

RESEARCH REPORT

THE TRADE UNION MOVEMENT IN EGYPT IN LIGHT OF THE 2011 UPRISING:

*Cooptation, Containment
and Limits of Resistance*

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LIST OF ABBREVIATIONS

ETUF: The Egyptian Trade Union Federation

EFITU: The Egyptian Federation for Independent Trade Unions

EDLC: The Egyptian Democratic Labor Congress

FJP: Freedom and Justice Party

CTUWS: The Center for Trade Unions and Workers Services

IMF: International Monetary Fund

INTRODUCTION

According to the statistics of the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS) in 2013, the Egyptian labor force amounted to 27.6 million people, and the work force amounted to 23 million people, among whom 19.1 million are males and 4.9 million are females. The number of workers was 10 million in the urban areas and 14 million in the rural areas. Moreover, according to official data, the number of workers in the government sector in 2013/2014 was 5.7 million, while the number of workers in the public sector (*al-qitā' al-'ām*) was 570,100. The number of workers in the public sector companies (*qitā' al-'amal al-'ām*) was 300,500; and the number of workers in the private sector is 17.5 million. Both formal and informal sectors include subsectors, such as industry, agriculture, services, trade and fishing¹. According to the Egyptian Center for Economic Studies (ECES), in 2010, the informal sector accounted for around 40% of Egypt's GDP and regrouped 2.7 entities that employ 5 million workers, representing 66% of total non-agricultural employment in the private sector.² Regarding the unemployment rate³ in Egypt, CAPMAS estimated an average of 10.80% from 1993 until 2016, reaching an all-time high of 13.40% in the third quarter of 2013 and a record low of 8.10% in the second quarter of 1999.⁴

Egypt has a history of labor activism (Beinin and Lockman 1987). Since 2006, however, Egypt has experienced the “longest and strongest wave of workers’ protests since the end of World War II” (Beinin and El-Hamalawy 2007). This wave was partly in response to the growing aggressive adoption of neoliberal economic policies by the government of Ahmed Nazif (2004–2011). His government’s promotion of economic growth at the expense of social justice resulted in vast social inequality (Abdalla 2012:1). The Egyptian labor movement has played a decisive role in bringing down the authoritarian regime since the mobilization of workers starting from the 8th of February, a tipping point in the 2011 Egyptian

uprising. As things were gradually returning to normal on the 7th and 8th of February when demonstrations decreased and masses began to leave Tahrir Square in Cairo, workers across many sectors began to strike, refusing to work until their rights were duly recognized. They also organized several protests across the country. These dynamics left the economy and the main state facilities paralyzed, hence evolving into an act of civil disobedience. With these protests increasing in numbers and spreading geographically, the political scene followed suit and transformed in favor of the revolution (Abdalla 2012:89). Workers’ activism in Egypt predated the 2011 uprising and continued even after former President Mubarak stepped down as the number of protests increased sharply and aggravated the economic situation.

Before the uprisings, workers had mostly protested for short-term economic and financial demands. During their strike in 2008, some components of the labor movement of Mahalla workers demanded a minimum wage, but the protests were mostly for three short-term economic demands: (1) wage rights in terms of incentives, bonuses, allowances, and/or better access to profits; (2) the right to work and protection against arbitrary dismissals, forced retirement, and bad management; (3) the right to stable employment and protection against temporary work.⁵

In the aftermath of the 2011 uprising, although the short-term economic demands (for incentives, bonuses, allowances, or profits) topped the list of the workers’ demands, new demands have emerged, such as the demand to freely organize and choose representatives. For instance, in 2014, while short-term economic demands represented 49% of the demands by the protestors, 16.9% were for better working conditions, 12.6% were for better contractual relations to work, 9.4% were against arbitrary dismissal, 5.7% were against arbitrary relocation, 4.5% were against corruption and bad management in the workplace, and 1.5% were for the right to freely organize and for the freedom of trade unionism.⁶

1 Ayman Abdel Moti, *The Egyptian Labor Movement...What to do next?* Democratic Society, October 2015, available at: <http://dem-society.com/2015/10/22/الحركة-العمالية-المصرية-ما-العمل/>

2 Legalizing informal sector would increase economic growth and improve living conditions, *Daily News Egypt*, 11 May 2014, available at: <http://www.dailynewsegypt.com/2014/05/11/legalising-informal-sector-increase-economic-growth-improve-living-conditions-eces/>

3 The unemployment rate in Egypt measures the number of people actively looking for a job as a percentage of the labor force.

4 Data is available at the Trading Economics Website : <http://www.tradingeconomics.com/egypt/unemployment-rate>

5 For more information, please see: Fatma Ramadan, *A reading of the Labor Movement in Egypt between 2007 and 2009*, *The Socialist Revolutionary*, December 2009, available at: <http://revsoc.me/workers-farmers/tll-l-lhrk-lmly-fy-msr-2007-2009/>

6 For more information, please see: *Report on Workers’ Protests in 2014*, Economic Center for Economic and Social Rights (ECESR), May 2015, available at: <http://ecesar.org/2015/05/01/تقرير-الاحتجاجات-العمالية-لعام-2014/>

However, Egypt's post-revolutionary trajectory has shown that, despite a persistent level of organized labor, has been weak and failed to achieve significant labor-specific gains or to influence the country's overall political transformation. Observers agree that the Egyptian labor movement transformed from an important agent of change during the destabilization of authoritarian rule to a weak, fragmented, and politically marginalized actor during the post-revolutionary period (Abdalla 2012 & 2015; Bishara 2013; Adly and Ramadan 2015).

Hence, in this paper, I discuss the trade unions' capacity to respond to the workers' demands with a focus on the period after the 2011 uprising. For data, this paper has relied on around 30 semi-structured interviews, conducted between June 2012 and January 2016, with labor leaders, labor activists, political party leaders, and journalists participating in the labor movement. Moreover, qualitative content analysis of government statements and data from newspapers make up the second tool to gather the required information.

The paper will be divided into three sections emphasizing: (1) the effects of the policies of economic liberalization before the 2011 uprising on labor conditions; (2) the traditional or official trade unions (in) capacity to defend the workers; and (3) the new role of trade unionism in representing the labor movement, fighting for their demands, and the challenges they face in this quest. I will thus attempt to demonstrate that:

First, the liberal economic policies which had achieved significant economic growth on the macro level by the end of Mubarak's rule had led, on the other hand, to a systematic increase of social grievances and labor protests that were agents of change during the 2011 uprising. The pursuit of the same liberal economic policies combined with a politically conservative ideology, in the aftermath of the uprising, doubled socio-economic grievances while restraining the structure of socio-economic mediation, thereby opening the door for an increasingly unsustainable situation.

Second, ETUF which represents the traditional and official trade unionism in Egypt remained completely coopted by the State before and after the uprising. Despite being inefficient, the successive rulers considered it as a necessary tool for containing labor protests while expanding liberal economic policies on one hand, and for preventing the re-emergence of an independent civil society on the other hand. It thus remained unresponsive to the workers' demands after the 2011 uprising, as it were before it.

Third, the new trade unions, which emerged in lightning speed in the aftermath of the 2011 uprising, also failed to achieve workers' economic demands and to build a new pattern of State- Labor movement relations. Not only did the successive authorities constrain the new unions' capacity of action but also the latter have suffered from a weak representative capacity, structural obstacles and lack of political allies. Therefore, despite their continuous efforts to resist bureaucratic, political and economic constraints, they remained -until today- unable to either secure their socio-political interests or push the authorities to issue a law permitting the labor movement's emancipation out of the State control.

1. POLICIES OF ECONOMIC LIBERALIZATION ON THE EVE OF THE 2011 UPRISING: THE IMPACT ON THE WORKERS' SOCIAL CONDITIONS

In Egypt, the postcolonial state-labor relations were ruled through a pact established by former President Gamal Abdel Nasser that assures the loyalty of labor to the State. The State's role has been to guarantee workers a certain standard of living by ensuring that they receive a salary that covers their basic needs. In return, workers provide the State with political support and contribute to the project of national development and production (see: Posusney 1997: 15). This Nasserite pact was cemented over the years of the reign of Nasser during which the government control of the economy has grown. The public sector has dominated the economy and had provided the Egyptian regime significant resources which it distributed to workers in the form of socio-economic benefits (Pratt 2001: 111).⁷ Following the Nasserite rule however, Sadat and Mubarak both pushed for greater economic liberalization. This attempt to improve the efficiency of the public sector as well as the promotion of private sector has been at the expense of some pro-labor measures introduced by Nasser (Pratt 1998: 17). Therefore, these policies marked a significant change in the "social contract" between Nasser and the workers in the public and governmental sectors. In addition, the intensification of the privatization policies has pushed for the emergence of workers' mobilization in some parts of the private sector which played an increasingly important role in the Egyptian economy.

Hence, in this section, I will emphasize the impact of these policies of economic liberalization under Mubarak on the workers' conditions. I will attempt to shed light on the correlation between the increase of economic liberalization under Mubarak, especially on the eve of the 2011 uprising and the systematic increase of labor protests, part of which will manifest in new trade unions in the aftermath of the 2011 uprising.

Under Mubarak, 1991 was the turning point of the liberalization policies. In May 1991, Egypt signed the new structural adjustment program with the International Monetary Fund (IMF). The program has engaged Egypt in a series of liberal measures, particularly the sale of State-owned enterprises (Pratt 2001: 115). Along these lines, the enactment of Law 203 in 1991 favored privatization, identifying 314 public companies as eligible for privatization (Beinin 2011: 186). There was a change with the arrival of the technocrat government of Prime Minister Ahmed Nazif, as Egypt witnessed a radical acceleration of the ongoing economic liberalization that started in the mid-1990s. Having adopted a clear neoliberal agenda, the Nazif government (2004-2011) announced plans to privatize most of the public companies. In 2005/2006, the government therefore sold 59 public companies for \$2.6 billion (Rutherford 2008:223), and as a result, the GDP grew at an average annual rate of over 6% until about 2008 (Roll 2013:7). However, this growth was accompanied with the formation of an oligarchy and rising social inequality since a concentration of capital took place within the private sector.

At the beginning of the 1980s, there were no major private businesses to speak of; however, by the end of the Mubarak era, numerous sectors were dominated by individual privately-owned companies. This concentration of capital was a direct consequence of Mubarak's privatization policies (Roll 2013:7-8).⁸ By virtue of their dominant position in the Egyptian economy, members of the business elite had also risen to join the circles of the "political elite" (Roll 2013: 8-9) of the National Democratic Party namely those surrounding Gamal Mubarak. Hence, the privatization process that was conducted without any transparency (El-Naggar 2009:45) and amidst corruption - which affected the sale of the State-owned Company as assets were sold below their sale value - has resulted

⁷ In 1973, that is to say, three years after the death of Nasser, employment in the public sector counted for 25% of the total employment and 54% of the non-agricultural employment (Posusney 1997: 15).

⁸ Although the private sector continued to be characterized by small- and medium-sized companies (in 2006 only 0.1 % of Egyptian companies employed more than 100 workers), the few major private enterprises generally held monopoly positions in their respective sectors: Ezz Industries in steel and Ghabbour Auto for cars and Juhayna Food Industries in the dairy industry. Together the twin trends of a growing private sector and a growing concentration of capital enabled a small group of individuals and families to gain control over a large slice of the economy through ownership and management relationships (Roll 2013:9).

in a remarkable concentration of capital in the private sector. Therefore, a small number of entrepreneurs has succeeded in establishing huge business empires (Roll 2013:7-8). Perhaps the most prominent example is the privatization of department store chain Omar Effendi, which a Saudi trading company bought in 2006. After several rounds of the judicial circuit since the case was opened in 2011, the most recent judgment was a ruling in August 2013 by the Supreme Administrative Court. The verdict supported the previous annulment of the sale on grounds that Omar Effendi was sold by direct offer rather than through a competitive public auction, and for half its market value. The court also found the firing of thousands of employees to be in violation of the sale contract (Barma 2014).

Due to privatization, State-employed workers lost their jobs and significant numbers of workers fell into the informal sector, and thus remained outside traditional regulation and protection from the State, which deprived them of rights and reduced their wages. Along these lines, the new labor law 12/2003 implemented in early 2004, which made it easier to lay off workers and allowed for fixed-term employment contracts in order to encourage employers to formally hire workers, has generated a counterintuitive outcome: informal and irregular employment has risen (Assaad and Kraft 2013:10). From 2006 to 2012, the irregular wage work⁹ increased substantially. While 12% of the employed were irregular wage workers in 1998, this dropped to 8% in 2006, but more than doubled to 17% in 2012.¹⁰

Moreover, the “trickledown effect”, which is the premise of the neoliberal economic strategy has never manifested, especially as no significant social measures have been put in place to support the liberal reforms (Collombier 2012:4). Despite the GDP growth at the macroeconomic level,¹¹ real wages did not increase, and in many cases they declined. According to El-Naggar, the ratio of wages to GDP decreased from 48.5% at the end of 1980 to 28.6% in 1995, and less than 20% in 2007 (El-Naggar 2009:49). In 2007, the monthly base salary of industrial workers was around 105 LE per month (\$19) (Beinin 2011:187) while the average base salary for textile workers in the first

half of the 2000s was 250 LE (\$36). Thus, according to El-Naggar, most public sector workers and their families could be considered “poor” according to World Bank standards.¹² El-Naggar also stated that the same observation was valid for more than 95% of the 5.8 million civil servants in Egypt and their families (El-Naggar 2009:49) since an employee who worked for thirty years only earned a salary of about 730 LE (\$105.20) (El-Naggar 2007:179). This information is particularly important because it explains why the state’s employees consider themselves as part of the labor movement. As Rabab El-Mahdi states, recent developments of capitalism have made it more difficult to distinguish between these two categories since ‘blue collar’ workers in the industrial sector are better paid than the state employees who are considered ‘white collar’ (El-Mahdi 2011: 389).

In response to the intensified policies of economic liberalization since the 1990s and their rapid increase in the second half of the 2000s, labor protests have increased in parallel. It is noteworthy that these labor protests emerged outside of the Egyptian Trade Union Federation (ETUF), which is the official trade union federation co-opted by the State. Between January 1998 and December 1999, there were 287 workers’ protests after there were only 37 from 1988-1989, before the launch of the privatization policies (Pratt 2001:120). Moreover, the period between 1998-2003 saw an average of 118 workers’ protests a year (Beinin 2011:187). Since 2006 and in parallel with the acceleration of the neoliberal policies undertaken by the Nazif government (2004–2011), Egypt has experienced the “longest and strongest wave of workers protest since the end of World War II”.¹³ The 2004 annual report of the Land Center for Human Rights has reported that from 1998 to 2004, Egypt witnessed around 1,000 collective actions. A quarter of them took place in 2004 alone (approx. 266), which amounts to a 200% increase when compared to 2003 during which only around 86 protests took place (Beinin 2009:77). The 2004–2011 wave of workers’ protests doubled following a strike in December 2006 at the Misr Spinning and Weaving Company in Al-Mahalla Al-Kubra, “a public-sector firm and one of the largest enterprises in Egypt with about 24,000 workers” (Abdalla 2012: 86). The number of social mobilizations has increased from 266 in 2006, to 614 in 2007, to 630 in 2008, and to 700 in 2009 (Beinin 2011:191).

⁹ Irregular work is seasonal or intermittent work.

¹⁰ Irregular wage work is indeed associated with poverty and vulnerability (Assaad and Kraft 2013:3-4). Worth noting is that the distinction between formal and informal employment is based on whether an individual has either a contract or social insurance coverage. Formal jobs are defined as jobs that have either a contract or social insurance coverage, or both, while informal jobs are defined as those with neither a contract nor social insurance.

¹¹ This period witnessed a growth rate from 4.7% in the fiscal year 2004/2005 to 7.2% the following year (2005/2006) and 10.9% in 2007 (El-Naggar 2007:171).

¹² The criteria are based on an income of \$2 per day per person.

¹³ This wave of protests involved not only traditionally militant blue collar workers, but also previously quiescent employees and workers from within the state’s own administrative apparatus, such as ministries and government agencies.

In this context, the workers' participation in the 2011 uprising doesn't come as a surprise. The deterioration of the social condition of the workers in a context of intensification of the liberal economic policies has incited the labor movement to enthusiastically join the revolutionary movement of the 25th of January 2011 in Tahrir Square. The Egyptian labor movement played a decisive role in bringing down the authoritarian regime despite the fact that it didn't purposively articulate a pro-democracy stance. The mobilization of workers on February 8, 2011 was thus a tipping point in the Egyptian uprising. As things were returning to normal on the 7th and 8th of February when demonstrations decreased and masses began to leave Tahrir Square, workers from many sectors began to strike and to protest across the country. As these protests increased in number and spread throughout Egypt, the political scene transformed in favor of the revolution (Abdalla 2012:89). The successive authorities will attempt, in the aftermath of the 2011 uprising, to pursue the same economically liberal policies as Mubarak, generating thereby a significant increase of socio-economic grievances. Importantly, these liberal economic policies will be combined with a politically conservative ideology that will restrict socio-economic mediations' structures or the newly established trade unions, opening the door for a contentious situation.

2. TRADITIONAL/OFFICIAL TRADE UNIONISM IN EGYPT: THE PERSISTENCE OF COOPTATION?

During the post-colonial era, Nasser built a populist authoritarian political formula based on what Schmitter calls “State Corporatism”: a representation system so as to link the associative interests of the civil society with the governmental structure of the State (Schmitter 1974:86). The intention was to provide the workers (or those social sectors) supporting the regime with certain benefits, such as job security, better working conditions, and free education and health. The distribution of these goods and services was through an expanded public sector, as mentioned earlier. In return, workers had to give up their political freedoms (Ayubi cited in Pratt 1998: 4). The concretization of this representational system took place on January 30, 1957 when Nasser created the Egyptian Trade Union Federation (ETUF) whose executive board was entirely appointed by the government. This Federation was therefore an ideal structure for the co-optation of trade union leaders and the domestication of the labor movement (Pratt 1998: 11). Following the collapse of the Nasserite rule after the defeat in the Six-Day War of 1967 (El Shafei 1995:17), Nasser’s successors, Sadat and Mubarak, were all prone to employ economic liberalization policies. Contrary to the Nasser regime, these policies generated a gradual retreat of the State from socio-economic activities. Although this retreat has opened the door for a redefinition of State-Labor relations, the State’s cooptation over ETUF persisted. Furthermore, while the 2011 uprising favored a revision of State-Society relations, including State-Labor relations, the successive rulers worked on coopting ETUF and obstructing the emergence of new trade unions independent from the latter’s framework.

Hence, in this section, I will attempt, by discussing the State’s persistent strategy of coopting the ETUF, both before and after the uprising, to shed light on two main points: (1) the interdependence between the increase of the economic liberalization policies and the increase of the State authorities’ control over ETUF during the Sadat and Mubarak era, as well as the impact this has had on the structure of new trade unions emerging on the eve of the 2011; (2) the perpetuation of the old politics of labor containment within the frame of ETUF in the aftermath of the 2011 uprising, and the dynamic of contentious interaction between the successive authorities on one hand, and the new trade unions which emerged in lightning speed in the aftermath of the 2011 uprising on the other.

2.1 ETUF between Economic Liberalization and Political De-liberalization: Decline of the Mechanisms of Cooptation on the Eve of the 2011 Uprising?

The economic liberalization policies undertaken by both the Sadat regime (1970-1981) and Mubarak’s regime (1981-2011) were not accompanied by political liberalization. Hence, Sadat’s political liberalization did not lead the State to soften its control over the corporatist system (El-Shafei 1995:18). On the contrary, despite the introduction of the multi-party elections in 1977, the relative political liberalization was only “illusory” for the workers (Pratt 1998: 18). After the Mahalla workers’ protests in 1975 and the “bread riots” in 1977, the Sadat regime introduced a series of legal reforms to strengthen the grip of the State’s corporatist structure. Similarly, under Mubarak, the economic liberalization policies including the privatization process increased control over the union’s federation. This control was achieved through a series of legal reforms designed to co-opt the Federation’s leadership while preventing vertical rotation within the organization.¹⁴ These amendments were designed to maximize the power of the old guards loyal to the regime at the expense of the younger generation, which was supposedly more militant and radical in their views vis-à-vis privatization.¹⁵ Moreover, in 2003, the newly enacted unified labor code 12/2003 deprived the workers, for the first time since 1957, of the right to job security, by allowing temporary employment contracts in the

¹⁴ ETUF comprises three levels: (1) The trade union committee, the base of the organizational structure, which is made up of two types of committees: (a) local committees grouping workers by the factory or enterprise to which they belong, and (b) professional committees grouping workers in the same profession that do not work for the same factory, enterprise or institution; (2) General trade unions, of which there are 24, organized by profession or specialization, each of which includes several trade union committees representing workers in their workplace, amounting to 1,809 trade union committees; and (3) The General Federation of Trade Unions, the board of which is made up of the 24 representatives of the general trade unions.

¹⁵ For example, during the first period of economic liberalization (1991-1996), the government changed the 35/1976 Law governing trade union affairs via the amendment No. 12/1995 and enabled the union’s leaders to remain in their position of leadership even after their retirement (Pratt 2001:117-118). Therefore, following the 1996 elections, those who were of retirement age could still continue to lead 12 of the 23 of the general unions of the Federation (Pratt 1998:34-35).

public sector.¹⁶ In return, the workers were granted the right to strike although the exercise of this right was significantly constrained. Moreover, the enactment of this unified labor code guaranteed the permanence of union leaders loyal to the regime through the control of trade union elections by the Ministry of Labor. This was made possible through the introduction of bureaucratic rules and constraints that have allowed the regime to eliminate candidates from the opposition (especially the left, the Nasserists and the Muslim Brotherhood) (Clement 2007:73).¹⁷

With Prime Minister Ahmed Nazif's technocratic government (2004-2011) and via the radical acceleration of the ongoing economic liberalization, the regime's control over ETUF increased remarkably. Although State intervention in the union's elections is customary in Egyptian labor history, labor activists insisted that government intervention in the November 2006 ETUF internal elections was remarkably higher than in the 1980s and the 1990s. This is explained by the extent of the fraud that took place at all organizational levels of the federation, in contrast to previous elections where fraud was limited to leadership positions at the top of the Federation's hierarchy (at the level of the federation and the level of general unions). The government interference and electoral fraud were realized through two mechanisms: (1) the prevention of a large number of candidates to participate in elections¹⁸ as most of the candidates were chosen by the President of the Federation in close collaboration with the Ministry of Labor, State Security, and the Business Representatives; (2) direct interference in the elections to prevent the success of certain candidates who could have escaped the constraints mentioned above (Ibid). This was the case, for example, of Kamal Abu Eita, the leading figure of the real estate tax collector movement and pioneer of new trade unionism in Egypt.

However, the exceptionally high level of interference negatively affected the government's ability to exercise effective co-optation. The increased control increased the number of regime supporters in the corporatist structure. Nevertheless, it also resulted in the isolation of an increasing number of workers. The extensive fraud experienced by the 2006 union elections closed all the mediation channels between the workers and the regime. This is because the spread of the fraud to the unions' committees at the base of the organization generated a disconnect between the workers and the union structure. Thus, in order to assert its demands, the labor movement had to resist and to definitively bypass the official trade union by protesting outside of it. Hence, it is not surprising that the 2006 union elections were followed by a big wave of labor protests, the first of its kind since the 1940s. The number of worker mobilizations has grown exceptionally since then, as it rose from 266 in 2006 to 614 in 2007 and 700 in 2009 (Beinin 2011:190). Importantly, the fraud of the unions' elections pushed labor leaders to renounce the principle of "reform from within" which they have adopted. It is noteworthy that some of these leaders were participating in the elections of ETUF's union committee with the only aim of reforming the governmental institution. However, this idea was questioned substantially after the November 2006 elections, a fact that pushed labor leaders to opt for forming more representative union structures. Therefore, in late 2008, the first "independent union" was established by Kamal Abu Eita, the leader of the real estate tax collector movement who lost the ETUF 2006 election. Within the two years preceding Mubarak's ouster in 2011, three groups, namely pensioners, teachers, and health technicians, had followed the real estate tax collector union and had founded their "independent union".

This has signaled a rupture in the regulation of State-Labor relations and invited, in the aftermath of the down-fall of Mubarak, the workers to support more representative union structures. On January 30, 2011, in the midst of the 18-day uprising, independent unions established under Mubarak announced the establishment of the Egyptian Federation of Independent Trade Unions (EFITU).

16 This code stipulated that the strike had to be approved by two thirds of the executive committee of the general trade union. If the strike is approved, the workers must notify their employer of the date of commencement of the strike by registered mail within 10 days. They must be able to provide a receipt proving that the employer has received the letter. This letter must state the reasons for the strike and its duration; unlimited strikes are illegal. Finally, funds for the strikes are controlled by general unions, which imply that the local union committees do not have access to it.

17 Candidates who could overcome these obstacles had to face new challenges when filing or withdrawing their candidacy to and from the national departments of the Ministry of Labor. According to an NGO observer, State Security officers were regularly reporting on such candidates (Clement 2007:73).

18 NGOs estimated that the number of candidates who were prevented from participating in the elections was between 10,000 and 30,000 (Clement 2006:109)

2.2 ETUF as a Tool for Labor Containment: Persistence of State Corporatism in the Aftermath of the 2011 Uprising?

The legal framework governing trade union affairs, traditionally determined by the 1976 Law No. 35 and amended by the 1981 Law No. 1, recognizes ETUF as the only legitimate and legal federal body of labor representation. Although the opportunity of negotiating the rules of labor representation, thereby establishing a new pattern of State-Labor relations, has emerged in the aftermath of the Egyptian uprising, the new rulers, who adopted a neoliberal agenda, perpetuated their predecessors' politics of labor containment. Similarly to the Mubarak regime, they have strived to contain the labor movement within the frame of ETUF and to hinder it from issuing a new trade union law that legalizes its newly established structures.

More precisely, under the chairmanship of the Supreme Council of the Armed Forces (SCAF), a decree guaranteeing the freedom of syndicalism was prepared in the summer of 2011, by the Minister of Labor, Ahmed El-Borei. This was followed by a social dialogue that involved the representatives of the new unions, labor activists of the Muslim Brotherhood, and the representatives of Chambers of Commerce and Industry. In this dialogue, a draft law guaranteeing the freedom of association was debated. The EFITU and the Egyptian Democratic Labor Congress (EDLC) approved this draft law. These federations were the biggest federations regrouping new trade unions in the aftermath of the 2011 uprising. However, the SCAF, that had a 'conservative' political and economic vision, remained reluctant to enact the law.

A few months after the parliamentary elections in early 2012, the Freedom and Justice Party (FJP), the political wing of the Muslim Brotherhood, circulated a different version of the law and pushed Parliament to pass it. Accordingly, the Parliament's Labor Committee (*lajnat al-qowa al-'āmelā*) agreed to adopt the draft presented by the FJP before the dissolution of the Parliament on June 14, 2012, despite EFITU's and EDLC's opposition to it.¹⁹ While both drafts agreed on expanding the union freedoms, the FJP draft law, unlike El-Borei draft law, strengthened the ETUF position vis-à-vis the new unions. Similarly to the Mubarak regime, the Muslim Brotherhood pursued a consistent neo-liberal economic agenda following the appointment of Mohamed Morsi after the May/June 2012 presidential elections. This agenda was further consolidated by the negotiations between President Morsi and the IMF in August 2012, in return for a \$4.8 billion IMF loan

(Abdalla 2015). Therefore, the Muslim Brotherhood found it necessary to constrain the new trade unions in order to contain the labor movement while taking unpopular economic decisions, such as reducing the subsidies on fuel as per IMF recommendations.²⁰

Furthermore, for the Muslim Brotherhood, the control of ETUF became crucial because some FJP leaders previously held leadership positions within the ETUF transitional administration committee: Yousry Bayoumi, the FJP leader, was the treasurer, and Khaled El-Azhari was the vice-president. The latter would be appointed as Minister of Labor by the government formed on August 2, 2012. It is worth noting that, in the aftermath of the January 25 uprising, the previous ETUF administration board, elected in the rigged 2006 elections, was dissolved because of the cabinet decision in August 2011.²¹ It was replaced by a 'transitional administration committee' whose role was to manage the institution until the new elections take place.²² It is in this context that the Muslim Brotherhood has been given three seats in the ETUF's transitional administration committee, the treasurer and the vice-president included and has sought to seize this opportunity to consolidate its control over this organization.

Furthermore, the appointment of Khaled El-Azhari, the vice-president of the labor committee in the Parliament and ETUF's vice-president, as Minister of Labor on August 2, 2012,²³ tilted the balance of power in favor of the FJP during this transitional period and thus offered to the FJP new tools for implementing its strategy of controlling ETUF, containing new trade unions and pursuing its economic liberal agenda. As might be expected, the new Minister adopted a draft law, approved by the labor committee in the parliament despite EFITU's and EDLC's opposition. The next day, EFITU issued a statement specifying the reasons for its refusal and its preference for the law of El-Borei (Abdalla 2012, 2015). The points mentioned highlight the conflict of interest between the government

²⁰ ETUF, while being inefficient as a mediatory institution, remains attractive to part of the workers because of the assets it possesses and social funds it provides to labor. Therefore, it does not come as a surprise that the version of the law that the Muslim Brotherhood adopted has refused to allow the workers, who have been dismissed from ETUF, to get their share of the social funds that the latter controls.

²¹ In fact, the decision of the Council of Ministers is the execution of the court's verdict that judged the need to dissolve ETUF's Administration Board, fraudulently elected in 2006.

²² This transitional committee was formed by Ahmed El-Borei, the previous Minister of Labor and brought together former trade unionists close to the old regime with the various politically militant workers openly opposing the old regime.

²³ For a complete profile of the Minister of Labor, please see Al-Youm Al-Sabaei, Egyptian newspaper: <http://www.youm7.com/News.asp?NewsID=747634&>

¹⁹ The Parliament has several specialized committees that discuss issues in specific areas like labor, education, human rights, etc.

represented by the Muslim Brotherhood on one hand, and the new trade union federations on the other. For example, workers willing to establish new unions that are independent from the ETUF framework are faced with losing their demands to the social funds they have previously been financing. El-Borei's draft had tried to solve this dilemma by guaranteeing the workers' freedom to withdraw from ETUF without forfeiting their rights to the social funds. Indeed, because of the social funds obstacle, El-Azhari's draft would entail substantial disadvantages for the emergence of new trade unions. Hence, this draft law would only favor the Muslim Brotherhood's interests, since it would ensure their control over ETUF.²⁴

Following Morsi's ouster in July 2013, the new military-led government of Abdel Fatah Al-Sisi continued to deprive workers not only from their material benefits (by liberalizing the economy at the expense of the workers) but also from their organizational rights. This has consisted of re-imposing ETUF as the only representative for workers and repressing workers' protests while calling for national unity against terrorism and promoting support of the regime. The regime's economic orientation was evident by the decision on July 5, 2014 to reduce subsidies on fuel, which was welcomed by the IMF. However, the control of ETUF is perceived by the regime as a necessary tool not only to contain labor grievances but also to avoid the re-emergence of an independent civil society.²⁵ It is not surprising then that despite the appointment of Kamal Abu Eita, head of EFITU and pioneer of independent trade unionism as the Minister of Labor in August 2013, the State's containment of the labor movement persisted. In order to guarantee its control over ETUF, the new government endorsed the replacement of 80% of ETUF's executive board members which of course included the Muslim Brotherhood members. On the other hand, Abu Eita was not able to push for a new trade union law, as he faced severe resistance while discussing this issue during meetings with the Council of Ministers. He was unable to convince the interim president, Adly Mansour, to promulgate it, either (Abdalla 2015).

²⁴ Other disadvantages include: (1) Constraints on civil servants and professional unions (such as teacher, doctor, lawyer, and engineer unions) because the law does not grant the right to establish new professional unions. Rather, it limits the right of employees to create a genuine professional trade union, which contradicts the international conventions on freedom of association. This situation was favorable to the Muslim Brotherhood, which controlled the administrations within professional unions since the 1980s (Ibid); (2) the law does not tackle the problem of social funds (Sanādeeq El-Zamala). To date, ETUF monopolizes social funds that provide social security and pensions for members of affiliated trade unions. Contributions to the funds are extracted from membership fees for ETUF.

²⁵ It is worth mentioning that the fuel subsidy accounts for about 20% of the total government expenditure since 2008; thus contributing to the public deficit, which reached 12-13% of GDP.

Furthermore, under the auspices of the Minister of Labor, Nahed Al-Asheri who was appointed in February 2014, ETUF returned to its role as the official interlocutor and representative for the workers. ETUF representatives were then invited by the Minister of Labor to negotiate labor-related draft laws, including a new trade union law, neglecting however the federation. Under the auspices of the new Minister of Labor, Gamal Sourour, appointed in September 2015,²⁶ the government became more radical towards new trade unions; they neglected their demands regarding the new law and refused to recognize them. On November 2, 2015, the Council of Ministers declared the new trade unions as illegal entities. It urged employers not to deal with them but only with ETUF-affiliated trade unions.²⁷ On February 4, 2016, the Minister of Labor also declared that he doesn't recognize new trade unions and announced that the new law will not recognize more than one union per workplace.²⁸ In other words, in workplaces where an ETUF-affiliated trade union exists, new trade unions will not be recognized.²⁹

Hence, similarly to the case before the 2011 uprising, ETUF gradually returned, in the aftermath of Morsi's ouster, to its dual role as de facto representative to regime interests and nominally representative to the workers' demands. In post-Mubarak Egypt, trade union affairs have emerged as an arena of political struggle, rendering the trade unions targets of political contestation rather than drivers of reform (Bishara 2014:4). Furthermore, in the aftermath of the 2011 uprising, the successive rulers opted, similarly to the old Sadat and Mubarak regime, to liberalize the economy while de-liberalizing the political sphere; and in so doing have sought to contain the labor movement. This has been undertaken via both the consolidation of their control over ETUF and their reluctance to issue a more representative trade union law.

²⁶ For more information about Gamal Sourour, please see: Aya Al-Wahy, Information about Gamal Sourour, the new Minister of Labor, September 19, 2015, Al- Watan, available at : <http://www.elwatannews.com/news/details/806344>

²⁷ Mostafa Al-Nigar, The Independent Trade Unions provide the Council of Ministers with a Report affirming the legal proves of its legitimacy, December 24, 2015, Al-Youm al-Sābe', available at: <http://www.youm7.com/story/2015/12/24/%D8%A7%D9%84%D9%86%D9%82%D8%A7%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B3%D8%AA%D9%82%D9%84%D8%A9-%D8%AA%D8%B3%D9%84%D9%85-%D9%85%D8%AC%D9%84%D8%B3-%D8%A7%D9%84%D9%88%D8%B2%D8%B1%D8%A7%D8%A1-%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D9%86%D9%8A%D8%AF-%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86%D9%8A%D8%A9-%D9%84%D8%AA%D8%AB%D8%A8%D8%AA/2506849#.VvM7il-cHIU>

²⁸ Ghada Abdel Hafiz, Gamal Sourour: I won't Recognize Independent Trade Unions, February 4, 2016, Al- Masry Al-Youm, available at: <http://www.almasryalyoum.com/news/details/886737>

²⁹ Until today however, the trade union draft law was neither sent to the parliament nor amended to incorporate the right of forming new unions.

3. THE NEW (INDEPENDENT) TRADE UNION MOVEMENT IN EGYPT: STILL WEAK AND FRAGMENTED?

In the aftermath of the 2011 uprising, more than six federations of new trade unions quickly emerged, indicating that the movement was fragmented. The biggest of them, with a legacy of activism prior to the uprising, were: the EFITU and the EDLC. The latter will be our main focus in this section. However, as previously explained, the new trade union movement failed to build a new pattern of State-Labor relations after 2011 since it failed to push the new rulers to issue a law permitting the labor movement's release from State control. The appointment of Kamal Abu Eita, the president of EFITU, as Minister of Labor in the aftermath of the protests on June 30, 2013 has not changed much of the equation since the law guaranteeing the freedom of syndicalism has never been promulgated. As mentioned above, the regime was more interested in controlling ETUF than on issuing a law which would legalize new forms of workers' representation. Nevertheless, this statement represents only one side of the coin: the other side consists of the structural obstacles that the new trade union movement is facing and which hinders -at least relatively- its capacity to exert pressure on the successive rulers.

Hence in this section, I will focus on the following points: (1) the structural capacity of the new trade union movement either on the trade union level or on the federation level, (2) the social base of the new trade union movement, and (3) its relation to political organizations. Through this analysis, my aim will be thus to shed light on three points: (1) the extent to which the structural obstacles and the weak representational capacity hinders the new trade union movement's ability to amend the old pattern of the Patron-Client relationship with the State or influence the governmental policies in a way that serves its socio-economic interests, (2) the relative success that new trade unions have achieved in terms of rejecting laws that didn't serve their interests or lobbying to push for the adoption of their demands, (3) the incapacity of weak political organization to assist the new trade union movement in terms of channeling its demands; as well as the evolution of this relationship, between both parts, in the aftermath of the uprising.

3.1 The New Trade Union Movement's Structural Capacity: On Institutional Efficiency

The new trade unions, which have been mostly founded after the 2011 uprising, suffered from structural weaknesses that hindered their capacity to transform into institutions which are sufficiently effective to defend the rights of the workers' that are affiliated to them. Egypt's independent labor movement has lacked impact, independence and internal democracy. These shortcomings appear on the trade union level as well as on the federation level as follows:

a. On the Trade Union Level:

New trade unions suffer from major challenges: The first challenge is related to the new leaders' lack of experience in terms of the most basic functions of a trade union. This shortcoming largely results from the absence of any tradition of unionism in Egypt - at least outside of ETUF (Beinin 2012:13). Therefore, administrating a new trade union and managing it poses a major challenge.

The second challenge is related to the inability to collect regular membership fees which results in a lack of financial resources. This is partially a consequence of the internal administration's weakness, but is also related to the fact that members are already paying ETUF membership fees, as previously mentioned.

The third challenge that new trade unions face is the lack of recognition and legitimacy. The new trade unions' leaders in the governmental and public sector face barriers in officially registering their new organizations, since the law that would legalize their existence was never issued. Furthermore, getting the practical recognition of their unions on the ground is equally challenging as public employers prefer to deal with the leaders of the officially registered and traditionally established syndicates. The new trade unions' leaders are hence largely considered to be leaders of a protest movement. While public employers have occasionally agreed to negotiate with them over claims, such as bonuses, they have shown much more reluctance to recognize them as official representatives with the legitimacy to negotiate long-term agreements and more substantial demands (Abdalla 2012:4-5).

b. On the Federation Level:

The new trade unions tried to unite in nation-wide federations in order to increase their political impact, but in the case of Egypt, they were not able to build one unitary federation for the New Unionist movement at the national level and instead split into several organizations. This division, at least in part, resulted from a series of dilemmas that the new trade unions had to deal with since early 2011.

First, the new trade unions faced a structural dilemma: Their leader had to decide whether they should directly start to organize the newly emerging local unions into a nation-wide federation, for the sake of being able to negotiate with the authorities in the name of a certain defined group, or whether they should focus, for a certain period of time, on building powerful local unions that could serve as a basis for a reliable bottom-up construction. EFITU represents the group of independent trade unions that chose the former option, EDLC represents those that went for the latter choice.

Right after the 2011 uprising, EFITU decided to seize the opportunity offered by the relatively open and fluid political setting in post-revolutionary Egypt, and adopted a top-down approach for the promotion of workers' interests. From the very beginning, EFITU has been led by Kamal Abu Eita, founder of the independent union of the real-estate tax collectors, leader of the nationalist Karama party, and member of the post-revolutionary parliament until it was dissolved in June 2012. To raise its political leverage, EFITU sought to incorporate as many of the newly founded trade unions as possible (Abdalla 2012: 6). Hence, it quickly accepted all new trade unions that asked to take part in the federation. Many of these new unions, however, were rather shallow organizations that represented only a small share of the workers in their respective sector.³⁰ Moreover, EFITU's top-down approach created a lag between its institutional capacity for coordination and the rapidly increasing number of unions that had to be integrated within the new structure. Given EFITU's limited staff and resources, neither the federation nor its affiliated unions were able to build the necessary administrative capacities. As a consequence, EFITU suffered from a lack of professionalism (and sometimes transparency); this contributed to splits among EFITU's member organizations. In September 2013 and February 2015, two of the 25 members of EFITU's executive board left the organization to build two separate trade union federations: The General Federation for Egyptian Trade Unions (*el-itihad al-a'm lil nikabat al-*

masria) and the National Federation for Trade Unions (*al-itihad al-watani lil nikabat*). By the end of 2015, several member organizations left EFITU and joined EDLC, including the new trade union of the Egyptian telecommunications (*nikabit al-masryia lel itisalat*), and the Prosecutors and courts' new trade union (*nikabit al-niyabat wal mahakim*).³¹

CTUWS, which would later establish EDLC, pursued the opposite strategy, prioritizing an educational bottom-up approach of organizing workers at the grassroots level, to participate in national politics. A key figure here has been Kamal Abbas, a former labor leader at the Helwan Iron and Steel factory and the president of CTUWS. Since the end of the 1990s, CTUWS had played an important role in supporting labor leaders, legally and technically. This work was guided by the belief that slowly teaching workers about democratic trade unionism was the only long-term guarantee for a sustainable and effective institutionalization of labor representation. A national federation should be based on strong relations between the affiliated unions, and such stable ties needed time and continuous joint activities to develop. In the course of 2011, therefore, CTUWS broke with EFITU and established the EDLC. Yet, it was not until April 2013 that EDLC was officially launched as a national trade union federation. In the meantime, CTUWS worked on enhancing union capacities and on coordinating joint activities (Abdalla 2012: 5-6). This approach of strengthening local unions first has provided the EDLC with a better capacity to sustain itself despite of internal differences; yet it hasn't protected the organization from ongoing instability.

Second, the new trade unions faced a dilemma regarding their democratic practices. Here, the question was whether federations should conduct early elections with a view to building a democratic institution, or if they should preliminarily appoint experienced labor leaders and thus temporarily sacrifice democracy for the sake of effectivity. Again, EFITU chose the first option, and EDLC chose the latter.

On 28 January 2011, that is, only one month after its official foundation, EFITU held internal elections. This timeframe meant that union members could hardly get to know each other. This privileged those labor leaders that were best known to the members due to their extensive presence in the federation headquarters, in addition to their efforts to facilitate the paperwork and logistics for new unions that were seeking to join EFITU. These were, however,

³⁰ Interview with Noha Roshdi, leader in the real estate tax collector union and member of EFITU's executive board, January 2016, Cairo.

³¹ Interview with Saad Shaaban, the president of EDLC, January 2016, Cairo.

not necessarily the most experienced or the most effective leaders. The resulting lack of experience and effectiveness of EFITU's executive board harmed the federation's legitimacy and quickly produced internal power struggles.³² These internal conflicts led to changes in EFITU's national leadership. As these reshuffles were not the result of democratic electoral processes, they further reduced the internal legitimacy of the federation and generated a state of continuous instability. As a consequence, EFITU became increasingly unable to genuinely represent its affiliated workers and defend their interests and rights.

By contrast, in the case of EDLC, the affiliated unions had much more time to get to know each other, and were thus able to make an informed decision in the internal elections that took place with the official launching of EDLC, in April 2013. This did not prevent power struggles – in particular, the presidency has been seriously contested between competing factions – but it provided the organization with better means to deal with internal differences. In February 2014, a general assembly meeting prevented the division of the federation.³³ In this meeting, EDLC democratically decided to dismiss the elected president and convoke new presidential elections. This capacity to solve internal crises in its early years, again, was also due to the supportive role of CTUWS, which supported the convening of this general assembly and approved the dismissal of EDLC's president. CTUWS's interference in EDLC's affairs, however, also put a strain on the federation's independency and internal democracy.

Third, both new trade union federations encountered a foreign support dilemma; they quickly had to decide whether to accept external support at the risk of being discredited by the authorities, or to refuse such foreign help and thus lose badly-needed technical and/or logistical assistance.

In terms of resources, both EFITU and EDLC saw themselves entrapped in a vicious circle. Both federations were hardly able to mobilize the needed funds to cover basic costs, such as the salaries of their administrative employees, office rents, and costs for flyers, etc. As previously mentioned, the new federations suffered from the fact that part of their affiliated members continued to belong to ETUF in order to keep their access to social funds and, therefore, did not pay membership fees to either EFITU or EDLC. At the same time, this lack of financial resources has limited the federations' capacity to

act on behalf of their affiliated local unions. This perception of ineffectiveness further discouraged the member unions to financially support the federations.³⁴

In this context, support by foreign institutions was welcomed. In the aftermath of the 2011 uprising, a wide range of foreign institutions decided to support the new trade union movement.³⁵ They mostly offered technical support in terms of capacity-building, but sometimes also directly covered various expenses. While crucial in sustaining the development of the new trade unions, this foreign support generated several problems that, in effect, hindered a sustainable development of the national federations. Direct financial support from the outside weakened the internal solidarity among the workers; the main source of cohesion of the independent trade unions.³⁶ The capacity-building workshops offered to labor leaders contributed to deepen the split between the leadership and the rank-and-file, and produced internal competition for travel and training opportunities. For disappointed labor leaders, establishing a new trade union or even building a new federation became a way to attract funds and travelling opportunities. In general, the reliance on foreign support, or on support by local NGOs that were, on their part, funded by foreign institutions, made the new trade union movement dependent; in some ways resembling the state dependency of the official trade union federation.³⁷

In sum, these dilemmas help in understanding why the rise of Egypt's new trade unions has led to an institutionally fragmented, organizationally weak and only partially representative movement. To date, EFITU suffers from splits among its affiliated unions and the disengagement of its members. In comparison, EDLC is more stable and less effected by internal splits, but still far from a consolidated organization. Both federations continue to lack the institutional capacity to exert a significant influence on the authorities.

³⁴ Interview with Noha Roshdi, leader in the real estate tax collector union and member of EFITU's executive board, January 2016, Cairo.

³⁵ Interview with Mohamed Mostafa, ILO officer in Egypt, January 2016, Cairo. These include international organizations (such as the International Labour Organization (ILO), the International Trade Union Confederation (ITUC), the International Transport Workers' Federation (ITF), the Public Services International (PSI) and the Industrial Global Union (IGU)) as well as organizations affiliated to certain European countries (such as the Danish Development Assistance Programs (DANIDA), the Confederation of Professionals in Denmark (FTF) and the German political foundation Friedrich Ebert Stiftung (FES)).

³⁶ Interview with Mostafa Bassiouni, journalist specialized in labor issues, July 2015, Cairo.

³⁷ Interview with Fatma Ramada, leader in the new trade union of the employees of the Ministry of Labor in Giza and ex-member of EFITU's executive board, op.cit.

³² Interview with Fatma Ramada, leader in the new trade union of the employees of the Ministry of Labor in Giza and ex-member of EFITU's executive board, January 2016, Cairo.

³³ Seham Shouada, *An urgent meeting in EDLC to dismiss its President*, Al-Shououk, 3 January 2014, available at: <http://bit.ly/29droUh>.

3.2 The New Trade Union Movement's Representational Capacity and Collective Experience: On the Potential for Exerting Influence

In order to exert significant influence on the political authorities in a way that favors its socio-political interests, for instance, in terms of pushing for laws that responds to its demands, the trade union movement must achieve several tasks. Examples of these are: high union density in relation to the size of the labor force, as well as a better representation to the workers they are meant to represent. For that reason I will try to emphasize on one hand the weaknesses of new trade unions in terms of workers' representation; and on the other hand, I will attempt to make sense of the influence that the trade unions, which possess a strong representational capacity and a prior collective experience of activism, has exerted on the lobbying process for or against laws that pertain to their interests.

a. Declining Membership to the New Trade Unions:

New trade unions remain weak among blue collar workers in the public industrial sector and among workers (in general) in the private sector. Blue collar workers, in the public industrial sector, remain mostly organized under ETUF umbrella, mainly because of two reasons: (a) the possession of ETUF of social funds which provide to its affiliated members social security services and pensions for their retirement as mentioned previously, and (b) the special assets that ETUF possesses such as hospitals and clubs, as well as the facilitation it can offer to its affiliated members in terms of entertainment, such as beach holidays, etc. Those are important factors that make it difficult for workers to leave ETUF, despite its lack of responsiveness to the workers' demands.

In the private sector, which currently employs the majority of Egypt's workers, the presence of new trade unions remains low. It is worth noting that private employers make use of their powerful position vis-à-vis their employees, often depriving them entirely of their labor rights to legal, social, and syndical protection. Therefore, workers risk getting fired if they engage in labor activism; in fact, the Center for Trade Unions and Workers' Services (CTUWS) showed in several cases that workers were fired just after organizing protests. In other cases, according to the CTUWS, newly hired workers are obliged to sign an un-dated document in which they submit their resignations, giving the employer the liberty to fire workers at any given moment and with no legal protection whatsoever (Abdalla 2012). Actually, contrary to the case in the governmental and public sector, already 44,2% of the workers in the private sector have no legal contract, and only 25% of the private sector's workers have

health coverage (CAPMAS 2014). More importantly, the inability of the new trade unions to defend those who, because of their activism in the private sector, lost their job, affects their legitimacy on the ground. Thus, divisions increased and the unions are weakened even more. In general, the geographical distribution of the factories in the private sector, which are small contrary to the public factories³⁸ and are geographically scattered, make it more difficult for the workers to organize and exert influence on the national level. It is worth noting that employment in the private sector continues to be dominated by firms with 1-4 employees, and this has only decreased slightly, from 47% of employment in 1998 to 45% of employment in 2012. Moreover, only 4% of employment in the private sector is in firms with 50-99 employees³⁹ (Assaad and Kraft 2013:9-10). Furthermore, as well as being dominated by small firms, private sector wage work is predominantly informal in Egypt. The size of the firm is closely connected to the conditions of employment, with smaller firms being more likely to have irregular and informal employees (Assaad and Kraft 2013:10).

In sum, even if precise data is lacking, only a tiny minority of the national workforce is organized by the new trade unions. According to the Central Agency for Public Mobilization and Statistics (CAPMAS 2014), in 2014 there were 23.9 million workers in Egypt, 61.1% of which were salaried. The new trade unions' federations together can be estimated to represent around 8% of the total work force, as compared to around 16% organized by ETUF.⁴⁰ In comparison with the Brazilian experience, Egypt's new trade unions particularly suffer from a weak presence in work places in the industrial sector (public and private), including in those (public sector) industries characterized by a high concentration of workers in the same factory as well as in those (private sector)

38 The public company: the Misr Company for Spinning and Weaving in Mahalla Al-Kobra (north of Cairo) owns for instance six factories which regroup around 24,000 workers. These factories are all regrouped in the same company and the workers are thus regrouped in the same place.

39 The structure of employment in terms of firm size exhibits a pattern common to developing countries, the "missing middle," with a large share of employment in micro enterprises and some in large firms, but relatively little employment in small and medium enterprises.

40 ETUF claims to represent 3.8 million workers, while EDLC claims to have 886,000 members. According to EFITU's head Kamal Abu Eita, 2.4 million workers are affiliated with his organization. However, because of the splits that occurred during the last years as well as EFITU's incorporation of trade unions that were rather shallow organizations representing only a small share of the workers in their respective sector, this number can hardly be considered accurate. Therefore, this research assumes that EFITU has currently roughly the same number of members as EDLC. In addition, it is worth noting that there is a significant overlap between the membership in the old and the new trade union federations because many workers who joined the new trade unions didn't withdraw from ETUF in order to avoid losing their rights to social funds.

companies that hire the majority of the people. This clearly reduces their capacity not only to defend the interests and rights of their fellow members, but also their ability to push for genuine change in terms of State-Labor relations.

b. The Power of Representation and Prior Collective Action:

While the presence of new trade unionism in the private sector is weak, exceptions exist in some private industrial areas (such as in the textile sector in Madinat El-Sadat & El-Asher Men Ramadan, and in the petrol industrial sector in the Suez Canal Cities) where the trade unions affiliated to EDLC have a significant presence, consolidated by the support of the Industrial Global Union (IGU).⁴¹ Hence, the presence of strong trade unions, especially in EDLC, among the private sector gave them certain leverage while lobbying for the new draft work law (kanun al-amal). This law is supposed to substitute the old work law 12/2003 governing the private sector. It was edited by the Ministry of Labor and should be promulgated by the Parliament in the upcoming period after the approval of the Council of Ministers, according to Article 122 of the 2014 Constitution. Actually, the amendment process of the law was not transparent, since the new draft law was forbidden to be publicized through the media, and journalists were forbidden to attend the dialogue meetings over the law. This social dialogue, which began in the summer of 2014, brought together the business community and trade unions (the official and the new one). It was organized under the auspices of the Ministry of Labor (Adly and Ramadan 2015).

The dialogue process over the new draft law was hard at the beginning; the first talks ended with new trade unions threatening to withdraw from the dialogue, claiming that their concerns were ignored. The ETUF and the Egyptian Federation of Industries, representing employers, objected to the draft law. The new trade unions objection to the first draft of this law was due to several reasons, among them the fact that it allowed employers to dismiss workers arbitrarily without bringing the matter to court, as is the case under the current law (Law 12/2003). Moreover, the draft law placed further restrictions on the right to strike, and followed the example of the current law with regards to having no clauses compelling employers to negotiate or to abide by anything that had previously been agreed to (Ibid). Due to the employers' rejection of the law on one hand and EDLC's lobbying on the other, three versions of the draft law were formulated; the

last version was amended by the end of February 2016 and submitted to the Council of Ministers for approval.⁴² In this process of legislative review and amendment, the new trade unions succeeded to achieve relative gains; further restrictions were put to decrease the arbitrary dismissal of the workers, even if the latter was not omitted in the final version.⁴³ Furthermore, the right to strike was approved in the new draft law of 2016, on the condition it should be announced and organized through the respective trade union to which the workers are affiliated.⁴⁴

With regards to the civil servants, the new trade union movement has the privilege of containing strong representation of new trade unions among civil servants, such as the real-estate tax collectors and the teachers' union affiliated to EFITU, as well as the union for tax collectors on sales, which is affiliated to EDLC. Those have a corresponding capacity of collective action and a capacity to exert significant pressure. It is worth noting that those three new trade unions were built upon collective actions organized during the Mubarak era. These actions have gradually built strong bonds between the movement's members and leaders, making the movement able to resist over time. This fact explains their capacity to lobby and push the parliament to reject the civil servants' new draft law in January 2016. To date, the application of the Civil Service Law No. 18 of 2015 (which replaces the Civil Service Law No. 47 of 1976) will significantly decrease the salaries of the State employees. This was one of the main objections to it. The government's main aim was to reduce the rate of annual increase of the civil servants' salaries,⁴⁵ as the latter takes a significant

⁴² For a complete version of the new draft labor law, please see: <http://www.vetogate.com/2056081>

⁴³ Moreover, better mechanisms for negotiations between the employees and the employers were taken in consideration.

⁴⁴ This means that the legalization of new trade unions is a necessary condition for legitimizing strikes. To date, Law 12/ 2003 conditioned the organization of strikes by the approval of two-thirds of the executive committee of the general trade union. This law stipulates that if the strike is approved, the workers must notify their employer of the date of commencement of the strike by registered mail within 10 days. They must be able to provide a receipt proving that the employer has received the letter. This letter must state the reasons for the strike and its duration; unlimited strikes are illegal.

⁴⁵ The rate of annual increase of the civil servants wages over the past three years that followed the revolution of January 25, reached 182 billion EGP in 2013/2014, and 207 billion EGP for the year 2014/2015, with an estimated 218 billion EGP for the current fiscal year, which means that the new law was supposed to save about 15 billion EGP of the annual increase in wages.

⁴¹ Interview with Mohamed Mostafa, ILO officer in Egypt, January 2016, Cairo.

part of the State's budget expenditure.⁴⁶ To prevent the parliament's approval of that law, the strategy of these new trade unions mentioned above consisted of organizing protests against it on the one hand, and on exerting pressure on the parliament's deputies in order to reject the law on the other. Hence, the real estate tax collector trade union, that enjoys considerable representation of employees in work places, exerted through its 27 trade unions committees (distributed in all 27 governorates of Egypt) tremendous pressure on the respective parliamentary deputy in each governorate.⁴⁷ The law was, as previously mentioned, rejected by the parliament in early 2016.

While draft laws related to medical and social insurances, and pensions were unilaterally prepared by the government starting from the spring of 2015, EFITU and EDLC, which seemed to be already exhausted by the government's edition of the laws mentioned earlier, namely the trade union law, the labor law and the civil servants law, showed less ability to engage with the medical and social insurances laws. On the contrary, the new trade union of the pensioners, which was already founded during the Mubarak era, was strong and experienced enough to engage with these laws. It is worth noting that this union is currently not affiliated with either EDLC or EFITU. Given the fact that the process of amending both laws was closed and not transparent, it is hard to assess them. However, the pensioners' trade union reacted to the declarations and the information which was spread through the media with regard to these laws. On several occasions,

46 Civil servants objected to the law because it enabled the regime to control those who occupy senior and executive administrative posts by allowing these high-tier positions to be filled by appointment; and also because the law makes it easier to fire civil servants by making them accountable to directors of their department. Under the previous law, dismissals were the exclusive jurisdiction of the Supreme Administrative Court. Two main procedures were thus introduced to the law to achieve this target: (a) transform the bonuses and incentives that the employee was receiving as in proportion to its main salary to separate categories which are non-proportional to the salary, and (b) decrease the annual incentives to 5% of the salary instead of 10%. Taking in consideration that the 10% of annual incentives -in the old law- was applied to the different incentives and bonuses earned by the employee (which were added to the basic salary), the whole wage increased every year considerably. For more information, please see: Hani Al-Houti, Why do the employees reject the Civil Servant New Law?, Al- Youm Al-Sabeel, 12 August 2015, available at: <http://www.youm7.com/story/2015/8/12/%D9%84%D9%85%D8%A7%D8%B0%D8%A7-%D9%8A%D8%B1%D9%81%D8%B6-%D9%85%D9%88%D8%B8%D9%81%D9%88-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%AE%D8%AF%D9%85%D8%A9-%D8%A7%D9%84%D9%85%D8%AF%D9%86%D9%8A%D8%A9-%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D8%B1%D8%B6%D9%88/2302292#.VvRYM4-cHIU>

47 Interview with Tarek Koaib, the head of the Real Estate Tax Collector New Trade Union, January 2016, Cairo.

the pensioners' union expressed its rejection of the probability of a partial privatization of the medical insurance service, and its rejection to any probable decrease of the pensions for retirement.

Finally, it should be highlighted that with regard to the public sector, the new trade union movement contains powerful new trade unions, such as the public transport workers and the post office workers affiliated with EDLC, as well as the Egyptian telecommunication's union, which was affiliated with EFITU, and joined EDLC by early 2016. Similarly to the civil servants, the public transportation and the telecommunication new trade unions' strength stem from their previous⁴⁸ collective experience. The latter have already succeeded via their strike to bring down the Mubarak regime in Feb 8, 2011 (Abdalla 2012:89). While no specific laws related to the public sector were issues of special contention in the aftermath of the 2011, those unions took part in several contentious episodes with the State/Employer in order to push them to achieve their economic rights.

3.3 The New Trade Union Movement's Relation to Political Organization: Where Are the Allies?

In post-revolutionary times, the linkage between trade unions and political parties should be advantageous, as it must provide political parties with political support and offer the labor force a channel to advance its claims and ensure that they appear on the government's agenda. However, as I will demonstrate, in the Egyptian case, due to the weakness of leftist political parties, this relation only becomes beneficial for the new trade unions (the most active and autonomous element of the labor movement) when three conditions or prerequisites exist. Those were mostly ephemeral during the post-revolutionary period.

The workers' reluctance towards the political organizations definitely has its roots in recent history. The labor movements consistently rejected alliances with political parties to avoid repression. The crack-down on the Mahalla labor movement for striking – the Misr Company for Spinning and Weaving, located in Mahalla, is the biggest of its kind with 24,000 workers – on April 6, 2008, is an exemplary demonstration of how the Egyptian authoritarian regime dealt with the politicization of social protest. Cyber activists took the workers' call for a strike and sit-in inside the factory, and transformed it into a call for a "national" strike. Followed by several political opposition parties and movements, they turned the purely economic demands of the labor movement into a harsh critique of the

48 It should thus help the trade union movement either to channel its opposition to the ongoing mode of socio-economic governability or/and revise its patron-client relation with the State.

broader social and political situation of the country. For example, they highlighted continuous price increases, wide-spread corruption, and the torture of political activists by the police. Since 2005, the regime had mostly reacted to workers' protests with a mixture of indifference, tolerance, and concessions; rarely has it resorted to violence to disperse protest actions. But in the April 6 strike, the government used its security apparatus to force the labor leaders to demobilize the workers, and cancel their call for striking. Leaders who did not agree were arrested. Therefore, the distrust of the labor movement, vis-à-vis political forces, has its roots in the very history of their relationship before January 25. The bitter experience at Mahalla deepened the split between labor and politics, and the labor movement remains distrustful toward involvement in politics (Abdalla 2012:2).

During the transitional period and despite the relative opening of the political space in the aftermath of the 2011 uprising, this separation has remained the norm for leaders of new trade unions; the latter refused to display any partisan or political affiliation. They mistrusted parties because of their potential to divide them with different ideological approaches.⁴⁹ Most importantly, they were not willing to challenge the State, thereby keeping a margin for understanding and negotiation. This explains the new trade unions movement's distance from political parties. Labor leaders have often taken the strategic decision to channel the movement's demands through direct negotiations with the State authorities. This was, for example, the strategy of real estate tax collector or sales tax collector trade unions that fought against the new civil servant law and refused to get linked with any political force.⁵⁰ On the contrary, they framed their claims in a way that stressed on their partnership with the State and their refusal to challenge it. Thus, the banners which were held during protests requested President al-Sisi, the head of the Egyptian State, to meet their demands and amend the law. Along these lines, it is worth mentioning that the lack of a mutual benefit made it, in general, more difficult for the new trade union movement to connect with political organizations. For instance, in the 2011 and 2012 elections, the leftist coalition "Revolution Continues" secured only 8 out of 508 parliamentary seats. The Tajammu' Party and the Egyptian Social Democratic Party – the remaining leftist parties that were not part of the coalition – won 3 and 16 seats, respectively (Abdalla 2012).

Nevertheless, it should be mentioned that the relation between the new trade union movement and the political organizations has witnessed some changes and evolutions during and after the 2011 uprising. One can note that two main prerequisites are required for the new trade union movement's involvement in politics: firstly, the break-up of all the means of communication and negotiation with the State, and the perception of the new trade unions' leaders of the increasingly unfavorable balance of power; and/or secondly, the presence of a politicized leader at the top of the trade union movement that can sense a political opportunity that results in lowering the repercussions of labor activism, in addition to a possible mutually beneficial relationship. Those conditions, when existent, provide the new trade union movement with means of political support, and thus, open the door for a more radical revision of its patron-client relation with the State or for a better capacity to channel its socio-economic claims.

Actually both conditions existed, however for a very ephemeral period of time during Morsi's era. The reluctance of Khaled Al-Azhari, the Muslim Brotherhood Minister of Labor, to promulgate a law in favor of union freedoms (as mentioned earlier), pushed EDLC and EFITU to ally with the National Salvation Front (NSF) (an alliance of the Non-Islamist political parties) for the purpose of ensuring the latter's affiliated political parties' support to Ahmed El-Borei's draft law in the next parliament. Following the verdict of the Administrative Court in March 2013, and due to certain procedural problems, the parliamentary elections were postponed. Because negotiations were already blocked between the new unions and the Morsi government, the labor movement believed it had nothing more to lose and therefore resorted to activism and street politics. Indeed, the positive response to the new unions' leaders to the call launched by the "Rebellion" (*Tamarod*) youth movement, in May 2013 for the participation in the June 30, 2013, for demonstrations, reflects a certain intersection of the interests between both parts during that time. The aim of these demonstrations was to push for early presidential elections (Abdalla 2015).⁵¹

49 Interview with Adel Al-Shazli, head of the new trade union for public transport workers, June 2012, Cairo.

50 Interview with Nora Roshdi, leader at the real estate tax collector new trade union, January 2016, Cairo.

51 The two federations have issued press releases announcing their solidarity and their participation. In addition, the EDLC created several rooms for operations (*ghurfat amaliyyat*) that were in direct communication with the main office of the "Tamarod" movement. The role of these offices was to coordinate the protest actions, fixing meeting points and organizing marches to Tahrir Square and Al-Ittihadiyya Presidential Palace. Moreover, the EDLC has set up two tents (in Tahrir and Ittihadiyya) in order to facilitate the workers' participation in the sit-in that had to be organized.

Again, the deadlock of the negotiations related to the trade union law, during and after Morsi's ouster, and under Al-Sisi regime, has pushed new trade union to form, under the auspices of The Center for Trade Unions and Workers' Services (CTUWS), the "Workers' Bloc" (*al-kutla al-'ummaliya*), in July 2014. This initiative is illustrative of the evolution of the new trade union movement in its relationship to politics. Thanks to the support of the CTUWS, this bloc was formed with a membership of around 120 new trade unions. The new trade union leaders, who are members of this bloc, should explicitly express their support for the electoral list of "Egypt Awakening" (*sahwit masr*) during the parliamentary elections of 2015. This electoral list was formed by a coalition of independent candidates, as well as leftist political parties which support the demands of the new trade unions.⁵² However, due to logistical complications, *sahwit masr* withdrew from the elections in the last minute. Along these lines, the Campaign of "Together for Unions' Freedoms" (*maa'n min agl al-huriat al-nikabyia*), which was launched separately by the CTUWS and the Bread and Freedom leftist party (*hizb al-hish wal-horia*), was welcomed by the new trade union movement. Moreover, the solidarity of political forces with the movement, with regard to their resistance against the government's attempts to de-legalize the new trade unionism in Egypt, were greeted by a new trade union movement that encounters, today, an existential threat.

In sum, while new trade unions directly negotiate with the State without the mediation or the support of political organizations, the contentious interaction of the post-revolutionary period led to a pragmatic, yet very gradual change in the relation of the new trade union movement to politics. Currently, its leaders are working on finding a balance between seizing political opportunities, whilst preserving the movement's cohesion. While this positive change is occurring, due to the remaining weakness of the political parties, these leaders refrain from this dynamic, and offers little in terms of the possibility of revising State-Labor relations.

⁵² Nadine Abdalla, *The Labor and Politics in Egypt*, Middle East Institute (MEI), Singapore, 2015, available at: https://mei.nus.edu.sg/index.php/web/publications_TMPL/insight-127-labor-and-politics-in-egypt

CONCLUSION AND RECOMMENDATIONS

The liberal economic policies which had achieved significant economic growth on the macro level under Mubarak's rule, led to a systematic increase of social grievances and labor protests. The workers whose social status had deteriorated joined the 2011 uprising, and have even pushed for its success. In the aftermath of the 2011 uprising, the pursuit of the same economically liberal policies, which deprived the workers of their economic benefits, combined by a political de-liberalization, which deprives the workers of their organizational rights, will lead to an increasingly unsustainable situation.

ETUF, which represents the traditional and official trade unionism in Egypt, remained completely coopted by the State; whether before or after the uprising. In the aftermath of the 2011 uprising, the new rulers, which adopted the old neo-liberal agenda, perpetuated the same politics of labor containment of their predecessors. This has been undertaken both via the consolidation of their control over ETUF, and their reluctance to issue a new trade union law that can legalize the formation of new structures which are more representative of the workers, but also more critical to their policies. The trade union affairs therefore appeared to be a major arena of the political struggles that have characterized the post-revolutionary period, rendering the trade unions targets of political contestation rather than drivers of reform.

The new trade unions, which emerged in lightning speed in the aftermath of the 2011 uprising, and appeared to be a necessary tool for civil society emancipation and defense of workers' rights remained unable to either build a new pattern of State-Labor relations or formulate a new social pact with the elite guiding the transition as was witnessed in Spain or Latin America. This was mainly due to the weak representational capacities, as well as the structural weakness from which the new trade union movement suffers. This is in addition to the weaknesses of the political organizations, which by providing no significant support to new trade unions are restraining their capacity to exert influence and channel their demands. Nonetheless, the strength of individual new trade unions, which comes from their previous collective experience and their capacity to achieve a high representation in workplaces, allowed them to lobby for or against laws that achieved or neglected their interests during and after the 2011 uprising period.

Furthermore, increased organization and higher capacity to penetrate the society, workers as a whole would have a better chance to exert power on the State to amend/reform the latter's relation with them. One

such reform should be the guaranteed independence of the ETUF from administrative and financial oversight by the government, as well as the legally-established ability of other unions and federations to form freely. Such basic reforms, as well as the new unions' work on the enhancement of their structural capacities, would allow Egypt's unions to address the more structural problems that have brought about impoverishment and powerlessness for the workers.

Finally, to support the promotion of labor rights in Egypt, the following measures should be adopted by the Egyptian government:

- ▶ Improve the legal situation and labor relations, by adopting a new trade union law that allows freedom of trade unionism in Egypt in accordance with the ILO conventions ratified by Egypt.
- ▶ Improve the capacity of the ETUF to represent the workers by guaranteeing its independence from administrative and financial oversight by the government on the one hand, and by holding free and fair internal elections on the other. This should allow the organization to be more representative and accountable to its members.
- ▶ Improve the ability of new trade unions to act by abolishing the bureaucratic and security obstacles which they face, either while registering their organization or while defending their members' rights and demands.

To support the consolidation of the trade unions' role in defending socio-economic labor rights, the following measures should be adopted by new trade unions' leaders:

- ▶ On the federal level, develop bodies that effectively represent their members by enhancing the horizontal and vertical mechanism of internal coordination among the federation's local and central level on the one hand, and by strengthening their administrative capacities on the other.
- ▶ On the local level, develop self-financing mechanisms which can guarantee the autonomy of the organization and increase its efficiency as well.
- ▶ The trade union movement's leaders, while defending the socio-economic short-term labor demands, should also work on elaborating a broader framing for their demands. This may allow a sort of "frame-bridging" with other socio-political allies that are seeking social justice as well.

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