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The Human Rights Movement and Contentious Politics in Egypt (2004-2014)

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Abstract

The economic and social rights movement has struck some success in dealing with contentious movements in challenging public policies and institutions. However, no organic relationship developed between the two. The contentious movement did not strategically adopt an economic and social rights framing in a way that would have enabled it to get beyond its local, largely apolitical and un-institutionalized characteristics in favour of a nationwide platform. Meanwhile, the human rights movement was eventually unable to cultivate strong and continuous organizational or discursive links with the broader contentious movement needed against potential authoritarian reversals like the ones that happened after July 2013. The main argument is that gains made by NGOization, civil societization and professionalization (access to resources and recognition) came at a high price of alienation from the aggrieved constituencies undertaking contention and hence hindering the development of organic links between them. The head remained severed from the large leaderless body.

1. Introduction

This paper aims at developing a descriptive, analytical and critical account of the various aspects of interaction between the human rights movement and contentious politics in Egypt through the last decade (2004-2014).

Contentious politics is narrowly defined here in reference to actors and actions of resistance and protest against the implementation of neoliberal-based measures by the state and its allies (e.g. international financial institutions, foreign investors, development banks, local businesses, etc.). Contentious politics has assumed many forms since the intensification of liberalization and privatization drives during Hosni Mubarak's final years in power (2004-2010). These actions of contention expanded following his removal in 2011 and as a result of the waning of the power of the police state between 2011 and 2013 (which later proved to be rather temporary). The contentious movement involved hundreds of thousands of people in industrial sites, government offices, urban neighbourhoods, villages and local communities. It assumed many forms of protest ranging from strikes, sit-ins, road blocking and demonstrations to more violent forms of confrontation with the agents and representatives of the state and of capital. It also hosted a great variety of claims and demands. Some had strictly to do with public sector workers and civil servants calling for higher wages, job security and better working conditions. Others extended into areas of housing, access to public services, land tenure and the environment.

At the other end, there was the human rights movement that is defined loosely to include all actors (e.g. advocacy groups, NGOs, lawyers, professionals, politicians and activists and networks of individuals and organizations working on the public promotion of human rights). The main criterion for the inclusion of these actors within the bounds of this movement (and hence the exclusion of others) is the adoption of a consistent, coherent and comprehensive political and socio-economic agenda that is explicitly based on international human rights principles, covenants and obligations. This paper will focus on the particular branch of the human rights movement that has been working continuously and systematically on social and economic rights during the period of study. These networks, NGOs, research centres besides less- or un-institutionalized groups of professionals, lawyers and activists in addition to grassroots organizations that adopted a rights-based discourse, all are labelled in this paper as the Economic and Social Rights Movement (ESRM).

As the contentious movement expanded in the 2000s and virtually exploded after the 2011 revolution, the human rights movement has been present on the public scene since the early 1980s. Different modes of interaction took place between the two broadly defined movements that assumed a great many forms ranging from strategic litigation, legal aid, technical and organizational services, advocacy, media campaigning, networking and coordination among other activities.

This paper aims at describing and analyzing the patterns of interaction between the ESRM and the broader contentious movement in Egypt. The periodization of the study to cover from 2004 to 2014 rests on two reasons: Firstly, the start date, 2004, is taken as the critical point for the breakout of the most recent cycle of contentious politics and social protest in Egypt. This is the year in which the Ahmed Nazif government came to power with an explicit neoliberal agenda for economic and social transformation. The intensification of the neoliberalization of the economy provided the broader context for increasing contention as in other parts of the developing world.¹ These dynamics remained in place till 2009 when the programme came to a halt because of the global financial crisis and its aftermath. However, another dynamic came to the fore that had to do with challenging the Mubarak regime for being too corrupt and authoritarian. The combination of socio-economic and political protest happened for the first time in Al-Mahallah in April 2008. It reoccurred, albeit on a much larger scale in February 2011, and specifically on 10 February when a nationwide strike was decisive in dealing the final blow to Mubarak and his regime. Mubarak abdicated the following day.

The second reason behind the periodization is the 2011 revolution, which resulted in a brief and partial political opening till mid-2013. Contentious politics expanded considerably given the relatively low risk of repression and the opening up of political channels for contestation. This period witnessed also a short yet extraordinary phase of expansion and activity for the human rights movement, including those working on social and economic rights. The fact that the ESRM got to function with relatively low risks and limited restrictions in an open political arena provides a thrilling experiment and experience that could be used to compare and contrast with earlier and later years of full-fledged or better functioning authoritarianism.

2. The Research Question

Even though the ESRM has struck some success in dealing with contentious movements, especially in areas of challenging public policies and institutions, no organic relationship developed between the two movements. On the one hand, the contentious movement did not strategically adopt an economic and social rights framing in a way that would have enabled it to get beyond its local, largely apolitical and un-institutionalized characteristics in favour of a nationwide targeting of state policies and institutions. On the other hand, the human rights movement was eventually unable to cultivate strong and continuous organizational or discursive links with the broader contentious movement in a way that could have provided it with the depth and weight needed against potential authoritarian reversals like the ones that happened after July 2013.

¹ Almeida, P.D. "The Role of Threats in Popular Mobilization in Central America". *Social Movement Dynamics: New Perspectives on Theory and Research from Latin America*, 2015, p.109.

The paper addresses two principal questions: what kind of interaction took place between the two movements? And what could have happened instead?

If the objective is to evaluate economic and social rights movement in Egypt in the last decade, what may then serve as a criterion for this assessment? The economic and social rights movement is best evaluated against its self-asserted mission or *raison d' être* as stated by its very founders, figures and leaders: the forwarding of a set of social and economic rights, usually defined with an explicit reference to the international bill of rights, translated into advocacy for certain public policies, legal reforms and decisions. It is however difficult to draw clear causal links between change in state action and human rights advocacy and activism. This is mainly due to the fact that there are simply too many factors and actors that exert influence on state actions in these policy areas. Some of these emanate from within the state bureaucracy, while others are societal that may have ties with the economic and social rights movement but cannot be conflated or fully identified with it, such as independent unions or even more un-institutionalized forms of protest and popular mobilization.

As a matter of fact, the ESRM is one input amongst many that may help in explaining policy outcomes, especially in tumultuous times like the post-2011 revolution period that were marked by considerable de-institutionalization of state organizations and political regime and a social and political fluidity if not outright chaos. Moreover, the economic and social rights movement could never be decisively considered the most influential in such realms given its relatively short history of existence as a public actor and its restrained access to resources, human and materials, compared to other political state and non-state actors. Moreover, the ability of the ESRM to influence state action has been largely contingent on the opportunities that followed the crippling of the police state after the 2011 revolution. The ability to influence the political process and hence policy outcomes was dependent on powerful factors that emanated from outside the human rights movement and remained beyond its capacity to influence or to shape.

A more feasible and modest alternative is to assess the ESRM in terms of its observed influence over its contemporary and counterpart contentious movement using the very mission set by the human rights movement as the criterion for judging it. In other words, this paper will describe and analyze how and whether the ESRM could influence the popular contentious movement in forwarding basic economic and social rights as public claims over state actions and distributional policies.

In answering the principal research question, this paper combines desk research with fieldwork. It makes use of the bodies of literature on civil society, contentious politics and social movements in an effort to conceptualize and theorize about the patterns and modes of interaction between the human rights movement and contention politics. The research

has also depended on semi-structured interviews with human rights professional lawyers and researchers working on economic and social rights together with non-professional human rights activists. It is also informed by the author's personal experience as a former director of the unit on social and economic justice at the Egyptian Initiative for Personal Rights (EIPR)² between mid-2011 and 2013. The objective of the paper is to provide a solid and well-informed assessment of this fraction of the human rights movement that worked on social and economic rights with the possibility of developing recommendations.

3. A Tale of Two Movements

3.1- The Contentious Movement

Egypt witnessed a rising trend of contentious action since the mid-2000s. Repeated and widespread acts of protest motivated by perceived socio-economic grievances and addressing state actions (policies, laws, decrees, etc.) could be called a social movement referring to collective contentious actions and shows of solidarity undertaken cyclically by aggrieved groups targeting elites and aiming at changing state policies.³ This movement was generally a response to intensified neoliberal reforms by the then newly instituted Ahmed Nazif cabinet (2004-2011). The cabinet was made up of businessmen and neoliberal-oriented technocrats with a clear vision and mandate to push for Egypt's economic transformation after long years of reluctant reforms since the adoption of the Structural Adjustment Programme in 1991.

As of 2004, there was an intensification of privatizing state-owned enterprises as a means to attracting foreign direct investment. Trade liberalization, deregulation and currency devaluation contributed to higher inflation rates that hit hard state employees and public sector workers and decreased their real wages and their standards of living. Together with the earlier measures, the government facilitated access of big business, often politically connected, to state-owned assets mainly in the form of desert land and divested publicly owned enterprises.⁴ The redefinition of private property rights involved a heightened risk of dispossessing some marginal social groups, especially in inner cities where land speculation increased private investors' appetite for land plots that lacked secure tenure. Attracting

² Egyptian Initiative for Personal Rights (15/9/2008), Statement on the Ruling on the Holding Company for Healthcare, posted on the website: <http://qadaya.net/?p=4450>

³ See Tilly, C. "War making and state making as organized crime". *Violence: A reader*, 1985.

McAdam, D., Tarrow, S. and Tilly, C. "Dynamics of contention". *Social Movement Studies*, 2001, 2(1).

⁴ See Adly, A., "Mubarak's Egypt: A state of corruption" (In Arabic). Cairo: Egyptian Initiative for Personal Rights, 2012. Sfakianakis, J. "The Whales of the Nile: Networks, Businessmen, and Bureaucrats during the Era of Privatization in Egypt". *Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited*, 2004, (pp. 77-100). Palgrave Macmillan. Diwan, I., Keefer, P. and Schiffbauer, M., "Pyramid capitalism: Political Connections, Regulation, and Firm Productivity in Egypt". World Bank Policy Research Working Paper, (7354), 2015.

foreign direct investment and encouraging exports depended heavily on energy-intensive and often polluting industries like petrochemicals, cement, iron and steel, ceramics and fertilizers.⁵ This trend gave rise to new areas of contention over pollution and the destruction of natural resources. The conflict with Agrium/MOPCO in Damietta was one clear example where local communities mobilized against a multi-national for fear of the destruction of their livelihoods that depended on local seashore tourism and fishing. There was another instance in Idku in Northern Beheira governorate in 2012 and afterwards where local communities challenged British Petroleum over the use of fracking technique in the extraction of natural gas.⁶

Even though the contentious movement targeted state policies and institutions, it was local and adopted generally myopic economic demands. Labour strikes and sit-ins between 2004 and 2014 were generally performed on the factory-level. Al Mahallah for instance was the big exception that proved the rule where the whole industrial centre could mobilize.⁷ Otherwise, there was a general failure to develop an organizational or ideological framework that could have linked together the hundreds of acts of labour activism during that decade. Most demands were highly economistic in nature and focused on particularistic interests that immediately had to do with factory workers like higher wages, better working conditions, management changes or the reversal of privatization decisions or with the direct concerns of local communities and neighbourhoods. The localism and particularism of the contentious movement weakened the chances of developing a political agenda targeting a generalized change of public policies and institutions in economic and social areas in a way similar to nationwide anti-neoliberal movements in Latin America.⁸

Neoliberal reforms were one common thread that provided the general context for the virtual explosion of contentious politics in the 2000s and all the way till the 2011 revolution. Even though neoliberal measures came to a halt after the revolution and the subsequent toppling of Mubarak, the considerable weakening of the state coercive machine led to an unprecedented expansion in contentious protest.⁹ The near total collapse of police forces and the reluctance of the military to deploy force to quell social protest, led to an expansion of demonstrations, strikes and road blocking to virtually all areas of the country between 2011 and early 2014. This change was however quantitative rather than qualitative. The contentious movement remained local and economistic with little capacity or interest in

⁵ See Adly, A., 2012. "Energy subsidies in the Egyptian budget: A model for social injustice" (In Arabic). Cairo: The Egyptian Initiative for Personal Rights (EIPR). Springborg, R. "Gas and Oil in Egypt's Development. Handbook of Oil Politics". Looney, R.E. ed, *Handbook of Oil Politics*. Routledge, 2012, pp.295-311.

⁶ Fekri, A., Hamdi, K. and Shemeis, Y. "Ministry of Petroleum: Moving the Idku gas project costs the state 4.3 billion pounds", *Almasry Alyoum*, 18 February 2012 (In Arabic): www.almasryalyoum.com/news/details/152654

⁷ Beinin, J. and Vairel, F. eds, *Social Movements, Mobilization, and Contestation in the Middle East and North Africa*. Stanford University Press, 2013.

⁸ Von Bülow, M. and Rossi, F.M. eds. *Social movement dynamics: new perspectives on theory and research from Latin America*. Ashgate Publishing, Ltd, 2015.

⁹ Almeida, P.D. "The Role of Threats in Popular Mobilization in Central America". *Social Movement Dynamics: New Perspectives on Theory and Research from Latin America*, 2015, p.111.

developing nationwide claims over public policies and institutional arrangements. The movement remained fragmented, un-institutionalized and with no clear overarching identity that transcended immediate localized ties on the factory level in the case of laborers, and on the neighbourhood or community level in other instances of mobilization.

Indeed, there were attempts at institutionalizing, structuring and politicizing the labour movement of the 2000s. The most significant was that of independent trade unions that started with the real-estate tax collectors upon their successful strike in 2008. This was an instance where the tax collectors could create a permanent organizational structure that was de facto recognized by the government as a negotiation counterpart. The tax collectors' independent union was followed by a number of other white-collar groups, including pensioners and medical service workers.¹⁰

Following the 2011 revolution, the Egyptian Federation of Independent Unions (EFITU) was established. The unions could register at the Ministry of Labour and Manpower challenging officially for the first time the monopoly bestowed upon the government-controlled Egyptian Trade Union Federation (ETUF). There were attempts at issuing a new trade union law that guarantees freedom of association, especially under the first post-revolution Minister Ahmad Hassan El-Borai, who was personally sympathetic to the cause of the independent unions and nominated by the independent labour movement.¹¹ However, the interim government led by the Supreme Council of the Armed Forces kept the draft law from being issued buying time for the government controlled ETUF. The same strategy was pursued by the Muslim Brotherhood during their brief tenure (July 2012 - July 2013). Following the July 2013 takeover and the removal of the Brotherhood-backed president Mohamed Morsi, the full authoritarian reversal meant the re-imposition of the monopoly of labour representation by the ETUF, the rolling back of the earlier recognition of independent unions and harsher measures against labour action in general.

3.2- The ESRM

The ESRM expanded its presence in the context of heightened social conflict in the 2000s and especially after the revolution in 2011. There is little doubt that the precursors of the movement were there since the inception of the contemporary Egyptian human rights movement in the early 1980s. The group of human rights advocates, activists and lawyers associated with left-wing figures and activists like Youssef Darwish, Nabil El-Hilaly and Ahmed Seif Al-Islam had already a long experience in extending legal support to workers in industrial action well before the relatively recent wave of contention of the 2000s. However, the ESRM started to assume a distinct characteristic of its own in the context of rising social contention where a branch of the human rights movement specialized in

¹⁰ Ramadan, F. and Adly, A., 2015. *Low-Cost Authoritarianism: The Egyptian Regime and Labor Movement Since 2013*.

¹¹ Personal Interview, Abbas, Kamal (13/12/2016), head of the Center for Trade Union and Workers Service, Cairo, Egypt.

addressing socio-economic grievances marking a shift from earlier, and still prevalent, concerns with civil and political rights.

Organizationally, the ESRM is loosely bounded and comprises many institutional and non-institutional components adopting a rights-based approach. It can however be assumed that its core and most vibrant and resourceful component has been made up of professionalized NGOs that have been working as advocacy organizations in a number of fields since the 1990s and especially in the 2000s. “Advocacy organizations are differentiated from other NGOs involved in development and relief work by being single-issue organizations (e.g. Amnesty) and other rights and environment organizations trying to influence public policy”.¹²

This is a common feature with the broader human rights movement and especially the earlier generation of organizations that date back to the early 1980s and that could be said to have started the “NGOization” of the human rights movement. These NGOs were registered usually as civil companies so as to avoid the restrictions found in the laws on civil society organizations.¹³ This made them liable to taxation but granting them more freedom of operation.¹⁴ Most of these organizations assumed a professional guise with headquarters, permanent staff members of secretaries, researchers and lawyers and basing their edge on their ability to provide legal or research services by trained and well-qualified employees.

NGOs however capture only the most-organized component of the ESRM. Like the broader human rights movements, the economic and social rights faction has depended in its operation, information circulation and resource mobilization, on extended, dense and highly informalized networks based on friendship, previous collegueship at the university or a similar *carriere militante* through membership in political organizations (usually underground leftist ones in the 1970s and 1980s). This is why the definition given in this paper tends to be as broad and as dynamic as possible by capturing institutional and un-institutional aspects of the movement, which usually intersect and overlap and are not so easy to separate.

The NGOization and subsequent professionalization of human rights organizations, especially in the direct aftermath of the revolution of 2011, drew career-oriented professional researchers, lawyers and managers into the human rights movement, including its economic and social rights branch. As more professionalization was a result of and as a cause for more access to foreign funding and policy advocacy work and visibility locally as well as internationally, some human rights organizations had the resources to appoint high

¹² Cleary, E.L. *The struggle for Human Rights in Latin America*. Greenwood Publishing Group, 1997.

¹³ Abdelrahman, M.M., *Civil Society Exposed: The Politics of NGOs in Egypt* (Vol. 40), IB Tauris, 2004.

¹⁴ Langohr, V. “Too Much Civil Society, Too Little politics: Egypt and Liberalizing Arab Regimes”. *Comparative politics*, 2004.

calibre people with no prior commitment or ideological adhesion to the human rights movement.¹⁵ Although those professionals contributed to the production of rights-based research and availed human and organizational resources to human rights organizations through paid labour, they could hardly be considered part of the “human rights community”. The community refers primarily to the informal networks of ideologically committed people to human rights advocacy, usually with a long personal, but also sometimes family, history of interaction through private ties via marriage and/or friendship. The human rights community can be considered the pool from which NGO founders, political activists, independent lawyers and politicians with a human rights agenda were drawn.

Increased professionalization was a logical extension of the earlier NGOization strategy adopted by human rights activists in Egypt but also in many countries in the global south. It however became more visible, at least the strife to professionalize in terms of staff, products and organizational structures, in the 2000s. “Professional is better” cannot be separated from the international context since the 1980s, where Northern governments and Northern NGOs were looking for reliable partners in the South. This set a financial and organizational incentive to push for professional NGOs.¹⁶ Moreover, ideational linkages that existed between human rights organizations in the North and in the South either through job experiences, internships, technical support or working within broad coalitions of NGOs seemed all to have pushed for the prioritization of the professionalization of human rights NGOs.

This will however prove to be a restraint on the human rights movement as well as a source of tension in its interaction with the contentious movement. Firstly, increased professionalized represented an instance of importing the American experience of NGOization in the context of the demobilization of the civil rights movement in the 1980s. This corresponded to categorically different conditions from those under which the human rights movement was operating in Egypt and where “the civil” and “the political” could never be effectively separated. Secondly, and as a by-product of the previous point, increased professionalization led to more alienation between human rights organizations, and especially those working on economic and social rights, and the constituencies they claimed to serve as indicated above.

There are cases of contentious groups that coherently and consistently adopted a human rights discourse like Atiba’ billa huquq – Arabic for Doctors without rights – and some neighbourhood and local community-based groups that appeared after the 2011 revolution.

¹⁵ Edwards, B. and McCarthy, J.D. “Resources and Social Movement Mobilization”. *The Blackwell Companion to Social Movements*, 2004, p. 137.

¹⁶ See Walker, R.B. “On the Spatiotemporal Conditions of Democratic Practice”. *Alternatives: Global, Local, Political*, 16(2), 1991, pp. 243-261. Kriesi, H. ed. *New Social Movements in Western Europe: A Comparative Analysis* (Vol. 5). University of Minnesota Press, 1995. Minkoff, D.C. “Producing Social Capital National Social Movements and Civil Society”, *American Behavioral Scientist*, 40(5), 1997 pp.606-619.

These groups and networks constituted an overlap between contentious and human rights movements. Their members are usually recruited from amongst the aggrieved groups and their claims are often related to the direct interests of the members, yet framed in a rights language. This sets them apart clearly and decisively from advocacy-oriented activists, organizations and networks where they work for influencing public policies without being particular beneficiaries of such change.

Atiba' billa huquq, started as an informal group of public sector physical doctors who mobilized in the late 2000s calling for better working conditions as well as general reform of the healthcare system invoking right to health obligations enshrined in the Constitution as well as Egypt's international obligations. The invocation of human rights and a claim on public policies (healthcare system reform) was consistent and went beyond the temporary instrumental use of such rhetoric into the creation of the identity of the group internally as well as in relation to the outside world.

This also applies to the Center for Trade Union and Workers Service (CTUWS), established in 1990 as an NGO aiming at providing social and legal services to workers in Helwan. The CTUWS was staffed with workers along left-wing lawyers and politicians.¹⁷ The CTUWS assumed the legal form of an NGO (registered as a civil company) due to the inability to create an independent trade union at that time. It however effectively functioned as such in many aspects calling for strikes and providing legal aid to fired workers. It got for instance shut down by the Mubarak regime in 2007 following the strike in Mahalla.

This model of rights-based contentious groups witnessed some expansion and popularization in the aftermath of the 2011 revolution where neighbourhood-based, and on rarer occasions village-based groups, were mobilized with claims to access public services or housing or land tenure within a rights-based framework. In a number of Cairo poor and low middle-class neighbourhood, groups that were made up of young people who participated in the revolution, organized and lobbied for better public services and sometimes tenure and secured property. The author interviewed an activist with a group at Meet-Okba, which took the form of a loosely organized popular committee – Lagna Sha'abiyya – between 2011 and 2012. The group lobbied for accessing infrastructure with the local authorities including better roads and tapping into natural gas networks.¹⁸ Similar stories happened in near-by Ard-Al-Liwa and Ezbat A'allam. In all of these instances, young activists dedicated time and effort to negotiate with local authorities for narrowly defined goals related to the direct welfare of the neighbourhood. No massive financial resources were needed for these groups where the activists could capitalize on local knowledge of the community and the high trust they enjoyed there upon representing interests before local authorities.

¹⁷ See footnote 11.

¹⁸ Personal interview, De'bes, Mohamed, a former member of a local neighborhood-based grassroots organization in *Meet-Oqba*, Cairo, Egypt, (7 September 2016).

According to a source,¹⁹ the key factor behind the emergence of such local neighbourhood-based groups was the brief political opening that followed the 2011 revolution. Local authorities were vulnerable during that time to popular demands. They were willing to receive citizens and to positively respond to their demands. These opportunities went away after the July 2013 takeover as the old top-down authoritarian mode of governance came back and it became next-to-impossible to negotiate with local authorities. Together with the deep political divisions that followed the ouster of the Muslim Brotherhood and the intensifying repression of association and popular mobilization, most of these neighbourhood groups died out with their members de-moralized and the authorities less tolerant.

4. A body without a Head and a Head without a Body

Despite the partial successes by the ESRM in tackling contention, no organic relationship developed between the two movements. On the one hand, the contentious movement did not strategically adopt an economic and social rights discourse in any way that would have enabled it to get beyond its local, largely apolitical and un-institutionalized characteristics in favour of a nation-wide targeting of state policies and institutions. On the other hand, the human rights movement was unable to cultivate strong and continuous organizational or discursive links with the broader contentious movement in a way that could have provided it with the depth and weight needed against potential authoritarian reversals like the ones that happened after July 2013.

The large contentious movement since the mid-2000s could best be described as a body without a head. It was a movement that involved hundreds of thousands of people and engulfed tens of sites including factories, industrial centres, rural communities and neighbourhoods but had no nationwide organizational structure, a common political discourse or a clear leadership.²⁰ Contrastingly, the human rights movement in general and the one working on social and economic rights in particular was like a head that had no body. Made up of an inner core of politically committed leaders and activists with a strong ideological leftist background and an agenda for social and economic change based on an international rights reference, the economic and social rights movement had big claims on state actions that nevertheless involved disenfranchised and aggrieved constituencies other than its direct members.²¹

The ESRM hence was the head that sought a body. Its central role has been as a broker: coordinator and translator but also leader to the broad local and largely apolitical

¹⁹ Personal interview, De'bes, Mohamed (7 September 2016).

²⁰ Ramadan, F. and Adly, A. *Low-Cost Authoritarianism: The Egyptian Regime and Labor Movement Since 2013*, Carnegie Middle East Center, 2015.

²¹ See footnote 14.

contentious movement. The ESRM was in charge of articulating, producing and communicating a political discourse that could capture and transform local grievances into coherent rights-based claims on the public, defined as state actions. Yet, despite partial successes in areas like strategic litigation and legal service provision, networking and media campaigning, the head-body detachment proved persisted and could not be altered even with the brief political opening between 2011 and mid-2013.

The main argument this paper forwards is that alienation between the two movements captures in a nutshell the reasons behind the failure to develop organic relations between the ESRM and contentious movements. Alienation here can be defined as a mutual consciousness of the lack of a common identity among the components of the two movements and hence the potential or actual divergence in interests, goals, outlooks and rhetoric in a way that undermines or at least limits their interaction as components of a single movement aiming at social and economic change. This alienation resulted from various factors, some of which belonged to the broader socio-political context such as extended authoritarian rule and a consistent de-politicization and weakening of the Egyptian society as a whole. However, many actually have to do with the incoherent and self-contradictory strategies adopted by the human rights movement in the face of such restraints in a manner that led to perpetuating instead of overcoming them. The main contradiction lied in the resort for NGOization and civil societization as the means for the resumption of leftist political struggle.

The economic and social rights movements kept no virtual separation between its functioning within the civil and political societies and hence between what is political and what is rights-based contention. Rights-based advocacy organizations and networks were the functional substitute and the extension in time of left-wing organizations and networks that had clear ideological stances towards class conflict in the 1970s and 1980s with a special targeting of the labour – and to a lesser extent peasant – constituencies.²²

In the 1980s and 1990s, human rights advocacy and the seeming professionalization of these groups was more of a strategic choice made in order to better overcome the legal and institutional constraints imposed by an authoritarian regime with little tolerance for political activism, be it along party or non-party lines. The economic and social rights movement has hence inherited the challenge that the leftist movement had to contend with historically in Egypt (as well as in other developing countries) in their continuous attempt to link social with political conflict by primarily developing class-based organizations, discourses and policy agendas. This however proved to be a hindrance to the achievement of the original goals of political activism as it exacerbated actual and perceived alienation between the ESRM and its aggrieved constituencies. The sources of alienation were twofold: the conflict over the distribution of resources and over representation, and especially with regards to

²² See footnote 14.

external brokerage functions like media coverage, campaigning and policy advocacy as stated earlier.

4.1- Conflict over Resource Distribution

Uneven access to resources has been one major source of alienation between the ESRM and contentious movements in Egypt. Human rights groups and organizations have always had far better access to financial, physical, human, social and cultural capital thanks to the middle class-background of their founders, members and adherents. The process of resource allocation from the ESRM to groups and individuals undertaking contention has usually been tension-ridden and bore the risk of developing a clientelistic relations and/or an opportunistic behaviour, potentially from both sides.

The source of funding of advocacy groups and organizations is also very critical for their credibility in the eyes of those whom they are supposed to be supporting, especially where most of the funding was foreign, hence a source of political (and possibly legal) liability.²³ The risk of clientelism is twofold. First, it has to do with foreign funding where human rights groups and organizations depend in the financing of their operations on money emanating from abroad. This bears the risk of making them clients in a way that undermines their genuine commitment to the forwarding of a human rights agenda. The main concern here was that dependency on foreign funding would make these NGOs develop structures, agendas and programmes that fit the interests of their patrons, be they foreign governments or private foundations, rather than addressing real problems in their proper contexts. Foreign funding is a trait that human rights organizations shared with development and purely service-oriented NGOs, which makes the literature on the latter of relevance in critiquing the former.

Many scholars in the 1980s and 1990s stressed the unequal interaction between southern NGOs and donor and sponsors in the North, be they governments or Northern NGOs. NGOs, especially those operating in the fields of service delivery and development, were the hardest criticized. Green and Mattias (1996) called them comprador NGOs. Marcussen (1996) and Kothari (1988) before held them as agents of key global agencies pushing for a neoliberal agenda and as tools for the reshaping of third world societies. They were also criticized for treating the symptoms of the illness rather than its causes where they deliver services to the poor but do not tackle the reasons for their poverty. This went hand in hand with the attempt at depoliticizing issues of poverty, marginalization and unemployment by treating them as technical or individual issues.

Even though this classical critique of the role of foreign-funded NGOs in the South may apply to some cases or even segments of human rights NGOs, it does not seem to apply to the ones working on social and economic rights. As a matter of fact, the exact opposite

²³ See footnote 14.

could also be said. These NGOs were among the most politicized and that bore a clear ideological stance, be it liberal or social democratic. Economic and social rights organizations were moreover of a generally strong anti-neoliberal stance and most of their activities had to do with fighting neoliberal reforms or reversing earlier policies. They were hence closer to being counterhegemonic be it to the Egyptian government or to its neoliberal patrons like the International Monetary Fund, the World Bank or the USAID.²⁴

ESRM organizations worked moreover on politicizing popular economic and social demands by coordinating them and advancing their causes through policy advocacy, media and strategic litigation. Some of these human rights organizations drew financial and organizational support on many instances from anti-neoliberal and anti-globalization movements and organizations in the 1990s and 2000s. However, others still dealt with mainstream Northern NGO donors and sponsors without undermining their autonomy and their pursuit of an anti-neoliberal agenda. Overall, it could be said that foreign funding did not undermine the development and pursuit of genuine and homegrown agendas of social and economic rights.

We also have instances in which the interaction between the two movements was marked by cooperation where the ESRM would extend legal, logistical and organizational support to the contentious movement and where the latter would strategize on the resources made available by the former. In Al-Qursaya case for example, the local community made use of the legal service provided by a consortium of human rights organizations (primarily the Egyptian Center for Economic and Social Rights and the Egyptian Initiative for Personal Rights) and networks along access to media and appeal to the broader public. Al-Qursaya is a Nile Island in the heart of Cairo with a local community of farmers and fishermen. The island was claimed by the armed forces to be a military zone to the detriment of the livelihood and land tenure of the local community. There were earlier attempts under the Nazif government (2004-2011) at dispossessing the locals of their land by allocating the island to Arab investors. There was talk in 2012 that the military claim over the island had to do with some partnership with the same Arab investors. The local community mobilized in protest and received legal service from a number of human rights organizations and lawyers and other less institutionalized groups of activists that had a stance against trying civilians before military courts. The Supreme Administrative Court issued a verdict confirming the rights of the local community in their land but without denying the military its presence over the island as a military zone.

Similarly, Al-Dabaa community in the north-western coast of Egypt had an experience with the EIPR in 2011/2012. The local community of the northern coast, reached out to the human rights movement in support of their claim over land plots that were sequestered in

²⁴ See Nelson, P. and Dorsey, E. "New Rights Advocacy in a Global Public Domain", *European Journal of International Relations*, 13(2), 2007, pp. 187-216. Pratt, N., 2005. "Hegemony and Counter Hegemony in Egypt: Advocacy NGOs, Civil Society, and the State". *NGOs and Governance in the Arab World*, pp.123-50.

the early 1980s by the government for the establishment of a nuclear plant. Following the revolution of 2011, the local community stormed into the expropriated plots that were officially given for the establishment of the reactor and took over the land by force. They then reached out to the EIPR for advocacy, media coverage and potential legal service. The local mobilization was put to an end with the coming back of the military to power and the revival of the Al-Dabaa nuclear reactor project.

Even before the revolution, the Hisham Mubarak Law Center used to extend legal and logistical services to protestors, namely workers, who staged sit-ins in front of the parliament bearing economic demands.

In most of these instances, the ESRM played a strictly supportive role to the contentious movement. No clientelism, manipulation or competition over interest representation prevailed over cooperation. The interventions were generally professional – rather than clientelistic or political – and were also enabling by supplying the contenders with resources that otherwise they lacked. Overall, there was no undermining of the independence or genuineness of contention in these cases.

A caveat of this study would be the need for an extensive and comprehensive exploration of the impact of foreign factors on the operation, structure and agenda development of human rights NGOs. Foreign funding is one central feature, however, it is by no means the only one at work where most human rights networks and organizations have strong ideational linkages with Northern NGOs (e.g. Amnesty International or Human Rights Watch) through previous working experience or internships or training courses etc. Many have been members of global coalitions like the anti-globalization movement or ATTAC (Association pour la Taxation des Transactions Financières et pour l'Action Citoyenne). It would be interesting to understand the complex dynamics of how these different factors interact with each other and shape the human rights movement and its environment. For instance, how was it possible for the ECESR to keep its foreign funding despite its pronounced anti-neoliberal agenda and its central role in barring or reserving neoliberal measures?

4.2- Professionalization and Class-based Alienation

The other powerful factor behind alienation is the differential class backgrounds of the members of the two movements in a way that may provide varying and sometimes contradictory outlooks and interests. This class-based alienation could be bridged by the credible expression of ideological commitment to the cause of the contenders. However, this itself becomes problematic with the NGOization and increasing professionalization of human rights organizations.

Most Southern NGOs, including human rights advocacy ones, were usually founded and staffed by aspiring middle class professionals and entrepreneurs who spoke for the

marginalized without sharing much with them in social, economic or cultural terms. Like development NGOs that claimed to empower the poor and the marginalized, human rights NGOs claimed to forward the interests of the poor, the abused or the marginalized. This contradiction has usually led to the rise of alienation and clientalism with the poor and sometimes even of purely opportunistic relations where NGO managers would make use of the poor beneficiaries so as to secure routinized funding.

This has been clearly a source of alienation and a restraint on the ability of the ESRM to develop genuine cooperation with those directly engaged in contentious action. A source talked about the lack of long-term commitment from human rights activists towards the groups they support and service.²⁵ The sustainability of cooperation is usually contingent on continued funding or even the continued presence of certain persons who are interested or ideologically committed or who are promoting their professional career. A personal experience the author had was with a street vendors' group in downtown that established ties with the EIPR in 2012. Cooperation was discontinued upon the author's resignation and travelling abroad as a result of a career shift from human rights research to academia in 2013. Two other interviewed sources expressed the same concern upon their work with local communities or neighbourhoods or workers involved in contention. There was a general mistrust from the members of the contentious movement in having reliable, continued and long-term cooperation with human rights lawyers and researchers.

4.3- Representation and Impersonation

It has already been mentioned that the ability to perform external brokerage required the assumption of the ESRM of a representative character of contentious groups vis-à-vis the outside (namely the state but also society at large through media exposure). Representation is a contentious matter by nature, especially given the potential or actual tension over the access to resources and differential class backgrounds.

There is the example of CTUWS, which was established in the 1990s by a labour activist as a human rights NGO specializing in delivering services to workers. The organization according to a source developed into a source of competition or even rivalry with the workers' movement after the revolution of 2011.²⁶ As white-collar employees attempted to establish a federation of independent unions (the Egyptian Federation of Independent Unions: EFITU), CTUWS leader Kamal Abbas rushed to establish a rival federation.²⁷ This move weakened the still organizationally fragile independent union movements. According to Ramadan, this revealed an old tension over who represents workers and whether human rights activists and leaders of NGOs could actually do this job given the absence of a strong class of trade unionists and labour politicians. The CTUWS however never considered themselves as essentially an NGO, despite the legal form they had to take due to the

²⁵ Personal interview, Fatma Ramadan, Unionist and human rights activist, Cairo, Egypt (24 August 2016).

²⁶ See footnote 25.

²⁷ See footnote 25.

restraints imposed on the independent labour union. According to Abbas, the CTUWS has always been a workers' organization that managed to instil a strong presence in different industrial centres since the 1990s including Mahalla, Helwan and Shubra. It has always been staffed with workers and leftist activists with a strong communist background.²⁸ They were hence part and parcel of the workers' movement from the very beginning.

The problem could be even traced to the 1990s and 2000s where members of the ESRM would represent the demands of workers (and peasants) in conferences abroad. Not only was this driven by a self-interested agenda for the sake of better funding and more visibility abroad, but it also had to do with a deficiency in trade unionists that could speak of general demands and claims of the workers' movement that go beyond the interests of their immediate local constituency.

It is fair to say that many limitations hinder the ESRM from taking a political representative character of the contentious movement. Human Rights activists, lawyers and most definitely NGO professionals can by no means replace or substitute for the lack of the long-absent class of politicians and unionists. Moreover, unlike leftist politicians and political party activists and candidates, members of the human rights movement do not have the incentive of reaching out to aggrieved groups in pursuit of votes. The ESRM can only perform representative tasks on certain narrowly defined issues (e.g. the ones that require the experience or resources of the ESRM) and in cooperation with organic representatives of groups and communities undertaking contention.

The absence of such class of politicized leaders with a nationwide view is a result of a long and continuing legacy of authoritarianism and the systematic de-politicization, localization and fragmentation of socio-economic contention in Egypt. The break of such restraint can only happen in a broader context of democratization, which may allow the politicization of contention and the emergence of nationwide movements demanding policy change. The brief opening between 2011 and 2013 did allow the beginning of such processes that were halted by late 2013. Figures from the human rights movement could explicitly play a political role, and hence seek to represent their constituencies. This was most apparent in Khaled Ali's running for presidency in 2012. This could be seen as an attempt at initiating a political career for the leftist lawyer and former head of ECSEER.

However, the context of intensive politicization and popular mobilization allowed the emergence of organic politicians, who combined dense local knowledge of their direct constituencies with a national outlook. This was mostly the case in middle-class contentious movements, like the ones amongst skilled civil servants (e.g. doctors, pilots, teachers) and impoverished traditional middle-class neighbourhoods that mobilized for public service on the local level. The revolutionary experience led to the creation of local activists who were

²⁸ See footnote 11.

usually young and with university education and who could frame immediate, economic and often particularistic demands in a national agenda. They were also members of wider networks of youth activists and political party members. These activists (or aspiring politicians) reported fluid interaction with human rights activists given the similar background and the less need for financial support from NGOs.²⁹ They moreover proved capable of framing demands and claims in a human rights language. This may have provided a new arena for the influence of the human rights movement on society as a whole in a way that goes beyond the narrow circles of professional NGOs or even the human rights community. These venues however were soon closed with the re-imposition of authoritarian rule as of mid-2013 and the intensive de-politicization process to which the military subjected society amidst the crackdown on the Muslim Brotherhood and more generally on popular protest.

5. Describing and Conceptualizing the Interaction between the Two Movements

This section aims at thoroughly studying the patterns of interaction and overlap between the ESRM and the broader contentious movement in Egypt through the last decade. It will describe and conceptualize different forms of interaction. The following section will seek to analyze and problematize such interaction in the build-up towards a big argument.

To start with, the interaction between the ESRM and the contentious movement has not been uniform. In general, it assumed a cooperative form but it also had instances of discord and even competition and rivalry. Overall, the ESRM would perform two overarching functions in its interaction with contentious movement: The first is that of service-provider (legal, logistical and less frequently financial) to the usually less-equipped and resource-poor contentious movement and; the second is that of a broker, i.e. coordinator of action, resource dispensing and framing of demands and claims between the various components of the contentious movement and between it and the rest of world. There were also instances of competition and rivalry within the human rights movement itself along personal lines as well as over access to economic resources from foreign donors. According to an interviewed source from the human rights movement, this internal rivalry led to many instances of uncoordinated use of limited resources where the same activity for example would be held twice serving the same constituency or locality.³⁰ The adverse sides of the interaction between the two movements will be covered more extensively in the next

²⁹ See footnote 18.

³⁰ Personal interview, Mohamed Adel, member of the Egyptian Center for Economic and Social Rights (ECESR), Cairo, Egypt (10 August 2016).

section, which tends to problematize the interaction between the two movements. Now, light will be shed more on interaction in terms of cooperation, coordination and exchange.

5.1- Service-provision

The first function of a service provider indicates straightforward interaction where ESRM organizations and networks would deliver various kinds of service to groups and individuals undergoing acts of contention. In these instances, human rights entities remain in the background providing assistance and support to the main protagonists of the contentious movement.

Legal service has been one of the most frequently offered. It entails the defence of protestors or strikers upon detention or prosecution together with legal advice by professional lawyers to individuals and groups involved in contentious action. Legal service has been one traditional area of expertise and activism for human rights groups and since the inception of the movement in the early 1980s. What applied first to cases of human rights violation (like torture and police brutality) extended later to defending striking workers upon arrest, or when employees and workers were fired for union activism or any other arbitrary measures taken against them.³¹ Legal services were also proactive in certain instances like enabling workers to establish their own independent unions or legally contesting allegedly rigged elections in the state-controlled trade union federation: the Egyptian Trade Union Federation.³² This happened with Dar Al-khadamat Al-niqabiyya (Center for Trade Union Services) and the Center for Human Rights Legal Aid (CHRLA) in the 1990s and with the ECESR immediately before the 2011 revolution.

Legal service was however not the only kind furnished by the ESRM organizations and networks; there were also logistical, networking and educational and organizational services. An example of logistical service is hosting meetings or providing in-kind support to contentious activities like blankets, shelter and food for strikes and sit-ins (e.g. Hisham Mubarak Law Center's support of sit-ins before the parliament in 2009 and 2010). Logistical services had also to do with coordinating action among different components of the contentious movement given its localized and highly fragmented nature. In a similar vein, the ECESR played a central role in coordinating the labour movement since its inception in 2009 and especially after the 2011 revolution.

Networking has been a third kind of service where human rights groups and organizations would expand the outreach of contentious movement groups by introducing them into other relevant actors, be they within the state (including members of parliament) or in the

³¹ It should be borne in mind that defending workers involved in contentious action most probably stretches back to the 1940s when lawyers with communist and socialist leanings would perform such service.

³² See footnote 11.

political and civil societies like unions, syndicates and political parties together with mass media.

For instance, in 2012 a street vendors' association in Cairo approached EIPR³³ requiring legal and advocacy help with a view to amending the street vendors' law.³⁴ The EIPR provided legal advice but its principal contribution was in the networking domain by contributing to the efforts of linking various street vendors' unions in a number of governorates together with other supporting groups. A number of these meetings took place in the EIPR headquarters in Cairo coordinating movement and deliberating about the draft law in 2012. The EIPR also introduced the vendors to an engineering office in downtown Cairo that was developing an economic model for street vending in harmony with other social uses of the public space. Street vendors' activism in downtown continued for some time till the takeover of July 2013 where again local authorities became less open to entertain popular demands. Moreover, authorities became less tolerant to forms of public protest or grassroots mobilization in the context of the crackdown on the Muslim Brotherhood and its affiliated Islamist groups. Once again, the structure of political opportunity seems to explain best instances of local mobilization.

Service delivery, even though usually confined to non-material and non-monetary forms, has been one of the most tension-ridden areas of interaction between the two movements. Service delivery sprang in the first place out of clear unevenness in the distribution of resources between the human rights groups and organizations on the one hand and those directly involved in contention on the other hand. This has on many instances created an element of alienation among components of the two movements and has also created a risk of clientelism and opportunism that went against genuine cooperation for policy change.

The tension over resource distribution within social movements has been treated dully by the literature. Emphasis was put on the fact that the asymmetry of resource allocation is the source of potential cooperation as well as tension.³⁵ There has also been emphasis on what seems to be a global trend within social movements where resources (material as well as human, social and cultural capital that can be transferred through training or expressing solidarity or political support by powerful actors) are almost always skewed in favour of middle-class-based groups and organizations in relatively rich urban centres compared to non-middle class and peripheral groups that are usually the protagonists of contentious action. This unevenness stresses the alienation and class heterogeneity within the movement and is likely to increase with the advancing professionalization of human rights organizations as well-educated career-oriented researchers and officers are more likely to

³³ See footnote 2.

³⁴ Adly, A, (forthcoming) "Street vendors in Cairo after the January revolution: A social movement perspective", in *Protestors and Protest Forms in Egypt after the January Revolution*, Arab Reform Initiative, 2018.

³⁵ Edwards, B. and McCarthy, J.D. "Resources and Social Movement Mobilization". *The Blackwell Companion to Social Movements*, 2004.

face credibility problems with the aggrieved groups they are supposed to be serving and empowering.³⁶ This observation will be treated more thoroughly in the next section.

5.2- Brokerage

Beyond direct service delivery, other venues of interaction between the two movements are better captured under the concept of brokerage, developed in the social movements literature,³⁷ and defined as the “linking of two or more currently unconnected social sites by a unit that mediated their relations with each other and/or with yet another site”. Playing the role of brokers means that the ESRM becomes central in linking different actors within the contentious movement together as well as with other actors outside of it, be they in civil or political societies or in the state apparatus. Internal brokerage implies that the economic and social rights movement becomes the centre for the coordination of joint actions, pooling and resources allocation, and “the negotiation of common frames”.³⁸ Conversely, external brokerage entails the translation and vocalization of the members’ claims and communicating them outside of the boundaries of the contentious movement.

The other function is more of a constructive one, which is that of translating and vocalizing the members’ claims. Here the ESRM used tactics through which local, particularistic, myopic and apolitical demands raised by popular contentious groups could be translated into nationwide and more generalized claims over state public actions. This is an internal process where ESRM organizations, networks and individual activists would serve as articulators and mediators for the creation and negotiation of a supra-identity for the contentious movement. It also has an external dimension where ESRM serves in communicating and representing the claims of the contentious movement to the broader public opinion as well as other actors that lie outside of the contentious movement.

The brokerage function of the ESRM appeared in a number of tactics employed during the period of study including strategic litigation, policy advocacy and media campaigning.

5.2.1- Strategic litigation refers to legal action before courts so as to change the rules of the game forwarding human rights obligations. Strategic litigation was one powerful tool in performing the translation function within the contentious movement as well as outside of it. Strategic litigation has been based on invoking the contradictions between the Egyptian state’s constitutional and international obligations in areas of economic and social rights on the one hand and actual policies on the other hand. It proved to be a potential area for the production or undoing of some state public policies and actions. It also served as an important

³⁶ Abdelrahman, M.M., *Civil Society Exposed: The Politics of NGOs in Egypt* (Vol. 40), IB Tauris, 2004, p68.

³⁷ McAdam, D., Tarrow, S. and Tilly, C. “Dynamics of contention”. *Social Movement Studies*, 2(1), P26, 2001.

³⁸ Lavalle, A.G. and von Bülow, M. “Institutionalized Brokers and Collective Actors: Different Types, Similar Challenges”, *Social Movement Dynamics: New Perspectives on Theory and Research from Latin America*, 2015, p.164.

channel through which particularistic and local demands held by various components of the contentious movement could be translated into national claims over state actions.

One of the most expressive examples of strategic litigation was in the successful intervention by the ECESR, which secured a Supreme Administrative Court ruling obliging the state to set a minimum wage for public and private-sector workers. This was an example where professional – and ideologically motivated – lawyers could win a national gain for a movement that had been on the rise in the public sector calling for better wages. The ECESR could capitalize on its dense ties with the independent labour union movement and the broader circles of labour and leftist activists in order to come up with a generalized demand over minimum wages that could address in a comprehensive way the demands of the whole labour force, primarily those in the public sector including civil servants. The minimum wage served as a political agenda on the national level for the independent labour union movement before the 2011 revolution. The success achieved could be interpreted in the clear division of tasks between the ECESR as a professional legal human rights organization and a powerful organization springing from within the labour movement: independent unions.

Another case of strategic litigation before the revolution was the EIPR's intervention in the right to health areas in 2007-2008. The EIPR challenged the government's decision then to establish a holding company in charge of healthcare. The decision was perceived as a prelude to privatizing the state-owned agency in charge of healthcare insurance. The EIPR issued a lawsuit before the Administrative Court calling for annulling the Prime Minister decree. The EIPR won the case in 2008 (EIPR 2008) halting the privatization drive in the healthcare realm. This instance of strategic litigation happened in close cooperation with groups working on the right to health in Egypt. The cause however was not as popular as the minimum wage, which involved a direct benefit for the labour movement at large.

Strategic litigation was mastered by the ECESR towards the end of the 2000s. Its roots however seem to extend back to Ahmad Seif Al-Islam, who used to call it "constitutional litigation".³⁹ Litigation, unlike direct legal service, involves the direct interaction between human rights lawyers and legal firms on the one hand and the court system on the other hand with the aim of changing or challenging laws and regulations in certain areas restricting social and economic rights.

Strategic litigation was used in two primary areas in the last several years. The first was the institutionalization or legalization of material gains for the labour movement, namely the case of 2009 obliging the state to set a minimum wage for workers according to the labour code no.12/2003. The verdict was one successful case of translating nationwide, yet particularistic and uncoordinated, strikes since 2004 calling for better wages and working

³⁹ See footnote 30.

conditions. The other area for strategic litigation was targeting the reversal of earlier neoliberal policies, primarily in areas of privatization of state-owned enterprises (SOEs). This was most successful following the 2011 revolution and cannot be understood away from its general context. In these cases, the Supreme Administrative Court annulled a number of governmental contracts according to which SOEs were originally privatized and ordered the government to retrieve divested assets.⁴⁰

Strategic litigation was one influential tool with far reaching impact not only on how the state was to relate to the market but also on the politicization and translation of the demands of the popular contentious movement into consolidated claims on the public policy level. It also included policy reversals by targeting the annulment of privatization deals. A series of verdicts were won by the same centre causing a de facto reversal of earlier pre-revolution privatization deals. In a number of cases, the court even obliged the state to recover the privatized state-owned assets, as was the cases with Tanta Lil Kittan and Al-Maragel Al-bukhariyya.

It could therefore be said that in these instances that the imprint of the ESRM was translating scattered and apolitical demands into claims over public policies. This was the historical role played by leftist parties and organizations, which were perceived to play the role of the vanguard in leading (and actually creating the collective identity) of the working class. The ESRM was ideologically linked and organizationally indebted to the efforts of an earlier generation of communist activists who had clear stances and strong ties with the working (and peasant) classes. It appears then that the goal in the 2000s was to reach out to the popular movement that included hundreds of thousands of workers as well as marginalized communities protesting state policies and to work on the creation of a political project out of this.

Beside strategic litigation, coordination and translation took place through policy advocacy and media campaigning, which were two tactics employed by the ESRM, especially in the aftermath of the 2011 revolution.

5.2.2- Policy advocacy refers to instances where human rights groups, individual activists and organizations would embark directly on the effort of advocating policy changes through influencing the legislature, the executive and other relevant political actors like political parties.

Before the 2011 revolution, there was limited space for policy advocacy given the closed structures of policy-making, the overconcentration of power in the executive and security restrictions on the media. This changed dramatically following the revolution. Media, private newspapers and TV channels but also social media became more politicized and

⁴⁰ Adly, A. "Mubarak's Egypt: A state of corruption" (In Arabic). Cairo: Egyptian Initiative for Personal Rights, 2012.

more open for deliberation about public policies. Moreover, the authorities became more receptive to popular demands. The entry channels into the political system increased relatively, especially with the short-lived parliament of 2011/2012, many human rights groups intensified their advocacy work asking for legislative changes in areas of basic social and economic rights like labour laws and regulations, including labour union law. These attempts were however of a limited nature given the fact that power soon got concentrated into the hands of the executive again after the disbanding of the parliament in June 2012. Policy advocacy happened through political allies after the revolution especially left and centre-left parties (e.g. the Egyptian Social Democratic Party and the Popular Alliance Socialist Party) and MPs who shared convictions, members and sometimes even leaders with the ESRM, as has been the case with the two aforementioned political parties. The lack of strong political allies proved to be a serious point of weakness that put the social and economic rights movement in a vulnerable position towards any authoritarian reversal.

Even after the July 2013 takeover, ESRM organizations tried to play a role in advocating basic social and economic rights. There were resumed attempts by the independent labour union movement and their human rights allies to push for a new trade union law trying to take advantage of having Kamal Abu-eita, the historical leader of the independent union movement and the founder of the first independent union in 2008, as minister of labour and manpower in 2013. There were negotiations around reviving the old draft once developed in 2011. This was to little avail given the concentration of real power in the hands of the military and the predominance of security agencies/concerns on the work of the government. A similar development happened with the constituent assembly in charge of setting a new constitution in 2014. Human rights organizations tried to pull some strings and to use the presence of sympathetic figures and politicians in the assembly. Some advocacy in areas of healthcare and education were successful, at least partly. However, the overall process was quite top-down with the constituent assembly having limited real power over the drafting of the constitution in favour of the military, which wielded most of the influence.

It is however important to consider the problematic nature of advocacy and the translation and vocalization functions in general in that they require a minimum level of representativeness. Whether human rights groups and organizations represented the aggrieved constituencies or groups they wanted to reach out to is something that could not be taken for granted. In many instances, the two movements shared neither the same interests nor common outlooks. Moreover, representativeness presumes the presence of well-developed channels of communication and coordination so as one party could play the role of advocate. It is not clear whether this was present all the time. This point will be tackled in more detail below in the section problematizing the interaction between the two movements.

5.2.3- Media campaigning is an effort whereby human rights activists and organizations could contribute to the formulation, representation and communication of contentious politics in a coherent discourse that holds claims on the public policy and institutions. Media campaigning was closely related, and access to it was almost conditioned, by the political opening of the post-2011 revolution in Egypt. The issue of media campaigning is quite important not just given its potential impact on achieving the goals of the two movements but also for examining the interaction between them. This can be an element of cooperation where human rights lawyers, activists or researchers use their better-developed cultural capital in order to publicly represent local issues of contention. Yet, like advocacy, media campaigning can itself be a source of tension with regards to how representative is the ESRM of the direct member groups and individuals undertaking contention.

6. Conclusion: a Hand Rather Than a Head

Social conflict in Egypt over the distribution of economic resources has been centered on the state and its policies and institutional arrangements. It was invigorated in the 2000s as the pace and scope of neoliberal reforms became quicker and broader. The expressions of social conflict and contention however remained local, economistic and largely apolitical. This was the result of the long legacy of authoritarianism since the 1950s, which undermined and crippled the society's associative capacity, whether in the political society with regards to parties and other organizations or within the civil society including labour unions. A weak associative capacity disabled the development of a politicized discourse with claims over the public on the one hand. It also kept contentious politics within the confines of the Nasserist moral economy, which was historically based on the de-politicization of society and the exchange of political rights for economic entitlements as part of a broader process of state-led authoritative modernization.

De-politicization and weak associative capacity led to the absence of political entrepreneurs, be they party leaders, local politicians or union activists, who could have contributed to the weaving of local and particular grievances into claims over state actions and policies. These structural restraints, which resulted from past human actions under resilient authoritarianism, enabled the contentious movement in the 2000s to expand quantitatively rather than to develop qualitatively. The 2011 revolution did not change these long-lasting features, possibly given the very brief political opening between 2011 and 2013. Yet, even after the revolution, there was a remarkable inability of political actors, both party leaders and revolutionary figures as well as activists, to reach out to the body of contentious politics by appealing to these constituencies with political rhetoric and programmes either for electoral support or to stabilize the economy. Major political forces were too socially conservative to develop such discourse. This was made clear by the condemnation of social and economic protest after the toppling of Mubarak as particularistic or even as a plot by

the ancient regime networks. Other political forces were simply too opportunistic to give credibility to their rhetoric. Either way, the brief political opening witnessed virtually no reaching out by political parties to the body of social and economic protestors either on the discourse level or through sustainable organizational ties.

The economic and social rights movement has reacted to the expansion in contentious movement even before the 2011 revolution (and in a way, that led to its irruption in one way or another) by filling this vacuum of absent organic politicians. It used strategic litigation, advocacy, media campaigning, coalition building, coordination and a myriad of other services given to those who are contending state policies in an effort to transform local and economic demands into a political discourse with claims over the public. Some successes were struck in doing so, but the movement also faced many limitations that sprang from its internal structure and culture, or of that of the contentious movement or had to do with the broader political context in Egypt.

Overall, the gains made by NGOization, civil societization and professionalization (access to resources and recognition) came at a high price of alienation from the aggrieved constituencies undertaking contention and hence hindering the development of organic links between them. The head remained severed from the large leaderless body. Civil society cannot do the job of political society and NGOs; professional lawyers and even activists cannot substitute for politicians. The most successful cases of intervention happened in areas of internal brokerage where the ESRM would perform the role of an assisting hand rather than a head. This of course requires that contentious groups themselves have organic leaders from within their own ranks that can do both tasks of knowing and feeling local grievances while being able to express them in broader political terms. However, one cannot condition successful functioning of the ESRM on the presence of a *deus ex machine* contentious movement that has leaders and is politicized and organized on a sectorial or national basis.

The production of a political class is something that definitely goes beyond the capacity and the mission and responsibility of the human rights movement. Its absence is rather a restraint that has to do with decades of authoritarianism and deliberate weakening of associative life and collective political action in Egypt since the 1950s. Yet, it is important to know that the professionalization and NGOization strategy pursued by leftists as a backdoor to politics has met little success. "Groups seeking to challenge authoritarian rule require widespread popular support, and NGO advocacy organizations, which are typically single issue groups with small local constituencies dependent entirely on foreign largesse are ill equipped to lead the change".⁴¹ Trying to "impersonate" contentious groups has also proven to only increase alienation and conflict between the two movements. Meanwhile, the production of a political class that can be allied to human rights is something that

⁴¹ See footnote 14, p200.

depends on macro-social and political changes. This process takes time and is by no means simple or straightforward. The question here is whether the human rights movement can actually contribute to the development of such a class in their interaction with contentious groups, at least those that belong to the middle class.

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The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

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