

NATION-BUILDING

TRADE UNIONS IN THE INDEPENDENT STATES OF CENTRAL ASIA AND THE CAUCASUS: PRESENT STATE, PROBLEMS, AND PROSPECTS

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Introduction

The trade unions that operate in the independent states of Central Asia and the Caucasus have had to adjust to the world financial and economic crisis and its repercussions, rising unemployment, increasing informal employment, illegal trade migration, etc. They must show more efficiency when dealing with social and labor conflicts, find new and more efficient forms of cooperation between employers and employees, and learn to coordinate their efforts.

The events which shook the world trade union movement in 2008-2011 (trade unions were actively involved in the revolutions in Tunisia and Egypt; mass riots; the nationwide strike and protest movements in Greece; demonstrations in Australia caused by the financial crisis; and strikes in Russia) show that trade unions must readjust their goals, formulate new tasks, and create new technologies.

The events of 2007-2010 in Central Asia and the Caucasus, caused, in particular, by the financial crisis in Kazakhstan (large-scale strikes of workers who demanded that some enterprises should be nationalized, which forced the authorities to retaliate), showed that changes were long overdue.

Today, the trade union movement in both regions is a conglomerate of monopolist trade unions which actively cooperate with the authorities, on the one hand, and small alternative and independent structures, on the other.

The monopolists¹ inherited their well-known faults from the Soviet trade unions; they

¹ The Confederation of Trade Unions of Azerbaijan; the Confederation of Trade Unions of Armenia; the United Trade Unions of Georgia; the Federation of Trade Unions of the Republic of Kazakhstan; the Federation of Trade Unions

are never invited to discuss draft laws and state budgets or to attend the hearings of the executive structures, etc.

Alternative and independent trade unions are much less developed in Kazakhstan, Georgia, and Kyrgyzstan than, for example, in Belarus.

There is any number of scholarly publications dealing with the trade union movement in the post-Soviet expanse in 2008-2011.² The *Central Asia and the Caucasus* journal publishes articles dealing with the roles of independent trade unions, the forms and methods of their activities, and their possible prospects.³

of Kyrgyzstan; the Federation of Independent Trade Unions of Tajikistan; the National Trade Union Center of Turkmenistan; and the Federation of Trade Unions of Uzbekistan.

² See: S. Clarke, T. Pringle, "Can Party-led Trade Unions Represent Their Members?" *Post-Communist Economies*, Vol. 21, No. 1, 2009, pp. 85-101; V.E. Mozhaev, "Mirovoy finansovo-ekonomicheskiiy krizis i mezhdunarodnoe profdvizhenie," *Trud i sotsialnye otnoshenia*, No. 1, 2009, pp. 63-70; K.S. Ramankulov, "Kontseptualnye osnovy novogo Zakona Kyrgyzskoy Respubliki 'O profsoiuzakh'," *Vestnik Kyrgyzsko-Rossiyskogo slavianskogo universiteta*, Vol. 10, No. 4, 2010, pp. 79-83; N.R. Zhotabaev, "Trudovaia migratsia i zashchita prav trudiashchikhsia-migrantov," *Trud i sotsialnye otnoshenia*, No. 5, 2009, pp. 27-31; S. Mukashev, "Profsoiuznyy aktiv—bazovaia nadstroyka," in: *Obshchestvo i my*, Almaty, 2010, pp. 346-349; L. Martynov, "Profsoiuzy Kazakhstana i tripartizm: realnost i perspektivy," in: *Trekhstoronnee soglashenie po sotsialnomu partnerstvu*, Almaty, 2010, pp. 23-26.

³ See, for example: G. Lortkipanidze, "Politicheskie pristrastia elity na fone demokratii perekhodnogo perioda (na primere Gruzii)," *Tsentrāl'naia Azia i Kavkaz*, No. 6, 1999; L. Smirnov, "The Marginalization of the Population as a Factor of Sociopolitical Instability in Kazakhstan," *Central Asia and the Caucasus*, No. 4, 2000; H. Amrekulov, "K kontseptsii ustoychivogo razvitiia grazhdanskogo sektora Kazakhstana," *Tsentrāl'naia Azia*, No. 2, 1997; E. Kisriev, "Daghestan Factors of Conflicts and Stability," *Central Asia and the Caucasus*, No. 4, 2000; I. Karsakov, "Osobennosti

The General Confederation of Trade Unions, GCTU,⁴ supplies enough information about the trade union movement in Central Asia and the Caucasus in its publications *Profsoiuzy* (Trade Unions) and *Vestnik profsoiuzov* (The Trade Union Herald). The GCTU keeps an eye on many topical issues at international conferences held under its aegis and in books of great practical importance published by the Scientific Center of Trade Unions. However, many aspects of the trade union movement have not yet been covered by comprehensive investigations; this is especially true of the situation created by the world financial and economic crisis and the period which followed it.

This article looks at 5 Central Asian (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) and 3 South Caucasian republics (Azerbaijan, Armenia, and Georgia), as well as the Islamic Republic of Afghanistan (IRA). I intend to identify some basic development trends of the trade union movement in certain regions with highly specific models of social and economic development created by their recently acquired independence.

In this context, the discussion of evolution of the trade union movement in Afghanistan is very appropriate because, first, the country is exposed to the strong impact of the West; second, because it is functioning as an open model of social and economic reforms; and, third, because the trade union bureaucracy there has no historic mission to fulfill.

transformatsii politicheskoy sistemy Kazakhstana v kontse 80-kh—seredine 90-kh godov," *Tsentrāl'naia Azia*, No. 14, 1998; S. Zhusupov, "Democratic Reforms in the Republic of Kazakhstan: Reality and Prospects," *Central Asia and the Caucasus*, No. 4, 2000.

⁴ Trade unions of Uzbekistan and Turkmenistan are not practically involved in the GCTU's activities.

1. Legal Field of the Dialog between the Government and Trade Unions during the Crisis

Today, the trade union movement in the regions functions, on the whole, within a *relatively extensive regulatory and legal field*; all national constitutions, including the Constitution of Afghanistan, register the right to set up public organizations (including trade unions).

In some of the countries trade union movements are regulated by law; several of them have a common “basic principle;” the laws are fairly detailed and are based on Soviet experience. The Law on Trade Unions is one of them (“professional union—professional organization or an alliance of trade union organizations”)⁵; in 1992, Uzbekistan and Tajikistan acquired such laws; Kazakhstan followed suit in 1993; Azerbaijan in 1994; Kyrgyzstan in 1998; and Armenia in 2000.

It should be said that with respect to *specifying the key definition*, the Armenian Law on Trade Unions is the most succinct.

Azerbaijan stresses the “non-political” and “independent” nature of trade unions, the membership of which consists of all age groups from students to pensioners.⁶

The law of Kazakhstan points to “fixed membership” of trade unions.⁷

This diversity reflects the degree to which the government is prepared to cooperate with trade unions as absolutely efficient organizations that should be involved in the management of labor relations.

In some of the countries, the largest trade union associations consistently *specify and readjust their programs*; this can be described as a natural continuation of the systemic substantiation of their activities (in particular, during the world financial and economic crisis).

Today, the Strategy of Trade Union Activity for 2010-2015 adopted by the 22nd Congress of the Federation of Trade Unions of the Republic of Kazakhstan⁸ can be described as the most interesting document for experts. This program demanded that the country’s leaders should ratify several ILO conventions, such as the Minimum Wage Fixing Machinery Convention (No. 26); Protection of Wages Convention (No. 95); and the Minimum Wage Fixing Convention (No. 131).

In December 2010, the new leaders of the Federation of Trade Unions of Uzbekistan began to pay particular attention to the Federation’s strategy.

In the context of the world financial crisis, trade unions in Central Asia and the Caucasus are strengthening the legal side of their activities, which allows them to address at least two important tasks.

- First, *they tried to prevent politicization of the movement*. For example, as distinct from the regulatory-legal acts adopted in the Central Asian and Caucasian countries, the Labor Law of Afghanistan states: “Unions cannot be financed or subsidized by the government or political organizations.”⁹
- Second, *the trade unions relied on the new and wider powers they were endowed by the laws to expand, to a certain extent, their membership*.

For example, in 2010, trade unions operated at 17,678 of Azerbaijan’s 89,939 enterprises (their membership comprised 19.7% of the employed population). The trade unions of Azerbaijan united 40% of the employed population (in Norway 52% of the employed belong to trade unions; in Finland 72%; in China 78%; in Iceland 80%; in Denmark 80.1%; and in Sweden 82%).¹⁰

⁵ See: *The Law of the Republic of Armenia on Trade Unions*, available at [www.parliament.am].

⁶ See: *The Law of the Azerbaijan Republic on Trade Unions*, website of the Hot Line Service of the International Workgroup for approving international human rights in Azerbaijan [www.dem.az].

⁷ *The Law of the Republic of Kazakhstan on Trade Unions*, website of the Federation of Trade Unions of the Republic of Kazakhstan [www.fprk.kz].

⁸ See: *Strategiia deiatel'nosti profsoiuzov RK na 2010-2015 gg.*, adopted 3 June, 2010, available at [www.fprk.kz].

⁹ *Labor Law of Islamic Republic of Afghanistan*, 7 February, 2007, website of the International Labor Organization (ILO) [www.ilo.org].

¹⁰ Today, it has become obvious that trade union organizations should be set up in private small and medium enterprises, 12 November, 2010, website of the Azeri State Telegraph Agency [www.azertag.com].

Actively involved in so-called *social partnership*, a system of relations between wage workers, employers, and the state designed to regulate the relations between the former two, the trade unions strengthened their legal basis. The process assumed different forms in different countries.

In Tajikistan, social partnership is realized at the nationwide level through the Law on Social Partnership, Agreements, and Collective Agreement.

In the past Armenia, which did not have laws on social partnership, was criticized; the republic, however, has moved further toward shifting social partnership from the national to the regional (grass-roots) level. In particular, it signed and implemented a Tri-Partite Agreement on Social Partnership in the Aragatsotn marz (among the mayor's office of Aparan, the Aparan territorial union of professional organizations of people employed in the agro-industrial complex, and the Aparan territorial union of employers).¹¹

In Uzbekistan, social partnership received a much wider interpretation: interaction between NGOs and state structures for the purpose of socioeconomic development, as well as protection of human rights, freedoms, and interests of all population groups.¹²

It should be said that *a legal dialog between trade unions and the government goes far beyond the narrow limits of cooperation with executive structures and unions of employers* (so-called tri-partite general agreements that are very popular in the region). Four-party agreements, likewise, are not excluded, an official ILO representative being the fourth party. In July 2010, for example, the Decent Work Country Program was signed in Afghanistan,¹³ which identified three priorities:

- (1) promoting productive employment through labor market information and skills development;
- (2) promoting and applying International Labor Standards with a focus on ratifying ILO core Conventions and strengthening labor inspection machinery;
- (3) strong, representative employers' and workers' organizations that contribute to national policy formulation and better industrial relations.

The memorandum adopted in Kazakhstan in June 2011 to supplement the general agreement between the General Prosecutor's Office and trade unions is another pertinent example. It envisages interaction and cooperation in the sphere of the protection of people's constitutional rights to freedom and job safety, inadmissibility of wage arrears, as well as the use of legal, scientific, and organizational resources for the planning and realization of joint initiatives.¹⁴

The bilateral agreements signed in May 2011 in Uzbekistan between the ombudsman and trade unions concerning labor and socioeconomic rights and interests of people is a third example of this sort.¹⁵

The bilateral agreements signed by the largest national trade union organizations of the countries discussed here with the largest international structures, such as the GCTU, the International Trade Union Confederation—ITUC, and the ILO, deserve special mention together with the bilateral regional agreements (related, in particular, to labor migration) among the Federation of Trade Unions of Ka-

¹¹ See: "V Armenii zakliucheno pervoe regionalnoe kollektivnoe soglashenie," 24 September, 2010, available at [www.vkp.ru].

¹² See: I.A. Karimov, *Kontseptsiya dalneyshego uglubleniya demokraticeskikh reform i formirovaniia grazhdansko-go obshchestva v strane*, Report at a joint sitting of the Legislative Chamber and the Senate of Oliy Mazhlis of the Republic of Uzbekistan, 12 November, 2010, available at [www.press-service.uz].

¹³ See: "Afghanistan Adopts First Ever Decent Work Country Program," 17 July, 2010, available at [www.ilo.org].

¹⁴ See: "V Astane Genprokuratura i Federatsia profsoiuzov podpisali memorandum o sotrudnichestve," 10 June, 2011, available at [www.fprk.kz].

¹⁵ See: "Khamkorlik Bitimi imzolandi," 6 May, 2011, available at [www.sfp.uz].

zakhstan, the Federation of Trade Unions of Kyrgyzstan, and the Federation of Independent Trade Unions of Tajikistan.¹⁶

Legal support and realization of *public control* are much harder to realize than social partnership. We should bear in mind that public control in the Central Asian and Caucasian states is not part of the Soviet legacy: it is suggested by international experience and was part of the ILO conventions drawn in the 1940s-1950s.

Such are, for example, the Night Work of Young Persons (Non-Industrial Occupations) Convention (No. 79, 1946) and the Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109, 1958).

During the crisis and post-crisis periods, the trade unions of the Central Asian and Caucasian countries (acting within public control limits) are supervising the fulfillment of the laws on labor and trade unions; employment level; fulfillment of collective agreements and signing of such agreements; observation of the legally established subsistence level; and the sizes of pensions, benefits, and stipends.¹⁷

The trade union alliances of the region's countries were involved in drafting, adopting, propagandizing, and implementing the governments' *anti-crisis measures and post-crisis programs* (2008-2010), which can be described as their greatest achievement.

The trade unions drew attention to the problem of pensions for workers engaged at unhealthy or dangerous enterprises; the use of cheap illegal workforce (Kazakhstan); support of the families of labor migrants (Tajikistan), etc. This stemmed possible negative socioeconomic trends.

Despite the constructive dialog between the authorities and trade unions amid the world financial-economic crisis, *it is too early to say that the trade union movement has acquired sustainable and ramified legislation*. For example, in the United States, there are over 2.5 thousand federal and state laws related to various aspects of dispute settlement through intermediaries. Up to 60% of the conflicts are settled at the pretrial level; in 85% of cases, conciliation procedures produce agreements.¹⁸

2. The Threats, Risks, and Security Challenges Trade Unions Face Today

We all know that in all the countries discussed here there is a gap between the optimistic official forecasts of *how fast unemployment will grow* and the pessimistic forecasts issued by the trade unions.

It is predicted that in 2011 the level of unemployment in Central, Southeastern Europe, and the CIS will grow from 9.6% to 9.7%¹⁹ (the world's highest); in Armenia and Tajikistan unemployment will be about 15% and 11%, respectively (the highest among the Central Asian and Caucasian countries).

We should admit that so far the region's trade unions have not arrived at efficient measures needed to carry out training, retraining, and career enhancement courses.

¹⁶ See: "Proftsentry Kazakhstana, Kyrgyzstana i Tadjikistana budut vmeste zashchishchat prava trudiashchikhsmigrantov," 6 April, 2011, available at [www.vkp.ru].

¹⁷ See: N.A. Nazarbaev, *Vystuplenie na respublikanskom Forume po voprosam sotsialnoy otvetstvennosti biznesa*, 24 January, 2008, available at [www.akorda.kz].

¹⁸ See: D.V. Lobok, "Rol profsoiuznoy nauki v sozdanii novoy modeli razvitiia obshchestva," *Trud i sotsialnye ot-nosheniia*, No. 4, 2009, p. 86.

¹⁹ See: "O sostoianii zaniatosti i migratsii naseleniia v stranakh SNG," *Vestnik profsoiuzov*, No. 5, 2011, p. 43.

There is *an increase in informal, officially unregistered, employment which brings no taxes to the state budget*: its level is fairly high in Armenia (52%)²⁰ and even higher in Georgia (75%).²¹ Practically no one employed by the informal sector belongs to trade unions; this explains why their rights are poorly protected. “Backdoor salaries” are not included in future pensions; they decrease social guarantees and create problems for trade unions. So far the trade unions of the Central Asian and Caucasian countries have not, on the whole, arrived at a firm and principled position in relation to “gray” labor compensation schemes, which, consequently, remain one of their concerns.

Precarious work, the most cynical form of employment with no guarantees, is spreading far and wide in the region mainly because the trade unions are still very weak. Labor relations are deregulated (the share of contract employment, temporary labor contracts, shorter hours, work on call, etc.), while social guarantees are gradually destroyed (lower wages, no paid leaves, and no covered sick lists, etc.). Employers make use of these labor relations to downplay the importance of trade unions and dissuade people from joining them.

I have already written that *the rapidly increasing illegal labor migration* caused transformations in the trade union movement. In Kazakhstan alone there are between 300 thousand and 1 million labor migrants who have no rights, do not pay taxes, and have no guarantees. Under the laws of Kazakhstan, only those who arrived within the quota on foreign workforce are counted as labor migrants.²²

Bilateral and multilateral agreements among trade unions of the Soviet successor-states will partly protect the rights of migrants.

In 2010-2011, the number of those who came to Kazakhstan seeking permanent resident was higher than the number of those who left the country; in other countries, particularly in Armenia, Kyrgyzstan, Tajikistan, and Uzbekistan, the number of migrants steadily decreased.²³ This explains the very different trade union contexts: in Kazakhstan they have to protect the rights of “aliens,” while in other countries they look after the rights of their fellow countrymen.

In 2008-2011, trade unions lost a large number of members (with the exception of Uzbekistan, Kazakhstan, and Azerbaijan); this was especially evident in agriculture, motor transport, electric power production, local industry, construction, the chemical industry, and seed production. Trade unions did next to nothing to attract new members; *they are practically absent from foreign enterprises and enterprises with predominant foreign capital*: foreign employers think nothing of violating the labor laws. The size of membership should not be an end in itself; by the end of World War II, about one third of the U.S. workforce belonged to trade unions; by 1983, the share of trade union members dropped to 20%; by 2007, the share decreased to 12%.²⁴ During the transition of the Central Asian countries to market relations and at the acute stage of the crisis, however, an outflow of trade union members cannot help but cause concern.

In some countries, *the authorities do not think twice about interfering in trade union affairs*. This happened in Kyrgyzstan; in Tajikistan, the government tried to apprehend property that belonged to trade unions.²⁵

In all the Central Asian and Caucasian countries, there is a conflict between the old and new (fairly efficient) trade union nomenclatura (managers of the younger generation). The old trade union leaders

²⁰ See: E. Tumasian, “Prioritet—zaniatosti, okharane truda i dostoynoy zarabotnoy plate,” *Vestnik profsoiuzov*, No. 4, 2011, p. 50.

²¹ See: “Georgia: Labor Code Tears Fundamental Rights to Shreds, web-site of International Trade Union Confederation [www.ituc-csi.org].

²² See: “Problemy regulirovaniya regionalnoy trudovoy migratsii obsuzhdeny v Astane,” 4 April, 2011, available at [www.fprk.k].

²³ See: “O sostoianii zaniatosti i migratsii naselenia v stranakh SNG,” *Vestnik profsoiuzov*, No. 5, 2011, p. 44.

²⁴ See: “The Changing Union Movement,” 15 September, 2009, web-site of U.S. Department of State [ipdigital.usembassy.gov].

²⁵ See: V. Shcherbakov, “Dostoyny trud dolzhen byt v osnove strategii razvitiya i modernizatsii,” *Vestnik profsoiuzov*, No. 4, 2011, p. 27.

and managers concentrated on collecting dues (without extending assistance when needed), while the younger generation is geared at providing trade union members with high-quality services.

On the whole, *in 2008-2011 the situation in the trade union movement in the region became even less clear than before*. According to a statement issued by the ITUC in Armenia, “most workers are unable to exercise the right to unionize and collectively bargain due to flexibilization of the Labor Code and the government’s tolerance of the very high level of informal employment relationships.”²⁶ The trade union movement in Armenia is confronted with the task of improving labor laws and more resolutely opposed forced labor (child labor in particular), slave trade, etc.

The ITUC stressed that in Georgia, “the unique labor law cuts across workers and trade union rights, discourages collective bargaining and has erased any monitoring and control of conditions of work along with the specialized institutions for that purpose” and described Georgia as a “unique case of a country where labor inspection has been abolished.”²⁷ The ITUC describes Georgia’s legislation as “anti-union labor legislation” which deprives the trade unions of the right to adequately protect the rights of wage workers.²⁸

In Kyrgyzstan, the outflow of members from the monopolist to alternative, independent trade unions was relatively high.²⁹ Was it a positive phenomenon? Yes, if we look at the diversity of trade unions, if there is no split in the trade union movement, and if there are no squabbles over trade union property and its later (illegal) privatization.³⁰ It should be said that Afghanistan coped much better than the other countries with creating absolutely independent trade unions unaccountable to the authorities. According to the Global Unions Database, there are over 10 trade unions with a membership of between 150 and 200 thousand each.³¹

Speaking at the 7th Congress of the Federation of Independent Trade Unions of Russia, Russian Prime Minister Vladimir Putin said: “However, we have seen some trade unions deteriorate into formal organizations that do not protect people’s rights but engage in self-promotion, address personal problems, and serve the interests of owners and employers behind people’s backs.”³² This fully applies to the nine countries discussed here: in the new social and economic conditions, trade unions are developing the old faults of the Soviet trade union movement: formalism, demagoguery, bureaucracy, biding for time, indifference to people’s needs, and corruption.

3. Do the Central Asian and Caucasian States Need the Mediterranean Experience of Trade Union Struggle?

Alien experience cannot be planted in local soil without readjustments. This fully applies not only to the experience gained in the post-Soviet expanse, but also to the experience of such countries as Tunisia, Egypt, Greece, Spain, Portugal, etc.

²⁶ “Serious Workers’ Rights Problems in Armenia,” 8 April, 2010, available at [www.ituc-csi.org].

²⁷ “Georgia: Life Toll to Neo-liberal ‘Success’ Policies,” 4 February, 2011, available at [www.ituc-csi.org].

²⁸ See: “Georgia’s Anti-Union Laws Prompt EU Probe Push,” 8 June, 2011, available at [www.ituc-csi.org]; “Georgia—Violation of the Fundamental Trade Union Rights of the Communication Workers’ Trade Union,” available at [www.ituc-csi.org].

²⁹ See: “Sovet Federatsii profsoiuzov Kyrgyzstana ostro postavil voprosy aktivizatsii raboty,” *Vestnik profsoiuzov*, No. 3, 2011, p. 14.

³⁰ See: G. Lortkipanidze, op. cit.

³¹ See: “Afghanistan,” available at [www.youunionize.info].

³² [http://premier.gov.ru/eng/events/news/13844/].

On 15 December, 2010, at a meeting with trade union leaders, President Medvedev specified the tasks of the trade unions of Russia as follows: "I also appeal to you to participate more actively in monitoring the creation of new jobs in various regions." The president also pointed out that training of qualified workers should be treated as a priority and that encouraging labor force from abroad should not infringe on the rights of Russian citizens. It was also said that progress had been made in ratifying a number of ILO conventions and the European Social Charter.³³

In Uzbekistan, the territorial offices of political parties are involved in the monitoring of new jobs; the Soviet system of professional training has been replaced with a modern one; the republic does not need foreign labor force, while the number of ratified labor conventions fully corresponds to the level of the republic's social and economic development. This confirms that the experience gained by trade unions of different countries cannot be borrowed without considerable adjustment.

At the same time, the "different national interests of states," by which the authorities of the local countries explain *the absence of certain external horizontal "trade union partner ties,"* cannot be fully accepted as justification.

- First, the very logic of the world trade union movement suggests that any democratic state needs a conglomerate of trade union organizations with as broad rights as possible.
- Second, there is any number of typical events caused by the same transnational companies acting within the "crescent" stretching from Kabul to Tbilisi, which set up trade unions of their own cooperating within the same company. There is, for example, a Treaty on Cooperation, Aid and Mutual Support between the trade unions of workers employed by Arselormittal in Kazakhstan and Ukraine.³⁴

Today, successful integration of trade unions of any of the Central Asian and Caucasian countries into the world trade union movement, closer cooperation with national trade union centers of other countries, and upgrading the level of consolidation of the trade union movement at home depend on *the degree to which the decisions passed by the above-mentioned entities are politicized.* The latest, and least politicized, decisions of the largest forums (the Washington, London, and Pittsburg declarations of global unions)³⁵ make it possible to concentrate on purely trade union problems and avoid their assessment as part of the political regimes or global commercial interests.

The vertical partner relations in national trade union movements are equally politicized; the same can be said of the attempts to split the movement or suppress the opponent.

Political intrigues in any of the national trade union movements testify that they lack professional managers: such movements indulge in populism despite the country's economic and budget reality.

Today a trade union leader should be able to easily find his way amid the labor laws and mechanisms of socioeconomic regulation of his country and region. The trade unions were set up to keep labor conflicts and demands of serious socioeconomic reforms within enterprises and to prevent them from spilling into the streets and developing into protest riots.

It should be said that Samuel Gompers, one of the most prominent figures of the world trade union movement who founded the American Federation of Labor (AFL) and remained its president

³³ See: "Meeting with Trade Union Leaders," 15 December, 2010, available at [<http://eng.kremlin.ru/news/1481#sel=>].

³⁴ See: "Profsoiuzy korporatsii "Arselormittal," rabotaiushchie v Kazakhstane i Ukraine, dogovorilis deystvovat soobshcha," 27 April, 2011, available at [www.vkp.ru].

³⁵ See: *The Global Unions "Washington Declaration."* Trade Union Statement to the G20 Crisis Summit in Washington, 15 November, 2008; *Global Unions "London Declaration"*—Statement to the London G20 Summit; *Global Unions "Pittsburgh Declaration."* Trade Union Statement to the Pittsburgh Summit—24-25 September, 2009, website of the Trade Union Advisory Committee (TUAC) [www.tuac.org].

from 1882 to 1924 (with the exception of 1895), warned the trade unions *to keep away from the struggle against civilized political regimes and encroachments on the prerogatives of an administration working in the legal economic field and encourage them to seek a greater share of the fruits of the country's economic development*. The American trade unions never emulated the European colleagues carried away by the struggle for radical political changes and setting up their political parties (let alone the experience of the Solidarity trade union in Poland which was much more than a professional union: it is better described as a civil society which relied on a partnership of workers and intellectuals and as a reasonable movement which rejected violence and operated in a country in which the social-democratic movement was practically non-existent). In America they were satisfied with supporting political allies.³⁶

This strategy suits the Central Asian and Caucasian countries. The following trends look most promising for the trade union movement in the Central Asian and Caucasian countries.

- First, *they should insist on their involvement in improving trade union and labor legislation*. The latest documents of the largest international trade union forums³⁷ emphasize that today, “legislative initiatives letters” (to the president, members of parliament, the government, supreme courts, prosecutor general, etc.) should demand that “all workers, whatever their form of work, can lead a decent life and are protected through collective agreements and/or legislation, ensuring equal treatment, and that they can enjoy workers’ rights.”

Such letters can also deal with “the fight against undeclared work, corruption and the black economy, and social and wage dumping, through legislation,” improve “health and safety standards, including by campaigning for work time regulations that protect health and end opt outs.”

Trade unions should exert efforts *to raise the minimum wage to bring it up to the subsistence level and ensure its timely indexing; they should control the size of pensions, stipends, and benefits, prevent all sorts of additional payments being counted as part of the minimum wage, and ensure that everyone is provided with the minimum consumption basket*.³⁸ (Meanwhile, despite the constitutional guarantees many of these issues are being treated perfunctorily, mainly, according to the authorities, because of budget problems. In Tajikistan, for example, the Law on the Subsistence Level adopted under trade union pressure remains on paper because the Law on the Consumption Basket and related regulatory and legal acts have not been adopted.³⁹)

It should be said that the Afghan laws pay little attention to trade unions and their functioning even though, as distinct from the Labor Law of the Islamic Republic of Afghanistan of 2007,⁴⁰ the Labor Code of the Democratic Republic of Afghanistan adopted in 1987 contained a chapter dealing with trade unions.⁴¹ The lawyers’ community of Afghanistan has admitted that the laws should be improved by making the right to collective bargaining and ratification of some ILO conventions, for example, No. 111 On Discrimination (Employment and Occupation), 1958, part of the national legislation. With this aim in view, the Ministry of

³⁶ See: “The Changing Union Movement,” 15 September, 2009, available at [iipdigital.usembassy.gov].

³⁷ See, for example: “The Athens Manifesto,” web-site of the European Trade Union Confederation [www.etuc.org].

³⁸ It is not easy to compare the region’s countries by the subsistence level since their approaches to the consumption basket (its content and the consumption norms for food and non-food goods and services) differ.

³⁹ See: M. Salikhov, “Soizmeriaem svoi trebovaniia s realnymi vozmozhnostiami strany,” *Vestnik profsoiuzov*, No. 4, 2011, p. 46.

⁴⁰ See: *Labor Law of Islamic Republic of Afghanistan*, 7 February, 2007.

⁴¹ See: *Ordinance No. 103 of the Presidium of the Revolutionary Council of the Democratic Republic of Afghanistan to adopt the Labor Code*, available at [www.ilo.org].

Labor, Social Affairs, Martyrs and the Disabled and the ILO launched a three-year project to improve the legislation.⁴²

- The second trend (closely associated with the first) toward further development of the trade union movement in the Central Asian and Caucasian countries envisages *more active involvement in the fight against poverty and unemployment* (which is especially acute in mono-industrial cities and depressive agricultural regions, as well as among women and young people); the trade unions should resolutely oppose the use of cheap illegal labor. To achieve this, some trade unions (the Federation of Trade Unions of the RK) suggest that they should go ahead with their constructive cooperation with women's, youth, human rights, and other NGOs.

The efforts *to improve the package of social benefits and to make it a national regulation of the contemporary organization of labor of wage workers* belong to the same trend,⁴³ *along with the ban on forced child labor in agriculture.*⁴⁴

- The third trend is leading to *stronger trade union involvement in the informal economic sector and gradual introduction of laws and regulations designed to limit informal employment and insure the workers employed in it*. Recently, grass-roots trade union cells have been set up among jewelers and builders in Armenia, people engaged in cloth-making in Kyrgyzstan, drivers in Georgia, and shop assistants in Azerbaijan. This was achieved by warnings and strikes among other things.⁴⁵ Trade unions also managed to extract wage arrears and insist on raising wages; at some enterprises, trade unions organized better work and leisure conditions for workers. They also insisted on collective agreements with the employers and organized a dialog on social issues with state structures.

Today, *the problem of trade unions at private small and medium enterprises has moved to the fore*—a much easier task than the previous one. The problem, however, is not that simple because the number of such enterprises is large (if not enormous), while the number of people engaged at them is small; this makes efficient public control over fulfillment of the trade union and labor laws very hard to organize.

Much has already been done: in October 2008, the Confederation of Trade Unions of Azerbaijan launched a pilot project for setting up trade unions at small and medium enterprises.⁴⁶

- The fourth trend includes the following: *efficient protection of the rights of migrant workers and of migrant workers themselves against violence, xenophobia, and discrimination; they should be organized into trade unions* (this can be entered as one of the clauses in trade union charters). It is suggested, in particular, that cooperation be developed among the trade unions of the region's states to extend membership to migrants on the principles of "mutual recognition" and "temporary membership"⁴⁷ with due account of their temporary employment. Mi-

⁴² See: "New Project to Improve Afghan Labor Laws and Administration, Promote Decent Work," 2 June, 2011, available at [www.ilo.org].

⁴³ See: N.A. Nazarbaev, *Vystuplenie na vneocherdnom XXI s'ezde Federatsii profsoiuzov Kazakhstana*, 31 October, 2005, available at [www.akorda.kz].

⁴⁴ See: *On Inadmissibility of the Use of Forced Labor of Children in Agriculture*, Joint Statement of the Council of the Trade Union Federation of Uzbekistan, Association of the Farmers of Uzbekistan, and the Ministry of Labor and Social Protection of the Republic of Uzbekistan, 2 June, 2011, available at [www.jahonnews.u].

⁴⁵ See: "Regionalny seminar dlia liderov proforganizatsiy neformalnogo sektora ekonomiki," 31 August, 2010, available at [www.vkp.ru]

⁴⁶ See: "Sozdanie profsoiuznykh organizatsiy v chastnykh predpriiatyakh malogo i srednego biznesa iavliatsia odnim iz aktualnykh voprosov dnia," 15 November, 2010, available at [www.vkp.ru].

⁴⁷ "Rekomendatsii kruglogo stola 'O rabote chlenskikh organizatsiy VKP po uchastiiu v formirovanii gosudarstvennoy migratsionnoy politiki i zashchite trudiashchikhsia-migrantov,'" 28 February, 2011, available at [www.vkp.ru].

grant workers should be insured against occupational accidents and illnesses and supplied with adequate housing and medical services. Collective agreements should cover migrant workers and help lower the cost of remittances.⁴⁸

Agreements between the trade unions of the host countries and the migrants' home countries can be described as very important projects. The bilateral Agreement between the Federation of Trade Unions of the Sverdlovsk Region and the Confederation of Trade Unions of Azerbaijan on Protecting the Rights of Migrant Workers-Citizens of the Azerbaijan Republic⁴⁹ is a pertinent example.

- Finally, the fifth trend envisages *a greater role of trade unions in work safety*; the absence of safety has become a global problem which forced the ILO to convene world congresses on occupational safety and health (one every three years during the last 60 years) as the highest official scientific forum in the field of labor safety. Despite the steady decrease in the number of job-related injuries in the Central Asian and Caucasian countries, the number of those killed or injured on the job in Azerbaijan has increased, while in Kyrgyzstan it shows no trend toward decreasing. In Armenia, the frequency of job-related injuries (per 10 thousand employees) remains high, while in Kazakhstan such injuries have become grave (they require much longer treatment), etc. This situation cannot but cause the trade unions' concern.⁵⁰

By Way of a Conclusion

To improve their performance, the trade unions in the Central Asian and Caucasian countries should change their philosophy and recognize that the "no conflict" approach does not work. They should accept the fact that confrontation is inevitable in social interaction and that the civil institutions can help to harmonize them.

The Central Asian and Caucasian countries are developing into important centers of the trade union movement; transnational corporations are arriving with their own ideas about labor and trade union rights, while Afghanistan, their closest neighbor, has become a testing ground for new forms of trade union activities. The economic changes in the region are creating ambiguous trends which might bring in a new paradigm of labor relations.

This means that only strong, independent, and efficient trade unions can defuse the mounting social tension.

⁴⁸ Ibidem.

⁴⁹ See: "Profsoiuzy Azerbaidzhana i Sverdlovskoy oblasti obediniaut usilii v zashchite prav trudiashchikhsia-migrantov," 17 March, 2011, available at [www.vkp.ru].

⁵⁰ There are no figures for Georgia, Uzbekistan, Turkmenistan, or Afghanistan (see: "Profsoiuzy Sodruzhestva v reshenii problemy okhrany truda," September 2010, available at [www.vkp.ru]).