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**Report of the Committee on Freedom of Association  
(217th)**

## 217TH REPORT

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Case No. 1092COMPLAINTS PRESENTED BY THE INTERNATIONAL CONFEDERATION OF FREE TRADE  
UNIONS AND THE WORLD CONFEDERATION OF LABOUR AGAINST THE GOVERNMENT  
OF POLAND

666. Following the declaration of martial law in Poland on 13 December 1981 and the measures taken by the authorities against the trade union Solidarity and its militants and leaders the International Confederation of Free Trade Unions and the World Confederation of Labour had submitted to the ILC complaints of violation of trade union rights in that country.

667. In view of the nature of the allegations the Director-General had immediately proposed to send an ILO mission on the spot to obtain information on the trade union situation and concerning the trade unionists who had been interned. In reply to this proposal the Government had considered that in the current circumstances it was not possible to receive an ILO mission.

668. Subsequently a delegation from the Ministry of Labour, Wages and Social Affairs led by Mr. Krysztof Gorski, Under Secretary of State, visited the ILO on 18 and 19 February 1982 and had a series of meetings with the Director-General and the Chairman of the Committee on Freedom of Association,

669. On the basis of certain observations transmitted by the Government in communications dated 30 December 1981 and 17 February 1982 as well as indications supplied by the Ministry of Labour, Wages and Social Affairs delegation the Committee on Freedom of Association examined the case at its meeting in February 1982 and submitted an interim report to the Governing Body which was approved by the Governing Body at its 219th Session (March 1982) (see 214th Report of the Committee, paragraph 696 to 751).

670. Subsequently, the Government provided certain observations in a communication dated 8 May 1982. In addition, with the consent of the Government, Mr. Nicolas Valticos, former Assistant Director-General of the ILO, visited Poland as the Director-General's representative. He was accompanied by Mr. Bernard Gernigon, Deputy Chief of the Freedom of Association Branch, They visited the country from 10 to 16 May 1982.

671. Poland has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

I. Previous examination of the case by the Committee

672. At its meeting in February 1982 the Committee noted with deep concern that the complaints contained serious allegations, namely the massive arrest and internment of trade unionists, prison

sentences imposed on workers for striking, the death of workers during clashes with the security forces, the dismissal of Solidarity union members and the exertion of pressure on them and the general suspension of trade union activities. The Committee wished to express its concern all the more since it had followed with interest the positive development of the trade union situation after August 1980.

673. As regards the eventual sending of an ILO mission on the spot, the Committee noted with regret the Government's reply that such a mission was not possible in the circumstances. The Committee considered that a mission carried out on the spot by the International Labour Office would make it possible to establish the facts and facilitate a constructive development of the situation, The Committee urged the Government to agree to an ILO mission entrusted with collecting information on all aspects - both legal and factual - of the present case being sent on the spot. It expressed the firm hope that such a mission could be sent to Poland very shortly,

674. As regards the substance of the case, the Committee took note of the explanations provided by the Government of the reasons for declaring martial law and in particular on the politically oriented activities allegedly carried out by Solidarity, It observed however that the special measures taken following that declaration had had very serious repercussions on the exercise of trade union rights and civil liberties. Consequently, according to its usual practice the Committee felt it necessary to analyse the measures taken by the Government against trade union organisations and their members,

675. As regards the suspension of trade union activities, the Committee considered that the measures that had been taken were of a particularly serious nature since they affected every aspect of trade union activity, thereby depriving the workers of all their rights and means at their disposal in terms of Convention No. 87 for the defence of their interests. The Committee stated that it was deeply convinced that in no case did the solution to the economic and social problems besetting a country lie in isolating trade union organisations and suspending their activities. On the contrary, stated the Committee, it was only through the development of free and independent trade union organisations and negotiations with these organisations that the Government could tackle such problems and solve them in the best interests of the workers and the nation. The Committee took note of the Government's statement that the suspension of trade union activities was only a temporary measure, It therefore expressed the firm hope that the trade union organisations existing in Poland which were legally recognised by the authorities might resume their activities to defend the economic and social interests of the workers as quickly as possible on the basis of trade union legislation consistent with Conventions Nos. 87 and 98, which had been ratified by Poland, The Committee was convinced that the absence of such legislation could only be harmful to the development of labour relations in the country. The Committee noted that a guiding scheme for new trade union legislation would be elaborated at the end of February 1982, It also noted that in the framework of the follow-up to Case No. 909, also concerning Poland, the Government had stated that the introduction of martial law had not influenced the work continuing on the draft legislation - which

would, however, be slightly modified, and that the Government would inform the ILO of any progress made in this connection,<sup>1</sup> Accordingly, the Committee requested the Government to inform it of any measures taken to re-establish the activities of existing trade union organisations. It also considered that, as had been done in the past, it would be useful if the guiding scheme and the draft of the Act which would be prepared subsequently were submitted before adoption to the International Labour Office for comment

676. The information in the Committee's possession showed that the authorities had interned persons on a very large scale since the commencement of martial law and that most of the persons arrested were still detained, although more than two months had elapsed since martial law had been declared and complaints submitted to the ILO, which had been immediately communicated to the Government, it had not yet supplied precise information about the situation of the detained persons mentioned by the complainants, especially about the places where they were being held. The Committee pointed out that the detention or internment of trade unionists and especially trade union leaders for reasons connected with their activities to defend the interests of workers, constitutes a serious interference with civil liberties in general and trade union rights in particular. For this reason the Committee requested the Government to release the persons who were interned only in order to prevent them from carrying on activities pursued prior to 13 December 1981, since according to the Government's own indications these persons should be immune from prosecution on account of such activities under the Abolition Act (under which no one could be sentenced for political activities carried out before 13 December 1981). As for the other interned persons, the Committee asked the Government to send without delay its observations on the specific allegations that had been made in this connection, in particular the exact reasons for the internments, the situation of these persons and the places where they were being held, as well as assurances about its intention to release the persons concerned,

677. As regards the prison sentences for strike action taken after 13 December 1981, the Committee observed that the sentences facing the trade unionists apparently included the death sentence in the case of strikes in enterprises requisitioned by the military authorities. In this respect the Committee recalled that the right to strike is normally one of the essential means that workers must have for defending their interests and consequently that imprisonment for participating in a strike constitutes a serious infringement of trade union rights. To enable it to examine the allegations in question more thoroughly, the Committee stated that it would like to obtain information on the charges brought against the persons sentenced and the specific acts of which they had been found guilty.

678. The Committee noted that the Government had not supplied information about the circumstances surrounding the death of workers at the Wujek mine in Silesia. In view of the seriousness of these allegations the Committee requested the Government to see that an independent inquiry was carried out as soon as possible to investigate the facts in full and determine the responsibility for these deaths.

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<sup>1</sup> See 214<sup>th</sup> Report of the Committee, para. 15.

679. As regards the allegations that workers had been dismissed and subjected to pressure to renounce their trade union membership, the Committee recalled the importance which it attaches to effective protection against acts of anti-union discrimination in respect of employment, protection which needs to be provided both in the private sector and in the public and governmental sector. The Committee requested the Government to send its observations on the specific allegations made by the complainants on this matter.

680. In these circumstances the Governing Body approved the interim report of the Committee and in particular the following conclusions:

- (a) The Committee wishes generally to express its deep concern about the extreme gravity of the allegations submitted by the complainants,
- (b) Regarding the suspension of trade union activities, the Committee stresses the extreme gravity of this measure which affects all aspects of trade union life. The Committee notes the Government's statement that the suspension of trade union activities is only a temporary measure. It therefore expresses the firm hope that the trade union organisations existing in Poland which were legally recognised by the authorities may resume their activities as quickly as possible on the basis of trade union legislation consistent with Conventions Nos. 87 and 98, which have been ratified by Poland; the Committee notes that a guiding scheme for new trade union legislation will be elaborated at the end of February 1982. It requests the Government to inform it of any measures it may take to re-establish the activities of existing trade union organisations and suggests that the guiding scheme for the legislation and the draft of the Act which will be drawn up subsequently should be submitted to the International Labour Office for comments.
- (c) Regarding the internment of a large number of Solidarity leaders and members since the commencement of martial law, the Committee points out that the detention of trade unionists and trade union leaders for reasons connected with their activities to defend the interests of workers constitutes a serious interference with civil liberties and trade union rights. That is why the Committee requests the Government to release the persons who were interned only in order to prevent them from carrying on activities pursued prior to 13 December 1981, since according to the Government's own indications these persons should be immune from prosecution on account of such activities under the Abolition Act. As for the others it requests the Government to send its observations without delay on the specific allegations made on this matter, in particular on the exact reasons for the internments, the present position of these persons, the places where they are being held and assurances about the Government's intention to release the persons concerned.

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- (d) Regarding the sentences imposed for strike activities carried out after the announcement of martial law, the Committee recalls that the right to strike is one of the essential means that workers must have for defending their interests and that imprisonment for participating in a strike constitutes a serious infringement of trade union rights. The Committee asks the Government for information on the charges brought against the workers concerned and the precise acts of which they were found guilty.
  - (e) Regarding the death of workers at the Wujek mine, the Committee requests the Government to see that an independent inquiry is carried out as quickly as possible.
  - (f) Regarding the Solidarity union members alleged to have been dismissed and subjected to pressure, the Committee recalls the importance of effective protection against any acts of anti-union discrimination in respect of employment and asks the Government for its observations on this matter.
  - (g) In view of the comments made above, the Committee considers that an ILO mission entrusted with collecting information on all aspects - both legal and factual - of the present case would make it possible to establish the facts and facilitate a constructive development of the situation. It urges the Government to agree to the sending of such a mission and expresses the firm hope that the mission may visit Poland very shortly.

## II. The Government's communication

681. In its communication of 8 May 1982, the Government states that the Committee's recommendations and the complaints themselves are under detailed and meticulous examination. When this examination is concluded, the Government will not fail to present its position to the ILO on all these questions. It adds that it is following with the greatest attention the way in which Polish affairs are being dealt with in the ILO. The Government recalls that on several occasions it has kept the ILO directorate informed of the reasons for the introduction of martial law which involved, amongst other things, the temporary suspension of the activity of the trade unions.

682. The Government states that since the last session of the Governing Body new events have occurred in Poland which bear witness to the progress made towards normalisation of social life. For example, on 3 May 1982, Parliament adopted an important statement relating to the national understanding, and certain new measures have been taken to lessen the effects of martial law. At the end of April 1982, continues the Government, a large number of persons were released from internment, including many militants of Solidarity and of Rural Solidarity.

683. In the 3 May 1982 statement. Parliament stresses that there will be strong support for "the rebirth of the independent and self-managing trade union movement with a view to carrying out its functions for the protection and representation of the social conditions and well-being of the workers. In the trade union movement which will be reborn, independently of the forms which it might take, there will certainly be a place for all those 'Solidarity' members and militants who wanted the renewal of the trade union movement, but not a political party opposed to socialism".

684. The Government also states that the workers are not deprived of representation as regards their daily interests. For the moment this function is being carried out by social committees whose composition is very broad and includes militants from all the trade unions whose activities have been suspended.

685. The Government is concerned to note that within the International Labour Organisation positions have been taken which reflect a bias and a lack of good faith in the assessment of the situation in Poland; this leads to a loss of real perspective on Polish questions, the reasons for the introduction of martial law and the temporary suspension of trade union activities. This is particularly the case as regards certain aspects of the complaints presented to the ILO and possibly other actions which could be regarded as interference in matters which are within the exclusive and sovereign competence of the authorities and which concern the protection of the constitutional order.

686. The Government notes with regret that both the Committee on Freedom of Association and the Governing Body have not reacted within the ILO against the tendencies which are trying to force the Organisation into the sphere of problems which are outside its competence. If these tendencies should develop, the Government will not remain indifferent faced with this abuse of the Organisation's authority to interfere in the internal affairs of Poland, and it would have to seriously examine the appropriateness of Poland's future presence in the International Labour Organisation.

687. The Government hopes that these anti-Polish actions within the Organisation will be brought to an end. It also hopes that in its relations with the Organisation it should be possible to overcome the present impasse and lack of confidence. That would best serve the cause of respect by trade unions for their duties towards the rights and standards contained in the ILO's Conventions, and, at the same time, would make it easier for the State to fulfil the obligations which arise under these Conventions.

688. In addition, the Government supplies information on each of the persons mentioned in the list which the Committee had attached to its February 1982 Report.<sup>1</sup> It appears from this information that out of the 725 persons listed, 340 have been interned or arrested of whom 513 are members or militants of Solidarity, and 27 others. Of these 313 trade unionists, 128 have been released. Finally, 385 persons, of whom 35 have not been identified, have never been arrested or interned.

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<sup>1</sup> The list of persons liberated or still interned or detained is annexed to the present report.

III. The visit to the country

689. After his visit to Poland, Mr. Valticos, the representative of the Director-General, presented him with a report - which is annexed to the present report - on the various meetings that he had during his stay. In that report, the representative of the Director-General points out that he was received with confidence and with great courtesy by all of those whom he met. After discussion, a programme of meetings was organised. On the Government side, the representative of the Director-General met with Messrs, Janusz Obodowski and Mieczyslaw Rakowski, Vice Prime Ministers; Antoni Bajkiewicz, Minister of Labour, Wages and Social Affairs; Sylwester Zawadzki, Minister of Justice; Stanislaw Ciosek, Minister for the Trade Unions and Józef Wiejacz, Vice Minister of Foreign Affairs. As for the representatives of the workers' organisations, the representative of the Director-General expressed the wish to meet the leaders of the three large central organisations which had functioned before the proclamation of martial law, and, more particularly, the persons who represented these organisations as titular or substitute delegates to the 1981 Session of the International Labour Conference. He was accordingly able to meet with leaders from the Co-ordinating Committee of Branch Trade Unions, including Mr. Albin Szyszka, President of the Communications Trade Unions and Substitute Workers' Delegate to the 1981 Conference; leaders of the Confederation of Autonomous Trade Unions, in particular Mr. Jacek Krzyzanowski, President of the Autonomous Trade Union of Transport Workers and also a Substitute Workers' Delegate to the 1981 Conference. The representative of the Director-General also met several militants and leaders of the independent and self-managing Solidarity trade union, both in Warsaw and in the provinces, amongst whom Mr. Ryszard Kalinowski, former Vice President of the National Committee and Substitute Workers' Delegate to the 1981 Conference who had been interned on 13 December 1981 and then released in March 1982. In addition, towards the end of his visit, he was able to meet, on the premises where he is interned, Mr. Lech Walesa, President of the National Committee and Workers' Delegate to the 1981 Conference. Finally, in the absence of Mgr Glemp, the Polish primate, the representative of the Director-General met with Mgr. Jerzy Dabrowski, Bishop of Gniezno and a member of the Polish Episcopate.

(a) Analysis of the facts prior to 13 December 1981

690. The various persons with whom the representative of the Director-General spoke analysed the facts which had led to the proclamation of martial law. Thus, the Government authorities recalled that the Gdansk Agreements provided that Solidarity would conform to the Constitution of the country, would respect the leading role of the Party, the socialisation of the means of production and the external relations of Poland, in particular its alliances with the socialist countries. These agreements, they added, had been violated by Solidarity. In fact, according to all the government members with whom the representative of the Director-General spoke. Solidarity had transformed itself into a political party. It was considered that the regional structure of Solidarity caused it to attach only secondary importance to the occupational

interests of its members. Certain members of the Government also insisted on the abuse of the right to strike in 1980 and 1981, contrary to the Gdansk Agreements which provided for strike action only as a final resort. These strikes had become more and more political, like the national strike which had been announced for 17 December 1981. In addition Solidarity was opposed to the adoption of a trade union Act which it considered as a limitation of the workers' rights. There was total anarchy; undertakings were paralysed and the exportation of coal blocked. The distribution of coal and foodstuffs was becoming very difficult. In these circumstances, the only solution was that which was taken on 13 December, namely, the proclamation of martial law so as to avoid civil war, or even a world war.

691. The analysis thus made by the members of the Government is largely that of the leaders of the branch trade unions. They also consider that Solidarity was manipulated for political ends and that the country was heading towards open confrontation with the threat of civil war. Certain leaders of the autonomous trade unions were also of the opinion that the workers were not satisfied with the action of a political nature which Solidarity was undertaking and which was leading to situations of extreme conflict.

692. Most of the Solidarity militants whom the representative of the Director-General met recognised that their organisation had committed errors mainly as a result of the inexperience of its leaders. Mr. Lech Walesa, for his part, stated that Solidarity certainly did not want to take over power, but that its action had, perhaps, hindered governmental activity and administrative activity, and that it had not sufficiently explained its objectives either to the Government, or to the public. Certain militants also remarked that Solidarity had not sufficiently negotiated with the authorities, but that they had sought confrontation by giving in to certain provocations. One of them also noted that, within the Polish political system, an independent trade union organisation could only be seen as a political force and that even if political statements had perhaps been made, no acts had been committed which justified the measures taken on 13 December 1981.

(b) The present situation

693. As regards the present situation, all the trade unionists encountered - no matter what organisation they led or were active in - confirmed that there was currently no trade union activity in the country.

694. The assets of the organisations were controlled by administrators nominated by the authorities who are charged with ensuring that they are maintained. The leaders of the branch trade unions were the only ones to indicate that these administrators had been chosen from amongst the trade union militants. One militant of Solidarity stated that- the premises of his organisation had not been used for other ends after 13 December 1981 and that in spite of the fact that the funds of his organisation were frozen a certain amount of money had been used to assist the families of interned trade unionists. On the other hand in another interview it was pointed out that certain trade union premises are now being used for other purposes and that assets and documents have been confiscated.

695. The full-time officers of the various trade union organisations had been reinstated in their former enterprises, an operation which had not always taken place without difficulty. For example, one provincial leader of Solidarity had been dismissed a number of days after his reinstatement and it was only after instituting proceedings before the Labour Court and the decision of that Court in his favour that he was able to resume his work in the undertaking in which he had been employed previously.

696. Certain cases of dismissal or transfer were also mentioned by militants of Solidarity and by the autonomous trade unions. As regards the latter, however, these measures responded more often to the necessity of restructuring the enterprises rather than being acts of anti-union discrimination. It was also pointed out that pressures had been placed on the members of the Polish Unified cokers' Party who belonged to Solidarity to resign from their trade union organisation.

697. Several ministers pointed out that, provisionally, social committees had been set up in January 1982 in the undertakings. It was pointed out that these were a kind of substitute for trade union activity. These committees are appointed by the director of the undertaking and consist of representatives of all the trade unions. According to the government authorities they are well accepted by the workers in the majority of cases.

698. Certain ministers referred to the law on self-management adopted by the Parliament on 25 September 1981. The self-management-committees which would be elected by the workers would not only be consultative bodies but would be authorised to take decisions.

699. According to the trade union members met by the representative of the Director-General certain trade union leaders and militants sit on the social committees which were set up after the proclamation of martial law. The leaders of the branch trade unions indicated that many of their militants participated actively in these committees. They pointed out that the committees<sup>0</sup> permitted collaboration between militants of the various organisations since, according to them, leaders of Solidarity also sit on these committees, and are even in the majority in undertakings where Solidarity was the most representative organisation. On the other hand, according to one Solidarity militant, these committees do not attract all the workers because they are not representative and are principally directed by the members of the Unified Polish Workers Party. According to the leaders of the autonomous trade unions, these committees enable a certain contact to be maintained with the workers and to avoid a total vacuum in the area of social activity.

700. As regards the internment of trade unionists, one Government representative stated that the allegations contained in the complaints were not accurate. For example, Mr. Bujak had not been interned but was carrying out illegal activity. It was pointed out that 7,000 persons had been interned, 5,000 of whom had been freed, and 1,000 of these on 28 April. There remained approximately 2,300 interned persons. It was thought that other measures of liberation would follow rapidly but the events that had taken place at the beginning of May 1982 had delayed this although it would not change the intentions of the Government in this respect,

701. According to the Government representatives the material conditions of the internees are different from those of detained persons inasmuch as special rules are applied to them. The camps have been visited by the International Committee of the Red Cross and no comments were made as regards the material conditions of the detained persons or of their relations with the guards,

702. From the various meetings held by the representative of the Director-General with the trade unionists it appeared that only members of Solidarity had been affected by internment measures. According to the leaders of Solidarity who were met families have the possibility of visiting the internees once a week. Pressures were said to have been placed on internees to undertake no longer to engage in activities that are harmful to Poland. The majority however refused to sign such declarations considering that their previous activities were limited to a framework that was strictly trade union in character. According to a former trade union leader who had been interned the signing of such declarations does not constitute a prior condition for being freed. The same source stated that conditions of detention were normal. In the prison where this person was interned, 29 requested to leave the country and were liberated out of a total of 350 persons detained. "Finally, it appeared from these statements that amongst the internees are persons who have nothing whatsoever to do with the trade union movement\*

703. On a more particular point which had been the subject of allegations, namely the violent death of workers at the Wujek mine, the representative of the Director-General obtained some information on the circumstances of these deaths in the course of a meeting with a member of the Solidarity trade union committee of the mine. That person explained that a strike had been called on 14 December 1981 at the Wujek mine to protest against the internment of the President of the Solidarity trade union at the undertaking. Some 4,000 strikers had occupied the administrative buildings. On 16 December 1981 the militia arrived with tanks and tried to attack the occupied undertaking. During the clashes three militiamen were captured by the strikers. The officers tried without success to persuade the miners to come out of the premises of the undertaking. The strikers and their families threw stones at the militiamen, who in turn, threw teargas bombs. In spite of the initial order that was given to re-establish order without bloodshed shots were finally fired, Six persons were killed and three died later in hospital. A police inquiry had been carried out subsequently. Five of the persons arrested were released and three others were sentenced by the military tribunals to two to three years in prison with a two-year stay of execution.

(c°) Prospects for the future

704. The members of the Government with whom the representative of the Director-General had discussion all expressed the wish that martial law would be lifted. Some provisions of martial law had already been relaxed. However, they added, the economic difficulties, the sanctions imposed by the Western countries and the political demonstrations that had been inspired by these same countries were holding up further developments.

705. The government authorities referred to the "document on the future of the trade union movement" elaborated in February 1982 by the Committee of the Council of Ministers for Trade Union Affairs and on the basis of which a discussion had been commenced with the workers especially through the press. In general, the members of the Government insisted on their intention to re-establish normal trade union activity as soon as the situation permitted. In this connection it was emphasised that social life in Poland could not function without trade unions. As regards the type of trade unions which existed it was pointed out that the future situation could not be the same as that which existed before August 1980, nor that which existed up to 13 December 1981. It was recalled that the document on the future of the trade union movement envisages the maintenance of self-managed trade unions independent of the administration and of the employers. As this document points out, however, it will be necessary for the workers' organisations to act within a strictly trade union framework and the relations between the trade unions and the authorities will have to be based on mutual and constructive co-operation. To that effect the trade unions should avoid renewing the harmful experiences caused by the regional structure and base their organisations on a structure by branch of activity. It was pointed out by certain government spokesmen that the organisation of the trade union movement will be based on Convention No. 87 and on the principles of the ILO. It was also pointed out that trade union pluralism would be authorised,

706. The trade union leaders expressed the wish that trade union activities should be resumed as soon as possible. In particular the militants of Solidarity considered that the present situation could not continue but that on the contrary the prolongation of the application of martial law would make national understanding much more difficult because of the hatred and rancour that it would provoke,

707. More specifically, as regards the future of the trade union movement, the leaders of the branch trade unions stated that the militants of their organisations would participate in the public debate that had been opened in the press and in the undertaking. The great majority of them considered that the trade union organisations should be self-managed and independent of political parties, of the State and of employers. However, they should not carry out political activities and seek to take over power. They expressed the wish that the unions be structured by branch of activity. Finally, some militants favoured a unified trade union system at the level of the enterprise which, in their opinion, would serve to limit the activity of organisations to strictly trade union activities.

708. Militants of the autonomous trade unions also participate in this debate. They favour the maintenance of trade union pluralism which, in their opinion, does not constitute an obstacle to the proper functioning of enterprises. In their opinion trade union activities should resume on the basis of the central organisations which existed before 13 December 1981 and which were never dissolved. As regards the trade union structure, these trade union leaders consider that the most appropriate system is that of an organisation by occupation, the branches of activity being in their view too broad to permit trade union action at that level to be effective.

709. The majority of the militants of Solidarity who were met by the representative of the Director-General said that they were aware that the trade union movement could not be reconstituted on the same basis as before. For them, however, the process which had led to the creation and the development of free trade unions was irreversible. It was therefore urgent, according to one of these militants, to begin discussions between the Government, the Church and Solidarity. According to one of these militants the first stage of a compromise could be the resumption of trade union activities at the level of the undertaking. As regards the trade union structure they considered that the regional division had been useful to deal with various problems of common interest between the different sectors (housing, transport, etc.) but they did not defend this type of structure on a systematic basis. In their opinion the trade union congresses should take a stand on this question in adopting or modifying their constitutions.

710« The President of the National Committee for Solidarity, Lech Walesa, considered that the objective must now be to reach an agreement to bring the country out of its economic situation and to seek a national understanding on this question. In his opinion the trade unionists should assist in finding a solution and work in conjunction with the Government to improve the situation in the country. However, the unions should not lose their independence, something which for them was essential. Mr. Walesa was ready to accept that the trade union movement should suspend recourse to strike action over a fairly long period, and he stated that the trade union movement would assist in establishing a system of self-management. Finally, he considered that a modification of the statutes of Solidarity should be envisaged to give it a structure by occupation.

#### IV. Conclusions of the Committee

711. In the first place the Committee appreciates that following the wishes expressed by the Director-General by the Committee itself and by the Governing Body, a representative of the Director-General has been able to carry out a visit to Poland, where he was able to gather information on the trade union situation from different persons involved in the social life of the country. In particular, the Committee notes with satisfaction that the representative of the Director-General was able to meet all the persons whom he wanted to interview. The report of the representative of the Director-General has proved to be useful to the Committee in making a full and objective examination of the case.

712. Before dealing with the substance of the matter the Committee takes note of the statements of the Government in which it regrets once again the "interference" in the internal affairs of Poland and protests against the "partiality" which has been shown in the 110 in the appreciation of the Polish situation. On this point the Committee feels obliged to emphasise that within the framework of the mandate entrusted to it by the Governing Body, it proceeded at its meeting in February 1982 to examine receivable complaints which had been presented to it in this case as well as the

observations that were subsequently presented by the Government. This examination permitted the Committee to reach certain interim conclusions which, in accordance with the normal practice, were inspired by the Conventions on freedom of association adopted by the International Labour Conference and ratified by Poland, as well as by decisions which it had previously been taken in connection with allegations similar to those formulated in the present case. In addition, in order to obtain as complete and objective information as possible on the question, the Committee and the Director-General had considered it useful to send a mission en the spot.

713. From all the information new at its disposal, the Committee is of the impression that there seems to be emerging among different groups in Poland the wish for a resumption of real and frank discussions between the Government and all the trade unions, which are considered to be vital for the return to a normal situation in society. The Committee would strongly encourage the Government to take the necessary initiatives to open this dialogue.

714. In the present case the Committee is convinced that the adoption of new trade union legislation would, by establishing a legal framework within which trade union activity would be determined, contribute to avoiding a deterioration in the relations between the social partners in the country. It considers, therefore, that in order to prevent further confrontation which can only be seriously prejudicial to the national community as a whole, it would be appropriate to adopt trade union legislation in conformity with the standards and principles of the ILO. In this connection the Committee notes that the Government has elaborated a "document on the future of the trade union movement" in which the principle is reaffirmed that trade unions should remain self-managed and independent of the administration and of public employers. The Committee also notes that this principle corresponds with the wishes expressed by the trade unions. It further notes that this document is the subject of a dialogue in the press and in the undertaking. However, in the opinion of the Committee there cannot be real and lasting understanding on the future of the trade union movement as long as the representative trade union organisations in the country and their leaders have not been able to express freely their point of view in discussion with the authorities. The Committee expresses the firm hope that the Parliament will soon adopt a legal framework within which trade union organisations that are independent of the public authorities can function freely. The Committee also considers that the new legislation should take account of the principles enunciated by the International Labour Conference in the Resolution adopted in 1952 concerning the independence of the trade union movement, namely that "Governments in seeking the co-operation of trade unions to carry out their economic and social policies should recognise that the value of this co-operation rests to a large extent on the freedom and independence of the trade union movement as an essential factor in promoting social advancement and should not attempt to transform the trade union movement into an instrument for the pursuance of political aims, nor should they attempt to interfere with the normal functions of a trade union movement because of its freely established relationship with a political party" and that "When trade unions in accordance with national law and practice of their respective countries and at the decision of their members decide to establish relations with a political party or to undertake constitutional political action as

a means towards the advancement of their economic and social objectives, such political relations or actions should not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions irrespective of political changes in the country\*" The Committee requests the Government to supply information on the progress made towards the adoption of legislation\* It considers it useful once again to suggest to the Government to communicate to the International Labour Office for comment any draft law which will be elaborated.

715. In the opinion of the Committee the resumption of a dialogue between the trade union organisations and the Government will more easily bring constructive results if discussions take place within a climate of freedom and serenity. There can be no doubt that the liberation of the trade unionists who are still interned, in spite of the fact that the Abolition Act is applicable to them, and the granting of an amnesty to those who have been sentenced on account of their trade union activities since 13 December 1981 would favour the establishment of such a climate. The Committee notes that trade unionists who were interned have been released, including 128 of those whose names appeared on the lists supplied by the complainants. The Committee must, however, note that further internments have taken place following demonstrations that occurred at the beginning of May 1982, It urges the Government to liberate rapidly the trade unionists who are still interned. It requests the Government to supply information on any steps taken to this effect as well as on the situation of the persons interned, in particular the 185 trade unionists mentioned in the list annexed to the 214th Report who are, according to the Government, still in detention.

716. The Committee takes note of the information gathered on the spot by the representative of the Director-General on the question of the events which took place at the Wujek mine in Silesia. It deplores these tragic incidents which led to the death of nine workers, and asks the Government to transmit the information concerning the inquiry on the circumstances which gave rise to these incidents.

717. Finally, as regards the question of dismissals of trade union leaders or militants the Committee notes that a limited number of cases was mentioned to the representative of the Director-General, On this question the Committee must recall once again the importance which it attaches to adequate protection being provided against acts of anti-union discrimination, protection which should exist in the private sector as well as in the public sector and in the administration. Once again, it requests the Government to transmit its observations on the allegations concerning dismissals and the pressures that are said to have been exercised or workers belonging to Solidarity.

718. Generally, the Committee would recall that the International Labour Office remains at the disposal of the parties to extend any assistance which might usefully contribute to ensuring a situation that is in conformity with the Conventions on freedom of association ratified by Poland.

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Recommendations of the Committee

719. In these circumstances the Committee recommends the Governing Body to approve the present interim report and in particular the following conclusions:

- (a) The Committee appreciates that the representative of the Director-General has been able to visit Poland and obtain information on the trade union situation from various persons concerned with social life in Poland. It notes with satisfaction that the representative of the Director-General was able to meet all the persons whom he wanted to interview.
- (b) The Committee strongly encourages the Government to take the necessary initiatives to open real and frank discussions with all the trade unions.
- (c) On the question of the trade union legislation the Committee notes that the document on the future of the trade union movement elaborated by the Government reaffirms the principle that trade unions should remain self-managed and independent of the administration and the public employers. The Committee expresses the firm hope that the Parliament will soon adopt a legal framework within which trade union organisations that are independent of the public authorities can function freely, and which will take account of the principles enunciated by the International Labour Conference in its Resolution of 1952 on the independence of the trade union movement. The Committee requests the Government to supply information on the progress made towards the adoption of this legislation. It suggests also to the Government to communicate any draft law which might be elaborated to the International Labour Office for comment.
- (d) On the question of internment and arrests of leaders and members of Solidarity the Committee notes that trade unionists have been released and of these 128 whose names appeared on the lists supplied by the complainants. The Committee notes, however, that further internments have taken place following demonstrations that occurred at the beginning of May 1982. It urges the Government to liberate rapidly the trade unionists who are still interned, in spite of the fact that the Abolition Act is applicable to them, it requests the Government to supply information on any steps taken to this effect, as well as on the situation of those persons interned and in particular the 185 trade unionists mentioned in the list annexed to the 214th Report who are, according to the Government, still in detention.
- (e) On the question of the events that took place at the Wujek mine the Committee can only deplore the tragic incidents which led to the death of nine workers, and asks the Government to transmit the information concerning the inquiry on the circumstances which gave rise to these incidents.
- (f) On the question of the dismissal of trade unionists, the Committee recalls once again the importance of ensuring adequate protection against acts of anti-union discrimination

- in employment. Once again, it requests the Government to transmit its observations on the allegations concerning dismissals and the pressures that are said to have been exercised on workers belonging to Solidarity.
- (g) Generally, the Committee notes the Government's statement that the Committee's previous recommendations and the complaints themselves are under detailed and meticulous examination and that it will not fail to present its position to the ILC on all these questions. The Committee hopes that the Government will transmit the observations and information requested in the near future.
- (h) The Committee recalls that the International Labour Office remains at the disposal of the parties to extend any assistance which might usefully contribute to ensuring a situation that is in conformity with the Conventions on freedom of association ratified by Poland.

Geneva, 27 May 1982.

(Signed) Roberto AGO,  
Chairman.

ANNEX I

Information supplied by the Government on the persons mentioned in  
the annex to the 214th Report of the Committee

Persons released

Bartkiewicz Zofia, Swidnik  
Bartminski Jerzy, Lublin  
Bartoszewski Wladyslaw, Warsaw  
Baumgart Piotr., Szczecin, Member, Executive Committee of Rural  
Solidarity  
Binkowski Krzysztof Antoni, Radom leather factory; strike organiser  
Bochenski Jacek, Warsaw  
Bogucka Teresa, Warsaw, Mazowsze Cultural Committee  
Bomba Wladyslaw, Walbrzyck, Branch Chairman of Solidarity; arrested  
for organising strikes  
Borowski Edward, Chairman of the Solidarity Regional Executive  
Committee, Gorzow Wielk  
Brandt Benedykt, Gdansk  
Brodowski Zbigniew, Gdansk  
Bugaj Byszard, Warsaw, Member of the Mazowsze Executive Committee;  
delegate to the first congress  
Chajh Józef, Warsaw  
Chlebowski Longin, Chairman of the KZ of Solidarity MPK, Lodz  
Chmiel Krzysztof, Warsaw  
Chojewski Slawomir, Mazowsze Cultural Committee  
Cisło Maciej, Warsaw, weekly magazine "Solidarnosc"  
Czajkowski Ryszard, Gdansk  
Czajkowski Wojciech  
Czarnik Oskar, Warsaw  
Daniel Stanislaw, Lublin

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Debowski Stanislaw, Gdansk, works council of the Lenin Shipyard  
Deim Tadeusz, Warsaw  
Dobrecki Krzysztof  
Drawal Radoslaw, Lublin  
Drozdowski Henryk, Lodz  
Dyner Jerzy, Warsaw, Regional Executive Committee of Mazowsze  
Edelman Marek, Lodz  
Fabritis Julian, Member, Presidium of the MPK works council, Lodz  
Geller Adam, Warsaw, Chairman of works council of Warsaw University  
Grzywacz Zbylut, Gacuire  
Haicz Barbara, Gdansk  
Hassa Marian, undertaking in Swierczewski  
Herczynski Ryszard, Warsaw  
Holzer Jerzy, Warsaw  
Hopfinger Maryla, Warsaw  
Jakubiak Waldemar, Warsaw  
Janiszewski Aleksander  
Jankowski Leszek, Gdansk  
Jankowski Maciej, Warsaw, Member, Solidarity Executive Committee of the  
University; Mazowsze delegate to the first Congress of  
Solidarity  
Jastrzebska Iwona, Gdansk, employed by the Gdansk Regional Executive  
Committee  
Jaworski Andrzej  
Jaworski Seweryn, Vice-chairman, Mazowsze Executive Committee;  
member of strike committee, August 1980  
Jordan Andrzej, Mazowsze Regional Executive Committee  
Jozwiakowski Andrzej, Lublin  
Kaczmarek Robert, Krakow, Head of Information Bureau of the Regional  
Executive Committee  
Kalbarczyk Daniel, Warsaw  
Kalicki Jerzy  
Karwoski, UMK Torun  
Kojowski Andrzej, Warsaw  
Kisielewski Tadeusz, Gdansk  
Kiszkis Jerzy, Gdansk  
Klamrowski Mieczystaw, Gdansk  
Klinger Krzysztof, Warsaw  
Knumiter Wieslaw, Lublin  
Knap Jacek, Member, Mazowsze Regional Executive Committee  
Knap Zbigniew, Employee, Warsaw MZK, Mazowsze region  
Kobzdej Izabela, Gdansk  
Kolodziejski Cryk Witou, Vice-Chairman, Gorzow Regional Executive  
Committee  
Komar Michal, Warsaw  
Komorowski Bronislaw, Warsaw  
Kornhauser Julian, Cracow  
Kostrzewa Bozena, Member, Lodz Regional Executive Committee; delegate  
to first Congress  
Koscianek Eugeniusz, Member, Mazowsze Presidium; delegate to first  
Congress  
Kowalski Sergiusz, Warsaw  
Kracher, Warsaw  
Kropinwhicki Jerzy, Lodz  
Kruk Waldemar, Warsaw University  
Krzysztofciak Krzysztof, Executive Committee of UJ NZS  
Kucznski Waldemar, Employee and member of Mazowsze Regional Executive  
Committee  
Kułaj Jan, Chairman of Rural Solidarity

Kunicki Wladyslaw  
Kupiecki Dariusz, forked on "Robotnik"; Editorial offices of "Solidarnosc"  
Kurowski Stefan, Solidarity expert  
Laskowicz Krystyna, Solidarity militant at the UAM in Poznan  
Leski Krzysztof, Mazowsze Solidarity  
Lewandowska Irena, Warsaw, Journalist with "Solidarnosc"  
Lis Stanislaw, Corzow Solidarity  
Lis Zbigniew, Gdansk, former Member of the Presidium of the Regional Executive Committee; Member of the MKS in 1980  
Litynska Krystyna, Editorial offices of "Solidarnosc"; militant of the Mazowsze region  
Lojek Jerzy  
Lubienski Tomasz, Warsaw  
Lukasiewicz Malgorzata, Warsaw  
Lypaczewicz Krzysztof, Member of the Mazowsze Regional Executive Committee; delegate to the first Congress  
Malachowski Aleksander, Warsaw, writer, member of the Mazowsze Regional Executive Committee; elected for the first Congress  
Markuszewski Jerzy, Warsaw  
Matyjas Eugeniusz, Chairman of the Regional Solidarity Executive Committee of Leszno  
Mierzejewski Henryk, "Paris Commune" works committee, Gdynia  
Mikolajaska Halina, Warsaw, delegate to the first Congress  
Muskat Mariusz, Gdansk, works for the Regional Executive Committee  
Nowak Gerard, Gdansk  
Olszewski Jan  
Ostrzycki Krzysztof, "Kolprojekt" works council  
Piesiak Andrzej, Regional President, Jelenia Gora; member of the National Committee  
Pisarski Andrzej, Gdansk  
Pluta-Plutowski Wojciech, SPP Konin  
Przewlocki Janusz, Editorial offices of "Solidarnosc", Mazowsze  
Radosz Maciej, Warsaw, Solidarity militant  
Ragulska Elzbieta, press office of Solidarity AS, Warsaw  
Rayzacher Maciej  
Romanium Krystyna, Warsaw, Bujak's secretary  
Romanowska Maria  
Rosner Andrzej, Warsaw  
Ruszewski Piotr  
Rypniewski Jaroslaw, Gdansk  
Siemion Stanislaw, Warsaw, worked with Rural Solidarity  
Skanski Marek, Gdansk  
Skadowski Andrzej  
Skorynski Jan, worked with weekly publication "Solidarnosc"  
Skorynski Piotr  
Srebrny Marian, Mazowsze intervention buremu  
Suwala Halina, Warsaw  
Szaniawski Klemens, Warsaw  
Szczepanski Andrzej, Krakow  
Szczypiorski Andrzej, Warsaw  
Szerypo Boguslaw Pultusk, delegate to the first Congress  
Szozda Tadeusz, "Kolprojekt" Solidarity  
Szybalski Bogdan, member of the National Committee, ELBLAG; driver  
Tabin Marek, Warsaw  
Tomaszewski, Torun  
Topinski Piotr, Warsaw  
Werner Andrzej, Warsaw  
Wierusz Andrzej

Wilkarus, Torun  
 Wojciechowski Teofil, Solidarity member, Tarno  
 Wojdakowski Tomasz, Gdańsk  
 Wosiek Maria, Warsaw  
 Zajac Andrzej, Gdansk, works council of the Lenin Shipyard  
 Zajaczkoeska Grazyna, Warsaw  
 Zawalski Zygmunt, Gdansk  
 Zimand Roman, Warsaw  
 Zlotkowski Zdzislaw, Gdansk, member of the presidium of the Regional  
 Executive Committee

Persons arrested or interned

Amsterdaski Piotr, Warsaw  
 Amstprdamski Stefan, Warsaw  
 Bak Henryk, Warsaw, Editor of "Postep"  
 Baluka Edmund, Szczecin, Solidarity, helped to organise the 1970  
 Strikes  
 Baranski Marek, Warsaw  
 Bartolik Bogumil, Warsaw  
 Beylin Marek, Warsaw, Solidarity journalist  
 Bielinski Konrad, Warsaw, Solidarity press office  
 Bierezin Jacek, Lodz  
 Blaszczyk Ryszard, Presidium of the Solidarity National Committee  
 Blazek Zygmunt, Gdansk  
 Bogulawski Andrzej, Warsaw  
 Boguta Grzegorz, Warsaw  
 Borkowski Tomasz, Warsaw  
 Borowik Marek, Warsaw  
 Borowik Wojciech, Warsaw  
 Brykczynski Jerzy, Warsaw  
 Bulc Andrzej, Warsaw, Mozowsze Solidarity  
 Butkiewicz Andrzej, Gdansk  
 Cegielski Jacek, Gdansk, member, Regional Executive Committee  
 Celejewska Malgorzata, Gdansk, employed by the Regional Executive  
 Committee  
 Celinski Andrzej, Warsaw  
 Celinski Wojciech, Warsaw, Member, Solidarity Executive Committee,  
 Mazowsze region  
 Chelmicki Ludwik, Warsaw  
 Chimiak Marek, Warsaw  
 Chlebowski Marek, Radio "Solidarnosc", Warsaw  
 Chmielewski Jakub, member, Plock Executive Committee; probably  
 arrested during meeting of National Committee  
 Chmielewski Jan, Plock  
 Chmielewski Tadeusz, Chairman, Elbag Regional Executive Committee of  
 Solidarity  
 Chodakiewicz Witold, Warsaw, Engineer, member, Mazowsze Executive  
 Committee  
 Chomicki Jan, Warsaw  
 Chrystowski Grzegorz, Warsaw  
 Cichon Wieslaw, Editor of "Wolnego Slowa", the magazine of the Torun  
 Executive Committee; strike committee of the NZS UMK Schools  
 of Torun; particularly threatened  
 Ciechowska Maria, Warsaw  
 Czaputewicz Jacek, Warsaw  
 Czarnynogo Czeslaw, "Ziemont" mine  
 Czuma Andrzej, Warsaw, Expert, Silesian Executive Committee

Czuma Benedykt, Lodz  
Dluchy Leszek, Chief Editor of "Jednosc", weekly magazine of the  
Regional Executive Committee  
Domanski Piotr, Warsaw  
Drag Adam, Presidium of the Executive Committee, Gdansk  
Drawicz Andrzej, Warsaw  
Dudek Tadeusz, Member, National Committee, Bielsko-Biala  
Dworak Jan, Warsaw, weekly magazine "Solidarnosc"  
Dylag Stanislaw, Vice-chairman of works council dealing with MPK,  
Cracow  
Dymarski Lech, Poznan, member, National Committee  
Dziura Julian, Lublin  
Fenrych Przemyslaw, Poznan  
Ferens Witold, Warsaw  
Fijalkowski Arnold  
Frybes Marcin, Warsaw  
Ganden Grzegorz, Poznan, member, National Committee  
Garaz Eugeniusz, Works council of the Nowotki factories, Warsaw  
Geremek Bronislaw, Warsaw, Solidarity expert  
Gołowski Andrzej  
Gołowski Krzysztof  
Grudzinski Mieczyslaw, Warsaw, Mazowsze Regional Executive Committee  
Grzebieluch Andrzej, Katowice  
Grzesiak Bogdan, Warsaw, Mazowsze Regional Executive Committee  
Guglski Ireneusz, Bialcleka  
Gutkowski Zygmunt, weekly magazine "Solidarnosc"  
Gwiazda Andrzej, Gdansk, Member, National Committee  
Hamadyk Josef, Gdansk  
Iwasko, Janusz, Lublin  
Jablkowski Jan, PIAP KZ  
Janicki Sławomir, Lublin  
Jankowski Ryszard, Lublin  
Janowski Gabriel, Warsaw  
Janusz Kazimierz, Warsaw  
Jaworski Jan, Solidarity of the "Staszic" mine  
Jedlicki Jerzy, Warsaw  
Jurczyk Marian, Chairman, Regional Executive Committee of Solidarity at  
Szczecin, Member of National Committee  
Kaczynski Lech, Gdansk, delegate to the First Congress of Solidarity;  
member of the Gdansk Regional Executive Committee  
Karpinski Marek, Warsaw, "Solidarnosc" editorial offices  
Kawalec Stefan, Warsaw, member, Mazowze Regional Executive Committee  
Kecik Wieslaw, Warsaw, joint organiser of the independent peasant  
movement and of Rural Solidarity  
Kepkiewicz Honorata  
Kijanka Czeslaw, Chairman, Solidarity Regional Executive Committee,  
Przerysl  
Klimczak Tadeusz  
Kloc Eugeniusz, Warsaw  
Kobylinski Jerzy, Gdansk  
Kolesnik Bernard  
Kopaczewski Antoni, Chairman, Rzeszow Regional Executive Committee,  
member of the National Committee  
Kowalska Anka, Warsaw  
Kowalski Bronislaw, Lublin  
Kozak Jan, Lublin  
Kozlowski Pawel  
Kozlowski Sławomir  
Kretkowski Sławomir, Warsaw, editorial offices of "Solidarnosc";

militant, Mazowsze  
 Krol Witold, Radom, member, National Committee  
 Krystosiak Alexander, Szczecin, delegate to the First Congress  
 Kuc Ryszard, Swidnik, delegate to the First Congress  
 Kuczynski Piotr, Warsaw, Assistant Chief Editor of weekly magazine  
 "Solidarnosc", Solidarity expert  
 Kukuła Mieczyslaw, member of the National Committee  
 Kuligowski Janusz, Vice-chairman, Solidarity Works Council of the  
 Sosnowiec building material factory  
 Kuron Grazyna (Borucka), Warsaw  
 Kuron Jacek, Warsaw, Solidarity expert, particularly threatened  
 Kuron Maciej, Warsaw  
 Lawina Anatol  
 Legut Jan, Katowice  
 Lindenberg Grzegorz  
 Lipski Jan Józef<sup>1</sup>  
 Lipski Jan Tomasz  
 Litynski Jan, B., Editor of "Robotnik"; expert, Lacede Mazowsze  
 Ludwikowski Antoni  
 Luczynski Zygmunt, Solidarity Works Council, editor of the  
 "Solidarnosc" Bulletin at IBI  
 Luzny Jan, Upper Silesia Regional Executive Committee, member of the  
 National Committee  
 Macierewicz Antoni, Warsaw, particularly threatened  
 Makanson Robert, Lublin  
 Malak Barbara  
 Maruszczyk Konrad, Gdansk, Walesa's deputy as Chairman of the Presidium  
 of the Regional Executive Committee; Vice-Chairman of the  
 Gdansk Regional Executive Committee  
 Marusinski Wojciech, Katowice  
 Mazowiecki Tadeusz, Warsaw, Editor-in-Chief of the weekly magazine  
 "Solidarnosc"  
 Merkel Jacek, member of the National Committee Presidium, Gdansk  
 Michnik Adam, Warsaw, Solidarity expert  
 Miodowicz Konstanty, Cracow  
 Moczulak Jan, Warsaw  
 Moczulski Leszek  
 Modzelewski Koral, member of the Solidarity National Committee; member  
 of the Wroclaw Executive Committee  
 Morgiewicz Emil  
 Mroczek Piotr, Warsaw, Solidarity RiTV, Chairman of the Solidarity  
 Works Council  
 Mystkowski Jan  
 Nagorski Wiktor, Warsaw, delegate to the First Congress  
 Niezgoda Czeslaw, Lublin  
 Nowakowski Kazimierz  
 Nowicka Zofia, Chairman of the Solidarity Circle  
 Nowicki Marek  
 Nowicki Tadeusz, Warsaw  
 Odorowski Miroslaw, Warsaw, Mazowsze Regional Executive Committee;  
 delegate to the First Congress  
 Olkiewicz Ryszard, Gdansk  
 Onyszkiewicz Janusz, Solidarity spokesman; delegate to the First  
 Congress; member of the Presidium of the National Committee  
 Opolski Andrej, "Ziemowit" mine

<sup>1</sup> According to certain information, Mr. Lipski was released last week.

Reports of the Committee on Freedom of Association

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Ostrowski Wojciech, Warsaw, Solidarity militant  
Palka Grzegorz, member of the Solidarity Regional Executive Committee,  
Lodz; member of the Presidium of the National Committee  
Pawlak Antoni, Warsaw, Solidarity member; employed by the Cultural  
Committee of Mazowsze  
Patyna Jozef, member of the Solidarity Regional Executive Committee,  
Slask-Dabrowski; member of the Presidium of the National  
Committee  
Paumor Zbigriew, Katowice  
Pienkowska Alina, Gdansk, Chairman, National Health Service Committee  
Pienkowski Roman, Gdansk  
Pietkiewicz Antoni, Chairman, Solidarity "Regional Executive Committee  
of Wielkopolska Poludniowa; member of the National Committee  
Pirowski Jaroslaw, Gdansk  
Potapowicz Jarostan  
Rokarczuk Antoni, Secretary of the National Committee  
Rokita Jan H., Cracow, Chairman, NSZ UJ Schools Committee  
Romaniuk Adam, Warsaw  
Romaszewska Agnieszka, Warsaw, Mazowsze Solidarity  
Rossa Grzegorz, Warsaw  
Rossa Tadeusz, Warsaw  
Rozpłochowski Andrzej, Solidarity militant, region of Slask-Dabrowski;  
office of the chairman of the Regional Executive Committee of  
Katowice (Gorny slask); member of the National Committee  
Rulewski Jan, Chairman of the Solidarity Regional Executive  
Committee at Bydgorzcz; member of the National Committee  
Ruszar Jozef, Warsaw, Editor of the weekly magazine "Solidarnosc"  
Rybicki Arkadiusz, Gdansk, Gdansk Regional Executive Committee  
Rykowski Zbigniew, Warsaw University  
Sadłowski (priest) , Zbrosza Duza  
Samolinski Wojciech, Lublin, member of the Regional Executive Committee  
Satas Edmond, RTV Solidarity, Bialoleka  
Sarata Zbigniew, Warsaw, Solidarity Intervention Bureau, Mazowsze  
Sikora Wacław, Chairman of the Solidarity Regional Executive Committee,  
Malopolska  
Sikora Stanislaw  
Skwira Adam, Secretary of the Solidarity Committee of the "Wajek" mine  
(strike organisation)  
Sobieraj Andrzej, Chairman of the Solidarity Regional Executive  
Committee of Radom; member of the National Committee  
Sobolewski Zbigniew, Katowice  
Sonik Boguslaw, Krakow, member of the Regional Executive Committee of  
Malopolska  
Sopocko, works council of the RTV  
Stawlkowski, UMK Torun  
Starczewski Stefan, Warsaw Teachers Solidarity; member of the  
Regional Executive Committee of Mazowsze; delegate to the First  
Congress  
Stawicki Andrzej  
Strachalski Krzysztof, Warsaw  
Studzinski Bogumil  
Szmidt Edward, Gdansk  
Szpakowski Zdzislaw  
Szpotanski Janusz, Warsaw  
Szwajcer Piotr, Warsaw

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Sliwinski Krzysztof, Warsaw, Head of the International Bureau of the Mazowsze region  
Streniowski Josef, Lodz  
Tarasiewicz Henryk, Gdansk, Chairman of the works council of the port of Gdynia  
Trzoska Alexander, Katowice  
Tyszka Andrzej, Warsaw  
Ugniewski, IBJ, Chairman of the works council  
Uminski Tomasz, Warsaw, militant in the section for the organisation of the First Congress  
Ungier Grzegorz, Gdansk  
Walc Jan  
Walesa Lech, Chairman of the National Committee  
Weglarz Stanislaw, delegate to the First Congress  
Wielgosz Jan, Chairman of the Solidarity works council of the mining and drilling machine works in Glinnik (Gurlice)  
Wilczynski J,  
Wiscicki Wojcieck, Chairman of the Flock Regional Executive Committee; member of the National Committee  
Wisniewska Krystyna, Gdansk  
Wocial Jerzy, Warsaw Solidarity, Warsaw University  
Wojciechoeicz Joanna, Gdansk, employed by the Regional Executive Committee  
Woroszylski Wiktor, writer, Ursus  
Woycicki Kazimierz, Warsaw  
Wronski Andrzej, Krakow  
Wujec Henryk, Warsaw, member of the Solidarity Executive Committee, Mazowsze  
Wujec Ludwika, Warsaw, employed on "Robotnik"; Solidarity militant, Mazowsze  
Wypych Wlodzimierz, collaborator of NTO at Mazowsze  
Zagniejewska Ewa  
Zambrowski Antoni, Warsaw  
Zdanowicz Zbigniew, regional delegate of "Pomor.. Zachodnie"  
Zielinski Andrzej, in the Mazowsze printing trade  
Zielinski Marek, Warsaw  
Zimowski Jerzy, Szczecin  
Zozula Andrzej, member of Solidarity, Warsaw  
Zurek Bogdan, Gdansk

The other persons who were mentioned in the list annexed to the 214th Report of the Committee have never been arrested or interned. Thirty-five of them have not been identified.

ANNEX II

REPORT

of

Mr. Nicolas Valticos to the  
Director-General of the  
International Labour Office on  
his visit to Poland (10-16 May  
1982)

Mr. Francis Blanchard,  
Director-General,  
International Labour Office,  
Geneva.

Geneva, 18 May 1982,

Director-General,

Following numerous meetings and exchanges of view which you had with representatives of the Polish Government you asked me to go to Poland as your representative. The object of my visit was naturally to obtain information on the present situation in Poland from the trade union point of view, this question having been the subject of complaints presented to the Committee on "Freedom of Association" which had in this connection submitted a first report to the Governing Body in February 1982 in its 214th Report and which, recalling certain principles of freedom of association, had expressed its deep concern in view of the particular gravity of the allegations. It had also requested certain more precise information from the Government. Obviously my role was also to try to encourage a positive evolution of the situation in the light of relevant ILO standards and taking account of the position of the Committee on Freedom of Association. During my visit I was accompanied by Mr. Bernard Gernigon, Deputy Chief of the Freedom of Association Branch whose perfect knowledge of the case and whose qualities of judgement and of character were particularly precious.

The mission

The visit to Poland took place from 10 to 16 May 1982. The context within which the visit took place was a difficult one particularly in view of the application of martial law but also because of the various demonstrations which took place at the beginning of May 1982. However, in order to obtain the desired objective, that is to say to establish the facts, to obtain an understanding of the situation and to contribute to a positive evolution of the situation, it was necessary for me to have as wide contacts as possible and to meet persons who were representative of the various tendencies in the country whatever their actual

situation might be. Following discussions a programme of meetings was organised. On the government side I had meetings with Messrs. Janusz Obodowski and Mieczyslaw Rakowski, both Vice-Prime Ministers; Antoni Rajkiewicz, Minister of Labour, Wages and Social Affairs; Sylwester Zawadzki, Minister of Justice; Stanislaw Ciosek, Minister for Trade Unions and Jozef Wiejacz, Vice-Minister for Foreign Affairs. As regards the representatives of workers' organisations I expressed the desire to meet leaders of the three central organisations which functioned before the declaration of martial law and more specifically the persons who represented these organisations as titular or deputy delegates to the 1981 Session of the International Labour Conference. Accordingly, I was able to meet with leaders of the co-ordination committee of branch trade unions of which Mr. Albin Szyszka, President of the Unions for Communications, was deputy delegate to the 1981 Conference; leaders of the Confederation of Autonomous Trade Unions and, in particular, Mr. Jacek Krzyzanowski, President of the Autonomous Union of Transport Workers, who had also been deputy delegate to the 1981 Conference. I also met a number of activists and leaders of the independent and self-managed Solidarity union both in Warsaw and in the provinces and more specifically Mr. Ryszard Kalinowski, former Vice-President of the National Committee and deputy delegate to the 1981 Conference who, on 13 December 1981, had been interned but who was subsequently liberated in March 1982. In addition, towards the end of my stay, I was able to meet, in the place where he is presently interned, Mr. Lech Walesa, President of the National Committee and titular delegate to the 1981 Conference. It was only after I had made a number of requests that the Government authorised this meeting. Finally, in the absence of Monsignor Glemp, Primate of Poland, I had a conversation with Monsignor Jerzy Dabrowski, Bishop of Gniezno and member of the Polish episcopate,

I should point out that, throughout my stay, I was received with confidence and with the greatest courtesy by all of the people I met.

#### General indications about the trade union situation

As is known the Polish Government led by General Jaruzelski proclaimed, on 13 December 1981, "the state of war" (martial law) which resulted in a prohibition of all trade union activities and a considerable number of internments and arrests of trade union leaders and office-bearers. In total some 4,900 persons were interned of whom approximately 1,000 were freed in April 1982. Subsequently, many other persons were interned, some for a second time, or sentenced as a result of the demonstrations that had been organised during the first days of May. During my stay, more precisely on 13 May 1982, protest demonstrations had been organised which led to other measures of internment and arrest being taken,

As regards trade union activities all organisations had to cease their activities as from 13 December 1981. They had no longer premises or funds at their disposal and any other strike or pretest action was prohibited. Violation of these prohibitions led to arrests and sentencing in various cities in the country.

More precise information on the positions of the various persons I met is to be found in the statements of the government representatives and the trade union representatives. These are summarised below.

Statements of the government representatives

As indicated above I met six members of the Government and in particular two Vice-Prime Ministers, three ministers and one vice-minister. These persons recalled that Solidarity had described itself at the outset as an independent and self-managed trade union which signified in the minds of its founders an organisation independent of the Party. It was emphasised that the Gdansk agreements provided that Solidarity would act in accordance with the Constitution, and that it would respect the leading role of the Party, the socialisation of production and the relations of Poland in particular its alliances with the socialist countries. Solidarity had also declared itself to be non-political and in favour of trade union pluralism. The Government had agreed on this point but had proposed that there should be a certain understanding amongst the trade unions if only because of relations with the ILO. The branch trade unions had been in favour of a certain understanding especially as regards collective agreements and the ILO but Solidarity had agreed to this understanding only as regards the sending of the Workers' delegation to the International Labour Conference and to participation in the commission that was responsible for the preparation of the draft trade union law. As regards the structure of the trade unions, the Gdansk agreement provided for a union consisting of several branches with a regional component. These various elements were the basis of the consent given by the central authorities on 28 August 1980 to the Gdansk agreements and to the two other agreements which followed. However, as soon as Solidarity became organised and started to function it became politicised and transformed itself into a political party,

Solidarity wanted trade union rights to be extended to artisans and students, to the army, to the police, to the administration and to national defence enterprises. It made statements that were harmful to the army and to public order,

The members of the Government whom I met also stated that the regional structure of the Solidarity trade union had led it towards political activity since it was only the political aspects that could bring together workers from completely different occupations within one region. This structure also showed that the occupational interests of its members were secondary. The National Committee of Solidarity consisted of 120 sections to deal with occupational questions but these sections had never been autonomous. What had been important was its organisation on a regional basis,

The activities of Solidarity had not taken account of the State (for example, a certain appeal launched by the Congress of Solidarity at Gdansk had constituted a crucial point). It was only when Solidarity had made its political character known that the problems arose. Efforts to persuade proved useless. Strikes were extended for political reasons, etc. The Polish authorities

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considered that Solidarity was responsible for not having respected the Gdansk agreements and for having misused the right to strike (considered under the agreements as a last resort). The draft law provided also for a system of mediation. The Government had respected the Gdansk and the Warsaw agreements but the trade unions had called political strikes and had changed the right to strike into terrorism through strikes.

The agreements provided that the trade unions would not transform themselves into political parties. However, influenced by exterior factors, Solidarity had transformed itself by stages into a political force, at the same time demanding all the privileges of a trade union. The trade unions had stated they were not interested by the trade union law which would limit their rights. Solidarity expressed itself like a socio-political movement. The strikes were excessive and of a political character. Solidarity also demanded that the definition of strikes be deleted from the draft law, that the strikes called by Solidarity be authorised and that the workers be fully compensated while on strike. The trade unions, from which so much was expected, had started to become a destructive force. Even as regards such a vital question as the mining of coal they were opposed to all efforts to increase production.

At Radom some had demanded that they take over the Government, Solidarity had placed itself above the law, whereas Convention No. 87 provides that the trade unions shall respect the law of the land. A general strike had been due to take place on 17 December and there would have been confrontation in the streets. There was total anarchy and the management of enterprises totally paralysed, Solidarity had placed a ban on the export of coal, the distribution of coal and food was extremely difficult and survival was only ensured by the imposition of martial law.

The only solution therefore - as a last resort - was to take the steps which were taken on 13 December, otherwise there would have been catastrophe and civil war, perhaps even a world war.

The events of 13 December 1981 took place with the intention that there be no bloodshed and it was only in one unfortunate case that there was loss of life.

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The Government representatives informed me that it was the Government's wish that martial law be lifted as soon as possible. They realised that the use of force was not a long-term solution nor was it sufficient to resolve the problems. The less time the present situation lasted the better. Things, however, would take time. Much would depend on the relations between Poland and the Western countries. The Government was not seeking revenge. It wanted to obtain a national conciliation.

I was also informed that, already, the restrictions had been eased.

Seven thousand persons had been interned, of whom 5,000 have now been freed, the last group of 1,000 having been freed on 28 April. About 2,300 persons remained interned. It was thought that other measures would follow rapidly along these lines but recent demonstrations had taken place at the beginning of May. These events, however, while delaying further releases would not constitute an obstacle. The Government wished to normalise the situation, but economic difficulties and foreign sanctions prevented a solution being found.

The material conditions of the internees were different from those of detained persons. Special rules were applied to them. Torture did not exist. There had been visits of the Red Cross and no comments had been made by that organisation on the material conditions or on the relationship between internees and guards (although some comments had been made about other restrictions concerning the sick and the aged, women, etc.).

Furthermore, the allegations contained in the complaints were not accurate. For example, Mr. Bujak had not been interned but was carrying out illegal activities. The majority of interned trade unionists had been freed and were carrying out their activities freely. One of those who had been freed had just been arrested again because he had been passing certain documents to foreign agents. The President of Rural Solidarity, Mr. J. Kulaj, had stated that he would co-operate with the authorities and had returned to his farm.

Other trade union activists who had been freed had even started to carry out activities in the social commissions which are dealt with later in this report.

In the present situation account had also to be taken of emotional elements and the reaction of youth who constituted the avant-garde of the opposition and who were influenced by a certain Western propaganda.

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I was also told, with insistence, that the economic situation in Poland was now extremely difficult. Above all, there was great need for wheat and chemical products and the Government was obliged to limit credit and not to give aid to certain areas, while at the same time making efforts to avoid unemployment. The errors committed in the past, the need for economic reform which had been started in January, the absence of reserves, and the enormous external indebtedness had caused the Government to take severe measures. There had been a brutal, but necessary decrease in the standard of living and in purchasing power (80-40 per cent). It had to be understood that the standard of living would fall over the next four to five years in order to ensure a better future. But it would be a vicious circle to revert to the situation that existed before 13 December. What was important now was the increase in production. Would the unions make a contribution?

What the future trade union situation would be was not yet clear. The events of 3 May had complicated this issue. The Western countries could help but would they be willing to do so? Today there could be no reply to the question whether Solidarity would be re-established. In reality Solidarity had not been a trade union and difficulties had been created because of the position of the 110 as regards Solidarity. Solidarity represented above all an easier future and a greater freedom for everyone. Perhaps the ILO had not explained to Solidarity what is a real trade union.

Of course, there had to be trade unions that were strong and representative of the working class but they must also be in harmony with the national interests. The independence of trade unions might be meaningful with regard to employers but not with regard to the interests of the nation.

In order to resolve the problem account had to be taken of the real hopes of society and of the younger generation.

Even now considerable efforts were being made to democratise social life and to fulfil the hopes which Solidarity had inspired. It was desirable that there be the kind of trade union which responded to the needs of the working class.

Solidarity had unjustly assumed a monopoly over the democratisation of working class life. But there were also other methods.

For example, the Parliament had adopted on 25 September 1981 a text concerning self-management and providing for elections in the workplace. Self-management meant true democracy. The workers would be consulted about the functioning of enterprise trade unions, It would be important to have these self-managing committees which would be authorised to take decisions and which would not simply be consulted. Solidarity was not the only form of trade union freedom nor the only alternative.

For the moment a short-term solution had been found through social committees which functioned in the enterprise and which were a substitute for all trade union activities. They were said to be generally accepted by the workers in the majority of cases. But this was only a temporary solution and these committees were nominated and not elected. Some people were in favour of pluralism, whereas others were more in favour of a return to a single trade union; there were others who would like to see all existing trade unions abolished and the trade union movement reconstituted.

Recent inquiries had shown that the majority of workers were in favour of a normal trade union movement. The majority of them were in favour of new trade union elections and they did not want the old regional and central executive committee.

Polish society was tired. It wanted peace and order.

The situation was complicated by economic difficulties and by other factors unrelated to trade union activities such as instructions given by certain foreign broadcasting stations, restrictions imposed on imports by the United States which had caused a reduction in the meat supply, etc. Industry was only working at 60 per cent of its full capacity. The political demonstrations that were being inspired by the West were doing harm to the country.

In any event, the majority of the Government representatives stressed that society in Poland could not be imagined without the existence of trade unions. The unions would resume normal activities when the situation so permitted. Poland could not function without trade unions. The Parliament had not yet adopted the draft law on trade unions, which it would be undoubtedly necessary to modify since it was considered to be out of date. However, the persons with whom I spoke insisted on the fact that all the charges to this text would be made in accordance with the opinion given by the ILO. The Government would authorise trade union pluralism. It would be the workers, and not the Government, who would organise the trade unions. The modifications to the draft law would be made in conformity with the provisions of Convention No. 87. The trade union movement would be reconstituted at the level of the undertaking and it would be reconstituted by occupation and not on a regional basis.

It was the Government's wish to accelerate renewed trade union activity but the events that had taken place had caused delay. Foreign radio transmissions which incited disorder were not facilitating matters.

Account had to be taken of the fact that Poland was part of the Socialist bloc and that Solidarity had tried to take over the role of government.

The persons to whom I spoke considered that the trade unions which would be established in the future would not resemble those which had existed before 13 December nor those which had existed in 1980. The future prospects for the trade unions were linked to the question as to whether they wanted to be unions or political parties. The trade unions would be independent of the administration but the term "independent" could have several meanings and trade unions were somewhat political in character. In any political system was it not the case that the trade unions should not take the responsibility for what happened in the economy? Solidarity had not been a trade union and had been created for political reasons and not for trade union purposes. It was dominated by religious and political influences. There was no guarantee that it would remain a union.

It was indispensable to have a trade union which controlled its own administration. However, the general view of my interlocutors was that Solidarity should not be re-established in the same form as before. There was perhaps no urgency to resolve the problems of the trade unions. The priority problem was that of the economy. Within Solidarity persons had to be found who would try to make a contribution towards finding a solution to the crisis.

The Government would explore all possible ways to get out of the present situation. Mediation would not be possible. The social committees which existed in the enterprises moreover included members of Solidarity. The problem was that of the political orientation of the leaders of Solidarity. The recent troubles and the foreign radio broadcasts had complicated the situation. However, the opening of a dialogue was indispensable but that would depend also on the circumstances. In any case, decisions would have to be taken since martial law was not normal.

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As regards the ILO, the government representatives expressed the wish that the ILO would not be influenced by exterior interference and that it would take account of the interests of Poland. They considered that certain documentation of the ILO demonstrated a one-sided attitude. They expected the ILO to contribute to a better understanding in order to resolve the question.

Poland wanted to maintain good relations with the ILO. However, there was already a certain crisis of confidence between Poland and the Organisation, but this could be surmounted.

As regards the next session of the Conference, the Polish delegation would participate in a constructive way but would oppose any interference in the internal affairs of Poland. If there was a massive attack the delegation could leave the Conference and Poland could even leave the ILO.

#### Statements of various trade union representatives

On the trade union side, opinions differed considerably as regards the analysis of the facts which led to the promulgation of the state of war.

The leaders of the branch trade unions considered that the country had been heading towards open confrontation and that real threats of civil war existed. In fact Solidarity and its first-degree trade unions were being manipulated for political ends. In addition, the behaviour of these organisations was anti-democratic. For example, they threatened workers who did not join strikes and even demanded their dismissal. Such attitudes made common action between the various trade union organisations difficult and moreover the Solidarity leaders had refused the branch trade unions' suggestions in this regard. All these facts explained the difficult decision which the authorities had had to take all the more so since certain extremist groups within Solidarity were in possession of arms.

Certain leaders of the autonomous trade unions considered also that the workers were not satisfied with the type of political action that Solidarity had undertaken and which was leading to situations of extreme conflict. According to them, the proclamation of martial law had allowed a return to social peace which was desirable.

Most of the Solidarity militants whom I met recognised that their organisation had committed errors due, largely, to the inexperience of its leaders. In particular, they considered that Solidarity had not sufficiently negotiated with the authorities and that it had adopted an attitude which was too systematically negative towards the other organisations. They also regretted that

political groups which were more experienced had infiltrated the organisation. However, they affirmed that there had only been a small number of extremists in comparison with the total of 9 million members and that the Government had sought confrontation in giving way to certain provocation. It was also pointed out by one of the militants that within the Polish political system an independent trade union organisation could only be seen as a political force. However, he remarked, the strikes called by Solidarity had only been of short duration not exceeding 48 hours. Even if political statements had been able to be made, no act had been committed which might have justified the measures taken on 13 December 1981.

As regards the present situation, all the trade unionists whom I met, no matter what organisation they led or in which they were active, confirmed that there was no trade union activity in the country.

The assets of the organisations were managed by representatives appointed by the authorities and who were responsible for ensuring their maintenance and conservation. The leaders of the branch trade unions were the only ones to indicate that these representatives had been chosen from among trade union militants. One Solidarity militant stated that the premises of his organisation had not been used for other ends after 13 December 1981 and that, despite the freezing of the organisation's funds, certain sums of money had been able to be utilised to help the families of interned militants. On the other hand, during another meeting, it was pointed out that certain trade union premises were at present being used for other purposes and that assets and documentation had been confiscated.

The permanent members of the different trade union organisations had had to rejoin their former undertakings, which, at times, had not been done without difficulty. For example, a provincial leader of Solidarity had been dismissed a few days after his recommencement at work and it was only after recourse to a labour court and receiving a decision in his favour that he was able to take up work again within the undertaking which had previously employed him.

Certain cases of dismissal or transfer from posts were also mentioned by militants of Solidarity and of the autonomous trade unions. However, the latter stated that these measures were mostly taken in answer to requirements for restructuring undertakings rather than acts of anti-union discrimination. Mention was also made of pressure exerted on members of the Polish Unified Workers Party who belonged to Solidarity so as to force them to leave their trade union organisation.

At the level of the undertaking, certain trade union leaders and militants sat on social committees which had been set up since the proclamation of martial law. The leaders of branch trade unions stated that many of their active members were taking part energetically in these committees. They stated that such committees allowed collaboration between the militants of various organisations since, according to them, the Solidarity leaders also sat on these committees and were even in a majority in the undertakings where Solidarity was the most representative organisation. On the other hand, according to a Solidarity militant, these committees did not

have the approval of the workers because they were not representative and were principally activated by members of the Polish Unified Workers Party. According to the leaders of the autonomous trade unions, these committees allowed a certain contact to be kept up with the workers and avoid a total vacuum as regards social activity.

As regards the internment of trade union leaders and militants, only those belonging to Solidarity had been affected by such measures. Some had been released at the end of April, but the events of 1, 3 and 9 May had resulted in new internments and sometimes the repetition of internments. According to the Solidarity militants met, the families had the possibility of visiting interned persons once a month. However, one case of disappearance had been noted. Pressures had allegedly been exerted on interned persons so that they would no longer undertake activities detrimental to Poland, but most had refused to sign such statements because they considered that their earlier activities were limited to a strictly trade union framework. According to one former trade union leader who had been interned, the signing of such statements was not in any case a prerequisite for being released. According to the same source the conditions of detention were normal. In the prison where that person had been interned, 29 persons had requested to leave for other countries and had therefore been released out of a total of 350 detained. Finally, it appeared from these statements that among the persons interned there were persons who had absolutely nothing to do with the trade union movement.

The militants of the various organisations whom I met had evaluated the application of martial law. According to the leaders of the branch trade unions, society welcomed the fact that the danger of a civil war had been removed and it looked to the future with calm and confidence. They also considered that the majority of the population accepted the lowering in purchasing power (22 per cent in the first three months of 1982 and even 43 per cent in certain sectors) despite the difficulties for the internal market which resulted from this as a necessary condition for reducing the decline of the economy.

Certain leaders of the autonomous trade unions also considered that the population was satisfied at having again found social peace. They noted that martial law was applied more flexibly at the end of April, but the events of May had put this development into question.

On the other hand, the Solidarity militants considered that five months in a state of emergency had resolved nothing. This situation could not, in their opinion, drag on and, on the contrary, any extension of the application of martial law would only make a national understanding more difficult because of the hatred and ill feeling that it would provoke.

The trade union leaders with whom I spoke unanimously expressed, whatever their tendency, the wish that trade union activities would be reinstated as soon as possible. The militants of the branch trade unions were taking part - in the organisations of the Party - in the press and within social committees of undertakings, and individually in the open public debate on the

basis of the document entitled "The future of the trade union movement", which had been drawn up by the Committee of the Council of Ministers for Trade Union Affairs. Opinions diverged widely. The majority of these militants were of the opinion that the experience of the recent past should not be repeated. While rejecting the thesis of an apolitical trade union, and while considering that trade unions must join in the socialist conception, they believed that the trade union organisations should not take part in political activities and seek to take over power. In their opinion, the geographical situation - if it could at times be useful - led, in fact, to a politicisation of the trade union movement. They therefore considered that the trade unions ought to be structured on the basis of branches of activity. They would like to see the trade unions self-managing and independent of political parties, the State and employers. Finally, certain militants favoured the single trade union system at the enterprise level which, in their opinion, allowed the organisations' activities to be limited to a strictly trade union framework.

Militants of the autonomous trade unions also took part in this debate. They favoured the maintenance of trade union pluralism which, in their opinion, did not hinder the efficient working of enterprises. One essential element for them was that the leaders must belong to the undertaking and to the surroundings where they work. They would like to see the trade union activities recommenced on the basis of the central organisations which existed before 13 December 1981 and which had not been dissolved. As regards trade union structure, these trade union leaders considered that the most appropriate system was that of organisation by occupation, the branches of activity being, in their opinion, too large for the effective carrying out of trade union action at that level. Finally, they insisted on the fact that the strike must be considered as a last resort.

Most of the Solidarity militants that I met stated that they were aware that the trade union movement could no longer be restored on the same basis as before. However, in their view, the process which had led to the creation and development of free trade unions was irreversible. According to one of these militants, it was therefore imperative to enter into negotiations with the Government, the Church and Solidarity. However, according to these persons, it was clear that the dialogue would be difficult to resume realistically as long as trade union leaders and militants were interned. One of these militants added that it was indispensable that they be able to communicate with their president so that a consensus could be found. According to another of these militants, a first step towards a compromise could be the re-establishment of activities within undertakings. Finally, some of these trade unionists expressed their opinion on trade union structure. They considered that the regional division was useful in treating various problems of common interest between the different sectors (housing, transport, etc.), but they did not systematically defend that type of structure. According to them, it was the trade union congresses which should decide on this question by adopting or changing their constitutions.

On a more specific point which had been raised in the allegations, the violent death of workers at the Wijek mine, I obtained certain information on the circumstances surrounding these

deaths during a meeting with a member of the Solidarity trade union committee of the mine. That person explained that a strike had been called on 14 December 1981 at the Wijek mine to protest against the internment of the president of the Solidarity trade union at the enterprise. About 4,000 strikers occupied the administrative buildings. Militia troops had arrived on 16 December 1981, with tanks, and tried to attack the occupied undertaking. During scuffles, three militiamen were captured by the strikers. The officers tried in vain to persuade the miners to leave the premises of the undertaking. The strikers and their families threw stones at the militiamen who, in turn, threw teargas bombs. Despite the initial order to restore order without bloodshed, shots were finally fired. According to this person, only the officers of the militia had firearms. Six persons had been killed and three had later died in hospital. He pointed out that persons had been wounded, and that there had even perhaps been deaths among the militiamen. He also pointed out that the forces of order had set upon the ambulances which were evacuating the wounded and also on the doctors who were giving first aid to the wounded. A police inquiry had taken place between 22 December and 7 February. The five arrested persons had been released and three others given suspended sentences by the military courts.

#### The meeting with Lech Walesa

On 14 May 1982 I met Mr. Lech Walesa at the place where he is at present interned, some distance from Warsaw. During this meeting I was accompanied by the interpreter who had been placed at my disposal and a collaborator from the Ministry for Trade Unions. I found Mr. Walesa in good physical and moral condition, calm and relaxed, his wits sharp and his welcome cordial. The meeting lasted about two hours. Mr. Walesa began by thanking the Director-General of the International Labour Office for his interest and added that he relied a lot on the ILO, which could play a useful role in the common search for a solution. He told me that the Government and the trade union movement were at the moment like boxers in a clinch, but he was convinced that an understanding was still possible. To unblock the situation would be difficult.

An understanding had to be reached in the shortest possible time; if not, a distressing economic situation would result and many persons would fall into illegality. A feeling of revenge had been created which was troublesome. The recent events in May had proved the dangers that certain reactions might have. He was opposed to confrontations and squabbles between young people in Poland, but they could see no other methods at the present time. He therefore wanted the Office to help in finding a solution to the situation.

He had not had serious meetings with members of the Government for two months.

It was clear that the Solidarity movement had not always respected order, but it was a great rebirth and everything could not be perfect. However, one should not look to the past, but turn towards the future.

When I pointed out to Mr. Walesa that, on the government side, it was considered that the Solidarity movement had led a too politicised life, he replied that Solidarity's action had been the result of a combination of circumstances, and the Government's wish to commence economic reform. Solidarity did certainly not want to take over power, but wished to move towards genuine elections so that the base would be representative.

He added that, of course, errors had been made. Solidarity had wanted to go forward at too fast a pace, and it had not sufficiently explained its objectives either to the Government or to the public. In a bad economic situation the action of Solidarity had impeded the action of the Government and of the administration. It had not had sufficient confidence in that administration.

Conclusions should be drawn from the events. The aim must now be agreement to bring the country out of its economic situation. Mr. Walesa was in favour of a national understanding in this regard,

On this occasion, I pointed out that, since the Government was in the process of taking a series of severe measures to overcome the economic difficulties, certain sections might fear that the recommencement of normal trade union activity might hinder the adoption of the necessary restrictive measures and I asked what would be the position of Mr. Walesa and the role of the trade unions, Mr. Walesa answered that, as Poles, the trade unionists understood the situation and should help to find a solution, that the trade unions should settle down with the Government for the recovery of the country, that they were not hard to please but that any reform would fail if the trade unions lost their independence. The trade union movement could suspend the exercise of the right to strike for quite a long period and help to construct a system of self-management and healthy autonomy. But they did not want to organise the reform together. As Poles, they would help to pull the country out of the crisis but without losing their trade union independence.

Independence was the essential thing for the trade unions, all the rest was negotiable.

I told Mr. Walesa that there had been criticism of the regional structure of Solidarity in that it gave a more political than trade union character to the movement. He replied that this could be explained by the fact that in the beginning, because of the rapid development of Solidarity, it had been hoped to place known and trusted persons in the responsible posts and that it had been easier to do so with the regional structure. But he considered that this would be changed and the movement organised by occupation. It would simply be necessary to take certain measures at the regional level to balance trade union differences. Forty national committees based largely on professions would be set up. It would of course be necessary for Solidarity's statutes to be amended to this effect.

As regards the political side of the question, Mr. Walesa guaranteed the leading role of the party and the socialist character of the trade union, which ought not to be ashamed of its action and which would make fewer errors.

Mr. Walesa re-emphasised that the good offices of the Director-General and the International Labour Organisation were both

possible and necessary. He would have preferred that an agreement between Poles be arrived at without external intervention. He considered that it was no longer possible to wait indefinitely and he would inform public opinion if the present situation continued.

#### Conclusions and final suggestions

The preceding pages give a picture of the points of view expressed by the various members of the Government and by the trade unionists whom I met. I was allowed other meetings so as to have as objective as possible an idea of the situation. Of course, during these interviews, I frequently intervened to express my point of view, the principles and standards of the ILO and to envisage possible ways out of the impasse.

For Poland is in a serious impasse and time, which continues to pass, will contribute to an increase rather than a decrease in internal tensions. A solution to the economic problems can only be obtained if there is national cohesion. That will call for full co-operation and the systematic efforts of the workers and all of the population. This presupposes their conscious and voluntary participation in the collective effort which is required from the nation. Such participation will not be obtained without a return to normal trade union activity and to co-operation and free and constructive dialogue between all parties constituting the nation, in particular the Government and free and representative trade union organisations.

It appeared from my freshly-held interviews and discussions with various members of the Government that, on a common and general basis, several, although very general, ideas more or less exist as to the type of trade union movement which ought to be set up. Certain ideas have in fact inspired a degree of concern, but it is often still a question of personal reflections that are voiced rather than more precise or official projects. As for government plans, the results of the consultation that is underway regarding the future organisation of trade unions are awaited, but can one consider this consultation as being truly representative while it is being carried on under martial law - even if individual opinions can be freely put forward - and while the principal trade union organisation of the country cannot express itself as such?

In a still uncertain situation two factors remain encouraging: in the first place, the above-mentioned consultations are based on a "document concerning the future of the trade union movement" drawn up in January 1982 by the Committee of the Council of Ministers for Trade Union Affairs and the broad lines of this document envisage the return to independent and self-managing trade unionism; in the second place, several of the members of the Government with whom I spoke emphasised the intention to re-establish normal trade union activity, and some of them even stressed that a pluralist system would be established and that the changes will take account of the ILO's views.

The conversations which I had with the various trade union representatives, and in particular with Mr. Walesa, convinced me

that, on their side, the trade union leaders have realised the errors of the past as well as certain excesses and that they envisage the trade unions' future activities in the clear context of Poland, taking care, while maintaining their independence, to help the nation to rediscover the road to economic prosperity and social equilibrium.

In the present tension, the time for national reconciliation and the calming of spirits should not be delayed. I also took the opportunity to suggest to the various Government members with whom I spoke the future announcement and adoption of a series of measures which could help to contribute to this reconciliation: the relaxation and abolition as soon as possible of martial law; the release of a new group of internees leading up to the future release of all of them; and the commencement of a dialogue at the national level between representatives of the Government and the trade union organisations, without exception, with a view to re-establishing normal trade union activity in the country.

The reactivation of trade union activity will, of course, not be able to ignore the present difficulties facing Poland and compromises will be necessary on all sides, but it should take place within the general framework of the ILO's standards - which have been accepted by Poland - so as to allow the country to rediscover its unity and to overcome its difficulties.

Self-management measures and the early creation of works councils will certainly be useful for the participation of workers in the life of the undertaking, but dialogue should also, and at the same time, take place at the national level and between recognized spokesmen.

At a difficult moment in the life of the Polish nation, all Poles should, in good faith without reservations and with generosity and broad political vision, contribute - whatever their function and situation - to getting the country out of the impasse. In doing this, they will also help Poland to rediscover, in addition to unity on the national level, its authority and credibility at the international level. The ILO could, if it is so wished - and this was indicated by various sides - help at a certain moment in the establishment of healthy trade union relations, taking into account the standards applicable to the subject, but it is essentially between Poles that discussion must take place, with a genuine desire to arrive at solutions.

In concluding I wish to thank all those whom I met for the confidence that they showed and the facilities which they placed at my disposal during a particularly difficult period. My only wish in presenting this report and these suggestions is to contribute to a positive and long-lasting solution to the crisis which the country is going through.

I also thank you, Mr. Director-General, for the confidence which you have placed in me.

(signed)  
Nicolas Valticos.