

February 25, 1989
**Papers of the Working Group of the National
Commission of NSZZ 'Solidarity'**

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Summary:

Papers of the Working Group of the National Commission of NSZZ "Solidarity," regarding the format for the continuation of the Solidarity movement - whether it be relegalized or legalized, as well as discussion on the position of workers' self-government

Original Language:

Polish

Contents:

Translation - English

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Professor
Andrzej Stelmachowski

Dear Professor,

I would like to kindly ask you to act as an intermediary in passing the enclosed documents to Lech Walesa. I am compelled to turn to you as I want to be sure that they will reach him and will be treated seriously. Experiences of sending [documents] by other methods are not encouraging.

I would also like you to know their content.

I apologize for this unusual request.

With best regards,

J. Kropiwnicki
[signed]

[Attachment No. 1]

Lodz, 25 February 1989

Working Group

of the National Commission

of NSZZ "Solidarnosc"

A Statement on the "re-legalization" and [versus] "legalization" of the NSZZ "Solidarity"

1. The Working Group of the National Commission of the NSZZ "Solidarity" states with satisfaction, that during the past few months a far-reaching rapprochement between the advisory bodies to Lech Walesa, which have a dominating influence on the policy of Chairman of the National Committee and aspire to a leadership role of "Solidarity" by the National Commission on the one hand, and the Working Group of the Commission on the other, has taken place.

In the fall of 1987 and still in spring 1988 (before the outbreak of the April-May strikes), leading representatives of that political orientation, Jacek Kuron (see, e.g. "The landscape after a battle")[2] and Andrzej Celinski (see an interview for "Newsweek" of 23 November 1987) have clearly stated that they consider the history of "Solidarity" as a trade union over.

The strikes of 1988 have proved that the Working Group of the National Commission was right to maintain consistently, from the beginning (i.e. from 1985) the position

that "Solidarity" is first of all and has to remain a trade union.

In the fall of 1988, Lech Walesa's advisers and the National Executive Commission (KKW [3]) adopted a position close to that of the Working Group (GR KK).

In December of that year, a significant political event-the preliminary institutionalization of the socio-political movement in the form of the Citizens' Committee as a separate institution-took place. The creation of the Citizens' Committee, which all leading representatives of the same political orientation as Lech Walesa and the KKW joined as members, will undoubtedly facilitate the realization of their political ambitions on a more suitable platform for this purpose than the trade union one. At the same time, it offers a chance to restore the pluralistic character of the NSZZ "Solidarity."

Still controversial is the question of [the] relationship [of Solidarity] to the law of 8 October 1982, which Lech Walesa's advisers adopted as a basis for negotiations with the authorities of the People's Republic of Poland.

The subsequent rapprochement to the GR KK took place when the negotiators on behalf of Lech Walesa and KKW adopted the position that:

1. The Union has to be registered as a whole (and with its original name), and as one set up separately in each work place.
2. It has to have a territorial, and not a branch structure.

It remains controversial as to whether it is to be registered as a new Union, or restored as a legal entity existing continuously since 1980.

It appears, based on the pronouncements of Mr. Tadeusz Mazowiecki to the mass media, that the "social-solidarity side" at the "Roundtable" had assumed that it ought to be registered as a new union (so-called legalization).

The Working Group of the National Commission is of the opinion that the indispensable condition of both a lasting understanding (or a lasting compromise) with the PRL authorities and the restoration of unity in "Solidarity" is [based on] the restoration of registration to the existing union (its "re-legalization").[4]

2. The Working Group of the National Commission is of the opinion that "forming the Union anew" will come in conflict with social aspirations, and may even lead to a breakdown of the Union.

a) Many Union activists and members have experienced all sorts of repression-prison, arrest, physical violence (some lost their life), dismissal from a job, unemployment, monetary penalties, constraints in their professional career, all for their struggle in defense of the existing Union. For them it is inadmissible to [consider] giving away at the table all that they [had] defended and suffered for, and without even asking for their opinion.

b) For many, the adoption of the law of 8 October 1982 as a basis for restoring normal Union activity would mean some sort of legitimization of martial law. It is different to avoid this question "for the benefit of the cause" than to prejudge it (even indirectly) in a way inconsistent with convictions of a great majority of society.

c) A "renewed formation" of the Union closes the possibility of revindication of the

property taken over by the PRL authorities. Many people think that the Union may give up on its claims, but those rights have to be recognized.

d) Founding the Union as a "new one" will make it difficult or simply impossible to rehabilitate the members who were sentenced or to restore to work those who were dismissed for their defense of "Solidarity." Many of them are ready to give up on seeking someone else's guilt, but not from recognition of their own innocence.

3. "Legalization," that is a renewed formation of the Union (even on the basis of the previous Statute of 1981) would mean recognition that the NSZZ "Solidarity" was really disbanded on 8 October 1982. This "dissolution" has been recognized neither by the Union, nor by the MOP,[5] nor by trade unions in the democratic countries. The World Federation of Labor and the International Confederation of Free Trade Unions, guided by the principles of international law, have carried out the affiliation of the NSZZ "Solidarity" as an existing trade union (though deprived of domestic registration). In this way they have confirmed a universal norm that the union exists based on the will of its members, and not by the grace of the authorities.

Giving up the demand for restoring registration of the union existing continuously since 1980, the NSZZ "Solidarity" would probably be the first trade union in the world, associated in those bodies, which had recognized the right of state authorities to dissolve trade unions. It would be a dangerous precedent both in political and moral meaning. Dissolution of the NSZZ "Solidarity" could be done only by a National Conference of the existing Union, elected according to its Statute and Electoral Law of 1981-and not a "solidarity-social party," the National Executive Committee (KKW), or even a founding conference of a new Union.

Let's keep in mind that organizations that had been suspended or dissolved inconsistently with their own statutes (the last example: the Labor Party-SP, "dissolved" long ago by its own Head Council and "united" with the Democratic Party-SD), are being reclaimed today.

4. The Working Group of the National Commission appeals:

- to the "solidarity-social side" not to take decisions at the Roundtable, which are reserved for the statutory authorities of the NSZZ "Solidarity."

- to the leaders and sympathizers of the Union not to give away at the table what thousands of Union activists and members did not give up during the martial law period and multiple repressions,

- and in particular to Lech Walesa, Zbigniew Bujak,[6] Wladyslaw Frasyniuk [7] and Antoni Tokarczuk [8] - as chairman of the KK [9] and members of [the] KK Presidium - not to be unfaithful to their oath of loyalty to the Statute of the NSZZ "Solidarity."

- to Lech Walesa, to remember that he has entrusted our Union to the protection of Our Lady of Czestochowa,

- to all others to be aware of their responsibility towards the society, the nation, God and history.

5. The Working Group is of the opinion that for the sake of our nation an understanding with the PRL authorities is indispensable; it will be real if it is based on respect for the inalienable and unalterable employee, citizen and human rights.

6. The Working Group is of the opinion that for the benefit of our nation, unity of the NSZZ "Solidarity" is indispensable. Its basis can only be respect for its Statute and union rights, a Statute [embodying the], democratic and pluralistic character of our Union.

[signed]

J. Kropiwnicki

[Attachment No. 2]

Lodz, 25 February 1989

Working Group

of the National Commission

of NSZZ "Solidarnosc"

A Position on Workers' Self-Government

1. The Working Group of the National Commission is warning the "solidarity-social" side against treating workers' self-government as an objective, the only appropriate form of managing the so-called all-social or state property. The concept of replacing the state bureaucracy with workers' self-government remains, within the socialist thought, as a postulate of "real socialization of the means of production." For non-socialist political orientations this concept may be unacceptable.

2. Building the economic system based on workers' self-government, the essence of which boils down to bestowing the right of management of production assets to an imprecisely defined owner, toward whom the management, not being owners in any other sense than symbolic, should feel responsible, would be an experiment on an unheard of scale, a solution without any useful patterns and experiments whatsoever.

3. A self-governmental solution can be, at most, some form of temporary instrument in the elimination of the nomenklatura from the economy.

4. Target solutions ought to be sought in those areas where there is maximal connection between work and ownership. The first step ought to be the abolition of hitherto indivisible state property. The second one [ought to be] dissemination of property—that is bestowing the rights of property to particular work places, their conversion into joint-stock companies and enfranchisement of the nation through employees' shareholding. The sphere of state management in industry should be limited to an absolute minimum. In the area of energy and communications, the scope of public ownership should be defined on the basis of the experiences of the developed countries of Western Europe. Commerce should be gradually privatized (both retail and wholesale).

5. Experience teaches that all forms of collective property, in which individual participation is not secured by the alleged owners, are being treated as "nobody's property" and in the best case [scenarios] are becoming some form of bureaucratic property (in the case of communist countries—the nomenklatura's property).

For conformity,

[signed]
J. Kropiwnicki

[1] Jerzy Kropiwnicki, from 1980 an activist of NSZZ "Solidarity" in Lodz, member of KK NSZZ "Solidarity", from 1987 of GR KK NSZZ "Solidarity."

[2] An article by Jacek Kuron "The Landscape after a Battle" was published in the underground Tygodnik Mazowsze of 2 September 1987.

[3] Krajowa Komisja Wykonawcza

[4] It had been agreed even before the opening of the "Roundtable" that the NSZZ "Solidarity" would be legalized on the basis of the existing law on trade unions (thus, there was no talk about "relegalization" as proposed in the formula of GR KK). It was a concession by the Lech Walesa camp, who had also gained an important concession from the authorities: NSZZ "Solidarity" was to be registered at once as a national organization, and not through registrations of subsequent factory units as desired by the PUWP negotiators.

[5] Miiodzynarodowa Organizacja Pracy [International Labor Organization].

[6] Zbigniew Bujak, from 1980 an activist of NSZZ "Solidarity in Warsaw", in 1980-1981 chairman of the "Mazowsze" region, one of the leaders of the underground "Solidarity," member of KO appointed by the Chairman of NSZZ "Solidarity," "Roundtable" participant.

[7] Wladyslaw Frasyuniuk, from 1980 an activist of NSZZ "Solidarity" in Wroclaw, in 1981 chairman of the Lower Silesia region, one of the leaders of the under-ground "Solidarity", member of KO appointed by the Chairman of NSZZ "Solidarity," "Roundtable" participants.

[8] Antoni Tokarczuk, from 1980 an activist of NSZZ "Solidarity" in Bydgoszcz, one of the leaders of the underground "Solidarity," member of KO appointed by the Chairman of NSZZ "Solidarity," "Roundtable" participants, from June 1989 on a senator.

[9] Komisja Krajowa, Cracow Committee.