the principles of social partnership with even more fervour than did their national governments, since collaboration with the state apparently provided them with some guarantee of retaining their former privileged status. The traditional trade unions were very vulnerable following the collapse of the soviet system since they had been an integral part of the Party-state apparatus at all levels, from the government of the Soviet Union right down to the enterprise. The trade unions depended not on their organisational strength and the commitment of their members, which were minimal, but on their legal privileges and their enormous assets, which included not only large and prestigious buildings that served as trade union premises but also the bulk of the tourist, sports, cultural and leisure facilities in the Soviet Union. The trade unions also had a strong interest in retaining the favour of the authorities to ensure that the protective labour and trade union legislation inherited from the Soviet Union was not amended to restrict labour and trade union rights. As a part of the discredited soviet apparatus, they could hardly hope immediately to develop a new power base through the mobilisation of their members, so they had little alternative but to seek to transfer their allegiance from the soviet state to the new republican governments.

The incentive to display their loyalty was all the greater in countries in which new 'alternative' trade unions had emerged on the back of worker unrest in the last years of the Soviet Union and, as in Eastern Europe, sought a re-registration of trade unions and redistribution of trade union property. This was most particularly the case in Russia, where the alternative unions had played a significant role in supporting Yeltsin's bid for power and expected to benefit from his victory.

Trade union commitment to participation in social partnership did not preclude the trade unions from taking more active steps to represent their members, such as organising mass protest actions, and such actions were not uncommon through the 1990s in Russia, Ukraine, Belarus, Kazakhstan and Georgia, even if they were more often ritual events than effective political actions. It is perhaps no coincidence that the first four are also the countries with significant alternative trade union federations (Georgia reportedly has two alternative unions, the Free Trade Union of Teachers of Georgia 'Solidarity', based in Kutaisi, which has campaigned with some success over the non-payment of wages, and the Independent Trade Union of Metropolitan Employees, based in Tbilisi), so that it was perhaps more important for the traditional trade unions to put on such displays of activism in these countries. However, the tendency since the turn of the century has been for governments to be less tolerant even of these symbolic acts of protest and for the traditional trade unions to confine themselves to lobbying through tripartite structures. In

Russia, for example, FNPR opposed the government's monetisation of social benefits in 2004, but did not support the spontaneous mass protests of pensioners which followed the implementation of the policy. Only in Georgia and Ukraine, where the Orange and Rose Revolutions installed anti-trade union governments, have the traditional unions begun to engage in more active opposition once more.

One barrier to the development of social partnership was the absence of employers' organisations to serve as the unions' counterpart. Employers' organisations arose in most countries in the wake of the collapse of the Soviet Union, predominantly representing large state and former state enterprises, but their main purpose was not to represent the enterprises as employers, but to provide a channel for lobbying the government for tax, customs, credit and other privileges, while the main motivation of membership was to establish personal connections with state officials. As a result, social partnership was often initially on a bipartite basis. In Kyrgyzstan, for example, General Agreements have been signed since 1991, but an employers' organisation did not emerge to serve as a counterpart until 1998. In many cases employers' organisations were established under pressure from the government, sometimes with the support of the ILO, precisely to provide a counterpart in tripartite bodies, but even then only a minority of employers' organisations participate in tripartite institutions and sign General Agreements. Moreover, their limited membership has meant that they have not been able to undertake obligations on behalf of employers as a whole. At sectoral and regional levels employer representation is very undeveloped, and many employer organisations at these levels have been established on the initiative of the trade unions and local administration. The result is that both the trade unions and the employers' organisations look to the state, rather than to their immediate counterparts, to undertake the obligations of social partnership.

### **The legislative basis of social partnership**

It is noteworthy that tripartite structures were established in most countries long before laws were passed to provide them with a juridical foundation, the exception being Tajikistan, where the Law on Social Partnership, Agreements and Collective Agreements was passed in November 1992, although in that country the possibility of implementing the principles of social partnership in practice was undermined by the five-year civil war. The experience of civil war underpinned the subsequent strong commitment of the Federation of Independent Trade Unions of Tajikistan (FNPT) to maintaining social peace. Social partnership was finally implemented with the signing of a General Agreement in 2002 (although only two of the four employers' organisations signed the Agreement) and FNPT has been actively involved in the discussion of social and economic legislation.

In Kazakhstan a Law on Social Partnership was only adopted in December 2000, on the initiative of the trade union parliamentary faction, Enbek. In Kyrgyzstan a tripartite commission was established by government decree in 1993, but it only began to function in 2000, on the basis of a government resolution of 1999, and a Law on Social Partnership was finally only adopted in 2003 on the initiative of the trade unions, while in several countries tripartism and social partnership were only given a legislative foundation with the introduction of new Labour Codes, which also included sections on 'Social Partnership'.

New Labour Codes have been adopted under strong pressure from the international financial institutions to liberalise labour legislation, but in some cases the trade unions have been able successfully to resist the most negative reform proposals. In Armenia the trade unions were able to secure the adoption of 85% of their proposed amendments in a new Labour Code, with a section on social partnership, which was adopted in November 2004. In the same year, a new Labour Code was adopted in Kyrgyzstan, in the elaboration of which 90% of the 200 amendments submitted by the trade unions were adopted, considerably increasing the protection of workers and enhancing trade union rights compared to the Code adopted immediately after independence. In Kazakhstan, the Federation of Trade Unions of the Republic of Kazakhstan (FPRK) actively campaigned for four years for the revision of a new liberal Labour Code that had been introduced in 2000, eventually succeeding in incorporating most of its proposed amendments into the new draft of the Labour Code proposed by the government in 2004, but this version is under further review. In Russia the long-standing demand of the traditional trade union federation, FNPR, for a Law on Social Partnership was only realised with the adoption of the new Labour Code in December 2001. Azerbaijan also has no law on tripartite structures, only some articles in the 1999 Labour Code. In Uzbekistan tripartism is still based only on a 1997 Regulation on the Tripartite Commission, although a law on social partnership is in preparation.

In Georgia, President Eduard Shevardnadze had signed a Decree on Social Partnership, which also regulated the activity of the Tripartite Commission, but 'the activity of this Commission was purely formal and it had ceased to function a year and a half before the Revolution. Since the Rose Revolution there have been no meetings of this Commission and nobody in the government even wants to hear about it' (Aleksandria Gocha, Vice-President of the Trade Union Federation of Georgia, interview 16 March 2006). Soon after the Rose Revolution, in June 2004, the new President of Georgia, Mikheil Saakashvili, was accused of having secretly signed amendments to the Labour Code, about which there had been no consultation, which considerably eroded workers' rights. In May 2006 a new Labour Code was passed by the Parliament, again without consultation, which Saakashvili proudly proclaimed in a speech to potential investors at a charity dinner as 'the most liberal labour code in Eastern Europe. In France they destroyed everything, a total of 30 million people took to the streets, and the labour code failed. Yesterday the Georgian parliament taught a lesson to the French political elite by passing the most liberal labour code that one can imagine. This means that you have a green light to do legal business and no-one will dare blackmail you. You cannot be approached by the labour inspectorate, which incidentally does not exist any more, and be asked why something is not registered' ('Address by President Saakashvili at the charity dinner', 27 May 2006 <http://www.president.gov.ge/?l=E&m=0&sm=3&id=1945>). In Ukraine a new liberalising Labour Code was also adopted in 2006 after many years of debate.

## ***The Practice of Social Partnership***

### **Tripartite Structures**

The passage of legislation on social partnership by no means implies that the trade unions have been recognised as equal partners of the government and employers in the CIS

countries. Although the legislation generally gives the trade unions the right to be consulted over social and labour legislation that has an impact on their members, in practice consultation often does not take place, and where it does take place the views of the trade unions are frequently ignored. The result is not only that legislation is often introduced which undermines the living and working conditions of large sections of the population, but also that ill-considered social and labour legislation is frequently adopted hastily, with unanticipated negative consequences for workers and citizens, and even on occasion for employers. It often turns out that new legislation contradicts existing laws so that it requires a large number of alterations and amendments before it can be implemented at all.

National tripartite structures exist in all the CIS countries, apart from Turkmenistan, but their role is purely advisory and their decisions have no legislative status. Their limited status is reflected in their names, as for example the National Council of Social Partnership *under (pri)* the President of Ukraine. In most countries the Tripartite Commission sits on a permanent basis, an exception being Azerbaijan, where the three parties meet at the national level only for the preparation and signing of the General Agreement. However, in many countries the operation of the Tripartite Commission has been suspended for extended periods. In Uzbekistan the Tripartite Commission established in 1998 does not operate at all. In Kyrgyzstan the Tripartite Commission should meet quarterly but in fact, as a result of frequent changes of government personnel, it only met on average once a year and has not met once since the tulip revolution. In Russia, the Tripartite Commission was suspended for six months in 2004 as a result of the liquidation of the Ministry of Labour, during which period a stream of social legislation was rushed through parliament, including the notorious law on the monetisation of social benefits, which the trade unions had strongly criticised and whose introduction led to mass protests of pensioners throughout the country. The Commission only resumed its activity after the three main trade union federations, led by FNPR, held a day of action on June 10 2004 demanding its restoration. In Belarus the National Council did not meet through 2001-2, a period during which the government was putting heavy pressure on the Federation of Trade Unions of Belarus (FPB) in order to bring it under government control. Once the government had secured complete control of FPB, the National Council meetings resumed. In Georgia all attempts of the trade unions to restore the activity of the Tripartite Commission over the past three years have met with failure and the government simply ignores the trade unions and can see no point in social dialogue. As the Georgian Minister of Economics told an ICFTU delegation in July 2005, 'first it is necessary to put the economy in order, and then we can talk about worker and trade union rights'.

Even when it functions normally, the government frequently does not refer important pieces of legislation to the Commission and because decisions of the Tripartite Commission are purely recommendatory, governments can, and frequently do, simply ignore them. In Russia, despite the government's rhetoric about the necessity of social dialogue and notwithstanding the requirements of the legislation, the government regularly takes decisions without consultation with the so-called partners and major social programmes have been introduced without any discussion at the Tripartite Commission. So, for example, the programme of reforms proposed by German Gref in 2003 was not discussed with anybody, and after its promulgation not only the trade

unions but also the employers expressed indignation at many of its negative implications. In Ukraine there was a persistent struggle by the trade unions from 1998 to bring Ukrainian trade union legislation (adopted in 1999) into conformity with ILO norms. The representatives of the 'alternative' Confederation of Free Trade Unions of Ukraine tried for years to get the issue discussed by the National Council of Social Partnership. After four years a positive decision was taken by the Council, but for some strange reason the decision was not recorded in the official minutes.

A new development indicative of the attitude of governments of the CIS countries to labour issues has been the abolition of Ministries of Labour and their absorption into Ministries of Health and Social Security, which took place in Russia in 2004. In the same process in Georgia the term 'Labour' itself has been dropped from the name of the new ministry. This led to an absurd situation in July 2005 when an ICFTU mission visited Georgia in connection with a complaint to the ILO by the Georgian trade unions regarding the repeated violation of labour rights. The delegation met with the First Deputy Minister for Health and Social Security responsible for labour issues and had to spend the one-hour meeting explaining what was the ILO, which ILO Conventions Georgia had ratified and why the Georgian government was obliged to implement them.

## **General Agreements**

The General Agreement serves as the ideological symbol of operative social partnership. General Agreements are signed in 9 of the 12 CIS countries, only Turkmenistan, Uzbekistan and Georgia not having such agreements. However, only in Kyrgyzstan and Kazakhstan does the General Agreement contain any concrete figures expressing the economic and financial obligations of the government towards the social partners. In Kyrgyzstan the current General Agreement includes the obligation of the government to increase the minimum wage to the level of the subsistence minimum in 2007. In Kazakhstan it contains concrete figures for the anticipated rate of economic growth (a minimum of 7-8% in 2007 and a GDP per head of 494 000 Tenge, about \$3800); the improvement of the method of calculating the subsistence minimum and a guaranteed minimum wage.

Belarus is a special case. The General Agreement for 2006-8 reportedly provides for an average monthly wage of \$250 in the public sector and \$300 overall (Belta News Agency <http://pravo.by/showtext.asp?1141907727557>). Although this is high compared to most other CIS countries, the report gives rise to some doubts. First, the agreement was signed ten days before the Presidential election, which gives it a strong political colouring. Second, the Belarus Congress of Democratic Trade Unions (BKDP), which has been subjected to intense pressure from the government for many years, was not permitted to participate in the agreement. Third, the traditional Federation of Trade Unions of Belarus (FPB) is now a part of the structure of the Belarusian state, as Belarusian President Aleksandr Lukashenko openly proclaimed in a speech to the FPB Congress on 19 September 2002: 'If the trade union leaders want the support and participation of the head of state in trade union affairs, in your internal problems, I am ready to do that. I can see that you too are ready for that. The President, as the head of state, needs strong, powerful trade unions. I need trade unions, like I need bread, in these conditions when there is not a strong political organisation, a strong social organisation. So as to lean on them, having

of course determined by legal means the direction they should take. And today we can do this. We can precisely build you up in the process of renewing the system of state power'. In essence, the signing of the General Agreement in Belarus can hardly be considered an agreement based on social partnership. It is rather a distribution of responsibilities between various structures of the Belarusian state, one of which is now the FPB.

Elsewhere the General Agreement rarely contains any concrete proposals or obligations binding any of the parties, being dominated by vague aspirations and statements of intent, without specifying any responsibility for their achievement. The absence of any specific proposals means that the General Agreement cannot serve as the point of reference for sectoral or enterprise agreements and, even when there are specific commitments, when its fulfilment is reviewed by the Tripartite Commission the government can deny any responsibility for its failure to fulfil points of the agreement, and the trade unions rarely take any action to pursue the issue. For example, in the review of the Kyrgyzstan General Agreement for 2000-2001, it was declared that 51 out of 59 points had been fulfilled, but the 8 which were not fulfilled were the fundamental ones. In Armenia, a National Agreement of Cooperation between the Government and the Confederation of Trade Unions of Armenia (CTUA) is signed, but many of its points are not implemented.

In general, trade union federations which oppose the government are not invited to participate in the General Agreement. Thus, in Belarus, the government-controlled FTB signs the agreement, but the oppositional BKDP is completely excluded.

### ***Social partnership or political subordination?***

The attempts of national trade union federations to secure their continued existence by ingratiating themselves with national governments proved moderately successful through the 1990s, while trade unions which have opposed the incumbent regime have frequently faced strong discrimination and even severe repression. However, since the turn of the century the demands of national governments for loyalty on the part of the trade unions have become increasingly strict and the penalties for opposition increasingly severe as governments throughout the region have sought to follow the examples of Uzbekistan and Turkmenistan of restoring the traditional soviet relationship between trade unions and the state, or alternatively have sought to marginalise or exclude trade unions from the policy process altogether. In some cases the attempt to intimidate the trade unions has been interlaced with attempts to seize trade union property. In this section we will review the cases of Belarus, Russia, Georgia, Kyrgyzstan, Moldova and Ukraine.

### **Belarus**

Serious action against trade unions which openly declare their independence and seek to represent the interests of their members in Belarus dates back to 1995, when a strike of the Minsk metro workers was severely repressed, the strikers being dismissed and the organisers sentenced to ten-days detention. The independent BKDP submitted a complaint to the ILO, to which the government responded by refusing to sign the General Agreement, but under international pressure the government relented and BKDP was included among the organisations entitled to sign the General Agreement.

In January 1999 the President of Belarus decreed the obligatory re-registration of all political parties, public associations and trade union organisations, with trade unions being required to re-register with local executive and administrative bodies by presenting various documents which, in the case of a primary trade union organisation, could only be authorised by the director of the enterprise, so active trade union primary organisations were simply denied legal registration.

Since 1999 the President and government of Belarus have taken more active steps to bring the trade union movement under their direct control, to restore the trade unions to their traditional role of 'transmission belt' as part of the state machinery, whose staff would circulate between government, Party and trade union posts according to the traditional Soviet principle. In February 2000 the head of the Presidential Administration circulated a letter instructing ministers and chairs of state committees actively to involve themselves in trade union affairs to this end. At the Congress of the Agro-Industrial Workers' Union in summer 2001 the incumbent president, Alexander Yaroshuk, who had declared himself a candidate to stand against Lukashenko in the 2001 Presidential election (though he failed to gather enough signatures to secure his nomination), was opposed by the Minister of Agriculture who, to laughter in the hall, promised the delegates that he would resolve the problems of agricultural wages if he were elected President of the Union. Yaroshuk was indeed replaced as President of the Union at the Plenum the following year by Vladimir Samosyuk, Deputy Minister of Agriculture.

The conflict between government and trade unions came to a head when the President of the traditional FPB union federation stood against Lukashenko in the 2001 presidential election. In August 2001 the bank accounts of the union were frozen on the eve of the FPB Congress. On 12 December 2001 the Council of Ministers passed Resolution 1804 'On the Defence of the Rights of Trade Union Members', which prohibited the check-off of trade union dues, which led to a sharp fall in payment of membership dues and forced all of the sectoral unions belonging to FPB to cut their staff. Meanwhile, despite the resolution, 'yellow' unions which were established on the initiative of the Presidential Administration were able to collect dues by check-off.<sup>4</sup> At the same time, the National Council for Labour and Social Questions ceased to function, despite FPB repeatedly called for the establishment of constructive social dialogue. In May-June 2002 the Presidential Administration began to implement its previously elaborated conception of eliminating the sectoral structure of FPB and subordinating the territorial trade union organisations to the local authorities. Since this initiative met with strong opposition from the trade unions, the authorities changed to an 'accelerated' model, with the replacement of the elected leader of FPB by a leader more convenient for President Lukashenko, who nominated the Deputy Head of his Presidential Administration, Leonid Kozik, to this position in an interview in July. Two weeks later, as a result of pressure on the delegates, the FPB Plenum elected Kozik President of FPB. For several months he combined this position with various government posts, remaining head of the Belarus-Iraq Chamber of Commerce and meeting Saddam Hussein as Lukashenko's representative.

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<sup>4</sup> From September 2000, under pressure from the presidential administration and the Ministry for Industry, a number of primary organisations left the sectoral union federations and later were the promoters of the presidential initiative to create a new union which tried to swallow up the independent radio-electrical and automobile and agricultural machinery unions.

Following the election of Kozik as leader of the FPB, there were radical changes in the staff of the apparatus of the Federation, with 58 out of 62 trade union officers being replaced, the new staff not having a trade union background but being appointed from various state structures. Similarly, intense political pressure was put on the sectoral and territorial trade union organisations to replace their leaders with government appointees, usually from state structures. Following the ‘cleaning out’ of the trade unions, Resolution 1804 was repealed and in 2006 there are strong rumours that the authorities are preparing a new trade union reform which will definitively replace the sectoral principle of trade union organisation by the territorial principle, bringing it into closer conformity with the structure of state administration.

From 2004 a mass transfer of employees onto individual short-term labour contracts began, implementing Presidential Decree 29 ‘On additional measures to improve labour relations, strengthen labour and executive discipline’ which had been signed in 1999. This had a major impact on independent trade union activists, whose contracts were not renewed as a result of their trade union activity. Another institution that Belarus has retained from the Soviet era is the so-called ‘First Department’ in every enterprise, staffed by representatives of the state security agency, and the majority of enterprises have introduced the post of ‘Deputy Director for Ideological Work’, in place of the former Party Secretary, responsible for monitoring the implementation of Presidential policy in all spheres. A number of dismissed independent union activists who have found jobs in other enterprises have had their appointments vetoed by the First Department, which is clear evidence of the existence of a blacklist of political and trade union opponents of the government maintained by the state security service.

Despite its rhetorical commitment to social partnership, having taken full control of FPB, the government has made concerted efforts to suppress independent trade union organisations and to exclude them from involvement in the regulation of labour relations. In their complaint to the ILO (Case 2090) BKDP provided documentary evidence of the denial of registration to 43 of its affiliated trade union organisations and of the refusal of enterprise directors, under pressure from the government, to sign collective agreements with any unions not affiliated to FPB. President Lukashenko, speaking at the Vth Congress of FPB, declared that it was unacceptable to have more than one trade union in one enterprise (although this section was excluded from the official published version of his speech). The government has sought to exclude BKDP from participation in negotiations over the General Agreement and sectoral and enterprise collective agreements and in 2006 its one representative (of eleven on the trade union side) was finally removed from the National Council.

The campaign against the free trade union movement in Belarus reached a new intensity in the run-up to the 2006 Presidential election, with concerted action against independent trade unionists involving employers, the police, courts and the local authorities, documented in a letter to the ILO Committee on Freedom of Association from the President of the Radio-Electrical Industry Trade Union, G. Fedynich.

## **Russia**

The Federation of Independent Trade Unions of Russia (FNPR) was committed to the principles of ‘social partnership’ from its foundation in 1990, although ‘social

partnership' was often understood as a continuation of the bureaucratic collaboration between the trade unions and the Party-state of the soviet period, though enhanced by the 'equality of rights' of the parties.

The alternative trade unions had expected to displace the traditional unions when Yeltsin seized power in 1991, but their hopes were soon dashed as the new administration realised not only that the traditional unions could be a significant threat if they organised concerted opposition, but also that they alone had the skills and resources to regulate occupational health and safety and administer the health and welfare apparatuses. Thus FNPR was allocated a majority of seats even on the first Russian Tripartite Commission in 1992. While the Yeltsin government met the demands of the Independent Miners' Union (NPG) in 1992, the alternative unions knew that the honeymoon was over later that year when the government forced the air traffic controllers' union into a strike and then tried to liquidate the union through the courts (Clarke et al. 1995). In a dispute over representation, FNPR was left with a monopoly of trade union representation in 1993 and the alternative unions were decisively marginalised. However, it was not easy to reconcile social partnership with radical 'shock therapy'.

FNPR was initially cautious in its opposition to the radical reforms promised by Yeltsin but, as shock therapy began to bite, FNPR moved from 'loyal opposition' to supporting the 1993 'defenders of the White House' in parliament's confrontation with Yeltsin. The presidential administration retaliated by freezing the FNPR bank accounts, cutting off their telephones, banning the check-off of union dues, taking away the unions' responsibility for social insurance and health and safety and threatening to confiscate their property, while Yeltsin's new Constitution removed the unions' right of legislative initiative. In full retreat, FNPR replaced its founding President by the leader of the Moscow trade unions, Mikhail Shmakov, and committed itself to achieving its aims through the institutions of social partnership, backed up by occasional ritualistic 'days of action'.<sup>5</sup>

Although FNPR had aspirations to constitute the core of a centre-left opposition, its political excursions were notably unsuccessful and the focus of its activity was bureaucratic collaboration with state structures and lobbying of legislatures at all levels. With the failure of Luzhkov's challenge in the 1999 Duma election and Yeltsin's resignation, FNPR threw in its lot with the 'party of power' and backed Putin in the 2000 Presidential election. However, relations with the Putin regime did not run as smoothly as FNPR might have hoped. While FNPR was able to secure amendments to the Labour Code proposed by the government in 1999 through parliamentary lobbying, amendments which considerably strengthened FNPR's position against the alternative trade unions by giving priority to majority unions and to All-Russian federations, the government was paying little attention to FNPR's representations and FNPR was the victim of almost constant scheming, reputedly orchestrated by the presidential administration, that sought to weaken its role. Through 2001 there were rumours that the presidential administration would seek to replace Shmakov at the FNPR Congress in November, though these machinations came to nothing. More threatening were the attempts, again sponsored by the presidential administration in 2001, to remove the strongest and richest unions from

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<sup>5</sup> For more details on the theory and practice of social partnership in Russia see Ashwin and Clarke 2002.

FNPR by establishing a new trade union federation to represent workers in Russia's richest corporations, an initiative which collapsed when ICFTU and ICEM both sent strong protest letters to Putin and the presidential administration withdrew its support for the initiative.

Whereas in Belarus worker representation has been undermined by the government taking the trade union federation under its complete control, in Russia an alternative approach has been taken in the attempt to marginalise trade union representation and neutralise any oppositional tendencies in civil society, through the creation of the 'Public Chamber' as a body for the resolution of social issues. This replaces the principles of tripartite representation recognised by the ILO with principles promoted by the international financial institutions according to which a whole range of nongovernmental organisations should be recognised as social partners, eroding the special status and functions of the trade unions. Instead of dialogue with representatives of employees and employers, 'social partnership' will now be conducted through dialogue with representatives of civil society. Moreover, this 'civil society' is firmly under the control of the government since its representatives are selected by the trusted appointees of the President. The first 42 members of the Public Chamber are appointed by the President of the Russian Federation and they in turn select a further 42 representatives of all-Russian social organisations and 42 representatives of regional and inter-regional social organisations. Speaking at the first meeting of the Public Chamber on 22<sup>nd</sup> January 2006, President Putin declared: 'Today we have reached an important organisational stage, with the creation of this radically new structure, called upon to promote the development of civil society'. The creation of the Public Chamber immediately followed the introduction of new procedures for the registration of NGOs, which had been promoted by President Putin and supported by the main parliamentary fractions (United Russia, the Communist Party, Fatherland and Zhirinovskiy's Liberal Democratic Party), an initiative which has been widely criticised as an attempt to bring civil society under strict government control. It is very likely that this initiative will be repeated at the regional level, with the Regional Tripartite Commissions being pushed into the background by Regional Social Chambers.

## **Georgia**

Under the Sheverdnadze regime the traditional Amalgamation of Trade Unions of Georgia (OPG) was involved in the institutions of social partnership and took an active part in law-making, including the new Labour Code and trade union legislation, but also collaborated actively with other NGOs in putting forward criticisms of government social and economic policy and initiated mass protest actions. Under the new regime, which came to power through the 'Rose Revolution' in 2004, OPG has come under increasing political pressure, initially centred on trade union property.

Ever since Georgia achieved independence, the government has taken a very special interest in trade union property. According to the former president of OPG, Iraklii Tugushi, 'under Sheverdnadze many government officials came to me offering "help" with the privatisation of trade union property'. OPG owned 55 sanatoria, resorts and leisure centres. Moreover, even during the civil war years, OPG submitted a complaint to the ILO about the seizure of its cultural centre in Tbilisi by the Ministry of Defence. Eventually, in 1997, following the report of the ILO Committee on Freedom of

Association and representations from ICFTU, the Constitutional Court ruled the seizure of the trade union building illegal and after further court actions the building was restored to the union in 2002. In 2004, on the eve of the Rose Revolution, it appeared that the question of trade union property had been settled, but not for long.

The new government which took power carried out an audit of property, which revealed that practically everything that had belonged to the state was now in private hands. Since most state property had been privatised, the assets that remained in the hands of the trade unions were very attractive. At the beginning of July 2004, a spokesman for the ruling party, Nodar Grigalashvili, published an article in a national newspaper explaining the three options facing the government regarding trade union assets: the 'voluntary' renunciation of its property rights by OPG; the re-nationalisation of the property by parliamentary legislation; or the transfer of the assets to the state by the Prosecutor's office. The President asked the Legal Affairs Committee of Parliament to examine the issue, and the Committee asked OPG for a list of its assets. It was reported that legislation was being prepared to nationalise the trade union property. The government position was that, since the property was created in the Soviet Union, there is no basis for the trade unions to own it today. 'This is the successor to the Communist trade union, and to take away its property means to say goodbye to the Soviet Union', said the Member of Parliament Giga Bokeria. However, the trade unions have repeatedly insisted that their property rights are guaranteed by the Constitution of Georgia, by the Law on Trade Unions and by their own constitution.

Since the OPG refused to co-operate, the government began to put pressure on the trade union leadership. On 3 August 2004 the then-President of OPG, Iraklii Tugushi, was detained by special forces at the entrance to the OPG building. Without presenting any charges or arrest warrant, they forced him into their car and took him first to the yard of the National Security Committee and then, having received instructions by telephone, to the General Prosecutor, where, after a long discussion, an official advised Tugushi 'to sort out the question of property with the government', after which he was set free.

By an order of the head of the Investigation Department of the Public Prosecutor's Office, authorised by the court on 9 August 2004, a full audit of the financial and economic activity of OPG was undertaken. The auditors reported in November that OPG was the legitimate owner of all the trade union property, but the head of the Investigation Department was not satisfied and demanded a further audit, which again did not find any evidence of corruption among the trade union leadership.

In parallel, the President of Georgia made sharp statements and threats against OPG in the presence of journalists and on television. On 3 September 2004, on a visit to Borzhomi, the President called the OPG 'nothing but an unfit mafia structure' and demanded that it should transfer its property to the state without delay, otherwise he would instruct the General Prosecutor to investigate the activity of the trade unions and their leadership. 'If the trade unions do not within a week hand over their property in the Borzhomi Gorge, and not only that but all their property, then their leaders will be delivered to the prosecutors in handcuffs'.

At the same time, the new government initiated a radical change of personnel in state and public sector institutions and liquidated various state structures, leading to mass

redundancies without payment of compensation or observance of the proper legal procedures. Many of those dismissed appealed to OPG, which tried to provide effective assistance and to protest the inadmissibility of the violation of workers' rights. OPG made extensive use of the TV and mass media to call on workers to defend their rights and to contact OPG for this purpose, until this campaign was forbidden by the government, and carried out protest actions throughout the country.

The conflict with the government over trade union property inflamed a debate within the union over the same issue. The 34-year-old Deputy President of OPG, President of the Municipal Workers' Union (and a former professional rugby player), Iraklii Petriashvili, supported by a faction of young trade union officers, stood for election against Tugushi at the OPG Congress in November 2004, arguing that OPG should sell off its property in order to finance its social programmes, but Tugushi prevailed and was elected for a fourth term.

In February 2005 the new Deputy President of OPG, Lasha Chichinadze, a lawyer, was arrested and accused of being responsible for the alleged illegal activity of a legal association that he headed. According to the trade union, the real reason was that Chichinadze had for many years successfully resisted through the courts all claims of outside individuals and organisations to trade union property; had conducted the negotiations with the government over property; and had been responsible for providing legal aid for dismissed workers, including establishing a telephone 'hot line'. OPG offered shares worth about half a million dollars as security for his release, but in vain. Following the arrest of Chichinadze, all the leaders of OPG and its sectoral unions were summoned in turn to the Prosecutor's office, where they were put under pressure. As a result of this pressure, the OPG Council decided in February 2005 'voluntarily' to transfer some of its property to the government. However, the pressure did not cease and in July 2005 the Council decided 'voluntarily' to transfer the rest of its property. Two weeks later, Lasha Chichinadze was released.

Meanwhile, internal opposition to Tugushi's leadership continued to mount and in June 2005 Petriashvili's supporters occupied the union headquarters building and nailed Tugushi into his office, the standoff being resolved by a decision that the two would contest an election for President of the Union at an Extraordinary Congress, which was held in September 2005, at which Tugushi resigned and Petriashvili was elected in his place, subsequently changing the name of OPG to the Confederation of Trade Unions of Georgia (KPG).

The change of name signified a substantial shift in the union's priorities, from the defence of its property rights to its more properly trade union role of defending labour rights. As noted above, the Georgian government introduced a new ultra-liberal Labour Code in May 2006, which does not even mention trade unions, only 'representatives of working people', and which prohibits strikes over pay and working conditions. The new Labour Code is apparently based on the model of Estonia (Saakashvili has appointed an Estonian as his economic adviser), where liberal labour legislation has virtually destroyed the trade unions in the private sector.

The first test of the new leadership was a labour dispute which broke out in the Tbilisi metro in February 2006 when the new general director responded to a union demand for a

pay rise and free treatment in the metro's medical facility by announcing that more than a quarter of the entire labour force would be laid off and the remainder transferred to temporary one-month contracts. The metro trade union was a derelict antiquated organisation, but some of those laid off appealed directly to KPG, whose lawyers immediately took their case to court. The KPG leadership also immediately began work to reconstitute the metro trade union organisation, conducting a mass meeting with the workers and organising a series of training seminars followed by the election of a new trade union committee, most of those elected being new young activists. Meanwhile, with the backing of KPG, the metro union backed up its demands with the threat of a strike, which was sufficient to force the general director to reach a negotiated settlement which met most of the workers' demands.

## **Kyrgyzstan**

The events of March 2005 are sometimes referred to as the 'Tulip Revolution', but in reality it was a clan revolution in which the 'southern' clan, represented by President Bakiev, replaced the 'northern' clan represented by former President Akaev. The coming to power of the new regime was not marked by any reforms, but only signified an intensification of the struggle over the redistribution of property, which resulted in the murder of three parliamentary deputies in 2005 alone.

As in Georgia, the new authorities very quickly turned their attention to trade union property. Within a month of the March events an article appeared in a Bishkek newspaper accusing the President of the Federation of Trade Unions of Kyrgyzstan (FPK), Sagyn Bozgunbaev, of corruption and squandering trade union assets. A criminal case was initiated and, in violation of the trade union law, in July 2005 he was dismissed from his post. The Public Prosecutor issued a warrant for his arrest and Bozgunbaev had to go into hiding, while simultaneously defending himself in court through his lawyer. The court revoked the arrest warrant and his dismissal from his post in September 2005. One of the initiators of the criminal case against Bozgunbaev had been the former director of the trade union sanatorium 'Goluboi Issyk-Kul', who had been dismissed from his position by the Presidium of FPK for various abuses.

During the two months of anarchy, while the President of FPK was subjected to legal proceedings, unrest grew in the trade union, leading to the promotion of alternative candidates for the post of President, including those supported by the government, reputedly sponsored by the head of the presidential administration. There was also division in the ranks of the FPK, some of whose officers campaigned openly on behalf of the 'government' candidate. As a result, on the eve of the FPK Congress there were three candidates for the post of president: the existing President Sagyn Bozgunbaev, the Deputy President of FPK, Dzhanadil Abdrakhmanov, and the head of the education union, Asylbek Toktogulov.

The political situation in Kyrgyzstan remained very tense. Bozgunbaev received constant threats on the telephone ('The next bullet will be yours') and there were fears of further provocation from the government, so the FPK Presidium decided to employ security guards for the President. In Bishkek there were various protest meetings organised by the political opposition and criminal structures and there were widespread rumours that the government planned to prevent Bozgunbaev from participating in the Congress in order

to push through its candidate. In fear of mass actions organised to intimidate the delegates to the Congress and of possible provocations, the FPK Plenum decided to transfer the Congress to Issyk-Kul'.

Subsequent events developed as in a detective novel. On September 28 the FPK President travelled to Issyk-Kul'. Because of fears for his safety, the President travelled with his security guards in their car, following his official car. He reached the sanatorium where the Congress was to be held and spent the afternoon talking with the delegates as they arrived. At about six in the evening he was detained by the police and taken to the district police headquarters in the neighbouring town, although no warrant for his arrest or any other legal document was shown. The original intention of the police was to transfer Bozgunbaev immediately to Bishkek, but two cars with his bodyguards had followed the police car to their headquarters so the police decided to stay where they were, for fear that the bodyguards would try to recapture the President during the night drive through the mountains.

Forty minutes after Bozgunbaev's arrest, Congress delegates began to arrive at the police headquarters by car. Within an hour two bus-loads of delegates had also arrived and about 170 delegates mounted a picket around the police headquarters, blocking the exit. Since memories of the March events were still fresh, a rumour spread through the police headquarters that the buses would be used to storm the building. Tension mounted as police officers came out to face the delegates in the dark and the rain to ask them to disperse. In response, the delegates demanded the release of their President. As a result of discussions, three FPK Deputy Presidents and Vadim Borisov, as the ICFTU Representative, were admitted to the police headquarters to meet with the Police Inspector and District Prosecutor. Within an hour, Bozgunbaev was released on the personal guarantees of the trade union participants in the negotiations.

The result of these events was that the delegates rallied around Bozgunbaev and the next day, at the very beginning of the Congress, the two other candidates for the post of President withdrew their nominations in his favour. However, this was by no means the end of the struggle, since Bozgunbaev is now the only representative of the 'northern clan' who has not been replaced in a leading position by a member of the new 'southern' ruling clan. Moreover, the struggle for control of trade union property has only just begun. Once the bigger portions of property have been divided up, it is likely that the issue will return to the agenda. Moreover, the criminal case against Bozgunbaev has not been closed.

## **Moldova**

The return of the Communists to power with the election of the Communist Party leader, Vladimir Voronin, as President of the Republic of Moldova in 2001 had a decisive impact on the development of the trade union movement in Moldova. Speaking at the IVth Congress of the Confederation of Trade Unions of the Republic of Moldova (CSRM) on 21 April 2001, soon after his election, Voronin said 'the most reliable way is to strengthen the influence of the Moldovan Communist Party over the trade union movement... That means we must influence it [the workers' movement] through the trade unions. To influence it, expanding the Party's presence in trade union bodies at various levels and through them also working more actively in labour collectives'. The

politicisation of the trade unions that was intensified by the new President's intervention culminated in a split of the trade union movement at the Congress. Fourteen sectoral unions left to form the new confederation Solidaritate. These were basically industrial unions which, because of their small membership, could not achieve representation on the CSRM Executive and were not able effectively to promote the interests of their members (the issue of trade union property was also a serious, though not explicitly declared, reason for the split). The CSRM retained mostly the large unions in the public sector (health and education) and the agro-industrial complex (which alone had accounted for one-third of the CSRM membership).

Government and opposition politicians began to exploit the divisions within the trade union movement from the moment of the split. A week after the CSRM Congress, the Communist Party resolved 'to strive to strengthen the influence of the Party on the trade union movement, to expand the number of Communists in elected trade union bodies at all levels'.

On 28 February 2002 the Speaker of the Moldovan Parliament proposed to the executives of both trade union federations that they should sign a declaration opposing protest actions organised by the Popular Front, the party of the parliamentary opposition. CSRM refused to sign the declaration, on the grounds that the union should not get involved in politics, but Solidaritate did sign. The Speaker of the Parliament publicly declared that any trade union which did not sign the declaration was an enemy and since then the government has excluded CSRM from participation in the institutions of social partnership. Solidaritate turned out to be a more convenient social partner for the government than CSRM because the demands of Solidaritate were directed at private employers, while CSRM mainly organised public employees whose demands were directed against the government as their employer.

From 2003 the government began to exert concerted pressure on primary trade union organisations to transfer their affiliation from CSRM to Solidaritate, with instructions and model resolutions being prepared in the office of a member of parliament and faxed to the local administration and secretaries of local Communist Party organisations throughout the country. The latter then pressed local organisations of SINDASP, the state employees' union affiliated to CSRM, to transfer their allegiance to Solidaritate, on the grounds that this was a demand that had come directly from parliament. According to the CSRM complaint to the ILO, SINDASP lost 19,071 members by this means in 2004 alone. Similar pressure was applied to the agro-industrial union, Agroinsind, which was also replaced by a Solidaritate-affiliated union in the institutions of social partnership. The Ministry of Health has waged a particularly aggressive campaign to compel trade union organisations to disaffiliate from the CSRM-affiliated union, Sanatatea, and join Solidaritate, on instruction from the Minister of Health, with heads of health-care institutions being ordered in May 2004, on pain of dismissal, to organise trade union meetings within one week to transfer their affiliation. At the beginning of June the Minister of Health attended a meeting of the national executive of Sanatatea and promised the union that their demands would be met if they left CSRM for Solidaritate. Over the next two months seven regional trade union executives met, on the initiative of the Deputy Minister of Health, to consider leaving CSRM for Solidaritate, but most stood

firm. Despite a ruling of the ILO Committee on Freedom of Association, the campaign against CSRM has continued.

## **Ukraine**

The leadership of the traditional trade union federation, FPU, had become increasingly deeply implicated in the Kuchma regime and strongly supported Yanukovich in the 2004 Presidential election, which had already opened up considerable tensions within the organisation since many sectoral and regional trade union organisations opposed an increasingly corrupt regime which had presided over the collapse of employment and living standards. (The opposite situation arose in the alternative Confederation of Free Trade Unions of Ukraine, whose leader was a strong supporter of the Orange Revolution, but some of whose key affiliates, particularly the Donetsk and Lugansk miners, supported Yanukovich and left the confederation). Following the Orange Revolution, in November 2004 the FPU President, Alexander Stoyan, was dismissed from his post by the FPU Presidium 'for actions not approved by the Presidium and for violating the Charter' and in January 2005 Aleksandr Yurkin, President of the Atomic Energy and Industry Union and former President of the Chernobyl Nuclear Power Station Union, was elected by the FPU Council to replace him.

The replacement of its compromised President was not enough to endear FPU to the new government. The issue of trade union property has been raised in Ukraine, as elsewhere, when President Yushchenko identified a building belonging to the trade union as the ideal location for a museum of the Orange Revolution, although no further mention of this was made after Yurkin met with Yushchenko. Further rhetorical attacks on the property of the FPU have come not from the government, but have been inspired by some of the alternative trade unions.

More significantly, since the Orange Revolution there has been an almost complete breakdown of social dialogue. Despite repeated appeals from the trade unions, the National Council of Social Partnership did not meet through 2005, negotiations over a new General Agreement were dragged out beyond the time prescribed by the law, repeated trade union requests for meetings with the government were rebuffed and trade union representations concerning the state budget and the violation of the 2004-5 General Agreement were routinely ignored. The trade unions organised an All-Ukraine protest action in support of their demands on October, 20, 2005 as a result of which the Speaker of the Parliament agreed to the participation of three representatives of the trade unions in the discussions of the Parliamentary Committee considering the State budget for 2006 but, despite constant reminders, the Committee did not invite representatives of the trade unions to participate.

As a result of all this the trade unions decided on November 14, 2005 to initiate a collective labour dispute with the Cabinet of Ukraine, demanding the revision of the method of calculating the subsistence minimum, an increase of the minimum wage to the level of the subsistence minimum, fair pay for public sector workers and the payment of all debts for unpaid wages. The dispute went unsuccessfully to conciliation and the government rejected recourse to binding arbitration, so on January 12 2006 the trade union side of the negotiations over the collective agreement decided to prepare for mass protests, including strike action. On February, 22, 2006 an All-Ukraine trade-union

conference was convened to consider methods of resolving the strike, which was attended by leading representatives of the employers and the government, including the Prime Minister. In the course of the conference the basis of an agreement between the three sides was worked out and signed by all three parties, but the various deadlines provided for points in the agreement passed without any steps being taken to implement the agreement. Meanwhile, the government introduced substantial increases in charges for domestic gas and electricity, without any consultation and without providing any compensation for vulnerable sections of the population, in violation of the General Agreement. On May 24 2006 the trade unions organised a large demonstration against these measures. Yurkin followed this up with action at the international level, addressing the union's complaint against the government over the violation of the General Agreement to the ILO in Geneva on June 9 2006.

### ***The role of alternative unions***

The traditional trade unions in the CIS countries were seduced and intimidated into following a strategy of 'political' unionism through the 1990s, seeking to secure their institutional interests and to defend the interests of their members through collaboration with state structures. The price they have paid for their commitment to 'social partnership' as the lynchpin of their survival strategy has been a parallel commitment to maintaining social peace. The traditional unions are expected to show through their days of action that they can channel protest into harmless symbolic demonstrations and that they can secure the negotiated resolution of industrial conflict without resort to strike action. This has led them to discourage and even suppress displays of militancy by their primary organisations and to reproduce the traditional bureaucratic forms of collaboration of the trade unions with the government and the employers.

The passivity of the traditional trade unions, particularly in the workplace, in the face of the deterioration of living and working conditions, long delays in the payment of wages, the increasing intensification of labour and insecurity of employment which persist across the region, leaves a space to be filled by the alternative trade unions. Industrial conflict in the workplace since 1989 has generally either been led by an alternative union or, more often, has led to the formation of a new union, which may declare itself independent or may affiliate to one of the existing alternative trade union federations. However, it is extremely difficult to create and sustain such a militant trade union organisation. In all countries the right to strike has been severely curtailed, since it has become almost impossible to meet the requirements to hold a lawful strike. The legal protection of trade unionists has been severely eroded, so that independent trade union activists are easily victimised and blacklisted. It is no less difficult to sustain such an organisation when the phase of militancy ends, because the members expect to receive some material benefits, such as the traditional unions provide, whereas the alternative unions have very limited resources.

The instability of alternative trade union primary organisations puts a premium on their collaboration in broader federations, while the same considerations have given the alternative union federations an incentive to stabilise their position by securing recognition, not least by being admitted to participation in the institutions of tripartism. On the other hand, there have also been strong centripetal tendencies in the alternative

trade union movement, based primarily on the competing personal ambitions of their leaders to secure access to money, status and power, often fuelled by competition for access to foreign funding. This has led to a proliferation of alternative trade unions and trade union federations. As a result, while the alternative trade unions have provided some competition for the traditional unions, they have made very little progress in challenging the monopoly of the latter.

In Russia, the two principal alternative trade union federations, the All-Russian Confederation of Labour (VKT) and the Confederation of Labour of Russia (KTR) both affiliated to ICFTU alongside the traditional FNPR in 2000 and both participate fully in the institutions of social partnership, often collaborating with FNPR, but together they do not claim more than about 7% of the membership of FNPR and in reality their membership is probably much less than this. There are various other small trade union organisations of various political complexions that provide support for individuals or groups of activists, but are not involved in the institutions of social partnership. It is very rare for the FNPR unions to support militant action by their own primary organisations and even VKT and KTR are committed to maintaining social peace. So, for example, the trade union organisation at Ford in Saint Petersburg left the traditional union when the latter did not support their campaign for higher wages in 2005-6.

In Belarus, as we have seen, BKDP was involved in the institutions of social partnership until FPB was taken under full government control, since when it has been expelled from the tripartite structures and faced severe government repression so that it has been reduced to about 9,000 members, against the four million members claimed by FPB.

In Ukraine the number of alternative trade union federations has proliferated, so that in July 2004, in addition to the traditional Federation of Trade Unions of Ukraine (FPU) there were ten other all-Ukraine trade union federations and many more alternative sectoral, regional, local and workplace trade unions registered. The largest alternative union federation is the Confederation of Free Trade Unions of Ukraine (KSPU), affiliated to ICFTU and participating in the institutions of social partnership, which claims about a quarter of a million members, against the FPU's membership of around ten million. The Federation of Solidary Trade Unions of Ukraine (FSPU, formerly Sotsprof) and the National Confederation of Labour of Ukraine (NKTU) are the next largest federations, but more significant internationally is the smaller All-Ukraine Union of Workers' Solidarity (VOST), which is affiliated to WCL. All the alternative unions together are unlikely to have as many as one million members.

Kazakhstan was the birthplace of Birlesu, the first independent trade union in the Soviet Union, in 1989 and is the only Central Asian Republic to tolerate alternative trade unions. The successor to Birlesu is the Confederation of Free Trade Unions of Kazakhstan (KSPK), which was sharply critical of the government through the 1990s, but has come to participate actively in the institutions of social partnership, signing the General Agreement alongside FPRK, while distinguishing itself from the latter. In June 2003 the founding president of FPRK, Leonid Solomin, who had been widely criticised for his authoritarianism and unaccountability, was persuaded to resign and Sergei Belkin was elected in his place. Under Belkin's leadership KSPK continued a policy of reconciliation with FPRK and the authorities that had been initiated under Solomin, although FPRK did not reciprocate. Belkin's intention was to unite the trade union movement, on the grounds that only the government benefited from such divisions. However, the main and largest

founder of KSPK, the trade union of flying personnel, and a number of regional organisations of the union did not agree with this policy and left to create the Confederation of Labour of Kazakhstan in March 2004. The result of this split has been to weaken the alternative trade unions, which have not been able to establish their republican status and have left the Tripartite Commission. KSPK today has about 80,000 members (Solomin in his day claimed 300,000 members, but these figures were never verified), compared with more than two million in FPRK.

### ***The legacy of social partnership***

Collaboration with the state through the institutions of social partnership through the 1990s enabled the traditional trade unions across the CIS to secure their institutional survival and fend off the challenge of the alternative trade unions, despite substantial falls in trade union membership, while enabling the alternative union federations to stabilise their position. Over the past five years, however, there has been a polarisation of state strategies in relation to the trade unions. In some countries, the government has sought to bring the traditional unions back under state control, even to the extent of assimilating them to the state apparatus. In other countries, the government has sought to marginalise the trade unions altogether, suspending social dialogue and introducing speeding up neo-liberal reforms. But, of course, those countries in which the unions have been brought under direct government control are also those in which the state retains the highest degree of control of the economy, so the unions play an important role in economic management. In those countries which have seen a substantial growth of the private sector, the traditional trade unions are increasingly reduced, as they have been in Central and Eastern Europe, to the representation of public employees and those in traditional state and former state enterprises. In these cases, the government is able to exploit the narrowing of the political base of the trade union movement to renounce social dialogue and dismantle tripartite structures.

If we look only at the figures for trade union membership, it would appear that assimilation to the state apparatus is the most successful strategy that a post-soviet trade union can pursue, while opposition compromises the union's survival. The highest trade union densities reported in the region are Belarus (FPB), 90%, Turkmenistan and Tajikistan both 69% and Uzbekistan, 64% of the economically active population, the lowest densities are reported by Georgia, 23%, and Kazakhstan, 24%, while CSRM in Moldova has lost 80% of its members. However, what is good for the unions is not necessarily good for their members.

While the trade unions have generally been able to hold on to much of their property and have retained a substantial membership, they have had little or no discernible impact on wages and working conditions, through either tripartite agreements, collective bargaining or labour legislation, as a result of their participation in the institutions of social partnership. In the meantime, deteriorating labour market conditions and the liberalisation of labour legislation have given the employers extensive opportunities to reduce labour costs, strengthen labour discipline and, in particular, victimise trade union activists. There has been a widespread transition to the use of short-term individual labour contracts, often anticipating changes in labour legislation which legitimate the practice; the payment of wages in cash, 'off the books', to avoid tax and social insurance payments,

which consequently deprive workers of rights to health care, sick pay and pensions; the delayed payment and non-payment of wages and social insurance contributions; deteriorating conditions of safety and health as a result of working with ageing equipment; the extensive use of unpaid overtime and weekend working; and persistent failure to increase wages to compensate for inflation and for substantially increased housing and utility charges. Throughout the region there has been a tendency proportionately to reduce the basic wage, so that bonuses, which can be varied at the discretion of management, comprise an ever-increasing share of the wage. Despite the representations of the trade unions through the institutions of social partnership, they have achieved minimal success in resisting the commercialisation and privatisation of public services, which lead to substantially increased charges for utilities and public transport, or in securing minimum wages which are at least sufficient for the subsistence of the wage-earner.

Part of the reason for the failure of the trade unions effectively to protect the wages and working conditions of their members has been their orientation to negotiating these issues with the government, rather than directly with the employers, in the hope that legislation and government regulation can achieve what the unions are unable to achieve by their own efforts. There is no doubt that in some countries the unions, with the help of their political allies, have been able effectively to resist the liberalisation of labour legislation, but without an effective workplace organisation they have no way of ensuring that the legislation is respected and implemented. Moreover, there is considerable evidence that the tide has once more turned against the trade unions in those countries in which they have sought to maintain some independence, so that the strengthening of their workplace organisations and an orientation to 'economic' trade unionism, which can directly address their members' interests, is increasingly urgent. Whether recent developments in Ukraine and Georgia point in this direction remains to be seen.

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