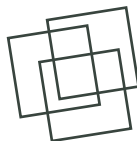




International
Labour
Office
Geneva



**Trade union pluralism
and proliferation in
French-speaking Africa**



Trade union pluralism and proliferation in French-speaking Africa

**Trade union pluralism
and proliferation in
French-speaking Africa**

International Labour Office Geneva

Copyright © International Labour Organization 2010
First edition 2010

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifrro.org to find the reproduction rights organization in your country.

Trade union pluralism and proliferation in French-speaking Africa / International Labour Office, Bureau for Workers' Activities of the ILO (ACTRAV-ILO) – Geneva: ILO, 2010

ISBN: 978-92-2-123616-0 (print)
ISBN: 978-92-2-123617-7 (Web pdf)

trade unionism / trade union / trade union structure / French-speaking Africa

Also available in French: *Pluralisme syndical et prolifération des syndicats en Afrique francophone* (ISBN 978-92-2-223616-9), Genève, 2010

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org.

Visit our web site: www.ilo.org/publns.

Designed and photocomposed in Switzerland
Printed in Switzerland

BIP
ATA

Preface

ILO Conventions Nos 87 and 98 on freedom of association and the effective recognition of the right to collective bargaining, adopted in 1948 and 1949 respectively, are complementary and inseparable.

The right to establish trade union organizations is based on three principles:

- no distinction whatsoever with respect to those who have the right to organize;
- no prior authorization required in order to establish an organization; and
- freedom of choice with regard to joining the organization concerned.

Collective bargaining is the key weapon in trade union action and, in order to negotiate, workers need organizations which are free, strong, democratic and independent.

However, as the ILO's celebrations of the 60th anniversary of these two Conventions come to an end, it is regrettable to observe a proliferation of trade union organizations in a number of African countries, particularly French-speaking ones.

This proliferation is spreading in all directions and the signs are that even the English-speaking African countries, which have been relatively unaffected so far, are starting to go down the same road.

Trade union pluralism, which in most cases followed the process of democratization in French-speaking Africa, is given legitimacy by Convention No. 87, which does not make it obligatory but requires it at least to remain possible in order to ensure trade union democracy. Indeed, it has enabled workers in many countries to be freed from subjugation to the single national confederation affiliated to the sole party in power.

It does not mean, however, that the principle of pluralism should be used to justify this proliferation; the impact of which is extremely harmful to the trade unions since it weakens them and deprives them of their representative status: thereby leaving them with insufficient clout to shape negotiations and influence social and economic policies in a way that ensures that the workers' concerns are heard and action is taken to address them.

This is not to challenge the legitimate principle of state support for trade unions, but governments should not use the latter as a means of undermining the trade union movement, and political parties should also avoid encouraging the establishment of trade unions whose allegiance is specifically to them.

Ever mindful of its mission to maintain close relations with the trade union movement and give it the support of the International Labour Office in the work done to strengthen and expand its influence, and to uphold and promote the interests and rights of workers, both men and women, ACTRAV has commissioned this study on trade union pluralism and the proliferation of trade unions in French-speaking Africa.

At the same time as helping to identify the major causes of the proliferation of trade unions in a number of countries which are sufficiently representative of the global situation, the study suggests some points for consideration in order to emerge from this predicament, and strengthen the trade unions so that they are better able to fulfil the mandate entrusted to them by the workers; namely the negotiation of agreements for improving their living and working conditions.

Hence the study is a tool which should provide the trade unions with useful insights regarding the spirit and character of Conventions Nos 87 and 98, and help them in their task of establishing and consolidating trade union unity.

This is the purpose of publishing the study, and publication also gives us the opportunity to thank its author, our comrade Eddy Laurijssen, a seasoned trade unionist who worked for a considerable period with the African trade unions when he was still Assistant General Secretary of the former International Confederation of Free Trade Unions (ICFTU).

Dan Cuniah
Director ACTRAV

Contents

Preface	V
I. Introduction	1
II. African trade union history: A painful heritage	5
III. Proliferation: Trends and choices	11
Standards and pluralism	11
Pluralism and fragmentation	13
Proliferation: Many causes and consequences	14
Conditions for change	17
IV. Some examples: No “one size fits all” remedy	21
The Democratic Republic of the Congo (DRC)	21
Concluding points	26
Senegal	28
Concluding points	32
Cameroon	34
Concluding points	39
Burkina Faso	41
Concluding points	45
V. Reversing the trend: Accepting responsibilities (Conclusions and recommendations)	47
<i>Intersyndicale</i> structures	49
Unification at all levels	50
External factors	51
Trade union elections and representativeness	52
Trade unions and politics	53
Internal democracy and transparency	53
Coping with new and growing challenges	54
Unification and international cooperation	56
References	59

I. Introduction

Unity and solidarity make strength. While this universal truth is not relevant to the trade union movement alone, no other institution depends on it more than trade unions and nobody can gain more from it than working people. The capacity of workers to negotiate, promote and defend their rights and conditions depends to a large extent on their opportunity and ability to act collectively. The division and scattering of this collective strength will weaken their position towards their employers and reduce the possibility that trade unions will represent workers' interests in an optimal way, be it at the level of the enterprise or professional sector or within the framework of the socio-economic institutions of the country.

This reality is more relevant today than ever before. The process of globalization of the world economy and the rapid dismantling of trade barriers have created opportunities for some, but have placed almost unbearable pressure on those who are ill-equipped to compete with the strongest in this new harsh economic environment. Countries and companies alike are interlocked in a downward spiral where they have to outbid or undercut their competitors in order to secure or enlarge their share of the export markets. Cutting costs is the order of the day and labour costs are the prime target. Although trade unions are considered a hindrance to such policies, their role should actually be supported as a tool for a more equitable and sustainable distribution of incomes and resources.

African countries are among those that have benefitted least from the wealth and advantages created by globalization. Their demands for rules and policies that will permit a fair distribution of opportunities and resources are more than justified and fully supported by the international trade union movement. However, the necessary change will not take place without a democratic reform of the forces and institutions that are today at the helm of the world's economic supertanker. The scandalous, human-induced causes of the current worldwide financial and economic crisis – which have been denounced by the international trade union movement and others for more than a decade – have brought this need for change home with a vengeance. At the same time, there has been a growing awareness of the need to replace conflict by dialogue and consensus building at all levels.

The current situation has created new challenges and potential opportunities in all parts of the world, including for trade unions. African countries – and their trade unions – will have to make sure that they are ready to seize the opportunities when they arise.

There is no doubt that trade unions in Africa continue to play an indispensable role as the guardians of workers' rights and conditions. In almost every country, they have continued to score important successes in this respect. At the same time, they remain the main organized force within civil society, addressing a wider range of issues related to the principles of good governance, democracy, human rights and social rights in general. They have, however, also been confronted with a number of formidable challenges and setbacks, such as the enormous expansion of the informal economy at the expense of jobs in the formal economy, the growth of precarious employment, the steep increase in the numbers of working poor and the drastic reduction of employment in the public service, to name but a few. They are facing the difficult task of adapting their role, their strategies and their structures to these massive changes. Unity and coherence in trade union policies and solidarity and mutual support will be more essential than ever when dealing with these problems.

One of the major weaknesses in a large part of the African trade union movement, however, is the lack of trade union unity. Proliferation and fragmentation of trade unions has been widespread in practically all the countries of French-speaking Africa and has, in many cases, badly undermined their efficiency, representativeness and credibility. In several countries, half a dozen or more trade union confederations are competing with each other, to the sole benefit of the opponents of workers' welfare. In many other cases, the random creation of unrepresentative and ineffective organizations has become the cause of division, confusion and abuse on the trade union scene. These excessive forms of proliferation are rarely inspired by the true principles of freedom of association and trade union pluralism. They rather find their origins in a multiplicity of factors of a distorted political, historic, cultural, legal or economic nature, or may be a consequence of the selfish ambitions of certain trade union leaders. The important right to trade union pluralism is inherent in the principles of freedom of association and in the terms of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It should be protected and should not be left open to abusive interpretation and application, as has happened in a number of countries. Trade union unity – both in action and in structures – should be the most urgent priority for the union movement in the countries concerned if it wants to preserve or restore its credibility for the future. The unification of the trade union movement at the international and regional levels, through the creation of the International Trade Union Confederation (ITUC) and the African Regional Organisation of ITUC (ITUC–Africa), was a crucial and timely step in the right direction. This process must now be carried forward at the national level.

The present study examines the causes and origins of the phenomenon of trade union proliferation in French-speaking Africa. It offers a brief overview of the relevant historic background and major developments in the subcontinent and illustrates the problem by presenting some selected country cases by

way of example. Subsequently, it attempts to identify common elements and draw general conclusions from its findings. Finally, it puts forward a number of elements and suggestions for trade union actions and strategies at different levels with a view to finding a pragmatic approach to the problem.

The principal objective of this study is to help stimulate a proactive debate within the trade union movement on the causes and remedies of the growing problem of trade union proliferation in French-speaking Africa. This debate should contribute towards the adoption of new strategies and action plans aimed at strengthening trade union unity, bearing in mind the significant differences that exist between the countries concerned in terms of their national situations and specificities.

Particular respect and appreciation go to the late Ibrahim Mayaki and Francisco Monteiro, colleagues from the ILO Bureau for Workers' Activities (ILO–ACTRAV) who started the work on this study before their premature demise took them away from their families and from the trade union movement.

II. African trade union history : A painful heritage

The patterns of today's trade union structures and culture in the countries of French-speaking Africa have been largely determined by their colonial past. Both of the colonial powers of the region – France and Belgium – practised (and still do) a system based on political and ideological adherence. This model was exported to the colonies, first with trade unions for whites only and later, when freedom of association was generalized, with organizations with mixed membership or organizations of black African workers only.

The first unions in the region were established in the French colonies as branch organizations of the existing trade unions in France, set up exclusively to defend the interests of the French workers employed in the colonies. Legislation to regulate this situation was promulgated as far back as in 1884 and 1904. In 1937, a new French government decree set out broader rights and rules concerning the creation of trade unions in the colonies. Under this new legislation, such unions were also accessible to African workers. However, severe restrictions were imposed with regard to the membership criteria and the involvement of such workers, which meant that, in fact, trade union affiliation was limited to a privileged category of African workers. A separate decree, also adopted in 1937, for the first time formally recognized the registration of collective agreements and the election of workers' representatives in enterprises employing more than ten workers, as well as the right to strike.

In the period up to 1949, trade unions were created in all the French overseas territories. All of them were affiliated to the various metropolitan confederations that sent their representatives to the colonies in order to help with the setting up and training of their African branch organizations, in accordance with their own model of trade union pluralism. By 1945, some 175 unions existed in the French colonies and the large majority of them were affiliated to the communist General Confederation of Labour (CGT). In turn, between 1946 and 1948, the French Confederation of Christian Workers (CFTC) intensified its recruitment campaign, supported by the structures of the Catholic missionaries in the colonies and by the Catholic Church. This example was followed as from 1949 by the General Confederation of Labour – *Force Ouvrière* (CGT-FO), itself created in 1948, which launched its own campaign for the creation of overseas branch unions.

In the Belgian colonies, particularly in the then Belgian Congo, trade unions were also divided along political and ideological lines during that period (and still are) but they were not directly affiliated to the Belgian unions. Nevertheless, Belgium's Christian Trade Union Confederation (CSC) and the

socialist General Federation of Labour of Belgium (FGTB) at an early stage sponsored the creation and development of their respective Congolese associated confederations.

One of the milestones in the history of the trade union movement and of labour relations in the French colonies was the Brazzaville Conference of January 1944, which brought together the major political actors, both from France and from the African territories. The decisions taken at this event in a wide range of areas would, eventually, have significant and positive consequences for the emancipation of the peoples in the colonies. Among many other things, it was agreed that Africans would for the first time be allowed to play a more effective role in the political administration of their territories. Other decisions concerned the permission to create local associations; the introduction of the eight-hour working day and of a weekly rest day; the creation of a labour inspection system; the setting up of a pension fund and health insurance scheme; and measures to increase the general standard of living. Professional associations were confirmed in their role as major instruments for the improvement of the conditions of local workers. In spite of this breakthrough at the political level, the laws subsequently adopted to ensure implementation had considerable flaws, including in the area of trade union rights for black African workers. Moreover, the colonial system and the administration in the territories effectively continued to control the trade union movement and maintained a number of conditions and restrictions which, in reality, severely limited trade union freedom for Africans.

But the time for real change had come. African workers had started to revolt and openly stand up for their rights and for decent conditions. Massive strikes took place throughout the territories. Behind this movement was also the claim for trade union autonomy, as workers demanded full trade union rights without judicial or administrative restrictions and controls. These actions were therefore not only directed against the colonial authorities but also against the metropolitan trade union organizations.

This struggle resulted in the adoption in 1952 of a revised French labour law, the so-called Code Moutet, which permitted the existence of autonomous African trade unions, independent of their French parent organizations. However, by then, the existing model of trade union organizations based on ideological and political adherence was deeply engrained in the system and would largely remain in place in all the French-speaking African countries.

From the 1950s, several attempts were made to create trade union unity at the regional level between the black African confederations of the French-speaking countries. The organizations set up in this context were aimed at creating subregional structures for African unions, separate from their French parent bodies. They included: the General Confederation of African

Workers (CGTA) in 1955 (separate from the CGT); the African Confederation of Christian Workers (CATC) in 1956 (separate from the CFTC); and the African Confederation of Free Trade Unions (CASL) in 1959 (separate from the CGT-FO). However, although they created cross-border structures for trade union unity, these organizations stayed within the orbit of their respective ideological families and did not alter the French model of having multiple trade union centres within a country. Ultimately, these attempts to create trade union unity failed as a result of continued political positioning and the alliances of members in the run-up to the struggles for national independence.

At the pan-African level as well, several initiatives were launched to foster trade union unity on the continent with the foundation of the General Union of Black African Workers in 1957, the Pan-African Union of Christian Workers in 1959, the Pan-African Trade Union Federation in 1960 and the African Trade Union Confederation in 1962. Today, the only pan-African trade union structures effectively in existence are ITUC–Africa and the Organization of African Trade Union Unity, which have an almost totally overlapping membership.

In the 1960s, most of the African colonies became independent nations as a result of successful struggles in which the trade union movement played a cardinal role. From that time, strong pressures were exerted and incentives were deployed by the Organization of African Unity (OAU) and the African governments with a view to imposing trade union unity at the national and continental levels. Against the background of the mobilization by governments of all available forces in programmes for national development and nation building, trade unions were faced with the hard task of drawing the line between the supreme national interest on the one hand and defending the rights and conditions of workers and their families on the other. In the 1970s, trade unions in the large majority of African countries had been integrated into an alliance with the ruling parties and patriotic movements in the context of the national development and emancipation processes. At the same time, the “one party – one union” system was installed and enforced in most of the countries. This situation lasted until the 1990s when, after a period of vigorous popular and trade union revolt, a wave of democratization swept through the continent. As a result, political and trade union pluralism was restored, creating new prospects for individual freedoms and institutional reforms. Although African trade unions regained their independence, most of them had to continue a hard struggle to gain or defend their full rights and freedoms. Many governments, having lost the grip they had had on the trade union movement under totalitarian rule, were determined to use other means and tactics to retain their control over or to undermine the effectiveness of the unions. More details and examples of this situation are given in other parts of this study.

As far as trade union structures are concerned, the effect of the return to political democracy and trade union independence in the African nations was different in French-speaking Africa to that in the English-speaking part of the continent. In the English-speaking countries, while the formerly compulsory links with the ruling party were cut and trade union pluralism had in most cases become a possible option at least in legal terms, trade unions nevertheless continued to operate under their traditional unitarian system. In the French-speaking countries, however, trade union pluralism was reinstated with renewed vigour. The various organizations that had existed before the single party rule re-emerged and a number of new organizations were created. Some of these were founded for very legitimate reasons (for example, to challenge totally discredited existing organizations) but most of them were set up for totally subjective motives which are described in greater detail in the following parts of this document. Consequently, the laudable principle of trade union pluralism has been abused and has become a tool of division and fragmentation, to the detriment of the effectiveness and credibility of the entire movement.

Consequently, the situation of trade union pluralism that prevails in the French-speaking part of the continent remains in sharp contrast with the unitarian trade union structures that are the dominating model in the English-speaking part. The actual origins of this fundamental conceptual difference go back a long way in history and are mainly associated to the then existing laws and practices in the colonial countries themselves. British colonial policy was based on a distinct separation of the rights and status of African and British citizens, granting the African population certain specific – albeit very limited – individual rights and freedoms. Similar separate rights for Africans were practically non-existent in the French and Belgian colonies where preference was given to a so-called policy of assimilation, involving the integration of the local population into colonial society.

From a trade union perspective, this meant that in the old British territories like Gambia, Ghana, Kenya, Nigeria, Sierra Leone and the United Republic of Tanzania, the colonial legislation allowed the existence of African trade unions which were not affiliated to or incorporated into the British Trades Union Congress (TUC). This policy was actively endorsed by the TUC which, from the outset, encouraged and promoted the creation of autonomous trade unions in the overseas territories. This situation was consolidated by the adoption, in 1940, of the Colonial Development and Welfare Act, which urged the territories to support the creation and functioning of trade union organizations. Differences between the types of legislation that were in place within the French and English colonial systems were also at the origin of the diverging concepts of industrial relations overall, which continue to exist today in the two subcontinents.

No historic overview, however brief, of developments in the African trade union movement would be respectable if it did not highlight the unequalled role played by the movement in the struggle of African nations for independence and for democracy and social justice in the continent. Even in the colonial era, trade unions were in the vanguard of the promotion of a culture of national solidarity, the fight against economic and social exploitation and the defence of human rights. In the large majority of countries, trade unions, together with the political forces, spearheaded the fight against colonial rule. Subsequently, they also contributed more than any other force in society towards the democratization process, well aware that trade unionism can only thrive in conditions of freedom, democracy and the rule of law. They have battled and brought down numerous dictatorial, totalitarian and corrupt regimes and have forced democratic elections in countries such as Mali, Niger, Zambia, South Africa, Ghana, Nigeria, Gabon, Benin, Burkina Faso, the Congo, Togo, the Central African Republic, Madagascar, Côte d'Ivoire, Malawi and, most recently, Guinea. Compared to these historic and heroic achievements – which have cost so many trade union organizations, leaders and activists dearly – the problem of the fragmentation of the trade union movement in French-speaking Africa (and particularly its internal causes) may seem a petty issue. It is, however, one of the most serious challenges to be met today, if we are to restore and enhance the strength, effectiveness and credibility of trade unions in the countries concerned and further develop the capacity and representativeness of the international trade union movement as a whole.

III. Proliferation : Trends and choices

Standards and pluralism

The right to trade union pluralism is inherent in the terms and provisions of Convention No. 87 “Freedom of association and protection of the right to organise” and as such is codified in constitutions and in the labour legislation of many African countries. While there is no separate section in the Convention that deals with the specific issue of trade union pluralism, several of its articles have formed the basis of a set of decisions taken by the ILO Committee of Experts on the Application of Conventions and Recommendations, which are regarded as international case law on the subject. These are:

- Article 2: “Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.”
- Article 3: “1. Workers’ and employers’ organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. 2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.”
- Article 5: “Workers’ and employers’ organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.”
- Article 10: “In this Convention, the term “organisation” means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.”

Trade union pluralism is therefore part of the principle of freedom of association, which is a universal basic right. The aim of the International Labour Conference, when drawing up Convention No. 87, was to protect the independence of trade unions and safeguard the right of workers to create and belong to trade unions of their own choice. However, the purpose was never to promote trade union proliferation and fragmentation. Therefore, this right has to be used with extreme caution as well as with an unwavering sense of loyalty and devotion to the cause of defending the rights and the interests of workers and trade union members, in the best possible manner. Trade unions

are exposed to many risks and traps in this regard on the part of politicians, governments, employers and unscrupulous persons within their own ranks. Unfortunately, in the large majority of French-speaking African countries where trade union pluralism was introduced, trade union leaders have often not been able to avoid or withstand these dangers.

As explained in the previous part of this document, the fundamental differences between trade union structures in English- and French-speaking African countries are intrinsically linked to their respective colonial pasts. While the model of structural trade union pluralism has been adopted and maintained in almost every single country in the French-speaking part of the continent, it is rarely applied in the same format in the English-speaking countries. Among the few exceptions are South Africa (which is, however, a very special case for political reasons), Nigeria, Ghana and Uganda (where blatant government interference has resulted in a divided trade union movement). In Kenya, the ratification of Convention No. 87 has been resisted by the single national trade union confederation because of a fear of proliferation. In both parts of the continent, the trade union system in place was introduced under colonial rule but, in the majority of cases, has evolved and continued to exist based on the free choice of the workers.

Trade union pluralism, therefore, is a right but not an obligation or the only option from the perspective of trade union democracy. Pluralism – in the strict sense of the word – can exist either in the form of multiple parallel union structures (for example, several confederations) or in a unitarian structure where trade unions with different tendencies operate, cooperate and sort out their differences “under the same roof” of a single national centre. Likewise, trade union unity can be achieved or pursued in two ways: through structural unity or, where this is not possible or desired, through unity in action under a pluralist system. The options should be considered in the light of the national context and realities and choices should be made exclusively by a democratic decision of the workers and union members. However, there is no doubt that the existence of a multiplicity of trade union organizations and of sources of leadership makes effective and focused trade union action much more complex and fragile. In the vast majority of cases in the French-speaking African countries, this has considerably weakened the efficiency and credibility of the trade union movement, and this, sadly, has particularly been the case in the last two decades.

Pluralism and fragmentation

Trade union pluralism in Africa, in the countries where it is practised, finds its origins in two developments: the transmission of the colonial model; and, at a later stage, its deployment as a crucial instrument to counteract state control or undemocratically imposed trade union monopolies. In the latter era, trade union pluralism emerged in the majority of cases in conjunction with political pluralism as part of the democratization process. However, in those days, many organizations were also created because workers and trade union activists were enthusiastic about – and tempted by – their newly acquired freedoms while, in fact, there was no fundamental need or justification for the setting up of some of these organizations, parallel to the existing ones. This, and several other factors, transformed the application of the right to trade union pluralism into a legacy of division and fragmentation in the sub region.

While, unfortunately, trade union fragmentation is widespread in French-speaking Africa, the magnitude and characteristics of the problem vary widely from country to country. Whereas in countries such as Burkina Faso and Benin, six or seven separate national centres have established a reasonable level of cooperation and unity in action, in Mali, for instance, the only two existing confederations – both of them ITUC affiliates – refuse to cooperate with each other. In some cases, pluralism is limited to a manageable number of national centres (two or three), whereas in others the level of fragmentation is totally absurd (for instance, the Democratic Republic of the Congo has 420 registered organizations at different vertical levels with practically no structural links between them). In Mauritania, proliferation was caused by the extreme politicization of the trade union organizations and their leadership structures while in Chad it is a result of blatant and direct government intervention in trade union affairs and in Niger it finds its origins in successive splits caused by internal leadership quarrels.

Although trade union pluralism, in many cases, has opened the door to proliferation, the distinction between the two concepts must be clearly preserved and appreciated. The right to pluralism offers a safeguard or at least an instrument for the defence of the independence of trade union organizations and visions. The need for such an instrument still exists today and will continue to exist in the future. It is, therefore, not the principle but rather the incorrect interpretation and abusive practice of trade union pluralism that are at the roots of the phenomenon of proliferation. These are the problems that must be tackled and eliminated. Unfortunately, they have many different faces and origins. More detailed examples of these deficiencies, as they occur in some countries, are given in Part IV of this document by way of illustration. Their impact and possible remedies are discussed in more detail in Part V.

Proliferation : Many causes and consequences

Causes of bad policies and abusive practices leading to the proliferation of trade unions are of both an internal and an external nature. They are, to some extent, also related to the very difficult conditions under which African trade unions have to operate in general, involving: material and financial insufficiency; inadequate human resources, expertise and training; structural weaknesses; a limited recruitment base in the (small) formal economy; political, legislative and administrative hurdles; conditions of extreme poverty; and, in some cases, a situation of undemocratic rule that is paralysing the country. All these problems have a severe impact on the strength and efficiency of trade unions; they also make unions more vulnerable and increase their exposure to external influence.

However, one of the major causes of trade union division and fragmentation lies with irresponsible leadership and unscrupulous persons within the movement itself. Many unions have been artificially created and splits have been provoked by individuals seeking personal benefit of a political, social or financial nature by setting up their own organization, abusing the principle of pluralism and misleading the workers in the process. They thus acquire leadership status in an organization that is often no more than an empty shell and which governments and employers are often pleased to embrace for their own purposes, but which inject elements of conflict and ambiguity into the trade union movement overall. The irresponsible acts of these individuals undermine the cohesion and credibility of the entire movement and have largely contributed towards a loss of interest and confidence in trade unions on the part of the workers.

One of the most harmful consequences of trade union fragmentation is its role in the collapse of the collective bargaining process in many enterprises and economic sectors. Competing unions find themselves in a weak position and often oppose each other in negotiations. Employers exploit these divisions and rivalries to their advantage. Some of them do not hesitate to use bribery or the services of “yellow” or company unions.

In too many cases, trade union leaders have given priority to their personal prestige, status and interests rather than to their trade union responsibilities by refusing to give up their leadership position even when obliged to do so. Many of them challenge their defeat at their trade union’s congress and manage to create a double leadership situation; others decide to leave the organization and set up a rival union, splitting off part of the structure. Some leaders stay in their position by sidestepping their constitutional obligations, for instance by failing to convene their governing bodies and organize elections as required.

However, many unions simply lack adequate rules for internal democracy and transparency. This may also allow members of the leadership to seize or hang on to positions, manipulate their organization and its finances and avoid accountability and the constitutional renewal of mandates. Furthermore, the unreasonable and uncompromising domination of one group or tendency within an organization has been the cause of many splits and conflicts as well. These problems have led to or reflected a weakened ethical trade union culture in many instances.

Trade union leaders and activists may feel frustrated when their views, positions and concerns do not prevail in the policies and actions decided by the majority in the organization. However, when decisions are taken in a democratic and constitutional manner, their outcome has to be accepted and respected by everyone. Such a situation, even when it occurs repeatedly, can never be a justification to split the organization and set up a new one where the same situation is likely to arise anyway. If, on the other hand, a union's leadership systematically denies or violates democratic procedures and nevertheless manages to stay in power without prospects for change, division may become inevitable in the long run. Even this, however, cannot be a plausible reason for the creation of a multitude of splinter organizations under the banner of pluralism.

Interference by governments and employers in trade union affairs plays a major role in the fragmentation of trade unions. Under the cover of pluralism, they have supported or condoned the creation of yellow unions and puppet unions, stoked rivalries and division between unions and used intimidation and bribery. In many countries, the check-off system for the collection of union dues has been entirely or partly abolished over the years. This has had the dual effect of obstructing union membership and of increasing the likelihood of financial dependency among trade unions. Government manipulation in particular has many faces and is often the root of the problem, as can be seen from the country situations described in Part IV below. Recognition and registration decisions are still often based on inadequate criteria and legislation and are implemented in an irrational or partisan way. The representativeness or non-representativeness of trade unions is ignored or difficult to establish, often because there are no agreed regulations or trade union laws to govern the question. Social elections for the nomination of workers' representatives in private enterprises and the public service – provided for by law in most countries – are not or are only partially organized. Trade union elections at the enterprise level, designed to determine the relative strength of the various unions for the purpose of collective bargaining and for other reasons, (which should also help to distinguish genuine trade unions from those that exist only on paper) are held even less frequently and are often not legally recognized. It must be said that, in some cases, trade unions themselves are reluctant to take this reality check for fear of losing their position. In all these cases, the abusive

interpretation of the principle of trade union pluralism has been a complicating factor and a pretext for intervention in trade union affairs by third parties.

Partisan politics have been – and continue to be – a threat to trade union unity and integrity. Political action by trade unions and possible alliances (structured or not) between trade unions and political parties are not in contradiction with the principles of freedom of association *per se*. Political forces often support trade union policies and action to promote the rights and interests of working people. Trade union successes in these domains often require follow up and consolidation at the governmental or legislative levels, for which political support is essential. Logically, therefore, trade union alliances with political parties may become stronger as the pro-labour record of the latter becomes more outspoken. Nevertheless, the boundaries between party politics and trade unionism have to be clear. The issue of the independence and autonomy of trade unions is critical at all times but requires particular vigilance and democratic scrutiny in such situations. The politicization of trade unions has played a major role in shaping trade union history in the French-speaking African countries, in particular with regard to the process of union fragmentation. In recent times, trade union politicization in the subcontinent has been a two way phenomenon, with political parties roping in unions or their leaders to strengthen their popular base and alliances and with trade union leaders compromising their organization's autonomy for ideological reasons, to serve their own political ambitions or to secure other personal advantages. Many trade unions have been created or have diverted from their real vocation for these reasons, to the detriment of the unity and credibility of the trade union movement.

The existence of several national trade union confederations can, in some countries, be explained by the genuine and considered preference of the workers for trade union pluralism, which is seen as an expression of the different tendencies that may exist within the trade union movement. This may be relevant when there are important differences between them and when there is more to divide than there is to unite the organizations concerned. Clearly, however, the existence of more than three or four national centres is a factor that cannot be based on objective trade union considerations and must find its origins in other, subjective reasons, unrelated to the genuine principles of trade union pluralism. In a large number of cases, the main motives behind the creation of new unions have been personal self-interest, rivalries between union leaders, political manipulation and opportunism, government or employer interference and a lack of transparency and internal democracy in the running of trade union affairs. In these cases, trade union pluralism has turned into proliferation and fragmentation which have had a devastating effect on trade union effectiveness, representativeness and credibility. Sadly, this undermining process is still under way today.

Conditions for change

Trade union leaders must face their responsibilities with regard to the future of the trade union movement as well as their task of defending workers' rights and interests. Most trade union leaders in the region recognize that the existing situation of trade union fragmentation should and can be addressed and that a unification process is overdue. This awareness of an unsustainable, damaging pattern of trade union development should generate the political will to do something about it. The successful initiation of such a process will depend on a number of basic considerations, namely that:

- trade union unification is a process that cannot be decreed or imposed;
- it should be built on the common values, principles and objectives of the organizations;
- it should build on an agenda for consensus building, minimizing exclusion and the number of potential losers.

In many cases, it is unlikely that competing or rival trade union leaders will be able to agree among themselves in the short term on the modalities and on the launching of such a programme involving their organizations. Outside support could, in many cases, bring the help and stimulation needed to draw up and implement the right type of action plan. ITUC–Africa would be the best placed partner in this regard, if it could bring together all its affiliates in a country to form a core group to set up and pursue an effective national agenda for trade union unification.

Founding the ITUC and ITUC–Africa was a difficult and delicate process, but it succeeded. The onus is now on the national affiliates of the international family. In one of its statements, the ITUC–Africa's founding congress encouraged affiliates to work together with the ultimate aim of achieving unity in action at the national level and to broaden the membership base. However, the major changes that are needed to set them on a course that will permit them to overcome the obstacles to unification do not seem to have taken place at the national level so far in most countries in French-speaking Africa.

There are several causes behind trade union proliferation and the random creation of empty-shell organizations. One of them is the confusion and abuse that frequently occur with regard to the genuine nature and true representativeness of various organizations. In the absence of clear and objective definitions and minimum standards for the recognition of trade union structures at different levels, newly created unions can often take on whatever name and status they want. Many splinter unions call themselves a national centre, confederation or federation – and have been registered as such – without any justification in terms of their structure and representativeness. There is also

widespread ignorance and confusion surrounding this issue among workers and activists.

Whereas these matters cannot – and should not – be regulated by legislation alone, a fair and proper legislative framework can nevertheless help in many cases to create a rational foundation for trade union structures and activities. In a number of countries, a specific trade union law has been adopted for this purpose, to be applied in conjunction with the existing general labour legislation. Trade union law has been recognized by the ILO Committee of Experts on the Application of Conventions and Recommendations as a potentially helpful instrument, provided that it respects the principles of freedom of association and trade union rights and is not unilaterally drawn up and imposed by the legislator. It should, for instance, include specific provisions to enshrine trade union autonomy and independence into the national legislation. It should be designed to protect trade union members and their organizations and prevent confusion arising from conflicting interpretations. While the legal framework should not dictate to trade unions how they should draw up their own rules, it may require those seeking registration to adopt their own provisions with respect to their trade union constitution and internal regulations, the election of their officers, their administrative and financial independence and their internal democracy, as well as other fundamental principles and criteria related to the union's work, structures and objectives.

The law may also contain specifications with regard to the most representative trade union organization or organizations in the country. The formal recognition of the most representative organizations – based on objective criteria such as a representativeness threshold reflecting the outcome of trade union elections at the enterprise level – is of particular interest in relation to the problem of proliferation as it can represent a useful element when making the distinction between genuine and effective trade unions on the one hand and unions that are marginal and exist only on paper on the other. The principle of the designation by governments of the most representative trade union organizations is recognized in the ILO Constitution and the Committee of Experts has taken the following position on the subject, in relation to Convention No. 87: “Although trade union unity imposed directly or indirectly by law is incompatible with the Convention, an excessive proliferation of trade union organizations may weaken the trade union movement and ultimately prejudice the interests of workers. In some countries, in an attempt to establish a proper balance between imposed trade union unity and the fragmentation of organizations, legislation establishes the concept of the most representative trade unions, which are generally granted a variety of rights and advantages. The Committee believes that this type of provision is not in itself contrary to the principle of freedom of association, provided that certain conditions are met. First, the determination of the most representative organization must be based on objective, pre-established and precise criteria so as to avoid any possibility

of bias or abuse. Furthermore, the distinction should generally be limited to the recognition of certain preferential rights – for example for such purposes as collective bargaining, consultation by the authorities or the designation of delegates to international organizations.” However, the Committee has also recognized that this distinction should not have the effect of depriving trade unions that are not recognized as being among the most representative of the essential means for defending the occupational interests of their members. In other words, trade unions cannot be prevented by the government from existing as a union.

The international trade union movement has played a strong supporting role in the battles for independence and for democracy fought by African workers and trade unions, as well as in the building and strengthening of the African trade union movement itself. South Africa is a case in point: it provides a remarkable example of successful national and international trade union interaction which changed the history of a nation. In many other countries, international solidarity assisted the young African trade union movement in a variety of ways, including through: trade union education and training programmes; organizational support; material and financial assistance; technical expertise and advisory programmes; and, last but not least, numerous campaigns for the defence of workers’ and trade union rights, including for the liberation of imprisoned trade union leaders.

However, rivalries and competition within the international trade union movement itself have contributed considerably towards trade union proliferation in many African countries. The quest for political influence and organizational dominance has had a strong impact on the policies and programmes for international trade union cooperation in Africa. Unions have been created or kept alive with international funds, often with the sole aim of countering an organization from the other camp. International support and privileges have often been a source of conflict, competition and division between and within African organizations and their leaders. The study grants and funds allocated by partner organizations and institutions for trade union seminars and other activities have been – and remain – a source of conflict and division as well. At the same time, programmes and projects sponsored both by international and by bilateral partners have often been (and still are) insufficiently harmonized. The unification of the major actors on the international trade union front, through the creation of ITUC, has challenged African and international as well as bilateral partners to carry out a thorough and coordinated review of their activities and to ensure that their cooperation will from now on contribute towards the objective of unification and overall consolidation of the trade union movement in French-speaking Africa. It is worth mentioning in particular that some bilateral activities and projects sponsored by certain national donor partners need to be better integrated into this collective effort and strategy.

This description of deficiencies and abuses must not create the image of a collapsed and moribund trade union movement in the region. In spite of all the problems, there are many strong and genuine organizations which continue to be strongholds in the struggle for trade union freedom, workers' rights and better working and living conditions. These organizations continue to build on their trade union traditions as well as on the recognition and prestige that they have acquired through their role in the struggle for independence and democracy. Today, they remain the main actors in the promotion of participatory and sustainable democracy. They have regained their independence and respect after the imposed single union era and pursue their battle against government interference and unfair restrictions as well as against employer hostility towards organized labour and social dialogue. Now, the time has come to tackle their biggest challenge and greatest priority: reversing the trend of proliferation and fragmentation, which has badly undermined their strength and credibility and has benefitted only their opponents.

At the same time, it is to be hoped and expected that the internal and external pressures on African governments for more democracy and good governance will lead them to adopt a more honest and civilized approach towards social dialogue and the social partners. Similarly, private employers will have to take better care of the social image and performance of their companies in the light of growing public scrutiny of their behaviour. In particular, many multinational companies and the entities that are part of their supply chains, including those in Africa, should change their strategies, which are currently based on the exploitation of workers and economic cannibalism. This is especially important given their role in building a failed system that has led to the current worldwide financial and economic crisis.

IV. Some examples: No “one size fits all” remedy

The following selected country examples will illustrate some of the typical situations and models that have developed on the African trade union scene.

The Democratic Republic of the Congo (DRC)

The Democratic Republic of the Congo probably has the worst case of trade union proliferation in Africa. According to trade union sources, there are about 420 officially recognized unions in the country (a mix of national centres, sectoral and regional organizations and enterprise unions). The official government list of registered trade unions (August 2008) shows 154 organizations in the private sector, 76 in the public and parastatal sectors and 14 inter-union platforms and groupings. The three leading national confederations (the National Workers' Union of Congo (UNTC), the Trade Union Confederation of the Congo (CSC) and the Democratic Confederation of Labour (CDT)) are all affiliated to ITUC. The labour force is estimated at 30 million workers; more than 90 per cent of them have to earn a living in the informal economy.

In the period before independence, the trade unions initially created in the then Belgian Congo were based from the outset on the pluralist model of the colonial power. The first organization, the Association of Civil Servants and Officials of the Colony (AFAC), emerged in 1920 in the wake of the struggle of white workers in the mining industry in Katanga for better conditions and for equal status with their counterparts in Europe. By decree, membership in the organization – as well as in the others that followed – was reserved exclusively for white workers. At an early stage, however, white trade unionists started associating with indigenous workers and, in as early as 1926, the colonial legislator authorized the creation of professional associations of indigenous workers. Freedom of association of black workers in real trade unions was not, however, legalized until the 1950s. By the mid-1940s, 39 trade union organizations existed, all of which had been set up along political or regional dividing lines. Several of these organizations were the forerunners of the national centres operating today, although under different names.

An attempt to create a unitarian national confederation, the General Workers' Confederation (CGS), failed in 1944 mainly because of political pressures from both the metropolitan and the Congolese powers. The culture of a divided trade union movement on ideological and political grounds had developed strong roots and was there to stay.

During the period leading up to independence in 1960 and in the following years, several new unions of Congolese workers emerged. Cooperating closely with the political parties, they made a courageous and significant contribution to the struggle for national autonomy.

Between 1961 and 1966, several groupings of trade unions were created in a spirit of consolidation but a general unification remained out of reach. These actions were partly influenced by the directives of the African Trade Union Confederation (ATUC), which was set up in 1962 and which required its members to form only one national trade union centre per country. The situation drastically changed in 1967, when General Mobutu, the country's president, ordered the creation of a single trade union and a single party structure uniting all the major existing organizations. This led to the foundation of the UNTC in June 1967.

During the period of imposed trade union unity, which lasted from 1967 to 1990, the grip of the authorities on trade union activities and the repression and manipulation of any opposition was established throughout the country. Nevertheless, the strong popular resentment caused by the suppression of political and trade union freedoms as well as by the economic and social mismanagement by the regime came to a climax in 1989 and 1990. In April 1990, Mobutu was obliged to reinstate political and trade union pluralism.

Unfortunately, this development had catastrophic consequences for the trade union movement, mainly on account of two reasons. First, in a wave of euphoria sparked by the newly found – although superficial – democracy, numerous individuals, motivated by self interest, political ambition or misinformation about the real values and objectives of trade union pluralism (which started with the correct interpretation and application of Convention No. 87), took pleasure in creating their own trade unions. Second, while reinstating pluralism, the Government was determined from the outset to curtail the autonomy and efficiency of the trade union movement by other means and tactics. The principle of divide and rule was applied with a vengeance and the creation of yellow and empty-shell unions was actively encouraged by the authorities and employers alike.

These developments have resulted in the enormous proliferation of trade unions and the anarchic trade union situation which still exists today. The large majority of unions are driven by the personal objectives of their leaders and have had no bearing on the promotion of the rights and conditions of workers. Consequently, a significant part of the trade union movement is now characterized by weak and corrupt leadership structures; the creation of yellow unions and interference by employers and politicians; a lack of internal democracy and transparency; the absence of trade union and workers' education; and rivalry and conflict between union leaders. The rights of workers are

violated on a large scale and workers are generally unaware of their rights and of the role of trade unions. This situation is badly aggravated by the conditions of extreme poverty and exploitation suffered by the large majority of Congolese workers, in spite of the country’s immense wealth in natural resources. According to a recent Human Development Report published by the United Nations Development Programme (UNDP), the average income in the DRC is well below US\$1 a day and the country is listed among the ten poorest nations in the world. Remunerated employment is very rare and wages in the public service are extremely low (except for some top officials and the privileged few) and are often not paid. Consequently, trade union income from membership fees is almost negligible, which makes the organizations more vulnerable and dependent on external resources.

However, there are also a number of positive points which offer prospects and opportunities on which to build, to ensure a better future for the movement. The three ITUC affiliates in the DRC – the CSC, the UNTC and the CDT – are undoubtedly the strongest and most representative organizations. They are at the core of the trade union movement and have been less affected by the above-mentioned problems. Cooperation and solidarity between them should nevertheless be considerably strengthened so that, together, they can form the real backbone of a more coherent, effective and influential trade union movement.

As in other countries of the region, a well-functioning umbrella organization, known as an *intersyndicale*, should be a major vehicle for joint and cohesive trade union action. There are two separate *intersyndicales* in the DRC: one in the private and one in the public sector. This is because trade union affairs in these two sectors are regulated by separate legislation (under the Ministry of Labour and the Ministry of the Civil Service respectively). Both umbrella bodies consist of 12 national trade union organizations. The composition of the private sector *intersyndicale* is based on the results of the last social elections (in other words, periodic elections organized in all private enterprises of the formal economy under the auspices of the Ministry of Labour, which establish the representativeness of the various trade unions present in the enterprises). In the public sector, where social elections have yet to be held, even though they are required by law, the *intersyndicale* comprises the 12 biggest trade union organizations of the sector (of a total of 76), which have supposedly been selected by consensus. The members of these two *intersyndicales* are the trade union representatives in social dialogue institutions such as the National Labour Council.

Both of these *intersyndicales* have had some positive results as collective instruments for consultation and negotiation. Similar platforms have also been set up in the provinces and are now operational. However, far more consistent and genuine efforts will have to be made by the trade union leaders if these

platforms are to become more effective as a driving force for the promotion of greater trade union unity, strength and influence. Existing rivalries and mistrust will have to be put aside and clear priority given to the collective interests of the trade union movement and of the working population. Practically all trade union leaders have harsh words for the causes and instigators of the current situation of fragmentation and many of them agree that unification is the only adequate solution. Nevertheless, they all expect somebody else to make the first move or to take a step back.

However, the major, most representative national centres in particular continue to discuss ways and means to rationalize the situation. One concrete suggestion, put forward by the stronger unions in the private sector *intersyndicale*, is to reduce the number of organizations that are represented on this body. This could be done by adapting the qualification criteria for unions and by raising the threshold number of shop stewards representing the various unions – as elected in the social elections – for instance from 50 to 75. This might encourage smaller unions wishing to remain relevant as social partner organizations to seek amalgamation with others. Other important steps could be the creation of a single *intersyndicale* to cover both sectors and efforts to bring the regulation of all labour-related matters under a single body of legislation. Social elections should be held in both the private and the public sectors (although many public sector unions themselves resist this reality check). The Minister of the Civil Service stated that his ministry would organize public sector elections in 2009, provided that an adequate budget was approved. The results of those elections were to provide a basis for trade unions to include stronger demands in their negotiating agenda, including for the reinstatement of the check-off system for the payment of union dues (including the creation of an appropriate legal framework for it), a proper distribution key for government allocations and recognition of the election results for the purpose of composing the trade union representation on social dialogue bodies.

A significant number of the officially registered unions are not affiliated to any wider trade union structure (either a sectoral or regional federation or a national confederation). An amalgamation process from the bottom up is an absolute priority. A nationwide information and advocacy campaign should be organized in this regard.

Trade union efforts to organize workers in the massive informal economy have to be stepped up substantially. Several trade unions have launched special programmes focused on the informal economy but resources, expertise and determination are not sufficient. Activities for these workers should not only focus on material aspects of their working conditions but should also address the strong need to make them aware of their rights and fair labour standards. In many cases, trade union work in this domain is undercut by non-governmental organizations (NGOs) that do not depend on funding from membership fees

because they are mostly financed from external sources. The same holds true for other key activities targeting the basic needs of informal economy workers, such as the setting up of cooperative initiatives, microcredit unions and small scale health schemes, for which trade unions are often well placed. Women trade union activists should be particularly encouraged and supported in this work as, in many cases, they have proved their great commitment and efficiency in this area.

There is a great need for international trade union cooperation in the DRC. Numerous programmes and projects funded from international sources have been carried out over the years but the pace seems to have slowed down. A serious lack of follow-up action as well as wasteful competition for project opportunities – from the sides of both the Congolese trade unions and their international partners – have had a negative impact on the results of these efforts. A more effective harmonization of international cooperation activities, including those sponsored by bilateral partners, is imperative.

Cooperation should not be restricted to trade unions in the Kinshasa region only, but expanded to other provinces where there is a great need on the part of workers and trade unions. As in other countries, priority should be given to joint activities involving at least the three ITUC affiliates, in an effort to stimulate more unity and efficiency in action. A request put forward by most of the main trade union centres to both ITUC and the ILO concerns the sponsoring of a well-prepared, high-level and joint symposium to develop common objectives and strategies for trade union unification.

Despite the size and political importance of the country, permanent representation in the DRC of international organizations with a specific interest and competence in trade union affairs is very limited. The ILO Office in Kinshasa has to address a whole range of priorities, as does its focal point for social partner organizations. The work of the ILO–ACTRAV representative based in Yaoundé (Cameroon) covers ten countries in addition to the DRC and ITUC–Africa is not in a position to ensure a regular presence in the country. ITUC could consider occasionally delegating the task of organizing trade union training and similar projects to one or several of its affiliates from other countries, which have thorough knowledge of the DRC trade union movement, on the condition that the activities are carried out jointly, at least for the three affiliates.

Concluding points

Several excellent studies and high-level meetings on the subject of trade union proliferation have been organized by the Congolese unions (often in cooperation with their international partners) and have produced very pertinent conclusions and proposals. One of the most recent events with a high-quality outcome was the General Assembly of Workers' Trade Unions in the DRC, which was held in May 2007 with the support of the Solidarity Centre, a non-profit organization based in the United States. However, practically no follow up has been given to any of these activities, even though their conclusions were developed and agreed upon by the leaders of the participating major national centres.

Based on the colonial model, trade unions in the DRC were divided from the outset along political and ideological lines and this politicization has been amplified considerably in recent decades. Today, the relevance of these differences to the struggle for trade union and workers' rights has almost entirely disappeared. The current state of continued division in the trade union ranks is mainly due to inter-union rivalries, the influence of party politics and the dominating self-interest of trade union leaders. A change in this situation will require above all the creation of political will, a renewed commitment to independence and a different culture of trade union ethics. Many trade union leaders are willing to engage in a genuine debate on these issues but few of them feel that they are in a position to take the lead, or to accept the lead of others, in this regard. Outside assistance in initiating and accompanying a unification process would therefore seem an important part of the solution, and ITUC and the ILO are the best placed organizations for this purpose.

Crucial elements in reversing the trend of fragmentation will be, in the first instance, the strengthening of efficiency and of trade union cooperation in the *intersyndicale* context and an amalgamation of the currently separate structures for the private and public sectors. Priority should be given to renewed efforts in this direction. Branch and enterprise unions should be prompted to join a federation in their sector; federations should join a national centre; and federations from the same sector should be persuaded to join forces and close ranks. An inventory of organizations should be prepared from this perspective and an information and advocacy campaign launched.

The strengthening of trade union organizations for women and young people and their joint activities should be supported, including by international trade union partners. Organizing workers in the informal economy is of critical importance both for the workers concerned and for the future of the trade union movement. Trade union work in this domain should be actively promoted on the basis of national and international experience. Trade union groups and associations for women deserve particular support in this domain.

Trade union leaders must place the question of internal trade union democracy and transparency on the agenda. Existing regulations, including trade union constitutions, administrative and financial rules and procedures, as well as provisions for leadership elections, must be periodically reviewed and updated and improved where necessary. International organizations should make continued cooperation conditional upon unambiguous respect by their partner organizations of rules and obligations regarding internal democracy.

International and bilateral donor organizations carry a share of the responsibility for trade union proliferation in many countries because of their past funding habits and practices, often based on their own ideological and competitive considerations. Future programmes and projects must clearly contribute towards reversing the trend of fragmentation in addition to securing a more harmonized and complementary policy approach. ITUC and the Global Union Federations (GUFs) should step up their efforts to foster a greater degree of cooperation and unity between their respective affiliates. Furthermore, consideration should be given by the ILO and ITUC to the proposal to hold a joint trade union symposium in the DRC on common objectives and strategies for unification, on the condition, however, that there is a genuine commitment on the part of the interested leaders to participate in an effective follow-up process, which is something that did not materialize after previous events. It should also be noted that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has indicated its interest in the strengthening of social dialogue in relation to social and labour issues, including through the consolidation of the role and position of trade unions. It is willing to offer support services (such as research and the production of data and statistics) but so far does not have any other funding possibilities. The ILO should, whenever the opportunity arises, urge the Government of the DRC to bring all rules and regulations regarding labour issues in the private and public sectors under one body of legislation as well as to follow up on the Ministry of the Civil Service’s commitment to organize social elections in its sector.

Senegal

Senegal has 18 trade union organizations which, in one way or another, claim the status of national trade union centre. Five of these organizations are ITUC affiliates: the National Confederation of Workers of Senegal (CNTS), the Confederation of Autonomous Trade Unions (CSA), the Democratic Union of Workers of Senegal (UDTS), the National Union of Autonomous Trade Unions of Senegal (UNSAS) and CNTS–Forces de Changement (CNTS–FC). From a total population of approximately 12 million, the estimated number of workers employed in the formal economy is 500,000. Of these, fewer than 300,000 are unionized, according to the claimed membership figures of the various national centres. The informal economy and the rural sector together account for approximately 90 per cent of the workforce.

The trade union scene in Senegal has been dominated for many years by the interaction between trade unions or trade union leaders and the political parties. From the 1970s onwards, political and trade union pluralism was part of the development of the country's democratic establishment and institutions. Several new trade union organizations – such as the Union of Free Workers of Senegal (UTLS), the Single and Democratic Union of Teachers of Senegal (SUDES), the UDTS and others – emerged, all of them associated with one of the various political parties. Until that time, the CNTS had monopolized the trade union situation, first as an integrated entity of the Socialist Party (PS) structures and, from 1976, as an affiliate of that party (which was also the ruling party). From the 1980s, the CNTS became increasingly independent from the PS and later on strongly opposed the Government's policies regarding the acceptance of the structural adjustment programmes and the conditions imposed by the International Monetary Fund, the labour law reforms and the liberalization of the economy.

However, throughout the 1990s, there was an increasing politicization in the CNTS which saw the emergence of several competitive ideological tendencies within its ranks. After March 2000, when the opposition and current Government party was elected into office after 40 years of PS rule, some of these ideological groupings, which had failed to seize control of the CNTS, split the organization by setting up their own national centre. The new Government had a clear hand in these developments, particularly in the events leading up to the creation of the CNTS–FC. Continued government pressure and interference have been a major cause of further proliferation through the creation or undue recognition of a number of non-representative “unions”. Some of these claim national centre status although they have only a handful of affiliated unions in one or two economic sectors. Others exist only on paper as they have no office, no separate telephone number, no trade union programme and budget or no rules and procedures for internal democracy. Today there are 18 so-called national centres in Senegal, all of them having been granted partnership

status by the Government and most of them having close links with political parties. There are 148 registered political parties in Senegal.

Up until the year 2000, there were six national trade union centres in Senegal. They had established a common platform to deal with social dialogue and bargaining issues and cooperation was fairly effective. In the wake of the ensuing political events and the staggering fragmentation of the trade union movement, even the common trade union front was divided into two blocs: the *intersyndicale* and the United Front of Trade Union Centres (FUCS). The former is composed of four of the main trade union centres (the CNTS, the CSA, the UDTs and the Union of Workers of Senegal (UTS)) and the latter is composed of four of the main organizations (the UNSAS, the CNTS–FC, the General Federation of Workers of Senegal (FGTS) and the UTLS) and some other small ones. Both trade union platforms are invited by the Government to participate in tripartite and other social dialogue bodies. In spite of their differences, they generally manage to coordinate their positions on these occasions. However, internal negotiations and compromises made between the trade unions often result in weaker bargaining positions on the union side. Consequently, trade union action has not been very successful at that level because no major improvements have been obtained by the unions since 2002. There is great pressure on trade unions on the part of the workers for more unity with regard to negotiation issues.

The *intersyndicale* has set up a number of technical committees to support and prepare its work, particularly on topics for negotiation. Cooperation is possible, as well, on other points of convergence (such as child labour, HIV, occupational safety and health, gender and pension issues). A positive example has been set in the education sector with the establishment of an *intersyndicale* by 35 teachers’ unions. This body operates as a unitarian structure and has obtained good results in negotiations with the Government. Similar bodies have been founded by trade unions in the energy and health sectors. As in some other French-speaking African countries, the Senegalese Government created a National Committee for Social Dialogue (CNDS) in 2003 at the initiative and with the help of the ILO, as part of the project on the Promotion of Social Dialogue in French-speaking Africa (PRODIAF). This committee is a tripartite framework for consultation and negotiation on a wide range of labour issues and at different levels in the industrial relations system. Cooperation between the various trade union groups has been quite positive in this context, but the Government and employers do not seem inclined to make its work very effective.

All the major national trade union centres recognize that pluralism has not enabled trade unions in Senegal to defend workers’ rights and conditions in an effective manner. They are aware of the strong demands by workers and rank and file trade unionists that unions should return to their core business,

that the battles of the chiefs should stop and that trade union unification must be a priority. They agree that more genuine efforts must be made to strengthen unity in action and that greater structural unity must be more actively pursued. In their view, the idea of creating a single trade union structure is not a realistic option in Senegal and would be only if there was a drastic change in external circumstances. Most of them feel, however, that reducing the number of national centres to three or four could and should be pursued as an objective.

Several initiatives have already been launched in that sense and the ILO's Subregional Office in Dakar has extended valuable help overall. The CNTS-FC and the FGTS-Tendance B have reportedly concluded a merger agreement and have called for other organizations to join. They have agreed that open elections should take place at a merger congress between the candidates of the participating organizations and that the losing party will be guaranteed a fair share of the leadership and secretariat positions to be allocated. This, in their view, will strengthen internal democracy and will make sure that the minority factions keep their voice and role in the organization and do not feel excluded. However, no date has yet been set for the merger congress. Similarly, UNSAS has declared that it will pursue an active policy for unification and that an agreement in principle has been reached with the CSA in this regard on the basis of their shared principles and values. The feeling persists, however, that unification is a process and that it cannot be decreed or imposed.

There is a strong feeling that the five ITUC-affiliated confederations in Senegal should act as a core group for unification. A working party was set up some time ago to discuss this matter. However, the organizations concerned unanimously insist that support and stimulation from ITUC is essential for this purpose. They propose that ITUC, possibly in cooperation with ILO-AC-TRAV, should organize a two-day workshop with the general secretaries of its five affiliates in order to discuss and develop a joint "unification agenda". Furthermore, they emphasize the role of the GUFs as supporting partners to launch or assist in initiatives aimed at unification at the sectoral level (through mergers or, at least, *intersyndicale* structures). Progress made at sectoral level in this regard will increase pressure and create opportunities for national centres to move in the same direction. In January 2009, a working party of the general secretaries of the eight main trade union centres was set up under the auspices of the ILO with the objective of drawing up a joint declaration on the launch of a new cooperation framework with the support of the ILO and ITUC.

One of the major causes of trade union proliferation in Senegal is the inadequate trade union legislation and regulations that are in place, which has led to confusion and abuse on the part of the Government, employers and trade unions alike. The existing trade union law is neither sufficiently clear nor sufficiently balanced. It allows for very loose interpretations and decisions,

for instance in matters relating to the registration of trade unions. Definitions and criteria relative to trade union structures at different levels are minimal so that, for example, even totally unrepresentative trade unions can claim to be a national centre and be registered as such. Some have even been given international recognition. However, no trade union leaders – even those from organizations that exists only on paper – are likely to step down if there is no hard evidence of their minority position and of the unrepresentative nature of their organization. The major trade unions therefore demand that trade union elections be held at the enterprise level in order to separate the genuine workers’ organizations from the empty-shell organizations. These elections are provided for in legislation but the rules and provisions on the subject are rather general and tend to complicate implementation. Consequently, such elections have never been held. The elections scheduled for 2007 were cancelled because the Government shifted the venues from the enterprises to the town halls and other public buildings where the proceedings would take place under the authority of the mayors and governors, thus opening the door to interference by the authorities. The national centres should meet to draw up a set of objective rules and criteria for the holding of trade union elections. Most of them want to call on the ILO’s cooperation and expertise for this purpose.

In the private sector, social elections for the nomination of workers’ delegates at the company level take place every three years, but by no means in every enterprise that employs a minimum of eleven workers, as is stipulated in the law.

Women trade unionists can and do play a very important role in the pursuit of trade union unity. They are usually less involved in the battles for top leadership positions which are a major cause of conflict and division. Trade union women from the main national centres have launched joint programmes on gender issues with positive results. A coordinating committee has been set up for this purpose. This has led to a joint annual May Day demonstration of women members from four organizations as well as joint actions on International Women’s Day (8 March). Similar cooperation has developed between the youth sections of several national centres with the support of the Friedrich Ebert Foundation (FES). Women tend to be more active and successful in organizing workers in the informal economy. In some cases, they have set up special associations, linked to the unions, which provide specific services for informal workers and allow their members to participate in the work of the national centre, including in trade union elections. Some unions have made reasonable progress in this way and these examples should therefore be followed and encouraged.

Other problems that need to be addressed in connection with trade union fragmentation and the consolidation of the trade union movement in general are trade union financing, internal democracy and trade union training. The fi-

nancing of trade union work from the revenues of affiliation fees is insufficient. The Government has allocated a global amount to support the funding of certain union activities but the allocation has been blocked because the national centres have been unable to agree on a distribution key. In this case as well, assessing representativeness through trade union elections at the enterprise level should be an important part of the solution.

Internal democracy needs significant improvement in the case of several Senegalese trade union organizations. First and foremost, adequate constitutional provisions should be made – and respected – for the holding of regular trade union congresses with rules for transparent information, open debate and democratic decision-making, including with regard to leadership elections. The application of this basic principle should be a major factor when deciding upon the continued recognition of an organization's status at both the national and the international levels.

Due to a lack of resources and expertise, most Senegalese trade unions suffer from a training deficit in many key subject areas. Particular emphasis needs to be placed on specific progress for youth and women activists as well as on knowledge about macroeconomic factors, which are of growing importance in the context of social dialogue and the collective bargaining process. The ILO is requested to provide more information and training on matters such as the application of ILO standards and the use of complaint procedures. The International Training Centre of the ILO in Turin is requested to organize courses to be held in Senegal in order to ensure maximum participation and impact. Collective training activities should be organized through the *intersyndicale* or for the ITUC affiliates together.

Concluding points

Unity in action works to some extent in Senegal between the major national centres, in particular in the framework of social dialogue institutions and agendas. However, wider cooperation and unification efforts are hampered by apprehensions and rivalries between the leaders of some organizations and as a result of the undermining impact of the presence of unrepresentative organizations on the trade union and industrial relations scenes. This ambiguous situation is partly stimulated by selective government action or inaction.

The five ITUC affiliates in Senegal should be stimulated and assisted as a core group for trade union unification work. A workshop for the leaders of the five affiliates, or preferably of the eight main national centres, should be organized in cooperation with the ILO in order to discuss a unification agenda and work plan.

The ITUC should encourage its affiliates to organize joint May Day events and other unitarian trade union actions.

The ILO should organize a trade union workshop on criteria and modalities for holding trade union elections at the enterprise level. The ILO should take up the issue of organizing these elections with the government as a matter of urgency and as a prerequisite for fruitful industrial relations and social dialogue in the country.

The ITUC, the ILO and donor partners should review and optimize their support in meeting the collective training needs of the main trade union organizations. The ILO should provide more information for trade union activists on the practical application of ILO standards and the relevant complaint procedures.

Trade union women’s and youth sections should be stimulated in their role as advocates and facilitators of trade union unity action. Trade union women activists should be supported in their work on gender issues overall as well in their organizing activities with informal economy workers.

The ILO should provide advisory services for the revision and upgrading of existing trade union legislation, including on the introduction of more objective criteria, guidelines and regulations regarding the issue of the representativeness of trade union structures at various levels.

Unification efforts and initiatives at the sectoral level are a strategic priority and are likely to have a positive impact on the wider unification process. The GUFs are requested to consider increased involvement in this domain.

Empty-shell and unrepresentative organizations should not be given international recognition and support. Likewise, unions which fail to meet their constitutional obligations in terms of internal democracy should not be given the benefit of international cooperation.

Cameroon

There are six registered national trade union confederations in Cameroon: the Cameroon Workers' Trade Union Confederation (CSTC), the Union of Free Trade Unions of Cameroon (USLC), the Confederation of Independent Trade Unions of Cameroon (CSIC), the General Workers' Union of Cameroon (UGTC), the General Confederation of Labour – Liberté (CGT–Liberté) and the Confederation of Autonomous Trade Unions of Cameroon (CSAC). The first two are affiliated to ITUC and the last is an associate member. Several organizations are experiencing internal conflict or turbulence and there is a constant risk of aggravated division in some of them. The Confederation of Public Service Unions of Cameroon (CSP) is the largest national federation for public sector workers. Although it is active only in one sector, it has also been given national confederation status by the Government.

The first trade unions emerged in Cameroon in 1932, and at the time were restricted to European workers under the French colonial regime. Local black workers did not have the right to create or join trade unions and so they set up a number of corporate associations to promote workers' interests. It was not until 1944, when a French government decree introduced the right to organize for all workers in the colonies, that native workers started to create the first trade unions of their own. This led, in December 1944, to the birth of the first national trade union confederation, the Union of Confederated Trade Unions of Cameroon (USCC). From the outset, however, these developments were strongly resisted by the local authorities and by the employers. Moreover, as the USCC had established relations with the French (communist) CGT, the local colonial administration, supported by the French Catholic clergy in Cameroon, made every effort to provoke a split in the Cameroon's fledgling trade union movement. This led to the creation of the Confederation of Christian Workers (CTC) in 1946, under the auspices of the French (Christian) CFDT.

The late 1940s and 1950s were marked by hard struggles and strike action for better working conditions for native workers. At the same time, further splits took place in the trade union movement – all of them for political reasons – setting the pace for the current situation of trade union fragmentation. Conflicts and ambiguities between and within trade union organizations continued to grow in the 1960s. At that time, these organizations were already dominated by political manipulation, personal ambitions and a lack of internal democracy. During that time, the USCC remained one of the three most important confederations, together with the Cameroon Trade Union Federation (FSC) and the West Cameroon Trade Union Congress (WCTUC), until it was weakened considerably by another split in 1967.

In 1969, the Government (ruling in a single party system), “invited” the three confederations to start a process of unification. This implied disaffiliation from their respective international organizations, a difficult decision to take which delayed the process. Nevertheless, the three national centres agreed to dissolve themselves, paving the way for the creation of the National Union of Workers of Cameroon (UNTC) in February 1972. It didn’t take long for the Government to strengthen its influence over the UNTC, particularly at times of controversial economic and social policy decisions. In 1985, the UNTC was renamed the Trade Union Organization of Workers of Cameroon (OSTC).

Frustrated by its own impotence and incapacity to defend the workers’ interests, the OSTC declared its independence from political parties on May Day, 1992. At its following congress, it changed its name to the Cameroon Workers’ Trade Union Confederation (CSTC). The Government, having lost its grip over the unitarian trade union structure, changed its tactics into a “divide and rule” policy through manipulation and interference in internal conflicts in the CSTC. This was the case when the first split occurred within the CSTC in 1995, prompting the creation of the USLC, and subsequently when the conflict between the Sombes–Mbappé and Essiga–Bakot groups in November 1997 aggravated the internal strife and erosion in the CSTC. Former CSTC president, Benoît Essiga, was evicted from the organization by a controversial court order and consequently set up his own confederation, the CGT–Liberté, in 2001, which has also been plagued by in-fighting and bad management almost from its inception.

Further splits were at the origin of the creation of the CSIC in 2000, the UGTC in 2004 and the CSAC in 2006. What is left of the CSTC is currently in the middle of another internal crisis. The organization is divided in two groups: one is led by its president, Maximilien Ntone Diboti, and the other is led by Antoinette Ekoan. ITUC has been trying to provide assistance with regard to finding an acceptable solution and holding an extraordinary congress with fair leadership elections, the outcome of which would be respected by all parties concerned.

As can be seen from the historic evolution of the trade union movement in Cameroon, this is a case of continuous fragmentation, the causes of which are totally unrelated to workers’ interests or to real trade union issues. The main causes are the lack of internal democracy and of responsible leadership, the lack of training relating to trade union knowledge and skills, the lack of trade union resources and interference by the Government, political parties and employers alike.

Many trade union leaders admit that they all carry a part of the responsibility for the current situation. Splits have occurred after many trade union congresses because leaders do not respect their own constitutions. Others have

left their organizations because they were not respected or listened to internally. Trade union ethics have become very weak generally. Too many trade union leaders came in from the top of and from outside the movement and they lack understanding and experience at the rank and file level. The trade union culture needs to change in this regard. There is insufficient communication between the confederations, the leadership and the lower union echelons. Transparency and information channels have to be strengthened.

Trade unions should make the effort to improve and clarify their rules, regulations and their constitutions, if necessary with outside support (for example from the ILO or ITUC), based on good practice experience. The rank and file members have to be much more involved in trade union policy work. On the other side, trade unions have to strengthen their mobilizing capacity with regard to demonstrations, public events and strike action, if necessary.

Rules on trade union financing constitute a critical part of the mechanisms required to secure internal democracy and transparency. The check-off system for the collection of union dues, although far from generalized, is reasonably well established in Cameroon (in contrast with many other French-speaking African countries). However, it needs to be organized and managed in a more balanced and equitable manner. Whereas under the single union system from the 1970s onwards, most of the dues collected were appropriated by the confederation to the detriment of other parts of the organization, the situation today is rather the opposite. Consequently, the leaders of the confederations may be obliged to find alternative (perhaps questionable) sources of funding for their activities and other needs. The strengthening of internal trade union rules should therefore include adequate provisions to make sure that trade union structures at all levels (including enterprise unions, regional and professional federations and national centres) can function properly through the organization's funding system.

There is a great need for trade union training programmes in Cameroon. Opportunities have been offered in the national context as well as by international partners, with positive results. Nevertheless, capacity building remains an urgent requirement for the new generation as well as for current trade union officers. The professional skills and knowledge of decision-makers and negotiators at different levels have to be updated and upgraded, particularly in the light of changing socio-economic developments and parameters affecting the world of work. At the rank and file level, workers have to be made more aware of their rights and to be motivated to defend these rights. Yet, local trade union resources for training activities are scarce. Moreover, training opportunities have often been monopolized by the same individuals or groups of trade unionists. It is impossible for most workers and trade unionists to participate in a training activity during their working hours. International support for training activities should focus – at least in part – on programmes for young people and

women, with special consideration for the work and family responsibilities of the latter. The selection of themes and participants should be regularly revised and adapted. Practically all trade union organizations have stated that they are in favour of joint programmes for the different national centres. The Ministry of Labour has indicated that it will cooperate with the ILO in exploring and facilitating trade union training opportunities.

The fact that Cameroon is not a real democracy has had a serious impact on the trade union situation for many years. Violations of trade union rights occur frequently. The Government of President Paul Biya is clearly not inclined to support a strong and independent trade union movement and government interference, manipulation and favouritism in trade union affairs are not exceptional occurrences. Loose and partisan interpretation, by the Ministry of Labour, of the laws and regulations governing trade union registration is one of the causes of the fragmentation of the movement. Union requests for registration are granted without checking their representativeness. Although in matters of national social dialogue, the Government invites and grants equal status to all six national centres, at the last social elections in 2007, only two of them obtained more than 5 per cent of the votes.

Labour legislation has remained basically unchanged since the single party era. Labour issues in the public service are outside the scope of the labour code and fall under the regulations of the Ministry of the Civil Service. There is no specific trade union law in Cameroon. Consequently, there are no objective criteria, qualifications and definitions for the establishment of trade union organizations at the various levels, which makes it hard to make a documented distinction between a representative trade union and an empty-shell organization. Some trade unions have proposed that a joint workshop should be held, involving all six confederations, giving them the opportunity to prepare their own draft outline for a trade union law. Their work could benefit from the technical advice and expertise of the ILO.

Social elections for the nomination of shop stewards at the enterprise level are held periodically in accordance with the law. Unlike in some other countries in the region, the system applied makes it possible to determine at the same time the comparative strength of the various trade union organizations in an enterprise. However, the Government does not take the results into account when selecting representative organizations for the purposes of social dialogue. Employers and authorities often encourage “independent”, non-trade union candidates to stand for election. Social elections have so far only been held in the private sector, although the law provides for their organization in the public sector as well. However, trade union membership is rather low in the public service, except in the education sector. Many public sector branches have no collective agreement.

A trade union *intersyndicale* called the Inter-union Network of Cameroon (RISC) was created in 2003. Practical problems, rivalries and disagreement between the members resulted in the creation of a second platform called the Union of Trade Union Confederations of Cameroon (UCSC). Both structures try to harmonize their policies and positions on social dialogue issues and both of them have been invited by the Government to act as social partners. However, the platforms are not well known in the structures of the confederations and therefore fail to stimulate cooperation at the lower levels. Trade unions activists regard the *intersyndicale* platforms as “clubs of the presidents” since there is no exchange of information or consultation with the lower echelons in the organizations. The creation of sectoral *intersyndicales* can play a key role in enhancing unity in action and structural unification between unions and federations from the same economic sectors. The GUFs can play an important supporting role in this domain. Membership in the two platforms amounts to five and two national centres respectively, the latter comprising the UGTC and the CSP. Every effort should be made to rectify this irrational situation and to bring the two structures together. A well-functioning and cohesive *intersyndicale* is a key element in the trade union unification process. A consolidated *intersyndicale* should be given legal status, which the Government has not granted to the two existing platforms to date.

Trade union women’s and youth sections are crucial parts of the Cameroon confederations and unions. They make a vital contribution to the badly needed organizational and mobilizing capacities of their organizations. They also play guiding role in common front trade union activities and other joint initiatives which contribute towards the promotion of trade union unification. The further development of this work must be strongly encouraged. Some international partner organizations have made a very significant contribution in this domain and should continue to do so. Trade union women have been particularly active and efficient in organizing workers in the informal economy. They have set up special associations, affiliated to the union, for that purpose which organize specific services and activities. A detailed study and action plan on trade union work in the informal economy was developed by the ILO but not much follow-up has been given to it so far.

There is significant international cooperation and support for the trade union movement in Cameroon. The ILO (including ILO–ACTRAV) and the FES have permanent and very helpful offices in Yaoundé and other international partners often have project coordinators present. It is felt that ITUC–Africa should increase its presence and active interest in the country, in particular in order to convey and help promote the message of trade union unification, based on its own international experience in Africa. Strengthening the relations and cooperation between national centres with the status of ITUC affiliate and associate members – or applicant members – should be a first objective in this regard.

Support from international trade union partners should be directed as a priority towards joint projects and initiatives. However, investing in unrepresentative organizations or in unions which fail to comply with their constitutional obligations regarding internal democracy must be avoided. Donor partners should ensure a maximum degree of harmonization and complementarity of their programmes and must make sure that international project funding is not a source of aggravated competition and rivalries between trade unions. They should consult the offices of international partner organizations that are based in the country (such as the ILO and the FES) before making or accepting nominations for the participation of Cameroon trade unionists in international activities and events.

Concluding points

Trade union fragmentation, divisive tactics and the reflexes of trade union leaders – particularly those who are unsuccessful in congress elections – have been an unfortunate part of the Cameroon trade union culture almost from the inception of the movement. The heritage of the colonial system, government interference and paternalism, as well as employer hostility towards social dialogue and trade union representation, have aggravated the situation over the years. Trade union leaders have placed their personal ambitions and interests before their duty to defend workers’ rights, taking advantage of a lack of internal democracy and financial accountability in their organizations. Unclear legal regulations and criteria for the recognition of various types of trade union organizations make it difficult to separate representative trade unions from empty-shell organization. Workers’ confidence in trade unions has decreased considerably. A workshop involving trade union leaders and experts should be organized with the technical assistance of the ILO in order to develop trade union proposals relating to the introduction of an objective and constructive trade union law in Cameroon.

The strategy of the Government and of some employers to weaken the trade union movement by using “divide and rule” tactics can only be confronted and defeated by the firm stand of a common trade union front. ITUC and the ILO should take combined action in order to put maximum pressure on the Cameroon trade union confederations to engage into a constructive and unambiguous dialogue for this purpose.

In spite of the serious situation, there are important positive factors which should be used as stepping stones for trade union consolidation. The existing system of social elections should be strengthened. It helps, among other things, to identify the weaker organizations at the shop floor level and to encourage or pressurize them to seek amalgamations and alliances with other unions in order to upgrade their role and position. The authorities and

international partners should be guided by the same indicators in their working relations with trade unions. The outcome of the social elections should be the basis on which trade unions make stronger demands for the effective implementation of the check-off system for the collection of union dues as part of their collective bargaining agenda.

The work of the two existing *intersyndicale* structures should be strengthened, harmonized and amalgamated. Information and communication by trade union leaders should be improved with a view to raising the interest and contributions of trade union officers at different levels in the work of the *intersyndicale*. Special focus should be placed on enhancing unity in action and structural unification between unions and federations from the same economic sectors. The GUFs can play an important supportive role in this regard. Trade union women and youth organizations should be promoted and supported, including for their pioneering and guiding role in the trade union unification process.

Rules and constitutional regulations for internal trade union democracy and transparency should be revised and upgraded. ITUC and the ILO can offer assistance in this regard based on best practice examples. ITUC could initiate this process with its affiliated organizations. Better access and a more active involvement of rank and file trade unionists and activists in the organizations' activities at various levels should be one of the objectives of this exercise.

International trade union partners should make sure that their cooperation programmes, projects and activities are more harmonized and effectively supportive of the objective of the trade union unification. ITUC–Africa should intensify its assistance to the Cameroon trade union movement, first and foremost by working directly with its affiliates and associated members on a trade union consolidation and unification agenda. Misinterpretation and misrepresentation of the objectives of Convention No. 87 is often quoted as one of the causes of trade union fragmentation. Initiatives should be taken in cooperation with the ILO to clarify this matter, particularly at the rank and file and shop stewards' levels. International cooperation and support should be put on hold for organizations which do not have, or do not comply with, basic rules for internal democracy and transparency.

Burkina Faso

Burkina Faso has six national trade union centres, registered and effectively operating as such. These are: the National Confederation of Workers of Burkina Faso (CNTB); the Trade Union Confederation of Burkina Faso (CSB); the National Organization of Free Trade Unions (ONSL); the Trade Union of Workers of Burkina Faso (USTB); the General Confederation of Workers of Burkina Faso (CGTB) and Force Ouvrière–National Union of Free Trade Unions (FO–UNSL). The first four are affiliated to ITUC. In addition, there are approximately 80 autonomous unions of which about a dozen are of a significant size and importance (including independent trade unions of teachers, health workers and postal workers). All these unions compete for members among the country’s total workforce of well below 500,000 in the formal economy. The other workers make a living in the dominating agricultural sector and in the informal economy. The total population of Burkina Faso is nearly 14 million.

As in most countries in French-speaking Africa, Burkina Faso’s trade union model and structures have their origins in the French metropolitan trade union movement from the colonial era. The adoption in France, in December 1952, of the Labour Code for Overseas Territories opened the gates for the development of Burkina Faso’s first trade unions, the predecessor organizations of today’s national trade union centres, set up by the French trade unions as overseas branches. They were the African Confederation of Christian Workers (CATC), which was later to become the CNTB, and the communist Union of Confederated Unions of Upper Volta (USCHV) which, after several internal crises, became today’s USTB and ONSL. Further subsequent splits led to the currently existing trade union scene. As in other countries of the region, splits and divisions in Burkina Faso’s trade union movement have resulted first and foremost from internal deficiencies, mainly involving a lack of internal democracy as well as the personal interests and excessive ambitions (both trade union and political) of some of its leaders. Dissatisfaction with their leadership, in some cases led union officials to leave their organizations and create new national centres.

Trade unions played a significant role in the struggle for Burkina Faso’s independence. However, the first national government of the newly independent nation was notorious for its anti-worker repression in the early 1960s, which forced the national trade union centres (there were three at the time) to join forces in order to combat and eventually bring down the regime. The same happened with another totalitarian government and a military government in the 1970s as well as with several other military rulers – all of them fiercely anti-union – in the 1980s. Efficiently organized and successful general strike action as well as national protest campaigns were the cornerstones of these developments.

Today, Burkina Faso has a stable and relatively democratic political regime, although the same governing party and president (Blaise Compaoré) have ruled the country for the last 22 years. Political opposition is virtually non-existent (the “main” opposition party obtained 4 per cent of the votes in the last elections). Consequently, trade unions – which are clearly the leading and most credible force within the civil society – represent the only alternative voice, not only on labour issues but also with regard to a broader range of societal and socio-economic problems (such as good governance, public transportation and the informal economy).

Although a common trade union front was occasionally formed during crisis times when facing a common problem or challenge, mistrust prevailed between the unions and continued to divide and weaken them. In November 1991, a national assembly of workers and trade unions was organized. It adopted a consolidated list of trade union demands and priorities and agreed to pursue these objectives through more consistent joint trade union action. This exercise was repeated in December 1995 when trade union cohesion had slipped again and further splits had taken place. At this assembly, a decision was taken to identify and isolate political opportunists and “intruders” in the trade union movement, who had become one of the main threats to its independence.

The major unions realized and agreed between them that the only way to survive and to play a significant role was through mutual cooperation and solidarity. The common front for the joint trade union action of the six national centres – established as an *intersyndicale* – started functioning efficiently and successfully during the period 1999–2000. Its management and activities are not governed by a particular set of rules but are based on the shared political will and commitment of the six national centres to foster their efficiency and credibility through cooperation. It has made Burkina Faso one of the more positive examples in the region of trade union unity in action, in the absence of structural unity. The Government recognizes and supports the *intersyndicale* as its privileged partner in its relations with the trade union movement and in all the existing institutions for national social dialogue.

The *intersyndicale* has a rotating presidency, with the leaders of the six national centres taking the presidency for a period of four months each. The president acts as the spokesperson in all negotiations and other activities of the *intersyndicale* and refrains from representing the views and interests of his or her own national centre on these occasions. The agenda of the *intersyndicale* is drawn up on the basis of upcoming issues at the level of the social dialogue institutions as well as of the trade union movement’s own demands and proposals. Experience has shown that it is preferable to hold regular meetings with a limited agenda, rather than less regular meetings with a heavy agenda.

Technical committees of the *intersyndicale* have been set up in order to support the work of the central body and to prepare for negotiations and other major tasks (these include committees on wage policy and occupational safety and health). The committees also organize various trade union activities (such as campaigns on HIV/AIDS and workshops on child labour or the informal economy). The operating costs of the *intersyndicale* are shared between the six member organizations. Meeting rooms and other facilities are provided by the Government for the tripartite activities as well as to the social partner organizations for the purpose of their own internal meetings and consultations. Donor partner contributions are sought for some of the activities of the *intersyndicale*. In recent years, several donor-supported projects in Burkina Faso have been implemented on the basis of the joint participation of the *intersyndicale* unions (these include the African Programme for the Development of Worker Participation (PADEP) financed by the Netherlands Trade Union Confederation (FNV), the Pan-African Workers' Education Programme (PANAF) funded by the Swedish trade unions and a project for informal economy workers funded by the Danish international development agency (DANIDA)). The trade union women's and youth sections of the six national centres have set up their own *intersyndicale* sections which are well organized and very active. The women's *intersyndicale* in particular makes a substantial contribution to the common trade union platform and is a strong stimulating force for the promotion of trade union unity.

On every major issue confronting the trade union movement, trade union unity is pursued through the *intersyndicale* mechanism on a case by case basis. If, for instance, one of the unions feels that strike action is required in an enterprise, it will call for *intersyndicale* consultation and a joint decision on the matter. Unilateral decisions are avoided since they lead to division, contradictory actions and defeat of the workers' cause. Trade unions have no interest in breaking up the common front which would be condemned by the workers. Through the *intersyndicale*, Burkina Faso's trade unions have obtained significant gains and benefits for working people (including wage increases, better conditions and reductions in food and energy prices). Nevertheless, the national centres agree that unity in action is not sufficient and that structural unification can and should be pursued, in order to reduce the number of national centres to at least three or four. Meanwhile, however, they feel that further strengthening the cohesion in trade union policies and action by means of the *intersyndicale* is an important step in the right direction. Care must be taken to make sure that the younger generation of trade union leaders and activists will share and move forward this objective of enhancing trade union strength through unity. Trade union training and campaign activities should put sufficient emphasis on this crucial issue.

One of the main obstacles to the setting up of a proper framework for the unification of trade union structures in Burkina Faso is the absence of trade union elections at the enterprise level, which should determine the comparative presence and representativeness of the different unions at the workplace. These elections should help to identify and marginalize “unions” which only exist on paper and should thereby contribute significantly towards the streamlining and consolidation of the trade union scene. They should also make it easier for representative trade unions to claim and negotiate the right to establish the check-off system for collecting trade union dues in their enterprise. Burkina Faso’s legislation provides for these elections, but it has been difficult so far to draw up the necessary rules and regulations for implementation. Both the trade unions and the Minister of Labour would welcome ILO technical assistance in this matter on the basis of its experience in other countries. It should be noted however that, while a majority of national centres demand trade union elections, other organizations are still reluctant. This division is also a delaying factor.

On the other hand, elections to appoint worker representatives at the shop floor level have taken place in a number of enterprises. Many other employers refuse to organize them. The rights of elected shop stewards are often violated or neglected (many shop stewards do not even know their rights) and workers are reluctant to stand as candidates in view of employers’ hostility. Furthermore, in many cases, shop stewards have been unable to meet the needs and expectations of the workers due to a lack of basic qualifications or training for the job. Elected representatives are generally allowed to carry out some of their trade union duties during their working time but are not remunerated for these hours.

Poverty and unemployment have also contributed towards the problem of trade union proliferation. Trade unions in Burkina Faso may receive small scale government support for training or operational expenditures. This has led some unscrupulous individuals to abuse the right to freedom of association by setting up empty-shell organizations in order to benefit from the financial and social advantages thus acquired.

Insufficient training opportunities – particularly for second-level trade union officials, activists, women and young trade unionists – have further limited the capacity to foster a correct understanding and approach regarding the structures, the proper functioning and the priority objectives of trade unions, among other matters. The ILO, ITUC and other international partner organizations are regarded as the major source of support in this area, for both technical and financial reasons. The six national centres agree that training programmes should be organized on a collective basis.

Concluding points

Unity in action works well in Burkina Faso, mainly through the *intersyndicale* as a channel and instrument for social dialogue and negotiation at various levels. Its capacity and results could be further enhanced by upgrading the skills and knowledge of its representatives as well as by strengthening its support services.

Progress towards more structural trade union unity is an item for discussion between the six national centres and some other unions, which should be stimulated. Four of these six organizations are affiliated to ITUC. Burkina Faso therefore offers a strong case for ITUC to play a supporting role in a unification process on the basis of common values, principles and objectives. Due emphasis should also be placed in this context on the amalgamation of trade unions from the bottom up.

The holding of trade union elections at the enterprise level is a key factor. Both the Minister of Labour and the majority of trade unions declare that they are in favour of proceeding in this matter but a lack of experience is one of the main difficulties and delaying factors. The ILO could be of significant assistance on this subject by offering its technical assistance and expertise as well as by prompting the Government to take early action on the issue.

Burkina Faso's trade unions suffer from a serious deficit in training programmes and activities, not only in terms of funding but also with regard to the substantive expertise required concerning a number of topics (including decent work, the impact of globalization, labour market policies and HIV/AIDS). The ILO, ITUC, the GUFs and bilateral donor partners should consider an increased contribution in this area and should maximize the impact of their support by means of concerted planning and the implementation of joint programmes for trade unions through the *intersyndicale* channel. Training activities for shop stewards are also of particular importance in view of their potential role in the unification process.

While the task of organizing workers in the informal economy can be handled largely with local resources, assistance should be considered with regard to other aspects of trade union work in the informal economy, such as promoting cooperative initiatives, microcredit and health schemes and occupational safety and health campaigns. Associations of trade union women are particularly active and efficient in some of these areas and should be given special attention.

V. Reversing the trend : Accepting responsibilities (Conclusions and recommendations)

The above examples give an indication of the diversity that can be found across various countries with regard to the functioning of trade union pluralism and the degree of proliferation. As can be seen, although trade union proliferation is a generalized phenomenon across the entire subcontinent of French-speaking Africa, the backgrounds, conditions and specificities prevailing in each country have resulted in very different situations. These situations vary considerably in scale and complexity, depending on the historic development of the country concerned, the legal, political and democratic context and the trade union movement's own internal regulations and attitudes. It is therefore only possible in part to draw overall and common conclusions from an evaluation of the subject. Likewise, strategies and action plans to remedy the existing problems will have to be – to a large extent – country specific. It should be taken into account, therefore, that the numerous elements proposed in this document for a strategy and for action plans aimed at stopping and reversing the disastrous trend of trade union proliferation are not all equally relevant to all the countries in the sub region and should be selectively identified for each country or group of countries, for the purpose of follow-up action to be given to this study.

In this difficult era of globalization, worker-hostile economic policies and growing individualism, the future strength and relevance of the trade union movement depend more than ever on its willingness and capacity to join forces and focus on common objectives and challenges. Trivial policy differences and personal ambitions or interests will have to make way for unity in strategies, in action and – wherever possible – in trade union structures, in order to respond to the collective needs and aspirations of workers in an efficient and responsible manner.

Workers must be free to choose the type of trade union organization that is most suited to defending their interests. However, from the perspective that unity and solidarity remain the cornerstones of the trade union movement, there is no doubt that defending these two basic principles is likely to be more complex and fragile in a situation of trade union pluralism. Discussions with workers at the shop floor level and independent opinion polls among workers will show that the workers are well aware of the catastrophic consequences of the fragmentation of the trade union movement. At the same time, many of them are hesitant to favour the return to a system of structural trade union unity against the background of the period of single party–single union regime which they have experienced in the past and which resulted in the submission of trade unions to the control of the ruling party. Therefore, moving towards

unity must be seen as a process; it cannot be imposed or decreed. It will take longer in countries where the rift between trade union organizations is deeper than in others.

However, all trade unions in the sub region must recognize and be inspired by the fact that there is a commanding need to solve the fragmentation problem with great urgency and that unity in action must be regarded as a first step towards the ultimate objective of achieving greater structural unity.

This process must include finding the right balance between two important principles: on the one hand, the need to speak with one voice as workers and trade unions, eliminating division and fragmentation; and, on the other, the need to defend the principle of trade union pluralism as an instrument for safeguarding trade union independence and the workers' free choice to organize. Generating a genuine political will among trade union leaders to accept and adopt the best solution in the common interest and increasing understanding among and pressure from workers with regard to the need to demand such a solution will be the critical issues in any sustainable action plan. In most cases, progress towards trade union unity, with the ultimate objective of promoting and achieving more structural unity, will be a step by step process. Unity in action – while clearly insufficient as a final objective in the case of French-speaking Africa – will have to be effectively and genuinely strengthened as an initial step. Proper structures must be introduced in countries where such structures are lacking. Existing structures will have to be drastically reviewed and consolidated in cases where they are not sufficiently effective and steps will have to be taken to rid them of prevailing deficiencies and ambiguities and to address the underlying causes. Although they may be hampered by unfavourable situations, such as outside interference, decisions to build unity in action are in the unions' own hands and are their own responsibility. Here too, political will and determination as well as correct trade union ethics will be the key factors.

In a pluralist system, there are various forms of inter-union cooperation which strengthen the cohesion and effectiveness of trade union action and may, in the medium term, also lead to more structural cooperation. Some of the main examples are: circumstantial cooperation; occasional or thematic joint programmes (for example, on HIV/AIDS at the workplace or workers in the informal economy); cooperation in imperative situations (for example, in the fight for democracy in Guinea); the common trade union front (for example, common positions in negotiations and social dialogue and joint strike action); and concerted action within the *intersyndicale* structures.

***Intersyndicale* structures**

In most of the countries where the excessive proliferation of trade unions has taken place, it is not realistic to expect the leaders of all splinter unions to agree in the short term to move towards structural realignment and reunification. Every pressure should therefore be brought to bear on them so that they join initiatives for more effective and structured unity in action regarding all issues on which common trade union action can be achieved or envisaged. *Intersyndicale* structures (grouping the major confederations to act together as a common trade union front and social partner) are the most advanced and effective frameworks in this regard under the pluralist system. A well-organized and well-functioning *intersyndicale* is likely to impose its own strength and authority as a leading and respected trade union partner for tripartite and bipartite activities and in the context of social dialogue institutions. In several countries in the region, trade unions have successfully set up and are operating *intersyndicale* organizations, albeit with mixed results, which depend above all on the degree of sound and unselfish cooperation between unions and leaders.

The leadership functions of an *intersyndicale* have to be based on solid grounds. *Intersyndicale* leaders have to ensure the proper exchange of information and consultation among themselves and with the lower echelons in their own organizations. Rank and file members and activists also have to be made aware of the value of the work of the *intersyndicale*. The adoption of clear and equitable internal rules is of key importance. These should include provisions for a regularly rotating presidency or spokespersonship (the elected person should refrain from representing his or her own organization when wearing the *intersyndicale* hat), for the setting and preparation of agendas, for the sharing of costs, and so on. How an *intersyndicale* can improve its performance must be a recurrent item on its own agenda and on the agendas of its member organizations. Issues must be put on the table: complacency and satisfaction with the status quo are recipes for stagnation and decay.

The existence of more than one national platform for trade union unity in action, at the same level in the union structure, is irrational and counter-productive and must be avoided at all costs or rectified. However, it is very important to have separate *intersyndicales* for various economic sectors, working alongside a single *intersyndicale* for national confederations, and these need to be promoted wherever possible.

A reasonable limitation should be placed on the number of *intersyndicale* member unions on the basis of objective criteria (such as a threshold based on the outcomes of social elections, the number of collective agreements signed by each union, or the level of paid membership). For the sake of efficiency, a maximum of three or four organizations should be aimed for. Such *intersyndicale* structures should be given legal status through their official recognition

and registration as a social partner organization. Participating unions should commit themselves to a method of systematic consultation and joint decision-making through the *intersyndicale* on all matters of common or general interest. Unilateral decisions must be avoided. Technical committees should be set up to support the work of the central body and to prepare for negotiations and other major tasks. The creation of sectoral *intersyndicales* must be strongly promoted as they can play a key part in enhancing unity in action and structural unification between unions and federations from the same economic sectors. The GUFs can play an important supporting role in this regard. Joint trade union action should also be actively promoted at the enterprise and at ascending levels with regard to practical trade union themes and priorities such as occupational safety and health, HIV/AIDS at the workplace and combating discrimination. The upgrading of skills and knowledge of the *intersyndicale* representatives and their technical collaborators is a vital factor.

If international and bilateral partner organizations want to support the strengthening of trade unions in the region by stimulating unity in action, they should channel all their appropriate cooperation activities through the *intersyndicales* or through other types of existing common platforms. The ILO and ITUC could provide very valuable assistance by contributing towards the exchange of information and debate on best practice examples and models of *intersyndicale* structures.

Unification at all levels

Trade union fragmentation is not only caused by the existence of an irrational number of parallel trade union structures, (such as too many confederations). In a large number of countries, the problem is equally the result of a lack of structural links and coherence between unions at the lower levels in the trade union pyramid (for example, where branch and enterprise unions are not affiliated to federations and federations are not affiliated to any confederation). Rectifying this situation by conducting strong campaigns for the unification and structural integration of trade unions from the bottom up is therefore of critical importance in practically all the countries of the sub region and must be regarded as a top priority. Resistance against this process on the part of trade union leaders who refuse to give up their single-handed rule over isolated and sometimes empty-shell organizations will have to be exposed and eliminated.

Another delicate issue to be resolved in this connection is how to convince branch and enterprise unions in a democratic manner that it is in their interest to join the more genuine and representative organizations at the next level of trade union structures, rather than to take a decision which may be based on alliances and considerations of a different nature.

Any comprehensive and successful strategy for trade union unification will have to comprise a clear and well-thought-out plan of action for this part of the process. A proper and objective information campaign should be developed to make the workers concerned (who should be the main decision-makers in this matter) aware of its importance. Governments may be persuaded (including by the ILO and ITUC) to play a stimulating and objective role in such a process. *Intersyndicale* structures – where they exist – should play their part in cooperation and should take a leading responsibility in this regard. The GUFs, ITUC and ILO–ACTRAV should examine and discuss with their counterparts – and preferably with the *intersyndicales* – all forms of cooperation and assistance that they may be able to offer in this matter.

External factors

The existence of and respect for freedom of association and trade union rights depends on a number of broader and basic conditions which determine the overall well-functioning of societies and which differ from country to country. Key elements in this connection are the existence of democratic institutions, adequate labour laws and other legislation relevant to trade unions and respect for the rule of law and the role and autonomy of trade unions at all levels. These conditions are of critical importance for trade unions in pluralist and single trade union structures alike. Unfortunately, deficiencies in these domains have had a serious impact on trade union activities in several countries. Most governments in the region (in particular the ministries of labour) agree that social dialogue is an essential instrument for good governance in a participatory democracy. At the same time, some of them take an ambiguous or obstructive attitude – both in law and practice – regarding the encouragement of strong and independent trade unions. In many cases, proper legislation is in place to deal with important issues such as trade union registration or social elections at the enterprise level but its implementation by the government is either incorrect or withheld. In other countries, however, legislation is still sub-standard, outdated or incomplete.

The existence of a proper trade union law – in addition to general labour legislation – is an important factor for the setting of agreed rules on key issues, such as criteria regarding trade union representativeness and the definition of different types and levels of trade union organizations. In several countries, even where the general labour legislation is adequate, the absence of a clear trade union law has contributed considerably to confusion and possible abuse on the trade union scene and in the industrial relations system. It often has an impact on the question of trade union proliferation as well. If, for instance, there are no properly established descriptions and criteria to determine what constitutes a national trade union confederation or a regional or sectoral

federation, for example, anybody may claim or deny the right to create and demand recognition of such organizations on an unfounded basis. Governments should therefore adopt – and trade unions should claim – adequate and correct trade union laws. In situations where, in the prevailing national economic and political climate, unions may fear that the issuing of trade union legislation by the government at a particular point in time could have an overly restrictive character or effect, they may request the ILO's advice and technical assistance.

Trade union elections and representativeness

Trade union elections at the enterprise level should help assess union representativeness and offer a basis for the subsequent recognition of a union as a social partner organization in different forums. For instance, a threshold may be set so that a union may be recognized as a collective bargaining agent at the enterprise level if at least 20 per cent of the total numbers of trade union delegates elected are from that union. In a broader professional or geographical context, the percentages fixed may be different, for instance at 15 per cent in order for a union to be admitted as a social partner in the various tripartite and bipartite bodies which exist at the sectoral, inter-sectoral and governmental levels as well as for membership in *intersyndicales* and similar trade union platforms. The criteria should be formally set (for example, in the trade union law), so that the government and employers have to recognize them as well. Although different percentages may be fixed, the higher they are, the more they are likely to stimulate trade union alliances and unification by putting pressure on organizations which want to preserve social partner status and other privileges to strengthen their ranks. The same parameters for representativeness should be applied with regard to the allocation of government funding for certain trade union activities. They should also strengthen and help justify union demands for a check-off system for the collection of membership fees within the enterprise.

In some instances, the outcome of social elections has been hampered and undermined by malpractices among trade unions (such as undue pressures, threats, bribery by employers and by the unions themselves and cheating). Unions should agree prior to the elections on an ethical code of good practice in that regard.

In several countries, social and union elections at the enterprise level have not been held because the relevant ministry has failed to launch the process, in spite of existing legal provisions on the subject. In other cases, elections have been organized only for private or for public sector workers. It is important, therefore, for social elections in both these sectors to be governed by the same part or provisions of the national legislation, which is not the case in a number

of countries. Many individual employers also fail in their legal duty to involve their enterprise in the election process. Several ministers of labour in the region have declared their intention to take action on the holding of overdue social elections. The ILO should use every opportunity to remind the authorities concerned of their commitment and to discuss the practical way forward with them. Trade unions should draw up their own proposals on these matters.

Trade unions and politics

Trade union and political action go hand in hand in the defence of workers' and trade union rights. However, disproportionate political ambitions and involvement in party politics on the part of trade union leaders, serving personal interests rather than the cause of workers and the union, have caused a lot of damage and division within ranks of the trade union movement. Many unions have been created merely to serve as a bridgehead for political parties into the labour movement. The results of relationships – where they exist – between unions and their leaders on the one hand and political parties on the other should be openly debated and assessed at trade union congresses and other governing bodies. As a result, several national trade union centres have been successful in their efforts to redefine the objective boundaries between trade unionism and party politics.

Internal democracy and transparency

Internal trade union democracy and transparency are among the most vital cornerstones of a viable and effectively operating organization. They are indispensable elements not only for the preservation of the organization's integrity, effective functioning, internal cohesion and discipline, but also for the respect and credibility of the organization among the workers and its general public image. They must be conceived and applied in a spirit of participative democracy, in which the trade union movement must be a principal actor and advocate.

Trade unions must have a clear and consistent constitution and a set of rules which govern all major parts of their mandate, management and activities. On this basis, the results of the work of the organization and its leaders have to be subjected to the scrutiny, evaluation and decisions of their executive bodies and members, at intervals specified in the constitution. They have to establish and regularly review real trade union policies and programmes which allow them to promote workers' rights and conditions effectively. The internal rules should determine the terms of the political and administrative responsibilities and accountability of the leadership. The management and monitoring

of trade unions' financial assets should be particularly strict. Many organizations in the region do not have sufficiently clear or up-to-date rules and regulations on these issues and should make the effort to rectify this situation.

The principle, the rules and the outcomes of democratic decision-making have to be accepted and respected by all actors, including with regard to the results of trade union leadership elections. Furthermore, minority views must be respected and there must be a willingness to take them into account. The suspension of trade union leaders and officials (even in a democratic manner) has often led to damaging court cases, splits and the setting up of rival organizations. The ultimate sanction of suspension should therefore be applied with extreme caution and other alternatives should be explored. The majority of trade unions in the region have to make a special effort to establish an adequate communication and information culture between their structures at different levels and to improve policies and working methods in this regard. Some international advice and support would be useful in this domain.

International and national trade union partners should ensure that they are informed of the record of internal democracy of the organizations they cooperate with and ensure that these organizations comply with their constitutional criteria, including with regard to the timely holding of congresses and of leadership elections, transparency in trade union finances and democratic decision-making on policies and programmes. ITUC and ITUC–Africa should show a rigorous application of their own constitutions in this regard and might have to suspend or freeze the membership of any affiliate who has ceased to comply with ITUC principles and criteria regarding trade union democracy.

Coping with new and growing challenges

There has been a rapid and far-reaching change over the last decade with regard to the issues that determine the trade union landscape and the challenges with which unions are confronted. The growing importance and impact of globalization, of macroeconomic and macro labour policies and of precarious types of work and employment and the overwhelming dominance of the informal economy are only some of the major issues to which trade unions are called upon to respond in this regard. The adaptation and strengthening of trade union capacities in terms of expertise, training, research and networking as well as for developing adequate policies and strategies, require an enormous investment of resources, which are scarcely available. If trade unions are to play any meaningful role against this background, they must join forces in order to develop and deploy the required capabilities.

Concerted trade union positions and unity in action are also essential in connection with a variety of regional, sub regional and international opportunities, such as the social dialogue activities of the West African Economic and Monetary Union (UEMOA) and the Economic and Monetary Community of Central Africa (CEMAC), consultations by the World Bank and the European Union regarding their respective programmes in the region and tripartite involvement in ILO initiatives for the setting up of national councils for social dialogue and for the elaboration and implementation of Decent Work Country Programmes.

Organizing and acting on behalf of workers in the informal economy is a priority issue if unions are to preserve their representativeness and credibility as a workers' movement. Numerous organizations have not yet found a way to enter this sector. In many cases, there is a need to adapt the constitutions, the rules and – to some extent – the structures of trade unions in order to accommodate their role in the informal economy. The question of affiliation fees will need attention in this context as well. In representing informal economy workers, trade unions will have to make sure that the interests of these workers are heard and considered at higher levels in the national socio-economic and political institutions to which trade unions have access. Unions will have to be more creative and inventive in developing specific types of activities and services that are geared towards informal economy workers' needs. Trade union women and their union-related associations have proved to be particularly well placed, motivated and efficient in this domain. Their work must be given much more encouragement and support. The creation of stronger alliances through cooperation with like-minded NGOs and other civil society organizations (such as rural workers' associations) must be positively considered. Many positive examples exist in the region in all these domains. They are, however, too limited in scope and numbers. An exchange of experience and good practice at a regional workshop or other event, leading to the elaboration of national guidelines and concrete action plans, would be of great assistance in making progress on this matter.

In addition to workers in the informal economy, women and young workers offer the greatest potential for the broadening of the base and membership of trade unions. Women and young trade unionists must therefore be encouraged with all possible means to join trade union structures and activities at all levels. Incompatibilities between women's family responsibilities and their participation in trade union activities (for example, with regard to the time and location of activities and meetings) must be addressed more effectively. Furthermore, several organizations have to adopt and enhance gender sensitive policies in general. Many excellent strategies and action plans have been developed for this purpose and need not be mentioned here. In several countries,

trade union branches for women and young people have been successful in organizing joint inter-union activities and events. They are effectively contributing and playing a guiding role towards unity in trade union action and should be strongly supported in this work.

Unification and international cooperation

A major requirement in this connection is that international, regional and national donor partners must channel their cooperation – multilateral as well as bilateral – to a maximum extent through joint trade union structures and initiatives. Ideally, this would mean working with and through joint trade union platforms, such as *intersyndicales*. Alternatively, depending on the national circumstances, the activities could involve at least the ITUC affiliates in each country as a core group. Furthermore, the reallocation of resources with a view to giving priority support to unification-oriented activities has to be given serious consideration. This may not be easy, as it may require reviewing longstanding preferences and privileged relationships, outdated and ideologically based choices and routine programmes, among other things. However, in the overriding interest of building strong and effective trade unions in the many African countries where they are still weak at present, every party has to accept its share of responsibility. The time to do it is now.

In line with its Strategic Plan for 2009–12, ITUC–Africa should develop a comprehensive campaign in order to seek and stimulate consensus among all its affiliated organizations in a given country on joint trade union action and structures for that purpose. This will be a very extensive operation and it will be difficult to involve in this campaign all the countries concerned at the same time. ILO–ACTRAV and other international and national trade union cooperation partners should therefore extend their support to ITUC–Africa in these efforts.

Other ways in which ILO–ACTRAV could provide valuable and specific assistance include preparing a study on good practice examples of national trade union laws (and subsequent advisory services to be provided to interested trade union confederations) and drawing up broad guidelines for the elaboration of trade union positions regarding acceptable government criteria for trade union registration. The ILO, in cooperation with ITUC, could also provide support in the launching of national trade union campaigns to ensure that union activists and shop stewards are properly informed and motivated regarding the importance of trade union consolidation through unification.

Structured unity in action at the sectoral level is a very important step on the road to trade union unification. Various initiatives in this domain have

produced positive results in several countries. The cooperation of the GUFs should be sought for the further expansion and improvement of these activities.

A specific problem and particular source of conflict and rivalry between unions and leaders in the local context is the considerable advantages and privileges, in terms of funding and prestige, which accompany certain international activities (such as training programmes abroad and study and travel grants). In many cases, access to these activities has all too frequently been monopolized by a small group of persons from the same organizations. The international trade union movement should adopt a more rigorous and coordinated approach when making choices and taking decisions in order to remedy this problem.

Practically all the organizations which have been involved in the present study have agreed that the current situation of trade union proliferation and fragmentation is irrational and unsustainable. They feel that progress should and can be made on the road to trade union unification in their countries, in the first instance by consolidating unity in action in a structured way. The trade union panorama should, in their view, be streamlined by reducing the number of national trade union centres, marginalizing the numerous unrepresentative empty-shell organizations and building more coherent structures within the remaining confederations. These ideas and objectives will need further serious and genuine debate in order to achieve a convergence of minds and build consensus regarding the process to follow. At the same time, these organizations have stressed the need for international support and stimulation in a unification process, both for political and material considerations.

It is proposed that one or several high-level symposiums should be organized by ILO–ACTRAV, in cooperation with ITUC, as a follow-up to this study, with a sharp focus on reaching agreement on concrete steps forward. The present document could serve as a background and discussion paper and the elements contained in Part V could be used as the basis for an annotated agenda. The events should be well prepared. Working papers should be produced for the main discussion items and adequate background information should be provided (including information on the existence and application of the relevant legislative frameworks in the countries concerned and on the outcomes of recent trade unions congresses and a review of the existing structures and initiatives for the promotion of unity in action in each country). However, it must be emphasized that several previous events of a similar nature and with similar objectives have been held in recent years involving considerable efforts and resources from their organizers. Some of them have resulted in very valuable conclusions and pertinent recommendations, but no follow-up has been given to them. A solemn commitment on the part of the participating trade union leaders to the outcomes of the proposed symposiums and their implementation, to be made prior to the events, is therefore absolutely essential.

With regard to format, two options can be considered. The first is to hold one sub regional event, with the aim of reaching agreement on the main principles and guidelines for unification action, and the second is to hold several smaller events involving the main national trade union centres from selected countries (which should have a sufficient number of elements in common), with the aim of reaching agreement on a more detailed plan of action. Participation should be restricted to the leaders of the main national centres – covering both the private and public sectors – and could be widened to include some smaller interested organizations, provided that there is sufficient consensus on this point. In any case, the ITUC's affiliated organizations from each country concerned must be the core group in the process and they should be prepared as a group before participation. Ownership of the process by the organizations involved is key.

In view of the wide divergences between the trade union situations in the various countries in terms of political context, legislative frameworks, numbers of national centres and the existing relationships between them, the option of holding several smaller symposiums is probably the more realistic one from the perspective of obtaining the most tangible results. In such a case, it is to be expected that a proper outline for follow-up at the national level will be agreed upon on the basis of a step-by-step action plan and time frame.

It should be remembered, however, that trade union unification is a process that will require more than a one-off event. ITUC will need to remain involved in the different phases of the process, not only at the continental level but also at the level of the targeted countries, if it is to be successful in halting and reversing the trend of trade union proliferation as a priority policy objective. Holding the proposed high-level symposiums to draw up a unification agenda will be an important initiative at this particular point in time, when national and international pressures on the trade union movement are stronger than ever and the successful amalgamation of the movement into one international family should be the guiding beacon.

Study carried out in May 2009
by Mr Eddy Laurijssen
Expert on labour issues
with the collaboration of ACTRAV specialists

References

- Freedom of association – Digest of decisions and principles of the Freedom of Association Committee of the ILO Governing Body (ILO - 2006)
- Freedom of Association in practice: Lessons learned – Report I(B) to the 97th International Labour Conference (ILO - 2008)
- Collective Bargaining: ILO Standards and the principles of the supervisory bodies (ILO - 2000)
- ILO Principles concerning the right to strike (ILO - 2000)
- Freedom of Association and Collective Bargaining – Report III (Part 4B) to the 81st International Labour Conference (ILO - 1994)
- Strategic Plan 2009 – 2012 – African Regional Organization (ITUC Africa - October 2008)
- Problems of trade union pluralism in the new democratic context in French-speaking Sub-Saharan Africa (ICFTU/AFRO - 2003)
- Etats généraux des syndicats des travailleurs de la République Démocratique du Congo (Solidarity Center - mai 2007)
- Histoire du syndicalisme en Afrique (Gérard Fonteneau, Noël Madounga, André Linard - novembre 2004)
- L'action des syndicats professionnels en Afrique noire francophone (Henri-Joël Tagum-Fombeno - 2006)
- L'Unification du mouvement syndical (Emilie Sarr Seck/UNSAS Sénégal - novembre 2008)
- Etude pour la mise en conformité de la législation Camerounaise avec les normes internationales du travail (J-M. Tchakoua/BIT - août 2008)
- Changing patterns in the world of work – Report I (C) to the 95th International Labour Conference (ILO - 2006)
- La représentativité des organisations de travailleurs et d'employeurs en Afrique francophone (BIT/PRODIAF - 2002)
- Trade Unions' Role in a Globalized Economy and the Fight Against Poverty (ILO/ACTRAV - October 2005)
- Freedom of association, Human rights and Democratic development (ILO - 1999)