

Labor Movements in Tunisia and Egypt

Drivers vs. Objects of Change in Transition from Authoritarian Rule

Dina Bishara

Egyptian and Tunisian unions have played radically different roles in their countries' transition from authoritarian rule since the ouster of longstanding Presidents Hosni Mubarak and Zine el-Abidine Ben Ali in early 2011. The legacy of different variations of authoritarian rule as well as the history of the respective labor movements has had significant consequences for their ability to shape post-transition politics. Whereas the Egyptian labor movement is fragmented, and control over labor organizations has become a battlefield for competing political forces in Egypt, organized labor emerged as an actor in its own right, playing a leading role in the Tunisian transition by mitigating political conflict and helping to move the process along. In both Tunisia and Egypt, "official" unions will need to address issues of internal reform to become more effective representatives of their members' interests. In addition, the legal framework will have to be significantly altered, at least in Egypt. German and European policy-makers, unions, and political foundations should support steps toward more effective and empowered unions that can represent workers' rights by encouraging legal reform and supporting independent unions through training and exchange.

Both Egyptian and Tunisian workers participated massively in the uprisings leading to the ouster of longstanding presidents in early 2011. Although the Egyptian Trade Union Federation (ETUF) discouraged Egyptian workers from participating, workers staged nationwide strikes and protests in the three days prior to Mubarak's ouster in February 2011, placing added pressure on the Egyptian military to respond to popular mobilization. The Tunisian General Labor Union (Union Générale Tunisienne du Travail, UGTT), especially its local branches,

played a key role in supporting anti-Ben Ali protests.

Since the ouster of Mubarak and Ben Ali, both Egypt and Tunisia have witnessed the emergence of a multiplicity of new unions and union confederations, posing a challenge to established unions. In Egypt, the increase in the number of unions has not been matched by any changes in the legal framework governing labor organization. In Tunisia, despite a more permissive legal environment, new unions have been struggling to compete with an organizational power-

From September to December 2013, Dr. Dina Bishara was a fellow in the project "Elite change and new social mobilization in the Arab world" realized by the Stiftung Wissenschaft und Politik (SWP). The project is funded by the German Foreign Office in framework of the transformation partnerships with the Arab World and the Robert Bosch Stiftung. It cooperates with the PhD grant program of the Heinrich-Böll-Stiftung and the Hanns-Seidel-Stiftung.

SWP Comments 1
January 2014

ful and resource-rich UGTT. In both countries, the post-Mubarak and Ben Ali periods have seen a great deal of workers' mobilization in the face of deteriorating economic conditions. According to Kamal Abbas, head of the Center for Trade Unions and Workers' Services, more than 4,500 factories across Egypt have closed since the January 2011 uprising, resulting in 12,000 workers losing their jobs. In Tunisia, unemployment rates have increased from around 13 percent in May 2010 to 17.6 percent in January 2013, and food prices have increased by 8 percent from the end of 2010 to the end of 2012.

Different authoritarian legacies

To understand the challenges that Egypt's and Tunisia's unions are faced with today and the roles that they can play in the transition, one has to understand their histories and their positions at the time of national independence. The ETUF is the product of the post-independence regime in Egypt and was created by President Gamal Abdul Nasser in 1957 as a tool to control workers' discontent. Under Nasser, rank-and-file workers were given economic benefits, including job security, in exchange for their political quiescence. Within the framework of a state-dominated economy, unions played no collective bargaining role but were rather used as instruments for political control. The ETUF was given monopoly over workers' representation, and the formation of more than one union per profession or industry was prohibited by law. The ETUF's leadership enjoyed access to substantial institutional resources. Critics in the independent labor community charge that this led to rampant corruption within the organization, especially at higher leadership levels. Nasser's successors continued to use the ETUF as a tool to maintain control over workers while retrenching the economic benefits previously bestowed upon workers.

In the last 10 years of Mubarak's rule, the ETUF's leadership was increasingly seen as

ever more subservient to the regime and unwilling to defend workers' interests. In addition, there were allegations that the regime had interfered more heavily in union elections beyond the level of the top leadership. This had the effect of further isolating the ETUF leadership from rank-and-file concerns as well as driving activists to press for their demands outside official ETUF channels. Frustrated with official channels of representation, angered by the adverse effects of the accelerating pace of economic liberalization in the mid-2000s, and emboldened by the decrease in the government's violent repression of workers' mobilization, Egyptian workers staged an unprecedented number of protests in the 2004–2011 period. These strikes and protests occurred largely without the support of the ETUF leadership. Nearly two years before Mubarak's ouster in February 2011, a group of real estate tax collectors formed Egypt's first independent union since 1957, thereby directly challenging the state corporatist system in place. Within two years, three groups – namely pensioners, teachers, and health technicians – had followed suit.

In Tunisia, by contrast, the UGTT was formed in 1946, that is, 10 years prior to independence. Indeed, the UGTT's major role in the struggle for Tunisia's independence made it difficult for the regime of Habib Bourguiba to bring it under its complete control, as the union's bases maintained a commitment to the UGTT's independence from Tunisia's rulers. Over the years, the UGTT experienced a great deal of internal struggle that resulted in relations with Tunisia's authoritarian regimes varying between periods of tight political cooperation and periods of relative autonomy. The most contentious times in the relation between the UGTT and Tunisia's rulers include 1978 and 1985, when the UGTT openly opposed the regime's economic policies and engaged in militant activities. In January 1978, the UGTT organized a general strike, resulting in severe repression and the imprisonment of the organization's

secretary general. On other occasions, however, especially during the 1960s and 1990s, the UGTT vowed to respect the regime's economic policies and restrain workers' activism. In addition, the UGTT's leadership demonstrated its loyalty to Ben Ali by supporting his presidential campaigns in 1995 and 1999. Nevertheless, even during periods where the top leadership was loyal to Ben Ali, the UGTT's local branches managed to retain a certain level of independence. Still, local UGTT branches did not support the 2008 revolt in the Gafsa mining basin. The revolt, which lasted over a period of six months, involved a wide range of activists who protested unemployment and the economic marginalization of the region. It was harshly repressed by security forces.

In sum, while the ETUF had become a tool of political control of workers for Egypt's authoritarian rulers, the UGTT proved to be a much less pliant organization. On the eve of the January 2011 uprisings in Egypt and Tunisia, the UGTT therefore had much greater credibility as a national actor with a history of relative autonomy and militancy at key junctures in Tunisian history than the largely discredited ETUF. In January 2011, the ETUF actively discouraged Egyptian workers from participating in anti-regime protests. The UGTT, on the other hand, played a key role in organizing anti-Ben Ali protests, despite the fact that the organization's top leadership did not formally endorse these protests until two weeks into the uprising. Here, the activism of the UGTT's local branches forced the executive bureau to eventually support anti-Ben Ali protests.

Egypt's embattled labor

In the wake of Mubarak's ouster, a largely discredited official trade union organization was confronted with an ever growing effort by long-time activists to revitalize the realm of trade union affairs and competition among political actors over the control of labor organizations. As a result, the post-Mubarak era turned out to be a period of

greater contestation over the rules governing trade union affairs rather than an opportunity for the labor movement to assert itself as an actor with agency of its own.

Labor activists saw the revolution as an opportunity to push for freedom of organization, both in practice and on the legal front. On 30 January 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). The number of independent unions has exponentially increased since. In late 2013, EFITU claimed a membership of around 300 unions. The Egyptian Democratic Labor Congress (EDLC) was also formed in the aftermath of the January 2011 uprising and formally established as an independent trade union federation with a proclaimed membership of 300 unions in April 2013.

For the first time in Egypt's contemporary history, the ETUF's monopoly over workers' representation was thus broken, in practice if not in law. The EFITU and the EDLC have received international recognition from organizations such as the International Labour Organization, the International Trade Union Confederation, and Public Services International. In addition and in contrast to the ETUF, they boast a democratically elected leadership, which makes them legitimate representatives of their members' interests.

Legal and organizational challenges

Yet, the nascent independent unions face a myriad of organizational and legal obstacles that make it extremely difficult for them to effectively represent workers' rights, let alone exert political influence during the transition. Independent unions remain in legal limbo, given the fact that trade union affairs in Egypt continue to be governed by law no. 35 (1976), which bans the establishment of more than one union per profession or industry. This effectively means that independent unions have difficulties collecting membership fees and

gaining the recognition of employers' representatives and administrations.

Independent labor activists' efforts to push for major legal reforms have been met with stiff resistance from Egypt's new rulers as well as the official unions that have a vested interest in maintaining the status quo. Both the Supreme Council of the Armed Forces (SCAF), which ruled Egypt from February 2011 to June 2012, and the Muslim Brotherhood's Freedom and Justice Party (FJP), which was in power until early July 2013, resisted the passing of a new trade union law.

Notably, Egypt's post-Mubarak rulers not only resisted the passage of a more liberal union law, they appeared set to restrict workers' right to organize strikes and protests. As early as March 2011, the SCAF approved a decree issued by the Egyptian cabinet, criminalizing protests that disrupt work. The transition government installed by the military in July 2013 has enacted a controversial protest law that places restrictions on workers' ability to organize and puts them at risk of imprisonment for their involvement in strikes.

In the absence of effective formal channels of communication with employers, including the state, workers have had to organize strikes and protests to raise their demands. In addition, independent unionists have also relied on mass mobilization as a tool to exert pressure on the relevant authorities to recognize them as legitimate representatives of their members' interests. Yet, the need to invest in organization-building and the fragmentation of the independent union scene undermine their capacity to exert political pressure, at least in the short run. Divisions over strategies or personal differences have made it more difficult for the two independent trade union federations created after Mubarak's ouster to collectively advance their shared goals. These goals include the passage of a new trade union law that would guarantee trade union pluralism, realizing constitutional clauses that support workers' rights, as well as improving workers' economic conditions.

Government interference

In addition, the power struggle that has plagued Egypt's transitional politics has been reflected in the struggle over the redefinition of the rules governing interest representation in post-Mubarak Egypt. Trade union affairs have thus emerged as a major arena of political struggle, rendering the organizations the targets of political contestation rather than drivers of reform.

Under Morsi's rule, the FJP tried to use corporatist arrangements in place for political control. Thus, the appointment of an FJP member, Khaled al-Azhari, as minister of manpower in Morsi's first cabinet, which otherwise only included a handful of FJP-affiliated ministers, was a clear indication that the FJP wanted to have a strong say in labor affairs. Also, the FJP put forward a draft law on labor unions that would have prohibited the establishment of new professional unions, preserved the structure of centralized decision-making within the ETUF, and made it difficult for workers to leave the ETUF without risking losing their access to social funds. The close connection between ETUF membership and access to these funds poses significant obstacles for the emergence of independent unions.

In a further move to expand control over workers' organizations, President Morsi issued decree no. 97 in November 2012, introducing important amendments to Egypt's 1976 labor law. The amendments included a provision to remove any ETUF board member over the age of 60. This move was meant to revitalize the organization by introducing new figures and removing Mubarak-era unionists. Most controversially, however, the decree gave the minister of manpower the right to nominate replacement candidates. As such, the decree signaled Morsi's willingness to use executive power to intervene in trade union affairs, thereby continuing with – rather than breaking – the authoritarian practices of the past. The FJP then tried to use its position of power to strengthen its foothold in the ETUF, by stacking the organization's executive board and federation-level boards

with unionists sympathetic to its own ideological orientation.

Following President Morsi's ouster in July 2013, the political struggle over trade union affairs in Egypt continued. In a surprising development, Kamal Abu Eita, former head of the independent union for real estate tax collectors, replaced Khaled al-Azhari as minister of manpower. It is not entirely clear what motivated the military-installed government's decision to appoint Abu Eita to this position. Given his history of activism and his popularity in the independent trade union movement, his appointment can be viewed as an attempt by Egypt's new political leadership to court the independent trade union movement. Much like his FJP predecessor, however, Abu Eita was charged with using his position to change the composition of the ETUF's executive board. Soon after his appointment, a struggle erupted within the ETUF that resulted in the ousting of the organization's president, Gibali al-Maraghi, and several Muslim Brotherhood unionists from the ETUF's executive board. In fact, 80 percent of the ETUF's executive board members were replaced. Although it is not clear who was behind the reshuffling, it is clear that Abu Eita endorsed the decision. Both Abu Eita and Abdul Fatah Ibrahim, the newly-selected ETUF president, deny Abu Eita's involvement in the reshuffling and insist that the process was legally sound. Still, some activists in the independent labor community argue that the reshuffling continues a tradition of executive interference in union affairs.

The UGTT's mediating role

Much like in Egypt, the 2010/2011 uprising in Tunisia was a catalyst for increased workers' organization. Since then, three major trade union federations have been formed or legalized in addition to the UGTT, as well as several smaller ones. The Tunisian General Labor Confederation (Confédération Générale Tunisienne du Travail, CGTT), which had been formed back in 2006, was

legalized in 2011. Founded by former UGTT activist Habib Guiza, the CGTT champions trade union pluralism and advocates giving workers viable alternatives for representation. According to CGTT officials, the organization has increased its membership from 10,000 in 2011 to 50,000 in 2013. In May 2011, The Union of Tunisian Workers was formed by former UGTT Secretary General Ismail al-Sihbani. Al-Sihbani had resigned from his position in 2000 following internal struggles, accusations of authoritarian practices, and corruption charges. A third trade union federation, the Organisation Tunisienne du Travail, is thought to be affiliated with the Islamist Ennahda movement, given that it was formed by Islamist unionists. Ennahda leaders, however, deny any organizational links between the party and the federation.

In contrast to Egypt, the emergence of the independent unions in Tunisia has not posed a significant challenge to the UGTT's status as the strongest and most organized union federation. Although they present some competition to the UGTT and offer its discontented bases with viable alternatives, due to the UGTT's history of relative independence, the UGTT has retained a great deal of credibility in the post-Ben Ali period. In addition, many UGTT activists are committed to reforming the organization from within because they value its history and are keen on maintaining its legacy. It is worth noting that, unlike Egyptian law, Tunisian law recognizes trade union pluralism; though, in practice, no union confederation other than the UGTT was legalized before Ben Ali's ouster. In the post-Ben Ali period, new union confederations have been legalized but they face tremendous obstacles in competing with the UGTT, given its large membership base and superior financial resources. In addition, only the UGTT has been allowed to take part in collective bargaining procedures, and the new confederations remain excluded from tripartite negotiations with the government and Tunisia's largest business association. This again is a difference

to Egypt, where no regular practice of tripartite negotiations exists. Activists in the new confederations argue that both the UGTT and Ennahda do not support trade union pluralism in Tunisia. UGTT activists deny such accusations but insist that the unions representing the greatest number of workers per sector should be the ones involved in collective bargaining. Ennahda officials recognize the legality of trade union pluralism but argue that it fragments workers and weakens the union movement.

The UGTT as a mediator

Beyond representing workers' concerns, in the post-Ben Ali period, the UGTT has emerged as a national actor and assumed a mediating role between various political parties, among other methods by brokering several rounds of national dialogue to help mitigate the political crisis in Tunisia. Three sources of strength have positioned the Tunisian UGTT to play a leading mediating role in post-Ben Ali politics: the UGTT's political clout, its organizational strength, and its history of militancy.

First, given the UGTT's history and its role in the national independence movement, the UGTT perceives itself – and is perceived by many Tunisian activists and political observers – as being a constitutive player in the national development project. As such, UGTT activists resist a strict differentiation between the unionist and nationalist dimensions of the UGTT's activism. In this sense, the UGTT's prominent role in Tunisia's current transition is seen as an extension rather than a departure from its historic role, even though the UGTT's current political involvement is much deeper than before.

Second, the UGTT is one of Tunisia's most powerful players in organizational terms. The UGTT's membership has almost doubled (from 350,000 to 700,000 members) since Ben Ali's ouster, with the inclusion of workers without permanent contracts into the UGTT. The UGTT's extensive

geographic reach and its ability to mobilize thousands of members render it more powerful than many of Tunisia's current political parties.

Third, given the lack of political pluralism under Tunisia's authoritarian regimes, the UGTT had become a haven for political activists who often turned to union activism as a main outlet for political activism. Even political activists not involved in union activism had turned to the UGTT for support. The UGTT thus acted as an umbrella organization that supported political activists and took up issues such as the struggle for human rights and general freedoms. Having filled a sort of political vacuum under successive authoritarian regimes, the UGTT acquired a great deal of political clout.

Indeed, despite having some reservations concerning the current role of the UGTT, most political parties have a lot of respect for the UGTT and applaud its attempt to bridge political differences during the unfolding political crisis. Notably, the country's main political parties have agreed to participate in the national dialogue sponsored by the so-called quartet (comprised of the UGTT; the Tunisian League for Human Rights; the Tunisian Union for Industry, Trade and Handicrafts; and the National Bar Association) in September 2013. In addition, there is widespread recognition that only an organization of the stature of the UGTT could play such a mediating role.

However, the UGTT's efforts did not always yield success. Indeed, the Ennahda party refused to join a round of national dialogue initiated by the UGTT in February 2013, citing the participation of certain parties it considered illegitimate, such as Nidaa Tounes, led by Beji Caid Essebsi, minister of interior under President Bourguiba and Tunisia's interim prime minister following the resignation of Mohammed Ghannouchi in February 2011. Ennahda did, however, agree to participate in the latest round of dialogue organized by the UGTT following the July 2013 assassination of Mohammed Brahmi, former leader and

founder of the People's Movement party. During this round of dialogue, the UGTT presented a "roadmap," outlining a number of measures to get out of the political deadlock that had plagued the country. The roadmap also provided a timeline for the government's resignation and steps toward the selection of a more consensual government.

In December 2013, after months of political deadlock and weeks of negotiations, Tunisia's national dialogue resulted in the nomination of Mahdi Jomaa as head of a caretaker government that is supposed to replace the Ennahda-led government. Jomaa's election was not consensual, however, highlighting ongoing disagreements among Tunisia's political parties. He received 9 out of 11 votes, but parties of the major opposition bloc, the National Salvation Front, as well as Nidaa Tounes abstained from the vote because Jomaa was already the minister of industry in the Ennahda-led government and thus perceived as close to Ennahda. With the nomination of a caretaker government being only one of the first steps in the implementation of the roadmap, it is foreseeable that the process will continue to be difficult.

Challenges to the UGTT

Despite its strengths, the UGTT faces a number of challenges as it assumes such a prominent political role. These include the need to balance its political and social functions as well as the need to address internal reform issues, competition from newly-formed trade union federations, and greater vulnerability to criticism from political parties.

By choosing to prioritize its political over its social role at this juncture, the UGTT risks taking steps that might alienate its bases, such as committing to maintaining the social peace without consulting them. Critics also point to the fact that the UGTT has not paid sufficient attention to social issues as a result of its current engulfment in political affairs. At the level of the local

branches, there is a sense that the UGTT's political commitments may place constraints on the leadership's capacity to negotiate on behalf of its bases in a timely manner. For instance, workers with temporary contracts mobilized in November 2013 to demand permanent contracts, but negotiations over their demands were delayed because the UGTT's central leadership was not available to attend the negotiations. Given the pressing nature of some of the issues involved, it is likely that the organization's bases may become aggravated by such delays.

The UGTT's political involvement has also come at the cost of addressing serious internal reform issues. These include internal corruption, the underrepresentation of women in the organization's leadership positions, issues of internal democracy, and membership expansion. Even those sympathetic to the UGTT point to the need for a serious effort in dealing with internal corruption issues. There also is recognition that decision-making within the UGTT is still dominated by men and that it will require significant efforts to reverse the prevailing organizational culture. This is linked to broader concerns regarding internal democracy.

Finally, the UGTT's leading role in trying to resolve the current political crisis exposes it to a wider range of criticism, especially from political parties. Ennahda representatives have warned, for instance, that the UGTT risks becoming a partisan player by allying itself closer with the leftist political parties. Ennahda was also critical of the UGTT's reliance on street mobilization as a tool to pressure the government, especially prior to the start of the July 2013 national dialogue round. For their part, some leftist forces have complained that the UGTT has not done enough to champion revolutionary goals and instead chosen to take a more consensual approach.

Conclusions and recommendations

The legacy of authoritarian rule in Tunisia and Egypt as well as the pre-independence history of labor activism has played an important role in conditioning the opportunities available for workers' organizations in the two cases of transition from authoritarian rule. It would be mistaken, however, to assume that such legacies determine the course of workers' activism in both countries.

In the short to medium term, the rules governing workers' representation in Egypt will remain highly contested. There are indications that Egypt will not easily move beyond its history of corporatism, given entrenched interests in old union structures and fears among Egypt's rulers of losing control over workers.

Workers need to have effective organizations that can channel their interests in order to avoid frequent recourse to strikes and protests as the primary means to air their grievances. This can only be done through legal changes that allow for freedom of organization, ensure that new unions are recognized by both the state and private employers, and remove any restrictions on the new unions' ability to collect membership fees and thus the opportunity to build financially viable organizations.

The question as to whether trade union pluralism is a necessary step to ensure freedom of organization remains extremely controversial in Egypt. Critics typically argue that it would weaken workers' power, while advocates hold that it would ensure that Egypt will move beyond state control of workers' organizations and that competition among unions would only benefit workers. Regardless of one's position, however, it is clear that Egyptian workers should be permitted a voice in shaping any future legal framework concerning their representation.

In Tunisia, as in Egypt, workers face increasingly strained economic conditions, and unions will need to play a more active role in bringing socio-economic issues to the forefront of transition politics. Given

the credibility of the UGTT, the organization is well-positioned to propose recommendations concerning the country's economic policy. The UGTT will remain a pivotal player in the transition as it continues to mediate deep political divisions between Tunisia's political parties. At the same time, however, the UGTT will have to maintain a delicate balance between its political engagement and its socio-economic agenda. If successful in its mediating efforts, this will ease the pressure on the organization and boost its credibility, both among its bases and the wider Tunisian public. In the long-term, however, the UGTT will need to address issues of internal reform as well as resume its social role more vigorously in order to avoid internal dissent and splintering.

European policymakers should support workers' rights by encouraging the adoption of a new trade union law in Egypt that guarantees freedom of organization and by addressing the issue of the privileges that "official" unions (ETUF and UGTT) have. European NGOs already working with Egyptian and Tunisian unions, such as the Friedrich Ebert Foundation, should continue to support new independent unions by providing training in areas such as collective bargaining and union management as well as encourage the consolidation of mechanisms for internal union democracy. They might also be able to offer guidance on the question of trade union pluralism, drawing on the variety of representational models adopted across European countries. In addition, they should support the established union federations to address issues of internal reform. Finally, these organizations may also encourage independent activists from new union federations to coordinate campaigns with regards to shared goals.

© Stiftung Wissenschaft und Politik, 2014
All rights reserved

These Comments reflect solely the author's views.

SWP
Stiftung Wissenschaft und Politik
German Institute for International and Security Affairs

Ludwigkirchplatz 3-4
10719 Berlin
Telephone +49 30 880 07-0
Fax +49 30 880 07-100
www.swp-berlin.org
swp@swp-berlin.org

ISSN 1861-1761