

Trades Union Congress



TUC report of an ICFTU fact-finding visit

# Iraq: unions and the law

**by Owen Tudor, Head of the TUC European Union and International Relations Department, member of the ICFTU delegation**

1 The International Confederation of Free Trade Unions (ICFTU) sent a fact finding mission to Iraq from 14-25 February 2004. The mission was designed to identify developments in the Iraqi labour movement, and to assess what practical support the world trade union movement could provide, as well as to identify what progress was being made on labour law issues. The mission was led by P Kamalam, Middle East officer of the ICFTU, and consisted of representatives of the TUC, the AFL-CIO, the UGTT of Tunisia (with the support of the International Confederation of Arab Trade Unions – ICATU), and two global union confederations – the ITF (transport) and the EI (education). The delegation travelled to Iraq from Jordan by road, spending most of its time in Baghdad but splitting for three days to visit Erbil in Kurdistan and Basra in the south of Iraq.

2 The ICFTU has co-operated closely with ICATU throughout, and both have made it clear that the global trade union movement, which opposed the war (a point which was reiterated to many of the people met by the delegation), should operate multilaterally with regard to involvement in Iraq. The TUC and the AFL-CIO have therefore resisted suggestions that they should intervene in Iraq unilaterally – a point which seems to be better understood in the British trade union movement than in the US labor movement. Certainly ICATU support would be jeopardised by unilateral efforts. However, the UK and USA governments provided useful support and assistance for the delegation, including setting up meetings – the FCO and the future British Ambassador to Iraq were particularly helpful.

3 The delegation met with a range of different organisations and individuals, covering governmental, non-governmental and union bodies as well as ordinary workers in various workplaces, and including on occasions employers:

- trade union organisations – the Iraqi Federation of Trade Unions, nationally and in Basra; the General Federation of Trade Unions; the Federation of Workers' Councils and Trade Unions; the Iraqi Teachers' Association; the Kurdish Teachers' Association; the Kurdish Chemists' Association; and the Kurdish Agricultural Engineers' Association.
- workplace visits – an oil refinery and two railway depots organised by the IFTU; a food oil manufacturing plant and a hotel organised by the

- GFTU; and the port at Um Qasr, organised by the IFTU.
- government organisations - the Minister of Labour and Social Affairs and the secretary to the Committee for the Advancement of Women; Sir Jeremy Greenstock (the Prime Minister's special envoy to Iraq); Coalition Provisional Authority officials in Baghdad (Scott Carpenter, an assistant to Ambassador Bremer, and representatives of the USA International Development Department – USAID - and the Department of Labor); Erbil and Basra.
  - the ILO's unofficial representative in Iraq, a member of the council of the Iraqi Federation of Industries, and a representative of "Hope", a women's organisation involved in providing aid.

### **History**

4 The labour movement in Iraq has a long and powerful history, dating back to the first half of the 20<sup>th</sup> century. Iraq has a tradition of industrialisation and secularism which provided trade unions with fertile ground, and under the British mandate many trade unions were established. By 1958 when the British-installed monarchy was swept away, the Iraqi General Federation of Trade Unions (GFTU) was able to mobilise a million people for its May Day demonstration – about 5% of the whole population. Today, the majority of the Iraqi population is urban, with a quarter of the population living in Baghdad, a further fifth in Kurdistan and a large number in and around Basra in the south (these three more or less coherent areas account for nearly two thirds of the Iraqi population).

5 The GFTU was communist-dominated in the 1950s and 1960s, and the Iraqi Communist Party was a major component, with arab nationalists and proto-Ba'athists, of the forces which overthrew the monarchy. But as the Ba'athists assumed control of the country, opposition was increasingly restricted, and in 1968 the Ba'ath Party took sole power, nationalising most of the economy and preparing the ground for Saddam Hussein to become the sole source of power at the end of the 1970s. Until that point the GFTU continued to have some autonomy and power, as evidenced by the 1971 labour code which was very pro-union, and conformed at the time with ILO conventions (indeed at that time the main deficiency was probably the absence of a powerful employer's body, and that has remained true to the present). In 1979, the communist-led leadership of the GFTU was swept

away and replaced by Ba'ath supporters and unions became effectively merely a front for the government (indeed, many of the former GFTU leaders were executed or imprisoned, and many fled into exile).

6 In 1987, a new labour code was introduced which redefined public sector workers as “employees” and removed their right to form trade unions. The unions which remained under the GFTU were provided with substantial incomes from compulsory subscriptions deducted from workers’ pay, and developed a large asset base (mostly buildings) in return for which the GFTU acted as a transmission belt to workplaces and workers for Ba’ath Party policies, also acting as ambassadors for the regime globally. As wages were controlled by the state, unions had no role in collective bargaining, and were as often involved (according to reports) in repressing workers as in settling their complaints about mistreatment at work (although clearly that work continued to be done in some areas).

### **The current state of the Iraqi labour movement**

7 After 9 April when Saddam Hussein’s regime fell, Iraqi trade unionists who had been in exile began to return, those imprisoned had been freed, and those working underground were able to emerge. A Workers’ Democratic Trade Union Movement which had at least been active abroad (and possibly internally) emerged and held a meeting reported by them to be 350 strong which called for the recreation of the Iraqi trade union movement. Initially and sometimes since calling themselves the GFTU, this body is now generally referred to as the IFTU. It has been particularly active in Britain, and has received some support from British trade unionists. In addition, the GFTU – which was affiliated for many years to the World Federation of Trade Unions and ICATU - and an organisation which was originally active as the Union of Unemployed in Iraq, but which has now emerged as a broader Federation of Workers Councils and Trade Unions (FWCTU) have been in contact with the TUC and British unions. Further, In Kurdistan, two trade union movements (aligned with the parties in the two regions of Kurdistan) have been active for over a decade since the region attained practical autonomy after the first Gulf War.

8 In December, the ICFTU held a meeting in Jordan where trade unionists from around the world met all these organisations as well as representatives

of the Teachers and Journalists' Associations. That meeting was reported to the January TUC Executive Committee, where it was noted that none of the confederations active in Iraq seemed to have a significant membership base, and that the Kurdish unions seemed to be based mostly in small craft workplaces. It was agreed at the Jordan meeting that trade union solidarity should primarily be with sectoral organisations on the ground rather than award a "franchise" to one of the competing national organisations.

9 On arrival in Baghdad, the ICFTU delegation found that as well as the organisations listed in paragraph 7, the General Secretary of the GFTU had left the organisation and was attempting to establish a union movement based around the Supreme Council of the Islamic Revolution of Iraq (SCIRI) one of the main Islamic political parties – although the founding meeting which was allegedly wholly made up of ex-GFTU officials had broken up. The ICFTU delegation never managed to make contact with this putative organisation, but met all the other Iraqi national confederations.

10 The Iraqi organisations (GFTU, IFTU and FWCTU) are all attempting to take over the financial assets, buildings and membership lists of the old GFTU (this is one reason why the IFTU sometimes characterises itself as the GFTU). In addition, Iraqi and arab tradition usually provides, in law, for only one national union confederation, and the GFTU held that position until December when all pre-9 April organisations were disbanded and required to re-register. In January, the Interim Governing Council (IGC) agreed (although the CPA has not accepted this position which means it has no legal force) to grant sole recognition to the IFTU – partly because of its non-Ba'athist past, and partly because it is led by members of parties which are represented on the IGC (the Communist Party, the National Accord and the arab nationalists). However, none of the organisations has formally registered (partly because of the dispute over access to the GFTU's old assets) and therefore none of them can access organisational bank accounts. The Iraqi Ministry of Labour and Social Affairs is recognising the IFTU on a temporary basis, and consulting with it – neither the GFTU nor the FWCTU recognise the IGC or Ministry's legitimacy and therefore will not deal with either.

11 ICATU has held a formal position for some months that, on the basis that there should be only one trade union movement per country, the IFTU and GFTU should merge. The IFTU has refused to do so because of the presence in the GFTU leadership of Ba'athists and those who collaborated with Saddam Hussein's regime, but there is some evidence that the GFTU is reforming itself from within to displace those elements (it is extremely difficult to assess how true this is, but the delegation certainly saw some prima facie evidence for it), and some sections of the IFTU leadership are reported to be willing to merge on that basis – both organisations talk about elections being held in workplaces after the Iraqis regain control of the country on 1 July, to settle who should lead the trade union movement. The ICFTU is of course content with a pluralist trade union movement, but is fiercely opposed to a unitary trade union movement being enforced by law (not least because this would breach ILO conventions).

12 On top of this there is the issue of Kurdistan. The union confederations in Kurdistan are merging along with the main Kurdish parties and the organs of government – probably sometime later this year. Some of the Kurdish professional associations (see below) are already merged, although with considerable regional autonomy. They are implacably opposed to merging with organisations in the rest of Iraq, although they are keen to have good relations with them. They favour the IFTU because of its lack of Ba'athist associations, along with the equivalent professional associations. The Kurdish trade unions appear to be fully functioning, democratic organisations – they are formally independent of the state although they are closely linked, but the delegation generally considered this to be a product of the current political situation, and unlikely to remain as a problem. CPA officials in the north confirmed that the unions were real, vibrant organisations, strengthening as the economy develops, and independent of political parties despite the national confederations having formal links (it was noted that these links were more at the confederation level – the individual sectoral unions are pretty independent of the political line of the confederations). The delegation formed the view that there was an urgent need to ensure that GUFs link up with the relevant sectoral bodies in Kurdistan.

13 In addition to the union confederations, Iraq and Kurdistan have large and active professional associations, several of which the delegation met with. In practice, these are trade unions in all but name (and often they have adopted and are proud of the label of a union), covering sectors such as teaching, journalism as well as more traditionally “professional” organisations such as doctors and lawyers. In many cases, the difference is between white collar organisations (associations) and blue collar (unions), which is hardly unusual in the rest of the world. But it also has to do with the banning of public sector trade unionism under Saddam Hussein, the nature of education law and so on (teachers’ salaries and teachers’ organisations are laid down in that law rather than in labour law generally) and as both of these change over the next few months, the trade union nature of the associations will change too. Whether they decide to become part of the confederations of blue collar unions, however, is less likely in the short term as they are jealous of their autonomy.

14 Crucially, however, the ICFTU delegation wanted to see evidence of trade union activity in workplaces, and this is one of the most positive signs that we saw. In several workplaces visited (admittedly selected by the confederations we met) we came across lively, muscular (even argumentative) trade union grassroots. In some cases such as the former public sector where unions had been banned in 1987, these organisations were barely months old, although many of the people involved had memories of trade unionism beforehand (in Kurdistan, the construction and contractors unions are strongly influenced by workers returned from exile, who have experienced trade unionism more recently in other countries). In other workplaces, such as education and the hotels, workers have thrown out managers (and head teachers) and union leaders strongly aligned with the Ba’ath Party, and created more active trade union organisations, often breathing new life into formal legal provisions such as on industrial democracy (the hotel we visited had two trade unionists from the workers’ committee, both non-Ba’athists, on the board of nine). Wages have increased in many places by ten-fold, and although prices have also risen, wage increases are outstripping them. Unions are dealing with problems of vandalism (train drivers and airport workers slept on site during the worst of the looting to protect their workplaces), unemployment (running at over

50% generally, partly because of the demobilisation of the army) and inadequate management – failure to pay wages on time and so on.

15 In terms of the national confederations, the trade unionists met at the workplaces visited were aligned either with the IFTU or the GFTU (the FWCTU had little time to organise such visits but admitted that most of their 350,000 claimed members were unemployed, with only patchy membership in other workplaces – which they blamed on the CPA, IFTU and GFTU). In Basra and Um Qasr, there only seemed to be IFTU members, and in Kurdistan, although all three Iraqi confederations claimed a few members, it seems clear that the soon-to be merged Kurdish trade union movement is genuinely the only organisation besides the professional associations (with whom it is in formal alliance anyway, through an umbrella group of civil society organisations). What seems to be the case is that where trade unions in particular workplaces have political (in the case of the IFTU) or historical (in the case of the GFTU, except where anti-Ba’athist activists have created links with the IFTU) links they are aligned to one or other of the main confederations. In workplaces where people are developing trade unionism themselves, it seems to depend who knocks on the door first – but there were no reports from anyone about workplaces which had both IFTU and GFTU members.

16 Nevertheless, it was clear to the delegation that the Kurdish unions, the professional associations and the IFTU and GFTU had genuine links with workers in workplaces, and were more or less representative of ordinary workers. There are some doubts about the extent of political domination of the IFTU by the Communist Party (although it is quite likely that the leadership is in fact pluralist or just run by people who happen to be associated with the Communist Party), and some more important doubts about the extent of de-Ba’athification of the GFTU.

17 The main needs expressed to the ICFTU delegation were about practical solidarity. Unions need help with training (especially about areas where they have no recent experience such as collective bargaining, but also on union organisation and recruitment, on vocational training and on developments since Iraq became isolated from the world), with material support – especially communications: vehicles, ICT, printing facilities – and with

exchanges of information and knowledge. In part, this reflects the need to restore the image of trade unionism, tarnished by compulsory membership and slavish adherence to the government, among Iraqi workers generally – although as the paragraphs above show, there is no lack of enthusiasm among activists.

18 In particular, the trade union movement needs help with increasing the involvement, especially in leadership positions, of women. Many of the unions met had majorities of women members (especially education and public services, but also those manufacturing workplaces where twenty years of armed conflict has reduced the male workforce considerably), but few had women in leadership roles. The leaderships recognised this as a problem and had various more or less believable excuses (many of the leaderships we met had been elected at times when violence on the streets was at its height and few men, let alone women, ventured onto the streets) – one union said that they knew it was a problem and they would do something about it, but said that even if they didn't, the women would force their way to the top! The ICFTU delegation discussed the possibility of joint work with the Ministry of Labour and Social Affairs' committee for the advancement of women who were supportive, and that channel may get round problems of picking trade unions to work with.

### **Labour law**

19 The other main strand of the ICFTU delegation's mission was to address the issue of labour law. As indicated above, the laws relating to trade union organisation under Saddam Hussein's regime were repressive and contrary to ILO conventions, but there are other laws which were formally positive (although drained of benefits for workers by failure to implement or by the general state of trade unionism). The delegation discussed this area with trade unions, with the Minister of Labour and Social Affairs, with the Iraqi Federation of Industries and with CPA officials, as well as the ILO.

20 The main law in Iraq in the near future will be the Transitional Administrative Law, which was published a few weeks after the mission. At the time, Sir Jeremy Greenstock mentioned (as shown in the ICFTU release) that the draft contained freedom of association and freedom to strike, and the final version agreed by the IGC and adopted by Ambassador Bremer is

quite explicit in confirming the right to join trade unions and the right to strike and demonstrate, along with more general rights to freedom of assembly, of expression and protection from discrimination on the basis of race, gender, religion etc.

21 In terms of the labour code itself, the CPA is drafting a revised version of the 1987 code, but without any clear understanding of what is wrong with it – because CPA officials were unaware of the scope of trade union organisations, and, frankly, scared of too much engagement with ordinary Iraqi workers because of the security situation. The CPA draft is therefore being developed in isolation and on a purely theoretical level, but until 30 June, they make the law. They intend to consult with the US and UK governments and with the World Bank on their draft as well as with the Ministry of Labour and Social Affairs, and then hand it to the ILO for comments, leaving the ILO to involve unions and employers.

22 Meanwhile, apparently completely independently, the Ministry is discussing its own revised draft of the labour code with the IFTU and the Iraqi Federation of Industries (although through bipartite meetings rather than tripartitely). They too intend their draft to meet ILO conventions, and will also submit their draft to the ILO – a meeting which the ILO plans to hold in Jordan (they are still restrained from entering Iraq formally by the UN decision to withdraw after the August bombings) will probably be the key to this process. Trade unions (although which ones is not yet certain) and employers will be invited to that, and ILO bodies such as ACTRAV (the workers' bureau) will also be involved.

23 Opinions differed about whether the trade union movement would be better off with a labour code adopted before the 1 July transfer of power or not. Clearly the CPA process is unhelpful, although the TUC will want to intervene in any UK government response. All the trade union movements seem to prefer to work from the 1971 code than the 1987 code as the CPA and Ministry want, but it may well be that the 1971 code is too biased towards unions to succeed – it has more historical legitimacy but again is therefore likely to be outdated. The ICFTU will need to press for the maximum involvement of all union interests (no one we met envisaged involving the professional associations or the Kurds, albeit that the

government in Kurdistan may not consider anyone to be bound by an Iraqi labour code) as well as employers, and may need to press the ILO to make sure that the Jordan meeting involves labour experts from the ICFTU or ICATU as well as employers.

### **Conclusion**

24 The global trade union movement can do an enormous amount to help the trade union movement in Iraq. The main problems faced by the movement are the splits within it (characterised in some cases by outright hostility and a desire to attain sole legal status, and in others by ignoring other groups like the professional associations and the Kurds), and the challenges of recruiting Iraqi workers and addressing the economic challenges of rebuilding the economy (issues like privatisation and unemployment are barely being dealt with at the moment – but clearly some privatisation is unlikely to be opposed by the trade unions in what is an almost wholly nationalised economy).

25 The TUC will want to press the rest of the global trade union movement to ensure that it backs work by Global Union Federations to support sectoral organisations in Iraq and Kurdistan, and will want to ensure that British unions are informed and involved, and that the British government continues to play what is a clearly positive, pro-trade union role. Any links which can be made to foster these processes should be supported: for instance, the FCO facilitated a meeting between the TUC and the Iraqi Minister for Labour and Social Affairs when he visited the UK, at which we pressed again for trade union and labour rights.

26 A further report will be made once the ICFTU has completed its analysis of the mission's findings.

## ICFTU Press Release

### **International Trade Union Mission Returns from Iraq 27/2/2004**

A first international trade union mission\*, has returned from a 10-day fact finding mission in Iraq. The main purposes of the mission were to gain a clearer understanding of trade union developments inside Iraq, and to raise key concerns about the reconstruction process with officials of the Coalition Provisional Authority (CPA) and Iraq's Governing Council. The mission met with workers and trade union officials in Baghdad, Erbil (Iraqi Kurdistan) and Basra in the south. Meetings were also held with the Minister for Labour and Social Affairs Sheik Samy Azarh Al-maajoun, CPA officials, UK special envoy Sir Jeremy Greenstock, and employers from the Iraqi Federation of Industries. They visited workers in the education, food manufacturing, hotel, petroleum, road transport, port and railway sectors.

Everywhere, they found an appetite and a need for trade unionism. Workers are organising unions in workplaces where they were forbidden under Saddam Hussein's laws, and revitalising union structures previously dominated by the Ba'ath party. The mission met with new trade unionists, and trade unionists returned from exile or re-emerging from prison or the underground. In Iraqi Kurdistan, the established role for unions as an integral part of civil society was seen as an important basis which could be developed elsewhere in the country. The need for women to be enabled to play a more active role in the Iraqi trade union movement was stressed.

However, trade unionism in Iraq faces many challenges.

The economy has been devastated by sanctions and the war, with a lack of infrastructure and raw materials resulting in most of the workforce being unemployed. The burden on Iraqi women is especially heavy. Trade union activity is resulting in better wages in some sectors, however conditions for the vast majority of Iraqi people remain harsh.

The labour laws inherited from the previous regime, which among other things banned trade unionism in the public sector (most of Iraq's economy at the time), present many obstacles for trade unions. The mission stressed the need for the administration to involve workers through their trade unions, in the development of

new labour laws. Tripartite involvement in drafting these laws should help lay strong foundations for social dialogue in the future. A primary role for the UN's International Labour Organisation in drafting the legislation, and in other relevant aspects of reconstruction, is particularly important. This will help ensure that the legal framework, and the application of these laws, conforms to international standards, and in particular the core Conventions of the ILO.

The mission also welcomed news that the current draft Transitional Administrative Law includes freedom of association, free speech and the right to strike.

The international trade union movement will continue to work to assist Iraqi workers and their unions at the sectoral, regional and national levels. A strong and vibrant trade union movement will be a key foundation for the development of democracy in the country, and in ensuring social justice and equitable and sustainable economic development.

\*The mission included representatives from the:

ICFTU (Ms P Kamalam)

UGTT Tunisia/International Confederation of Arab Trade Unions (Mohamed Trabelsi)

Education International (Nicolas Richards and David Dorn)

International Transport Workers' Federation (Bilal Malkawi)

TUC-Great Britain (Owen Tudor)

AFL-CIO/ACILS USA (Harry Kamberis)

The ICFTU represents over 150 million workers in 233 affiliated organisations in 152 countries and territories. ICFTU is also a member of Global Unions:  
<http://www.global-unions.org>

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