Egyptian Professional Syndicates

18 Years of struggle *with* Law 100

State guardianship and disrupting elections and associations

Lawyers, engineers, physicians and journalists

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Editing and Introduction

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A journalist, writer, researcher, and translator, he is an activist on workers', farmers', unions', and social rights, and has many studies and articles on those subjects. He is a member of the Egyptian Journalists Syndicate; he worked in the weekly newspaper "Al-Arabi" and has a rich experience as a journalist in Egypt.
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Preface

Karem Yahya

Professional unions in Egypt enjoy remarkable weight, despite the restrictions and problems resulting from working in a non-democratic context. At the very least, it can be noted that the number of their members has increased to exceed eight million in 2021, according to the Central Agency for Public Mobilization and Statistics (CAPMAS), which is an official source specialized in statistics.

The features of this weight are not limited to the growth of membership to this extent, with the increase in the number of these unions from 7 at the end of the forties of the twentieth century to 32 unions, each monopolizing the representation of its profession according to the text of Article 77 of the 2014 Constitution. Rather, there is a long history of the oldest of these unions in the national, democratic and social struggles of Egyptians, as well as in the struggle with the state authority, which has continued to seek to dominate these unions, subjugate them, limit their independence and influence on political and public affairs, as well as employ them to enhance its legitimacy and influence over society.

Professions and their unions are necessarily at the heart of public life. It is not only about collective positions and unions as entities with moral weight in political and social conflicts, and at turning points that shape Egypt's history since before World War I, but also because many of the leaders of the national movement and the symbols of the political elite came from the ranks of the legal profession and the press. Perhaps this is due to the predominance of struggle by law and word against foreign occupation, as well as for a constitution and democracy.

It therefore made sense for academic research to focus on professional associations in Egypt, since the emergence and prevalence of terms such as "interest groups' and "civil society' by

1. Ahmed Fares Abdel Moneim, Interest Groups and Political Authority in Egypt: A Case Study of the Bar, Journalists, and Engineers Unions in the Period 1952-1981.
2. Jano Theodore Charbel, Trade unions & professional syndicates of contemporary Egypt: Regulations, rights & violations, The American University in Cairo, school of humanities and social science department, master's degree, February 2005.

the eighties, and in particular with the Egyptian Bar Association and the Egyptian Journalists Associations. For example, a doctoral thesis at the Faculty of Economics and Political Science, Cairo University, discussed and approved in 1984, subjected these two syndicates to study, to which the Egyptian Engineers Syndicate was added.

Also, A master's thesis at the American University in Cairo dating back to 2005 selected the Bar Association to study its relationship with state power and compared it to the Textile Workers' Syndicate in a time period later than the time frame of the previous thesis.

Unlike Europe's heritage since the Industrial Revolution, the term "trade unions' is distinct in the Egyptian context from trade unions, and in an effort to break out of the umbrella of the term "trade union' adopted on a wide global scale without distinction between workers and professionals, the American University researcher Jano Sharple, in order to keep pace with the Egyptian case, used the terms "white collar' for members of professional unions and "blue-collar' for members of trade unions (p7). Several leftists and supporters of rights and freedoms among Egyptians continue to be skeptical towards this distinction between trade unions and professionals. This position is summarized by the call of the leftist researcher and politician "Elhami Al-Mirghani' to "remove the artificial differences between workers and professionals to unite the efforts of all employees in the face of capital and by "collective bargaining.

In fact, developing a definition and concept of "professional syndicates' historically and in the Egyptian context based on global experiences and heritage is not easy or completely settled. This is because here we suffer from the paradoxes of the absence of the pillars of the "union' in international agreements and norms, including: voluntary membership, exercising the tasks of defending individual and collective interests for better wages and working conditions, developing the traditions of collective bargaining, strikes and other mechanisms that mix legitimate pressures and bargains with employers and authorities, not to mention the independence, management and performance of the union's entity, including financial independence and relying on members' subscriptions and union generated resources.

3. The Concept and Role of Professional Associations in Egypt' published on the website "Al-Hiwar Al-Mutamadin' on March 6, 2010.

It also makes it more difficult to settle on the definition and concept because the formula of "one union for one profession' stipulated in the constitution and law, in violation of labor agreements and workers' rights that are also applicable to the country, leads to the combination of the wage worker, the employer, and the freelancer, with all the conflicts of interest that this gathering carries, within the same organization. Considering the shifts of the past decades in the membership of syndicates such as lawyers, engineers, physicians, as well as journalists, we can assume a decrease in the composition and percentage of the "free profession', which is not associated with a stable and subordinate working relationship with a state institutional entity or a businessman. I believe that this hypothesis needs its own studies, to understand and estimate the consequences for the nature and performance of these unions, the limits of their independence, their relationship with state authority, and their ability to defend the rights and interests of their salaried members.

In view of all the above, we propose a procedural definition for the purposes of this report in its two research papers: "The Professional Syndicate in Egypt is an organization that includes working graduates of universities and higher education in the same profession or its affiliates, and is unique in their representation, and is authorized to practice the profession, and has the legal authority to discipline them for professional malpractice. It works to provide members with services that the state is increasingly unable to guarantee to all citizens, without developing a strong tradition of collective bargaining to improve wages and working conditions. Members of this organization are professionals who do not work manually or on a machine that belongs to the pre-era of the information revolution and digital technology. This union organization cannot be under the umbrella of the Egyptian Trade Union Federation.'

The fundamental problem in this report/research papers is the reading and analysis of the interactions, in their multiple facets, between professional associations and professionals on the one hand and the "justice system' in both its aspects (legislation/lawsuits before the courts) on the other, in the period from 1993 with the issuance of the State Authority Law No. 100, which bears the name "Law on the Guarantees of the Democracy of Professional Associations' and its subsequent amendment by Law 5 of 1995 on the elections of these syndicates, until January 2, 2011 when the Supreme Constitutional Court ruled to cancel the law because of

faults in form and procedures related to the legislator's failure to present the draft to the Shura Council, which overturned the constitutionality of this law and repealed it.

As such, the time frame for this report/two research papers together is about 18 years between 1993 and 2011, which is the time of this "major event' in the history of Egyptian trade unions following the enactment of Law 100 and its effects and repercussions on them, both direct or indirect. According to the reading of the law, and its amendment in the form of the addition of 1995, the word "guardianship' was not mentioned in the text even once. However, this law created the most favorable environment for the imposition of guardianship on many professional associations, and thus provoked conflicts between professionals over the law and its resistance, as well as with state authorities. The various courts have also witnessed chapters of this multidimensional and power-fighting struggle. However, it should also be noted that the guardianship of trade unions under judicial decisions occurred before Law 100 and continued after its abolition.

In addition to guardianship, the two papers examine the negative effects of Law 100 in three other key areas:

Disrupting elections and obstructing the convening of ordinary general assemblies as well, thus weakening the ability to hold councils and syndicates accountable, exercise their supervisory powers, set priorities for the work of their unions, and control their performance towards the issues of the profession and the rights of its affiliates and public issues in Egyptian society. The expropriation of the powers to supervise the elections of the unions and the management of the election process from the unions and under their laws to a committee of judges is in truth only of an administrative nature.

The report identifies a sample of four unions as a case study, to put them under the microscope of consideration, monitoring, documentation, analysis and drawing conclusions and lessons. They are the associations of lawyers, engineers, journalists, and physicians. This selection came for multiple considerations, including, of course, the historical and moral status of these syndicates and their remarkable contribution and their professionals to the course of public life and politics in the Egyptian context. The four unions belong to a list of only five professional

unions founded before the fifties of the twentieth century.

In addition, this selection involves a connection to the problem of the research/report and an enrichment of its understanding and an effort to answer its questions and hypotheses. The Engineers and Bar Associations were among the most affected by guardianship. The former continued to struggle for about 16 years between 1995 and 2011 and is perhaps the most affected among all professional associations. The second union suffered and struggled with the same for about four years between 1995 and 1999.

While the "physicians' and "journalists' unions escaped the " guardianship trap', the former, suffered and struggled, under Law 100, mainly to restore the practice of its general assembly elections, and to renew its president and council after a stalemate of the same people on the same seats as its council and president that lasted for about 19 years from 1992 to 2011. The latter provides an example of the disruption of the ordinary general assemblies due to the separation of the Election Assembly from them, for about twenty years between March 1994 and March 2013, except for one single time in the spring of 2006 and with the momentum of the general political movement and the peak of the effectiveness of the judicial independence movement and judges' clubs. Also, thanks to the winds of change they managed to elect an "independent and opposition' figure for chair for 2003 and 2005 sessions, respectively, after the succession of "government affiliated figures' for 22 continuous years since 1981.

Anther merit for the journalists' syndicate to be included in this report is the fact that it has not missed a single election for any round, except when journalists found themselves facing law 100 and a committee that discriminated between major press institutions which affected the democracy and transparency of elections and subjects voters to the pressures of both their managements and the state, with consequent concerns and fears for safety and job security. A decade later, journalists were able to regain voting before the alphabetical order committees (AB, etc.), after a struggle before the Administrative Court that took place at the initiative and perseverance of the General Assembly of Journalists, resulting in a historic ruling establishing one of the principles of "democracy of union action'. It was applied to the next elections in September 2005 until today.

Under the title "Law 100 and Socio-Political Conflict: Causes, Effects, Resistance and Lessons', the first paper by researcher Hisham Fouad deals with socio-political conflicts as a context for the intervention of state authority in the affairs of professional syndicates, and from a historical perspective before and after Law 100 of 1993. This is because the enactment and application of the law represents one of the most prominent stations of this authoritarian intervention and aggression against what remains of the independence of the unions.

This paper presents a kind of "panorama' of events, causes, attitudes, and repercussions that shape the law from its inception to its repeal in general contexts that allow understanding and interpretation. These contexts are full of power struggles and public figures that are centered and moving around vital points in the relationship of the four trade unions and their professional unionists with the "justice system' in legislation and courts highlighting the diversity of conflict mechanisms and levels, escalation and decline from the courts and the discourse addressed to members of these unions, society and state authorities, to holding seminars, conferences, mobilization and gathering in public spaces outside the headquarters of unions and courts.

The paper is characterized by three aspects in particular: the first of these, it sought to reconstruct basic narratives about the imposition and resistance of guardianship, specifically in the Bar and Engineers Associations, with the help of interviews specifically for research purposes with different personalities/parties to the conflict over guardianship within the trade union organizations under study. And the second, seeking literature/documents of individual trade unionists, groups/trade union formations and human rights organizations in Egypt whose publication dates to the nineties of the twentieth century or a little later, and is no longer easily accessible. The third aspect concerns attention to the development of resistance to the negative effects of Law 100 in the four unions. In this context, this paper raises interest in what can be called "grassroots groups' formed among the ranks of the General Assembly, in the context of the struggles against Law 100 and its negative effects, for example the Salvation Front, the Lawyers Unity Committee, the Lawyers Defense Committee, the Bar Committee to Save the Bar, Engineers Against Guardianship and Physicians Without Rights.

It is likely that this attention and care opens the door in the future to studies that specifically

and deeply examine these formations, which probably arose from the bottom and at the base of the union pyramid, and their nature, characteristics, roles, and characteristics of their founders and activists and their union destinies. It seeks to answer questions about the non-persistence of these "grassroots groups' and their disappearance or disintegration, and how, in the cases of the Engineers and Physicians' Syndicates, they were able to elect prominent activists who were in their leadership to membership in the councils of the two syndicates after 2011, and in the wake of the variables of the repeal of Law 100 and the January popular uprising.

The second paper "How the Justice System: Courts, Professional Syndicates and Law 100' by researcher "Zainab Khair' focuses from a legal perspective, legislative texts, and practice in the courts, on the intrusive effects of state authority in the affairs of professional syndicates, with ways to resist these effects judicially, especially the battles of imposing and abolishing guardianship, with the help of texts in Egyptian laws. It provides a further anatomy of the interference of State power in the core affairs of the four professional syndicates under study by employing their monopoly, under successive constitutions, to enact professional syndicate laws.

This paper illustrates the dimensions of Law 100 of 1993 and its amendment by Law 5 of 1995, which opened the door to the expansion of the imposition of guardianship on professional syndicates in an unprecedented manner, based on the impossible conditions emerging with the law and obstructing the completion of the quorum of the election association, as well as those dimensions inherent in the provisions of Law 100, which led to the suspension of the convening of general assemblies and further weakened their effectiveness and ability to address, through the implementation of trade union democracy, the financial and administrative irregularities of a number of council members. These unions were then led to impose guardianship due to the availability of "urgent and imminent danger', based on legal provisions that also preceded Law 100.

This research paper has three strong points: First, it reviewed documents of 6 lawsuits related to the sample syndicates of the case study during the research period before the administrative and civil courts and the Supreme Constitutional Court, and in what is closely related to Law 100 and the imposition and abolition of guardianship, and to ward off the effects of this law.

The paper traced the paths of these lawsuits, leading to the judgments issued in them, and the principles governing subsequent lawsuits that followed. The second is it addressed and explained the institutional framework of the justice system specialized in considering cases of professional syndicates, with glimpses that establish this competence in Egyptian legislation. In this context, the paper presented evidence from texts, courts, and lawsuit papers of how these courts work up to the Supreme Constitutional Court. The third, this paper along with the first paper, reached general conclusions that serve as governing rules for the phenomenon/ conflict that can be generalized to times beyond the period of research (1993-2011) and the scope of the four unions, and indeed all professional unions. It opens the way for researchers, union activists, and politicians to proceed with further study to test and scrutinize these generalizations.

In addition to the conclusions of the two research papers, which are of importance and deserve to be taken seriously, we can add the following:

1 - The state authority announced that it aims to enact Law 100 of 1993 to break the monopoly of a minority, that is organized and influential, referring to the "Muslim Brotherhood' that is not legally recognized, on professional unions and their councils, and in view of the absence of most members of the general assemblies from the election. But it turned out that this authoritarian interference in the affairs of these unions ended with the return of the group's symbols and the majority to the membership of the same councils with the first elections after the abolition of Law 100 with the lifting of the guardianship on this or that union. In other words, it can be assumed that authoritarian intervention achieves results contrary to what is claimed and justified when it employs the legislative machine in the "justice system' to enact undemocratic laws. Rather, three unions from the four-case study sample knew that the Brotherhood or those close to them and loaded on their electoral lists reached the president's seat for the first time shortly after the abolition of Law 100 by 2011.

2 - The role of the courts was important and even decisive during the period of this research in determining the fates of the conflicts of professional associations regarding the imposition and lifting of guardianship and addressing some of the negative effects of Law 100, leading to the Supreme Constitutional Court's abolition of the law. It can be concluded that even the civil

circuit courts have returned to rule to cancel the guardianship of this or that syndicate after ruling several times to impose it. It also highlights the rulings of the administrative judiciary, which in turn also came in contrast to the trend of the legislative part of the "justice system'. We are referring to that period between 1993 and 2011, and not later developments.

Perhaps this difference and inconsistency between the two parts of the legislation and the judiciary "the justice system' brings us back to reconsider the margin of independence from the authority and its organs while adhering to the principles of the constitution invested by several judges in multiple circuits/courts. The dissolution of the People's Assembly during the era of ousted former President Mubarak following rulings by judges in 1987 and 1990 is an example of this margin. Here, the diligence in the research is worth trying to answer the question: Is the Egyptian case embodied in this disparity between complete or semi-complete control of the executive authority and the political decision of the authoritarian state and its organs over parliament and legislation, while the power of this authoritarian domination escapes some areas in the courts and courts?

3 - In the context of comparing the two arms of the "justice system' as well, we can note what the first research paper documented on the speed of rotation of the legislative machine in issuing Law 100 in a few days, while the second research paper pointed out and documented the slow litigation, that may last for years, specifically with regard to the lifting the guardianship from unions and the repeal of Law 100 itself, or other issues related to the removal of some of the negative effects of Law 100 and the undemocratic atmosphere it spread. We add here that another comparison remains between the periods of litigation until the removal of the provisions of lifting the guard and the unconstitutionality of the law on the one hand, and the speed of issuing the provisions imposing custody on professional syndicates. Such a comparison would reveal other dimensions related to the state of the second arm of the "justice system'.

4 - Mobilization during the battles of awareness raising and movement among the ranks of the general assemblies to resist Law 100 and its negative effects on professional unions required building or reviving alliances between trade union activists that cross partisan, collective, religious, group, and gender affiliations and prejudices. Here, the syndicate and its restoration and the pursuit of its democracy and independence come first. There is an assumption of the

roles and effectiveness of so-called "grassroots groups' that deserve more attention and study. These are the groups that appear and disappear during these battles, as we have indicated here.

5 - In the societal, cultural, and political context in Egypt, there remains a remarkable space for individual contributions or "individualism', outside the realm of leadership, popularity, and fame, even as we face the work and efforts that have continued with perseverance and determination for years for a more democratic and independent union. An example is the member of the Bar Association who filed a lawsuit to overturn Law 100 and continued to follow it before the courts for about ten years, until the law was terminated by the blow of the Supreme Constitutional Court on January 2, 2011. Who knows today or knew who the citizen and lawyer "Abdel Azim Gouda Mustafa Majid' was?. The same may apply to removing the guardianship from the bar association, and the issue of restoring the alphabet-order of journalists' election committees.

6 - The two research papers, and based on points 3 and 4, raise two questions that need further discussion and study: The first is why did professional trade unionists not resort to the weapon of a prolonged strike to overthrow Law 100? Related to this are sub-questions about the weak heritage, traditions and experience of professionals and their unions in calling for a strike and the ability to proceed with its implementation, with the relative exception of lawyers and their organization. Also: Do we really have in Egypt professionals who are self-employed (freelancers), members of unions who are independent in their professional work and live from their revenues without any dependence on salaries or allowances from the authority of an employer, and in a way that allows them as unionists a margin of movement and independence from state authorities? Have their percentages decreased among the total members of the general assemblies of professional syndicates, while the weight of the blocs of "employee unionists' in the state, businessmen and capital, and even in the bar, physicians, and engineers' syndicates is increasing?

The second question concerns the financial independence of the professional associations themselves. Here we can assume that they are the object of disruption and aggression by multiple direct and indirect mechanisms and tools. They vary from one union to another, and according to the ability of the state authority to intervene with its funds and other capabilities

according to the membership of this or that union. This is one of the things that this report has not investigated.

If we may propose recommendations at the end of this preface, and based on the two research papers, we note the importance of taking care of the implementation of the mechanisms of democratic work within the unions and developing its traditions and accumulating them with transparency, and that the General Assembly activate its role and tools in monitoring the Council and the President and holding them accountable and in drawing the directions of the union and determining its priorities. Above all, professional union associations need awareness and action to use their authority to amend the laws and regulations of the trade union organization without interference from outside its membership, and to end the expropriation by the authority of the state and parliament of the right of trade unions to enact their laws and regulations by the will of their general assemblies.

There is also a need to raise awareness and work at the same length to repeal the ban, which extends to the 2014 constitution, on the plurality of trade unions on the same basis as workers, because this ban and its permanence are contrary to the principles of trade union democracy and to the international agreements and treaties signed by the Egyptian state itself.

At the end of this introduction, it is necessary to note the importance and added value of the present report because of its timely issuance. This goes beyond the occasion of the 30th anniversary of Law 100 to reflect on its effects and lessons. A reflection on the state of Egyptian professional associations today calls for more than two research papers on a particular previous time. There is a need for comparative studies with the strides made by professional and labor unions and civil society in societies located in our geographical and cultural surroundings, specifically in Sudan and Tunisia, even if this relative progress compared to the Egyptian case is marred by negatives, obstacles, and pitfalls, and according to the fluctuations of the paths of societal political change efforts here and there.

A final word before reading the two papers is that it is not true that the Egyptian professional associations were well before Law 100, or that the abolition of this law returned them to the "Garden of Eden' and its bliss. Many manifestations and potentials of lack democracy or lack of

the independence of union work still exist, reflecting chronic structural imbalances that place Egypt and its professional unions outside our time, and even lag by about two centuries behind the global context. These are manifestations and latencies that the first paper alerted to. The worsening negative impact of these manifestations and latencies during the last decade deserves further consideration, documentation, analysis, and study, and the thinking and action of the trade unionists themselves, from those who aspire to the democracy and independence of their organizations, and away from slogans and "clichés' in speeches made for consumption on local and international occasions only.

21 September 2023

Part I

Law 100 and the social and political struggle
Causes, impacts, resistance, and lessons

Hesham Fuad

The beginning
A society whose hands are tied.

Trade union freedoms are one of the most important portfolios that the human rights movement in Egypt has paid attention to because of its importance regarding the civil, political, economic, and social rights of citizens. Talking about these freedoms is talking about the right to organize, strike and sit-in, social and health insurance, fair wages, and the right to work. It is also a talk about freedom of opinion and expression, and guarantees of the democracy of civil society formations, and their independence in the face of the political regime.

Strong professional trade union organizations are one of the most important forms of civil society organizations, and they have always been a target for authoritarian regimes in the Arab region, whether by controlling them or emptying them of their content and objectives and keeping them and their leaders away from professional and political work that could lead to any networks that may threaten the regime or even achieve the interests of those belonging to these organizations (1).

Since the beginning of the twentieth century, the hereditary system of government of the family of "Muhammad Ali' and under the



British occupation the regime sought to domesticate associations and unions that arose in the midst of the social and national struggle of Egyptians since the end of the nineteenth century, which prompted the newspaper "Al-Raed Al-Masri' in its issue 612 and issued in the course of 1902 to say that "it is a scandalous shame that laws are developed for political ends and authoritarian purposes intended to arm the governing body with a force that kills those who want to challenge it legally'(2).

During the era of former President Gamal Abdel Nasser, and after the Free Officers Movement on July 23, 1952, the political authority worked to integrate labor and professional organizations under its control to play a pivotal role in its political economy, and in the service of its political organization and ideological orientation.

The clash began early between the trade unions and the authority of the so-called "July State'. The Egyptian Bar Association sided with the "rule of law' during the March 1954 crisis.

This choice came not just as a statement or position of the syndicate council, but through a general assembly held on March 26, 1954, which issued a resolution demanding the return of parliamentary life and the army to its barracks. The response was swift when the Revolutionary Command Council dissolved the Bar Council (3).

Since then, state authority has used numerous methods to besiege, subdue, and shackle trade unions from within. There is the direct intervention and dissolution of its councils, which was repeated by administrative decisions also with "journalists' twice, on April 15, 1954, and March 15, 1967, and with others. This method extended to the end of the era of President Anwar Sadat in 1981, by issuing a decision against the Bar Association to impose a specific council instead of the elected one (4), and the state authority resorted to the "justice system' through its continued competence to issue professional syndicate laws and amendments since the monarchy, whether by decrees of the executive authority or the legislation of parliaments under its control, as well as resorting to the courts and their rulings.

With the promulgation and entry into force of Law 100 of 1993, which bore the name "Law on Guarantees of the Democracy of Professional Syndicates', the conflict over professional

associations and their independence moved to a new phase that lasted for about 18 years, until it was abolished by a ruling of the Constitutional Court on January 2, 2011. Added to this conflict are dimensions and complexities related to the direct and indirect effects of the law and its broader social and political contexts.

Here we look forward to answering several questions:

Was Law 100 only a reaction to the rise of Islamists, especially the Muslim Brotherhood, or was the real goal the elimination of union work?

And what was the position of the other "civil" political forces, on Law 100 and the imposition of guardianship.

What is the impact of guardianship on unions?

What forms of resistance have been resorted to and devised by professionals?

To what extent has Law 100 contributed to the creation of united movements on a trade union and political ground?

Is the composition of the General Assembly in professional associations in accordance with the laws governing them and their amendments a positive or hindering factor in facing any threat to their entities and independence?

To answer these questions, we monitored the developments and interactions of the cases of the Bar and Engineers Associations, which were placed under guardianship in the context of Law 100, in addition to studying its impact on the Journalists and Physicians' Associations, using published materials on the events of the period from 1993 to 2011 and conducting several interviews with trade unionists and activists in those syndicates. We hope that reading the battle against Law 100 and the lessons learned will benefit those who are fighting the battle for union independence now and in the future, in a way that contributes to preserving the current professional organizations and winning democratic and independent trade union ones. It is a process that will not only benefit members of these unions but will be an important step in restoring democracy in society.

Section I: **Overview**

1. Introductions to the law and its socio-political context

On February 17, 1993, ousted former President Hosni Mubarak issued Law No. 100 after it was passed quickly by the People's Assembly (the most important legislative chamber in parliament) and without presenting it to the professional syndicates themselves nor the Legislative and Constitutional Affairs Committee of the Council or the Shura Council.

This came as a surprise even to the chairman of the board of directors and editors of the state-owned newspaper "Al-Ahram', the leader of the NDP, "Ibrahim Nafie', where he wrote in the newspaper: "It is a relatively old project that has been talked about for a while, and faced opposition from supporters of the liberal current within the NDP and did not see the light. Then there was talk about it again, and it is said that its idea appeared in some government departments after the emergence of extremist currents in some professional unions, and their attempt to control them, and direct union work in them for political goals.' He added: "The logic on which this draft law is based is wrong, because it tries to explain the problem of reluctance to participate by restrictions and not political advocacy and urging positivity, and it tries to address the problem of the control of a few (activist) unions by replacing them with the control of a few (governmental) ones that may be accepted by the mass base of the members of these unions. So why this contradiction? How long will these laws create areas for intellectual and political clash that we do not need?'(5)

Even among the opponents of the "Brotherhood' outside the government, there were those who received it with confusion and reservation, for example, "Khaled Mohieldin,' a member of parliament and head of the leftist "National Progressive Unionist party' at the time, said under the dome of parliament: "We are discussing the most dangerous law because it affects the future of Egypt's mind and Egyptian political life, the law and its objectives cannot be objected to by anyone, but this law concerns millions of professionals; is it fair to issue a law and not poll the opinion of those who apply it. We want to take the opinion of the unions.....' (6).

Of course, the opposition was clear from the Brotherhood (7), and their allies such as the Labor Party, and its Secretary-General at the time, Dr. Mohamed Helmy Murad, alerted to the unconstitutionality of the law. He wrote in the newspaper "El-Shaab' mouthpiece of the party: "The law is invalid in form, because it was not presented to the Shura Council first, and because the Constitution requires the presentation of laws complementary to the Constitution such as the Trade Unions Law to it' (8). This was what the Constitutional Court adopted about 18 years later.

2 Impact of the law on trade union life

In general, Law 100 has put most trade unions at a standstill and paralysis and deprived millions of professionals of their democratic rights to exercise elections and hold their general assemblies. As a trade union activist wrote in 2004: "Since the adoption of the law, no elections have been held in 11 professional unions for periods of up to 11 years, and this has resulted in anomalous situations such as the existence of 3 unions without syndicates: commerce, applied arts and veterinarian, and the existence of union councils without youth representatives (membership of 15 years and less) as stipulated in their regulations, because youth representatives are no longer so over the years.' (9).

The case studies of the "lawyers' and "engineers' associations in this research paper indicate that there is a similar "tactic' and "scenario' resorted to by supporters of state authority in both cases and in coordination with independent or opposition union representatives, or at least to exploit their movement alone in the guardianship path without prior agreement with the authority. In any case, there was a belief here and there that Law 100 and its context allowed for the removal of the Brotherhood, due to what their opponents considered "sectarian practices and exclusion of the other.'

As such, especially in the beginning, there was agreement and coordination between part of the opposition and the government to "exclude the Brotherhood,' with this tactic. Government departments had stated that they aimed to end the group's political control of trade unions. However, it was no secret on the other hand that the enactment and application of the law

came after the meeting held in 1990 by the leaders of a number of professional unions in the Physicians' Syndicate, one of the strongholds of the "Brotherhood' at the time, and demanded "Mubarak' to abandon the presidency of the National Party, the abolition of the emergency law, and lift restrictions on freedom of the press and the formation of parties, and holding of fair general elections (10).

But originally, one of the reasons for the Brotherhood's rise to many professional syndicate councils was the policies of the economic authority and its worsening crisis with the middle class since the end of the seventies, and its continued restrictions on party life, pluralism and opposition, and its inability to transition to a truly unrestricted democracy.

The Brotherhood benefited at the level of the street, parliament, and unions from the state's retreat into the arms of the International Monetary Fund, and its gradual withdrawal from providing health, educational and social services to citizens and its responsibility to employ them, including professionals.

This was at a time when the number of holders of graduation degrees from universities and higher institutes was increasing, and therefore the membership of professional associations jumped at high rates due to the expansion of free or semi-free education since the fifties.

It is true to say that "the Brotherhood, in turn, put forward the concept of the service union, instead of the role of the union being to defend the interests of its members and seize their rights from the state using tools of struggle, the group's unionists promoted the concept of the union that relieves its members of the burden of living and high prices.

The unions were moving to fill the vacuum created by the state's withdrawal from its social support for its citizens, but not to stop it. Thus, the more the state applied neoliberal policies and withdrew from its social role, the more the Brotherhood increased its influence, intervention and size and occupied this vacuum, whether politically or through unions (11).

Section II: **Bar Association**

1 Lawyers before the law

The Egyptian Bar Association remained at the forefront of the professional struggle with state authority since the end of the seventies until after the enactment of Law 100 of 1993. We have already referred to the spring of 1954 clash under the titles of democracy, the constitution, the return of the army to its barracks, and the dissolution of the Bar Council as a result.

This conflict did not stop, and its stations multiplied, perhaps the most prominent of which is: the disruption of the election of the Bar Council to June 12, 1958 (12), and the syndicate's response to the idea of abolishing the unions that President "Abdel Nasser' put forward for discussion on November 27, 1961 before the Preparatory Committee for the National Conference of Political Forces in preparation for the issuance of the document "National Charter' the following year, and when he asked: "Why the union?, and for whom?, and a union that protects the interests of whom?'. Then the alternative was the control of the state created "Socialist Union' over the unions (13).

In 1968, the political authority decided to amend the Law of the legal profession by Legislation No. 61 to allow public sector lawyers to join the syndicate, and to succeed in resolving the elections in favor of the then pro-syndicate president, Ahmed Al-Khawaja. This marked a significant shift in the nature and composition of the General Assembly's agenda. It then made another amendment to the same law, No. 56 of 1970, allowing public sector lawyers to become members of the Bar Council. (14)



The syndicate advanced at the end of the era of former President Anwar Sadat between the end of the seventies and the beginning of the eighties to fight democratic and national battles, especially against the peace agreements and treaty with Israel. It opened its doors and seminars to the community and a wide opposition elite to drop projects to sell the Nile and the "pyramids' plateau and to object to the emergency law. As a result of these battles, they paid a high price, and lawyer "Ahmed Kamel' recounts the incident of security forces in civilian clothes storming the General Syndicate building in 1981, and smashing ballot boxes to prevent the completion of the elections. He says: "Young lawyers affiliated with the (Democratic Lawyers Group), which is a front that includes Nasserist and Islamist leftists and two delegations, repelled the attack, I was among them (15).'

However, the state authority under the presidency of Sadat and Mubarak returned extensively to employ the "justice system' and to resort to the mechanism of amending the articles regulating the syndicate in the law of the legal profession. In this context, the People's Assembly issued Law 125 of 1981 on July 22 to dissolve the syndicate council and appoint a temporary council, whose members were chosen by the Minister of Justice, along with the president and the bureau. The amendment was also issued by Law No. 17 of 1983, allowing for the issuance of a decision to form a temporary committee of 11 members to manage the syndicate, which in turn was chosen by a tripartite committee headed by the President of the Court of Cassation and the membership of the President of the State Council and the President of the Cairo Court of Appeal. However, the elected Bar Council appealed this decision before the State Council, which issued its judicial ruling to suspend the implementation of this decision, so that the legitimate Bar Council returned, led by the elected President "Al-Khawaja' (16).

The disruption of institutions from within is one of the tools of state power, taking advantage of the state of division and disintegration within it, and to paralyze its effectiveness and its primary role in participating in decision-making and political life. In turn, since the mid-eighties, the Bar Association has been the scene of conflicts, allowing the political authority to destroy it from within. Apparently, there are several scenarios/pretexts for disrupting unions in this way, and in addition to exploiting political divisions, there is also chance to question the financial integrity of elected leaders, to withdraw confidence from them, and to form temporary committees to manage the unions (17).

In this context, the Bar Association lived through the withdrawal of confidence by its GA on January 19, 1989 from chair "Al-Khawaja', an internal conflict that extended until the elections of 1992. The second pole in this conflict, Dr. Muhammad Asfour, was one of the hawks of freedoms and the independence of trade union work and its group. However, the interventions of the government and the police force prevented "Asfour' and his group from implementing the decision of an extraordinary general assembly to withdraw confidence, and for a committee headed by the latter and the membership of the Nasserist "Essam Islambouli' and the communist "Mohsen Shasha' and others to temporarily manage the union and prepare it for new elections.

Lawyer Islambouli said: "Al-Khawaja tried to prevent the convening of the extraordinary general assembly with the support of security. But we succeeded in convening it and formed a temporary committee, but they also prevented us from doing our duty' (18).

"Asfour' said in his interview with the magazine "Legal Profession' in 1989: "We tried a lot to implement the judicial rulings issued in our favor, and unfortunately the state authorities were fighting hard any professional gathering that disputes the legitimacy of the Bar Council, because such a principle can extend to all professional syndicates that the government is keen to dominate, and this is why the official press has been attacking the interim committee from the beginning. In the last phase of implementation on December 27, 1990, the Ministry of Interior pretended that it would implement it by force, and on this day the Bar Council issued a decision to transfer 12 lawyers to the list of non-practitioners, headed by Mohamed Asfour and Ahmed Nasser, which is a decision to dismiss them from the Bar for their inability to practice the profession "(19).

On January 23, 1989, security forces stormed the syndicate, forcibly dispersed a sit-in by supporters of "Dr. Asfour' and arrested 12 lawyers. The building was handed over to Al-Khawaja to return to lead. The state authority has resorted to the use of the legislative machine again. The People's Assembly issued a new amendment by Law No. 98 of 1992, allowing the formation of a judicial committee to run matters in the Bar and supervise elections, in what appears to be a prelude to what has been circulated to the various professional syndicates in

Law 100. Here, it was true that "the authority intervened and used legislation to put its control the syndicate, and that it pushed the crisis to a new direction by thrusting the judiciary into the furnace of battle and in the management of the syndicate. This indicates its new policy of remote crisis management'. (20)

2 How did lawyers get into the guard trap?

However, Law 100 failed alone in stopping the Brotherhood's "takeover' of the Bar Association after Al-Khawaja allied with the Brotherhood in the 1992 elections to win the presidency again and sweep the seats of the Council. Here, the state authority believed that tightening its control would only come by stopping the holding of elections in professional associations, because Law 100 of 1993 did not give the judicial committee supervising the elections the power to review the lists of the general assembly, and thus object to them to obstruct the conduct of the elections. So, it went back and revived law 5 of 1995 to give full supervision of the preparation of these lists to the Judicial Committee, which had the greatest impact on paralyzing the electoral process, and thus the electoral process in professional associations depended on the will of the government. (21)

Hardly a year had passed since the Bar Council formation, which was formed by a Muslim Brotherhood majority headed by "Al-Khawaja', a judicial ruling was issued imposing guardianship on the Bar Association in 1995, appointing its president himself "Al-Khawaja' as a judicial guardianship over it. This came after the developments following the killing of the Islamic lawyer "Abdul Harith Madani' under police torture at the end of April 1994, plunging the union into a new crisis with state power. Angry lawyers used pressure such as the May 15 general strike, street demonstrations, and then hunger strikes.

The State authority resorted to arrests, which included 37 lawyers, including 3 members of the Council. Despite all the international efforts made by international human rights organizations, led by the American Lawyers Association and the Center for the Independence of the Judiciary and the Law Firm in Geneva, and sending fact-finding missions in partnership with the Egyptian Organization for Human Rights, all attempts were in vain. The case of Abdel Harith Madani is still a mystery and the investigating authorities have not announced the results of these

investigations sending a message of intimidation that the most basic human rights principle, the right to life, can be squandered without accountability. (22)

The state had an additional reason after the entry into force of Law 100 to expedite the imposition of custody on lawyers and the removal of the Brotherhood from the General Bar Council. This is because they were also able to win a majority in the syndicate branches. The guardianship scenario did not depart from the features of the previous extended crisis between the fronts of "Al-Khawaja' and "Dr. Asfour' and against the background of internal disputes, which the latter did not seek to resolve by requesting guardianship before the courts. Thus, on the surface, differences emerged between members of the Bar Council and trade unionist members. Lawyers then filed a lawsuit to impose guardianship on the grounds of financial irregularities or lack of respect for court rulings.

Islambouli says that Khawaja was the real planner of the process of imposing guardianship behind the scenes. That is why the decision came to appoint him as a guard at the Bar Association. The guardianship case was prepared by a group from the Nasserist movement along with Khawaja and a lawyer affiliated with the Tagammu party. However, this policy was not acceptable to all Nasserists, as they joined the group named after former President Abdel Aziz El-Shorbagy due to his national history and his honorable position on Camp David. "My opinion was that confronting the Brotherhood requires that the national forces be united in one list that includes those with principled positions and to be governed by the General Assembly. But to resort to the government, and the union be handed over to guardianship for many years, is something that no one accepts' (23).

Only after the verdict did the Brotherhood realize that they were not alone in the syndicate and that their assessment of the state's reaction was inaccurate. "Immediately, as soon as the verdict was issued, the Brotherhood leaders met and made important concessions to the person who filed the guardianship lawsuit, lawyer (Ahmed Reda al-Ghitori), and in order to reach solutions that satisfy all parties. These concessions were well received by Al-Khawaja. It was complemented by other demands before it. But the other party rejected these proposals altogether and insisted on the execution of the sentence' (24).

On the other hand, under the influence of illusions of liberating the syndicate by the hands of the government and the discontent with the Brotherhood's performance, "other political forces were only watching, in view of their earlier isolation by the "Brotherhood'. So they only stood by and waited for the outcome. (25).

In the end, the Brotherhood retreated from resisting the imposition of guardianship, which was welcomed by a large sector of those who were their opponents and was rejected by a few who did not accept either side. These formed a third group rejecting the policy of the "Brotherhood' and what was called at the time "nationalist forces' in addition to the elements of the National Party in the syndicate, who were accomplices in imposing guardianship on the most important professional syndicate in Egypt (26).

However, "Al-Khawaja' later said, commenting on the guardianship ruling and his appointment as a guard: "We are all responsible for the guardianship of the syndicate. We practiced the opposite of democracy.' He added, defending his acceptance to take charge of guardianship: "I was surprised by my appointment as a guard, and I am glad they did not pick up somebody from their lists, and God willing, we shall have enough energy to get rid of it soon and hold elections. I accepted the guardian position because of the insistence of political gatherings, such as the Brotherhood and the Wafd that I take the position. I am coming to the end of my career, and I do not want to conclude it as a guard " (27).

For his part, Dr. Asfour wrote an article in 1997 entitled "Humiliation of the Bar Association', in which he stated: "The guard continued to be imposed on the Bar Association (...) The situation continued in this dire manner until the term of office of the syndicate council expired, and it became mandatory to hold new elections to form a union council. However, the prevailing illusion is that guardianship actually prevents elections, whereas at the expiration of the term of the Bar Council, this guardianship, which was imposed only because of a dispute between the applicants of the guardianship lawsuit, and some members of the Bar Council, automatically lapses by force of law' (28).

3 Lawyers' mechanisms to resist guardianship.

During the nearly four-year period of guardianship, although its impact on the suspension of new elections and the holding of general assemblies of lawyers lasted for about six years, forces emerged that fought against it, including the Salvation Front, the Lawyers Unity Committee, and other groups.

There were many methods of resistance, starting with campaigns to collect signatures to demand the convening of an extraordinary general assembly and the acceleration of elections. However, judicial guards used security forces to thwart the implementation of these demands and to prevent lawyers from entering the headquarters and their colleagues from the provinces from reaching Cairo, as was the case in 1997.(29) During the spring of 1999, after a number of lawyers applied for an extraordinary general assembly on March 18, 99, and announced in their request that it would be held the day following the passage of thirty days from the date of submission of the application, a security siege was imposed and the headquarters of the General Bar Association was closed until April 14, 1999 (30).

The methods and mechanisms of resistance varied and extended geographically, with the Committee for the Defense of Lawyers organizing sit-ins in Alexandria and Cairo. Another group, including Abdel Aziz Mohamed, the former head of the Cairo Bar Association, and prominent leftist labor lawyer Ahmed Nabil al-Hilali, formed another committee, the Lawyers Committee to Save the Syndicate, and organized a march inside the South Cairo Court in March 1999, as well as a delegation that included senior lawyers in Egypt, that met with Counselor "Mahfouz Shoman," head of the judicial committee supervising the elections of professional syndicates, warning of the explosion of anger of young lawyers because of the deterioration of their conditions due to the absence of the syndicate, but he advised them to resort to the court or the People's Assembly to issue fatwas or legislative amendments that enable him to form a committee to prepare election lists and conduct elections (31).

In October 1999, the Cairo Court of Appeal issued a ruling in the lawsuit filed by lawyer "Fatima Rabie" to lift the guardianship of the syndicate. But the lawyers had to wait until 2001 to engage

in electoral battles in accordance with Law 100 of 1993, the custodian "Ahmed Al-Khawaja' had died before the lifting of the guardianship. The first and second elections for the syndicate in 2001 and 2004 after the lifting of the guardianship resulted in the victory of "Sameh Ashour', who initially presented himself as an opponent before coming to power, with the Brotherhood occupying a large percentage of the council seats in both times. The government's candidate in the former was lawyer Ragai Attia, who was allied with the Brotherhood. As a result, during these two sessions, the syndicate witnessed a decline in its contribution to the national/ political space, as was the case during the Khawaja period.[32]

During 2008, a temporary judicial committee was appointed to manage the Bar because of a court ruling based on Article 135 of Law No. 17 of 1983. Thus, the Bar witnessed a period of skirmishes between lawyers who refused to interfere in the affairs of their Bar through a flawed article that was ruled unconstitutional on the one hand and the judges who took over the management of the Bar until new elections were held on the other.

Labor lawyer Yasser Saad and former candidate for membership of the syndicate council, said in a testimony he posted on his Facebook page: "In 2008, we held a sit-in to exert pressure on the committee to provide new colleagues with membership cards without giving their oath before the judicial committee (...) and because of attacks on colleagues during and for the performance of their work was increasing.

"We went to the chairman of the committee to ask him to allow us to hold a conference at the syndicate's headquarters, but he completely refused and threatened to inform the security to prevent it.'

"Saad' added in his post: "And we went to the Lawyers' River Club, and we found the hall filled with water under the pretext that the Nile flooded the floor of the club hall, so the dear colleagues without any words pulled the carpets and drained the water, and in the midst of our surprise and admiration we found them pulling us with them in preparing the halls to receive lawyers in the evening. We were very few. But we felt that we had done a great job' (33). In this context, Islambouli emphasizes the role of the Judicial Committee in assisting security services in aborting the lawyers' movement, saying: "It prevented lawyers from holding any seminars or

gatherings using security and bullying' (34).

Then came the 2008 elections, and the chairmanship was won by Hamdi Khalifa, a member of the ruling National Party, in what was described as a reaction to the state of anger against "Sameh Ashour' and his practices. Thus followed an angry logic: "If it turns out that Ashour is with the government, then what is the difference between him and Khalifa' (35). But Khalifa was unable to complete his term because its continuation became illegal after Law 100 was ruled unconstitutional on 2 January 2011, and he had won the elections based on that law. A few days after the ruling of unconstitutionality the 25th uprising began, and lawyers considered "Khalifa' to be one of the remnants of the former regime, especially since the membership engaged with the uprising, despite most of its council members amid the revolution. A massive march to Abdeen Palace began on February 10, 2011. Thus, Khalifa left his post before completing his legally stipulated term (36).

On the reasons for the absence of a unified influential resistance among lawyers to Law 100 and its effects after the lifting of the guardianship, "Saad' says: There were attempts, but differences between the potential prominent candidates for the position of president, Ashour, Zayat, and Attia, prevented joint activism; each group was keen to move on its own' (37).

Islambouli draws attention to a structural flaw that has occurred in the syndicate, after its membership expanded to include lawyers working in the legal departments of the government and the business sector. He points out that their demands, circumstances, and laws governing them are different from the free lawyer, and that the government always tries to use them as a clutch to defend its interests and positions within the Bar'. (38)

Section III: **Engineers' Syndicate**

1-Engineers before the law and the guardianship

The Syndicate of Egyptian Engineers/formerly Engineering Professions is of special importance by virtue of its advisory role to the state in national projects, in addition to being one of the oldest and most prestigious professional syndicates in the country. It became fourth among them in terms of membership size after the "applied," "commercial," and "educational professions" unions, within a list that included 32 unions when this research paper was prepared (see Tables 1 and 3).

The Engineers Syndicate has a history of national struggle for the social and professional rights of its members since its founding in the 1940s. For example its organization in 1947 of a group of seminars and the preparation of scientific studies on the unity of the Nile Valley, which were submitted to the United Nations as official documents when the Egyptian government presented its dispute with Britain to the United Nations. In the late 1940s, the first head of the Engineers Syndicate, Othman Muharram Pasha, led a strike of irrigation engineers to demand "inspection allowance." Immediately before July 23, 1952, the Syndicate's "Engineers Magazine" opened its pages to publish materials promising socialism as a way to solve Egypt's economic problems, and demanding the nationalization of cotton cultivation, determining agricultural land rents, and imposing progressive taxes (39).

Before the guardianship was imposed on the Engineers Syndicate in 1995, the union witnessed several changes in its leadership, from



the ruling National Party, "Othman Muhammad Othman," then "Hassaballah al-Kafrawi," and a council whose majority was from the "Muslim Brotherhood." In the meantime, the membership of armed forces engineers and political Islam increased in the General Assembly. Although members of other political forces accused this formula of disrupting and weakening the association, the struggle from its ranks was able to extract some social gains, albeit limited ones, in terms of financial allowances and improved salaries. During the eighties and early nineties, the union was also an arena for solidarity initiatives with the Palestinian cause and against the invasion of Iraq (40).

2- The story of the guardianship of the Engineers Syndicate/multiple narrative

For 16 years the Engineers' Syndicate was under guardianship, the longest among professional unions, according to judicial rulings issued in 1995 based on financial violations by the Engineers Syndicate Council, which was dominated by the Brotherhood. The guardianship was not lifted until 2011, after judicial rulings whose implementation was delayed for years. This imposition was preceded by an internal conflict. It is clear from our attempt to reconstruct the events of this conflict between engineers involved in public affairs and politics that a group has emerged as a pole that opposed the leadership of the union by the "Brotherhood."

It is also clear that this group came together around "Dr. Abdel Mohsen Hamouda" as he was the spearhead that opposed the union council and led the filing of the guardianship suit. In the political history of Egypt after 1952, he is considered one of the independent national figures struggling against the encroachment of state authority on society, freedoms, and rights. At the same time, he declared his almost absolute hostility towards the "Brotherhood." In his youth, before July 1952, he was one of the symbols of the "Wafd party vanguard." Unlike Dr. Asfour, the opposition leader against the head of the Bar Association, Al-Khawaja, Hamouda had a sharp temper, and does not tire or of filing lawsuits to redress numerous grievances, with the aim of reclaiming rights. But what was striking is that the two men were close to seventy years old when they fought those battles within their unions. In both cases, the state authority did not enable them to implement judicial rulings in their favor: The union's affairs shall not be handed over to a temporary committee preparing it for the elections in the case of "Dr. Asfour," nor shall the powers of the guardianship be exercised as in the case of "Dr. Hamouda."

Leftist engineer Mervat Al-Saadani, who participated in the lawsuit to impose guardianship, recounts the circumstances of the events, saying: "The late great engineer Hamouda submitted his papers to nominate himself for the 1992 elections, and asked to obtain a copy of the membership lists. However, engineer Abu Al-Ala Mady, who at that time held the position of Assistant Secretary-General of the Engineers Syndicate between 1987 and 1995, refused to give him the statements. Those around him treated him roughly, to the point that they literally carried him and threw him outside the union. "I and several engineers were present at the incident and were elected members of the council from the Chemistry Division. That day I went with other colleagues, among them Engineer Tariq Al-Nabrawi, current head of the Engineers Syndicate, to the Azbakeya police department, and we wrote a report on the incident. We testified with him, and we appointed him a proxy to file the guardianship case.'

She added: "The Brotherhood was expelling leftist engineers from seminars and preventing them from speaking, and the General Assembly was not able to hold a real discussion of the budget.' As a result of all of this, Al-Saadani says: "I joined the lawsuit to impose guardianship filed by Hamouda, and the two leftist unionists, Al-Ahwani and Abdel Nour, also joined. Our joining the lawsuit was all individual efforts, as we did not belong to a leftist organization at this time.'

She continues: "The guardianship was imposed. Dr. Hamouda was supposed to be appointed as a guard. But there was a circumvention of that. We believed that the guardianship would be short lived, and the door would be open for elections. But the state almost closed the union. Therefore, we once again filed a lawsuit against the guard in cooperation with Hamouda as well' (41).

Leftist engineer Saeed Abu Talib said: "I did not join the lawsuit, but I am sure that those who filed the case did not imagine freezing the union for 16 years.' At the time, many of the forces considered the state's attack on the union an issue that concerned the Islamic movement alone, and this was helped by a report by the Central Auditing Organization regarding financial violations during this period, which ultimately led to the imposition of guardianship on the union. He added: "Those demanding the imposition of guardianship on the union seemed like

escaping from a fire into hell. Although they did not intend to hand over their union to the state, this is what happened by force and deception' (42).

But Tariq Al-Nabrawi, head of the Engineers Syndicate at the time this research paper was prepared, presents a somewhat different narrative than engineers Al-Saadani and Abu Talib, and in what is like the testimony published in the press during the year 2017, he said: "The guardianship was carried out by a judicial ruling, but it was unfair. This was confirmed by the final rulings. It would have been possible to address the financial breaches without imposing guardianship. But a number of communist engineers requested that guardianship be imposed, and the National Party supported them. A court ruling was issued to place the engineers and their union behind walls, and keep them away from any union work, which may be reflected in the confrontations between the union and the state in view of the professional advisory role of the union.

Al-Nabrawi, of a Nasserite tendency, said: "Guards for the union were selected by state security, and received direct instructions from it on what to do. Some of them even worked hard to cause corruption to satisfy security, wasting money and neglecting the union's property, and even the union's bank was joined to the National Bank with a zero balance.' He points out that "all the guards took the same approach and worked in the same way because it was the policy of the security forces and the dissolved National Party, which feared the role of professional unions in mobilizing Egyptians, or even making them aware of the extent of corruption that was occurring in Egypt' (43).

Engineer Abu Al-Ala Madi, the assistant secretary of the union when the court order was issued, denies the validity of the incidents previously attributed to him, and says: "From the first day of my participation in the work of the union's general assembly during the days of the chair Othman, I was protecting Dr. Hamouda's right to speak. And when I was present in the council of the union in 1987, I allowed him freedom of speech and criticism, as I was the one who was managing the general assemblies. Rather, I let him speak at his leisure, and the hall was angry with me, and the general assembly sessions were a witness because they were recorded on video. I was the one who approached him, at his request, to obtain the late pension benefits for ten exceptional years instead of three. This is recorded in the union's papers and registers.

Therefore, it never happened that we threw anyone out of the association. We did not accept the arrest of any engineer, regardless of his political affiliation, and we supported and assisted everyone.'

He says: "As for the fact that we refused to give Engineer Hamouda the voter list before the elections, it did not happen either. We gave him what he wanted, but he asked for additional information related to people's personal lives, so we refused. Therefore, this is also not true and has never happened.'

Regarding his account and vision of imposing guardianship, Abu Al-Ela Madi, who mentions that the Brotherhood Council after 2011, ignored including his name among the honored engineers of the union, referring to his departure from the group and the founding of the "Wasat Party' says: "The state used Hamouda because it wanted to seize control of the union. He filed the lawsuit and took advantage of it and took it in a direction other than what the real plaintiffs sought.'

Regarding financial violations, "Mady' denies their existence in this way at all, and explains: "They were not real violations; they were just observations in the report of the Central Auditing Organization. If there were real violations, they would have referred them immediately for investigation before the prosecution.'

The former Assistant Secretary-General of the Engineers Syndicate presents his account as a witness to the procedures for imposing guardianship and its developments. He says: "They created a scenario in court. The first circuit rejected the lawsuit for imposing guardianship, and it was accepted on appeal. We, as a union council, filed a complaint against the ruling. The state security officer responsible for professional unions came to the complaint session, he took the lawsuit papers in front of us and went to the bathroom, then returned saying: The appeal against the ruling was rejected.' He added: "The state wanted to seize control of the union, not democracy or fight against corruption. The union representative was supposed to manage the filing of the lawsuit and be appointed as a guard, which did not happen. The union went down a dark path.' He explains: "Until Law 100, there would have been no major problem with it for us in the union, if the government had adhered to it and dealt with it democratically. But when it

failed to achieve complete control, it resorted to guardianship to control the union and disrupt it for 16 years (...) and the colleagues who filed the case bear responsibility, and they should apologize instead of weaving untrue stories.'

Engineer Abu Al-Ala Madi offers frankness, self-criticism, and apology here. He says: "Yes, the Brotherhood was replacing the party with union activity, and this is true. It is a mistake I admit. I participated in it, and I consider this a mistake, and it is not justified by the presence of restrictions on political activities, although the group that was present in the Syndicate Council remained keen for this to take place within a national and not a partisan framework. Therefore, we conducted a national dialogue, and we summoned to it all people from the right to the left, etc.' (44).

Engineer Iman Allam, nominated for the position of head of the Engineers Syndicate in 2022, pointed to the inactivity of the General Assembly. In fact, she considers this the main reason for imposing guardianship. She says on her social media page: "The guardianship came as a natural result of the lack of oversight and the passive role played by the engineers in not participating in the management of their union, which gave the union's acting council the opportunity, before imposing the guardianship, to exploit it to serve their ideas and political purposes at the expense of the union's basic role, which is the service of all engineers' (45).

3- The "Engineers against guardianship" experience

The Engineers Syndicate remained subject to guardianship without significant collective action until 2003, when the "Engineers Against Guardianship' movement was established, which drew public attention to the justice of the Engineers Syndicate's case and the necessity of lifting the guardianship and holding elections to save the union from its constraints. Although the movement's goal was essentially to lift the guardianship, it quickly clashed with the political situation alongside other unions, especially in the cases of refusal to normalize relations with the Zionist enemy, and resistance to the privatization of the public sector and the waste of state-owned assets.

The founding of the movement came with an increasing state of discontent among sectors of engineers following the multiple forms of wasting of the union's funds. The Guardianship Committee deliberately obscured the union's budget and its resources from the companies owned by it and the returns from bank deposits. Members of the committee profited from representing themselves on the boards of directors of these companies and receiving astronomical sums from them. Despite the issuance of an enforceable court ruling, the committee also prevented the holding of the General Assembly of Engineers for many years, thus depriving engineers of their constitutional, legal, and professional right to monitor the union's funds, how to dispose of them, and approve its annual budgets (46).

Moreover, the imposition of guardianship had far-reaching and broader negative effects on society as a whole, after the Engineers Syndicate was suspended from exercising its advisory role to the state regarding national projects, as stipulated in its law. This contributed to the ease with which businessmen and senior state officials passed these major projects to serve their own interests, such as the "Toshka' project, on which hundreds of millions of pounds were spent without a sufficient feasibility study. Thus, Egypt lost more than the engineers lost from the imposition of guardianship, as the privatization system was implemented with a kind of foolishness and hatred for the interests of the people, and public property was sold at low prices (47).

There is a general context for the establishment of "Engineers against Guardianship,' especially after the invasion of Iraq and the occupation of Baghdad in 2003, and the Egyptians' descent into political protest against the head of state and his efforts to pass the power to his son the following year. The same year, about a thousand engineers were able to gather at the headquarters of the General Union on Ramses Street in a conference, during which they raised banners against guardianship, and demanding the implementation of a judicial ruling issued by the State Council during 2004 to hold the general assembly and elections, and among their chants was "Enough guardianship.'(48).

Leftist engineer, Emad Attia, said that the story of the establishment of the "Engineers against guardianship' movement began when a conference of engineers was held at the Bar Association on April 20, 2003, in cooperation with several engineers belonging to the political

Islam movement (the Muslim Brotherhood and the Labor Party), after the judicial guard refused that engineers hold it in their union. He added: "Hundreds of signatures were collected for a request to hold an extraordinary general assembly, announcing the start of the engineers' battle to restore their union. This conference was the inauguration of the "Engineers against guardianship' movement, which was later joined by several Nasserite engineers and other independents representing various groups' (49).

Nasserist engineer, Abdel Aziz Al-Husseini, emphasized the representative nature of the movement's founding by engineers of different political affiliations. He said that the founding of the movement came after the judicial committee supervising professional union elections refused to respond to a request from a number of engineers to set a date for holding union elections. He pointed out that he and others filed an urgent lawsuit on November 26, 2001 against the head of the judicial body supervising the elections to challenge his negative decision to refrain from holding the elections, and his refusal to implement the call to convene the General Assembly to hold the elections. He added: "The government declined to respond to the Administrative Court's requests more than once, so the judiciary fined it more than once. It referred the case to the State Commissioners Authority, which submitted its report supporting the engineers' demands to cancel the contested negative decision, which is to refrain from holding elections. It was considered that this case is one that brings together all (Engineers against guardianship)' (50).

In the face of a new draft law that first appeared at the Professionals Secretariat of the ruling National Party to tighten the provisions of Law 100, the "Engineers against guardianship' movement organized a conference at the Bar Association on May 5, 2005, in the presence of symbols from all political forces, beginning with the Islamists and ending with the communists. The position of engineers and other professionals, especially lawyers, had an impact on the government's retreat from submitting amendments to Law 100 to the People's Assembly (51).

The attempts of state authority did not stop there. This time, draft legislation was proposed to amend the Engineers Syndicate Law, but this project also did not pass (52). It aimed to divide the union into 7 unions and form a federation that was completely subordinate to the government and its ministers. This did not pass either. Alexandria Engineers also succeeded in holding an

emergency general assembly on October 15, 2004, which took a decision to overthrow the guardianship committee and form a replacement to run the union's work until the guardianship was lifted.

The guarding committee declined to implement the decision, so the engineers filed a lawsuit against the Ministers of Justice and Irrigation because those responsible for guarding the Alexandria Syndicate violated the law. This assembly was preceded by a meeting organized by "Engineers against guardianship," and at the invitation of the movement, a massive conference of engineers was held at their club in Alexandria on October 6, 2004, demanding the abolition of Law 100 (53).

After years of push and pull, the North Cairo Court ruled on December 27, 2009 to end guardianship of the Engineers Syndicate, and set a date for the start of elections for the position of chair (54).

But implementing this ruling required waiting two years until another historic ruling was issued in August 2011 by the North Cairo Court of Appeal to end guardianship. Despite the judicial guard's objection to the ruling, it was decided to lift the guardianship of the Engineers Syndicate as of October 1, 2011. The ruling was issued in favor of engineer "Tariq Al-Nabrawi" (Nasserist), engineer "Moataz Al-Hafnawi" (leftist), and engineer "Omar Abdullah" (Brotherhood). (55)

Section IV: **Journalists Syndicate**

1-Journalists before and against the law

Considering the growing opposition to the policies of former President Sadat, especially against his reconciliation and normalization agreements with Israel the state authority tried in 1980 to transform the Egyptian Journalists Syndicate into a social club. When it failed, it pushed towards changing the interests of its members and the composition of its general assembly. It appointed its men in leadership positions, especially in the so-called "national' state newspapers. The union councils' increasing financial dependence on government support began, and with it the courting of journalists with discounted goods and services, affordable housing apartments, and the creation and employment of "Technology training allowances in election seasons to tip the balance in favor of the government candidate for the position of chair. There is no doubt that the low number of the General Assembly membership compared to other professional unions helped it implement these policies and make them mostly successful.

However, the state authority and its men in the press were unable to completely nationalize the independent activities within and from the union. The performance of the union's freedoms committee was distinguished, and it was open to society and its issues many times. Grassroots groups also appeared that played a role within the ranks of the General Assembly, and in important years in the history of the union and Egypt, such as "Tomorrow's Journalists' with the struggle against the "Law of Assassinating Freedom of the Press and Protecting Corruption,' No. 93 of 1995 (56), and later the



"Journalists' movement for Change' in 2005 (57).

The Journalists Syndicate's escape from entering the trap of guardianship can be explained by the limited influence of Islamists within its general assemblies and councils, and the undeclared agreement on the formula of the pro-government chair and the "National Council," which guarantees the representation of various political trends and major journalistic institutions, for a long period extending from the mid-1980s until 2003, as well as the "maturity of influential actors' on the union scene and their eagerness to avoid any opportunity in the face of any attempts to turn union conflicts into a judicial dispute. The bottom line is that the courts witnessed limited individual lawsuits to impose guardianship on "journalists," but they remained without support within the General Assembly or from political movements outside it.

Early on the Journalists Syndicate rejected Law 100. A few weeks before the law was issued, specifically on December 5, 1992, the Syndicate Council took the initiative and warned of its dangers to democracy in professional unions.

Yahya Qalash, who served as Assistant General Secretary from 1995 to 1999, then General Secretary from 1999 to 2007, and then as President of the Journalists Syndicate from 2015 to 2017, says, "The law imposed changes on the union despite the will of the General Assembly, and sometimes in violation of its law." explains: "When the first elections for journalists took place under the supervision of the Judicial Committee established by Law 100, journalists found themselves for the first time elected before committees distributed according to journalistic institutions, and not according to alphabetical order." He adds: "After elections were held every two years, in accordance with the union law (syndicate union + mid-term renewal of the council), accompanied by holding a general assembly that held accountable, discussed, and issued binding recommendations, Law 100 made elections every four years and separated the date of the general assembly from the date of the elections. Thus, General Assemblies no longer fulfilled quorum' (58).

2- The battle of election committees

In a statement dated March 8, 1993, the Council of the Journalists Syndicate considered the decision of the Judicial Committee supervising the elections to classify electoral committees according to press institutions rather than alphabetically according to their names "an interference in the affairs of the Syndicate and an imminent danger to it and to journalists.'

"It may seem, at first glance, to those who are not interested and do not follow union work, that it is not of importance how members of the General Assembly are arranged, but this manner of dividing the assembly affects election transparency procedures on the one hand, and the independence of the union member when casting his vote on the other. This also disrupts equality of opportunity between candidates' (59).

On March 19, 1993, the General Assembly of Journalists adopted a recommendation from colleagues who wanted to emphasize adherence to holding elections within the union's headquarters and based on the alphabetical order of names "as was done before.' But government forces within the union council moved against this motion. This was reflected in the correspondence between the Syndicate and the Judicial Committee that supervised the journalists' elections, and only two days after the March 19 Assembly. "As much as history will record with appreciation the roles of journalist trade unionists who increased the remaining guarantees of the trade union law against the encroachment of Law 100 and its restrictions, it will also not forget that press trade unionists also took advantage of the opportunity of the new law and the confusion it caused in order to extract new mechanisms to control and monopolize trade union work at the expense of traditions of democracy and the rights of journalists in general' (60).

The minutes of the meeting of the Judicial Committee headed by Counselor Ahmed Sultan supervising the first elections for journalists after Law 100 on March 25, 1995, and one day before polling day, reveal that there are influential forces within the Syndicate Council that pushed for ignoring the advantage of alphabetical voting, so that government candidates could tighten their grip on the Union Council. The minutes of the meeting included the following text:

“The elections were scheduled to be held early in the morning, Sunday, March 26, 1995, and the union did not provide the Judicial Committee with lists of union members in alphabetical order or according to the membership number for each member, which means that the Judicial Committee can only take the lists received from the union and divide them according to the institutions and the council bears the responsibility therefore’ (61).

However, after its open emergency general assembly and its council waged a remarkable battle against Law 93 of 1995, until some of its articles were retracted, the union began to stir up activity again, as it prepared for new union elections, specifically in June 2003. This came in the context of the rise of the opposition to the rule of “Mubarak’ and the “succession’ scenario. One month before the elections, that is, by the month of May, three members of the association: “Mohamed Abu Lawaya,’ “Ahmed Haridi,’ and “Amer Eid,’ confronted the government’s attempt to breach Article 43 of the union law, nominating the government candidate, “Ibrahim Nafie,’ Chairman of the Board of Directors and Editorial Board of Al-Ahram, for the third time in a row. The State Council ruled in their favor, and they succeeded in thwarting the attempt after the lists of candidacies for chair was announced, with “Nafie’ leading the list, with no serious competitor (62)

Also in May, at the initiative of a candidate in the General Assembly of the Syndicate Council (under 15 years of active membership), a signature campaign was launched between the candidates and voters on a memorandum received by the head of the judicial committee supervising the elections, demanding that he adopt the alphabetical order in forming committees instead of institutions’ (63)

The General Assembly initiative continued its path by appealing the negative decision of the Chairman of the Committee to ignore the request before the State Council, then by this candidate together with another, filing a lawsuit before the administrative judiciary, which continued for about two years.

A historic ruling was issued on July 6, 2005, returning journalists’ elections to the alphabetical schedules and committees, stressing that they are a guarantee of the democracy of union work. The ruling was implemented as of the September 2005 union elections. There were

important variables that gave the case a push forward. Under the independent chair, "Galal Arif," the union joined the demands of the lawsuit, and the general secretary, "Qalash," opened its archives to the first plaintiff. By the summer of 2005, he appeared before the court himself, and spoke before it in support of the demand. As for the first plaintiff, he submitted to the court a paper of intent confirming that the case does not in any way aim at the stability of the union, or undermining the legitimacy of its current council or union president elected in 2003" (64).

3-Other negative effects of the law on journalists

"Qalash" says that the most important negative effects of Law 100 on the Journalists Syndicate are "drying up the union's sources," after it entrusted the judiciary with supervision of the electoral process from A to Z. Before Law 100, the management of the electoral process was a private and internal matter for each union, and its responsibility was borne by several non-candidate members of the union council and members of the General Assembly who had experience, knowledge, competence, impartiality and objectivity. Law 100 stifled these initiatives and ended journalists' guardianship of their elections in favor of judges, who are mostly employees of the state's administrative apparatus, which does not provide sufficient neutrality, is considered interference in union affairs, and even opens the way for disputes with judges" (65).

In the end, the effects of Law 100 on the Journalists Syndicate further weakened the General Assembly. Since its issuance until its abolition, not a single regular assembly achieved quorum to discuss the annual report, the budget, issues of the profession and freedoms, except for the March 2006 Assembly, in the height of the movement for judicial independence and the struggle of their clubs, and with optimism about the arrival of the possibility of an independent chair "Aref" as well as with the rise of the general political movement for change. The performance of chairs and councils declined after separating between elections and the regular general assemblies every two years. Thus, the performance of the Council and its members became unmonitored. This is an effect that continues until the preparation of this research paper, since the traditions of the Journalists' Association's discussions before 1993 have not yet been restored, and the voices of its members have faded or been suppressed during the meetings of the associations accompanying the electoral process.

The remaining negative effects also include the continued use of judicial bodies to supervise election day and voting. However, the struggles of journalists in the context of Law 100 made it possible for them to retain voting at the headquarters of their union rather than in newspaper houses. They also regained the alphabet committees after wasting them for about ten years and kept the guarantee of rotating the position of chair, for only two consecutive terms of two years each, as we explained above.

Section V: Physicians' Syndicate

1- Physicians on the threshold of the law and in its shadow

The importance of the General Syndicate of Egyptian Physicians is not limited only to defending the rights of its members, but also to its important role regarding the health of all Egyptians, as the Syndicate has placed the citizen's right to treatment among its priorities, in addition to striving to improve health insurance.

With the last elections for physicians in 1992, and before the issuance of Law 100, the General Syndicate witnessed an alliance between the government candidate for Syndicate Head Dr. Hamdi Al-Sayyed, and the Muslim Brotherhood. Dr. Al-Sayyed won, and the Muslim Brotherhood won most council membership. This is the leadership structure that continued without holding any elections until 2011. The obstruction of holding elections for about two decades is mainly because of Law 100 and its amendments by Law 5 of 1995 and the impossibility of achieving a quorum for the Election Assembly to convene. The Alexandria Physicians Syndicate was also placed under judicial guardianship from 1997 until 2011, when the first elections were held for the Alexandria Physicians Syndicate Council with the return of elections to the General Syndicate and various sub-unions (66).

Dr. Mona Mina, General Coordinator of Physicians Without Rights, before she was elected in 2011 and became Secretary General of the Physicians Syndicate, says: "Law 100 led to the freezing of our union work after the elections were disrupted, and the elected councils became calcified as a result of the erosion of legal legitimacy and



the absence of some council members due to death or travel, and poor performance due to changes in the circumstances of members of these councils, such as old age or illness; as a result of remaining in the union position for many years, the union grew old.' Mina adds: "The formula in the union council was managed as follows: Captain Hamdi Al-Sayyid manages union problems, by virtue of his knowledge of them, while the Brotherhood was interested in relief committees, as they served as the union's hand in sending physicians to Arab countries and countries of the African Union, most of which suffer from low wages, and in addition to the Arab Physicians Union, the union was a cover for political work and a way to create financial wealth and to serve family and friends' (67).

The anger over the disruption of the elections was not limited to the liberal and leftist opposition, but also included Dr. Essam El-Erian, who died in prison in 2020. He was treasurer of the Medical Syndicate before 2011 and one of the leaders of the Brotherhood, when he said: "It is not the government's business to interfere in the elections, and you should not use the fear of the Muslim Brotherhood as an excuse for not holding the elections.' He asked, "What is the problem with holding free and fair elections in which there is no suspicion of government interference and under judicial and union supervision, even if in the end it brings the Muslim Brotherhood to the union? Wouldn't this be an expression of the free will of the voters that chose the Brotherhood' (68).

Dr. Al-Sayed's voice rose in his criticism of the imposition of judicial guardianship on professional unions after a court decision in Alexandria in 2008 obliged the judicial guard of the Alexandria Physicians Syndicate to return an amount of 400 thousand pounds to the union. He said: "The judicial guard's duty is to supervise the union's funds, not the pension and services funds, and that is the opposite of what is happening now, where the judicial guard interferes in all the union's affairs.' He added: "The judicial guard steals the union's money because he is not a member of the profession, and his choice was wrong' (69).

2-The "Physicians without Rights" experience

In this context, the founding of "Physicians without Rights' came in the same year (2007) in which the union announced its rejection of the constitutional amendments, including Article 76 related to the election of the head of state. These statements of the union council and the general assembly were also not without demands for the release of political detainees. "However, what was flawed with all of these movements was their shift and their confinement to those belonging to the Brotherhood, which did not seek to create broad fronts within the union, relying on its achievement of an absolute majority' (70).

However, the repercussions of Law 100 and its negative effects contributed to the emergence of a new generation of new, young trade union cadres, who formed grassroots pressure groups from among the ranks of the General Assembly, and particularly adopted the demands of young physicians, and were generally open to the issues of physicians, the profession, and the nation, the most prominent of which is the "Physicians without Rights' group, which was founded in 2007. We will discuss this in some detail by describing these groups as forms of resistance to the law, its impact, and its context. This was at the same time that witnessed the birth and activity of the "Committee for Defending the Right to Health' to confront the privatization of treatment and health insurance. Its membership brought together leaders from "Physicians without Rights,' and non-physicians who were open to the community space, left-wing labor unionists, and non-doctor professionals.

The movement quickly became involved within the union in demanding fair wages for physicians. For this and many issues of social and professional rights, struggles were fought within the ranks of the General Assembly, and by contacting physicians in locations where larger numbers are concentrated, such as public and university hospitals and health insurance facilities. Members of the movement succeeded in obtaining a decision from a general assembly in 2007 to go on strike to improve wages. However, the union council, with a majority of Muslim Brotherhood members and the leadership of the government candidate, obstructed the implementation of the decision, violating its responsibility under the union's law and regulations to abide by the association's decisions (71).

As a result of these struggles and after wider spaces for work and freedoms were opened with the January 2011 uprising/revolution and its aftermath, members of "Physicians without Rights' played an important role in the field hospitals in Tahrir Square. After the repeal of Law 100, a number of movement figures won in more than one election cycle, and we mention among them, in addition to "Dr. Mona Mina', "Dr. Amr Al-Shura' and Dr. Ahmed Bakr.' Dr. Mina, the general coordinator of the movement, and the first woman to hold the position of secretary-general of physicians in December 2013, says: "Since the founding of the movement, we have been working for nearly 5 years to solve physicians' problems, launch media campaigns, and communicate demands with the union and the ministry as well, whether at the level of physicians and their immediate rights or at the level of public issues; union work is much broader than union chairs' (72).

A young doctor from the movement wrote: "The movement also presented a concept of the union that goes beyond the governmental and Muslim Brotherhood's understanding of the union. It presented the concept of a militant union defending the rights of all paid physicians. This came to deeply challenge the concept of the service union promoted by the Brotherhood. Also the concept of a union whose membership expresses conflicting interests, as it includes paid physicians working alongside physicians who own private hospitals and those working in the state's executive apparatus.'(73).

The young doctor added: "Physicians without Rights sought to break out of the elite work circles to honestly express the demands of physicians, with the effort and sweat of its founders (...) and even the rights of recent graduates of medical school. It also expanded support for all sectors of health workers, and in defending the citizen's right to health. The movement played a prominent role in the governorates, and for example in Dakahlia, I witnessed and participated as a representative in supporting the sit-in of nursing specialists at Mansoura University in 2009. We led a signature campaign to reject the assignment system for Mansoura physicians in 2007 and held the first press conference inside the Mansoura Physicians Syndicate in 2009, which was attended by hundreds of young physicians. It is these new batches that have become the main constituency of the "Physicians without Right' movement' (74).

However, the movement did not take a sectarian position on a council controlled by the Brotherhood, despite its numerous criticisms of their performance in the union's leadership. In this context, "the union rallied with its branches in 2009, to demand that the state achieve a fair wage scale for physicians, and the Brotherhood leader was, the late Dr. Essam Al-Erian - the union's treasurer at the time - participated in physicians' demonstrations and sit-ins alongside Dr. Mina, the coordinator and spokesperson for the movement' (75).

Conclusion: **Trade union fronts and lessons learned' Syndicate**

Egypt has known several incomplete attempts to establish a general federation of professional unions, since 1953, although there are specific federations that bring together similar professions, such as the Medical Professions Union. Despite some solidarity activities among professionals against Law 100 of 1993, they faced a danger that targeted them all without a democratic union that brought them together and could continue to organize unifying activities for the union public on the ground to overthrow the law. Egyptian civil society lags behind its counterparts in many Arab countries in this field, and we have before us the case of the Sudan, and what coalitions of professional unions, in cooperation with large trade unions, have been able to provide for the development of political life, freedoms and rights.

For example, we await the formation of the "Committee for Defending the Independence of Professional Unions' with the participation of several figures from different unions about five years after the issuance of Law 100. Note that its founding statement stipulated that opposition to the law and security was the main reason for announcing the establishment of the committee. It also understood the consequences of any political movement's monopoly on union boards and demanded setting a time limit for holding fair elections in various unions (76). With the remarkable political and social movement during the first decade of the new millennium, attempts were made to establish a broad umbrella for professional unions. But they, in turn, quickly fell apart, or transformed into nominal entities with no existence other than their titles, which made the calls of many politicians and trade unionists louder for the necessity of "all professional unions taking the initiative to move together in order to form a real pressure force to repeal this notorious law' (77).

During 2010, the "Federation of Professional Syndicates/Under Establishment' was announced as an entity outside the state, in which activists and union figures from several unions participated, including social workers, physicians, pharmacists, merchants, and engineers.

Its most prominent demands were dropping Law No. 100 of 1993, the independence of the financial resources of unions, improving the income of professionals, and that changing the union's law be limited to the proposals of its general assembly only, in addition to the continued rejection of normalization with the Zionist entity; the Supreme Committee of this union (under establishment) was formed in March 2010 (78).

However, the "Federation of Professional Syndicates' was transformed to become supportive of the authorities, and to include unions that do not have public interests or activities that have political views that are independent of state authority, foremost the Teachers Union. This entity supported the 2019 constitutional amendments aimed at increasing the duration of the presidential term to six years (79).

The ruling to lift the guardianship on the Bar Association on July 13, 1999, can be considered as the first nail in the coffin of Law 100, and it launched the battle of professionals to regain their unions from the influence of the judicial committees and the guardianship committees. Five years later, the candidate of the Independence Movement, journalist and writer Galal Aref, won the position of head of the Journalists Syndicate in the July 2003 elections. This event was an important indicator of the shift in the general climate against the government and in favor of attempts to seize the independence of professional unions from the government. After many struggles organized by professionals, and in the context of a political and social rise, the Constitutional Court ruled Law 100 unconstitutional on January 2, 2011, which is considered a victory for professional unions that came a few weeks before President Mubarak himself was overthrown on February 11, 2011.

This judicial ruling opened a new page of conflicts in professional unions, in which yesterday's allies turned into today's adversaries, especially considering the paths adopted by the various political forces after the January 2011 uprising regarding the Military Council and then the rule of the "Brotherhood," and beyond. This certainly affected professional unions.

Although the 2014 Constitution prohibited trade union pluralism for professionals, it also prohibited the imposition of guardianship in its Article No. 77. However, as the late communist labor leader Taha Saad Othman says, "The law is like a spider's web, it is torn apart by the

strong and catches the weak.' In the years following the summer of 2013, unions witnessed the largest attack on them since the issuance of Law 100, and within the framework of the regime's endeavor to reproduce totalitarianism and authoritarianism to nationalize unions and prohibit any opposition and independent activity within them.

Thus, the battle continues between push and pull, and ebb and flow between supporters of freedom and advocates and practitioners of tyranny, but the real guarantee of not repeating what happened requires benefiting from the bitter experiences of the 1990s, first and foremost, for professionals to be patient and aware of what the authoritarian state is, and for the first and last bet to be on the awareness of the membership and its will. The road to the independence of professional unions in Egypt is still long. It requires benefiting from the lessons of the battles against Law 100, including:

- The General Assembly has the first and final word in choosing its representatives, and this should be respected, and the state should not be called upon to get rid of the competitor. Rather, there is a need to rely on union effectiveness.
- Working to activate the role of the General Assembly, by adopting its real demands, and ensuring that it maintains its oversight role over the union's budget, resources, and expenditure, as well as providing guarantees and mechanisms for union democracy, and for the General Assembly to have the authority to amend the laws and regulations of the union organization without interference from outside it.
- Respecting the constitutional ban on imposing guardianship on professional unions, and be vigilant and confront any attempts to amend the constitution in this undemocratic direction.
- Strong and independent unions should be based on financial independence and grassroots organizations, plurality of union organization and voluntary membership and should not combine employees and employers.
- Restoring the demands for an alliance between professionals is important to confront the attack on their rights and to strengthen their rallying around unified demands.
- The need to overcome the division between trade unions and professional unions by creating a comprehensive union umbrella that includes representatives of wage workers, whether professionals or workers.
- The political role of the union is important and required, but partisanship and turning the

union into a mouthpiece for a specific party or political group is unacceptable.

- The realization of any political organization, no matter how strong, that it will not be able to exclude other powers, and that it is also not wise to push others to fall into the arms of the authoritarian state, whether in good faith or otherwise.
- Individual action must be transcended. Union ranks must be united and union activists must work jointly to confront violations and rally around common demands.
- Unions' adoption of political, social, or national demands as an active component of society that affects and is affected by their surroundings is understandable and logical, provided that these decisions are made democratically and by returning to the General Assembly.

It remains to be emphasized that restoring effectiveness to professional unions and reclaiming their independence is an important step on the path to restoring democracy to all of society.

Dates of foundation
of Egyptian professional syndicates

Before WWI



1912 — Bar Association — 1 Syndicate

In the 1940s



1941 — Journalists

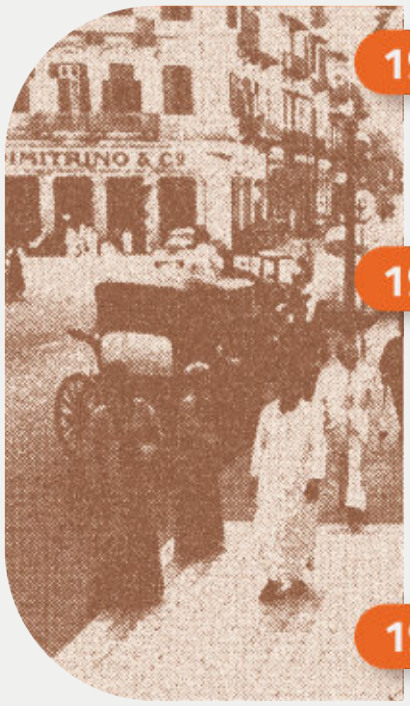
1946 — Engineers

1949 — Doctors

Pharmacists — Physicians, Dentists and Veterinarians

6 Syndicate

In the 1950s and 60s



1954 — Agriculturalists

1955 — Teachers

Filmmakers

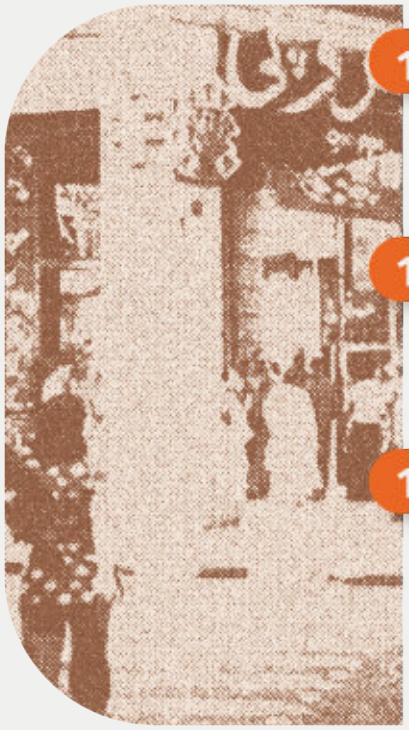
Acting professions

Musical professions

1964 — Commercial professions

6 Syndicate

In the 1970s



1973 Scientists

1974 Social workers

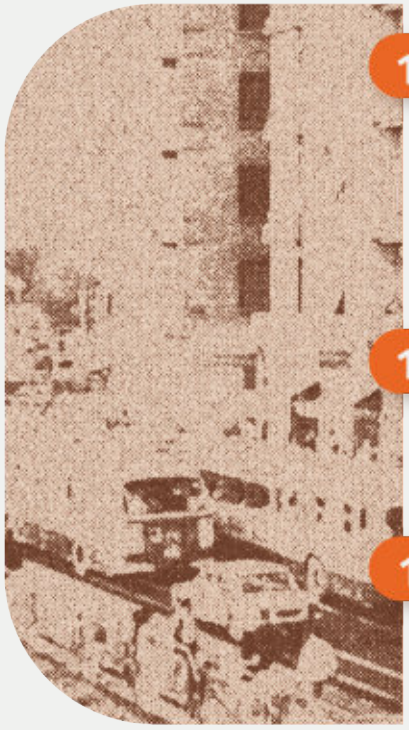
1976 Applied technical professions

Applied Arts Designers

The nursing profession

5 Syndicate

In the 1980s until the issuance



1983 Tourist guides

Quran teachers

1986 Visual artists

1987 Sport professions

Athletes

5 Syndicate

Under law 100 (1993-2010)



1994 Physiotherapy

Customs officials

2009 Programmers

3 Syndicate

From 2011 – 2023



2011

Civil aviators

Imams and religious scholars

2012

Motor rehabilitation and injuries

Translators

6 Syndicate

2016

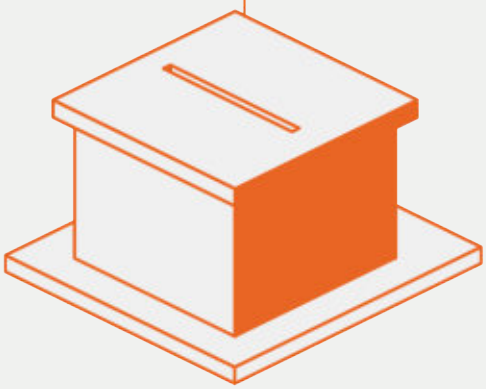
Media personnel

2017

Archaeologists

Geographers

are under establishment,
and its law has not been issued
until the preparation of this study



Years of Guardianship and suspension of elections in **the four unions**

Bar Association

Guardianship Duration

4 years

from April 1995 to 1999

but the effect extended until the first election after the guardianship was held in 200

Elections suspended for

9 years

from 1992 to 2001

Cessation of ordinary general assembly

They were not held during the guard period until the first elections were held in 2001



Journalists Syndicate

Guardianship Duration

None

Elections suspended for

None



Cessation of ordinary general assembly

2013 :1994

with the exception of holding an assembly in March 2006

Engineers Syndicate

Guardianship Duration

16 years

from May 1995 to 2011

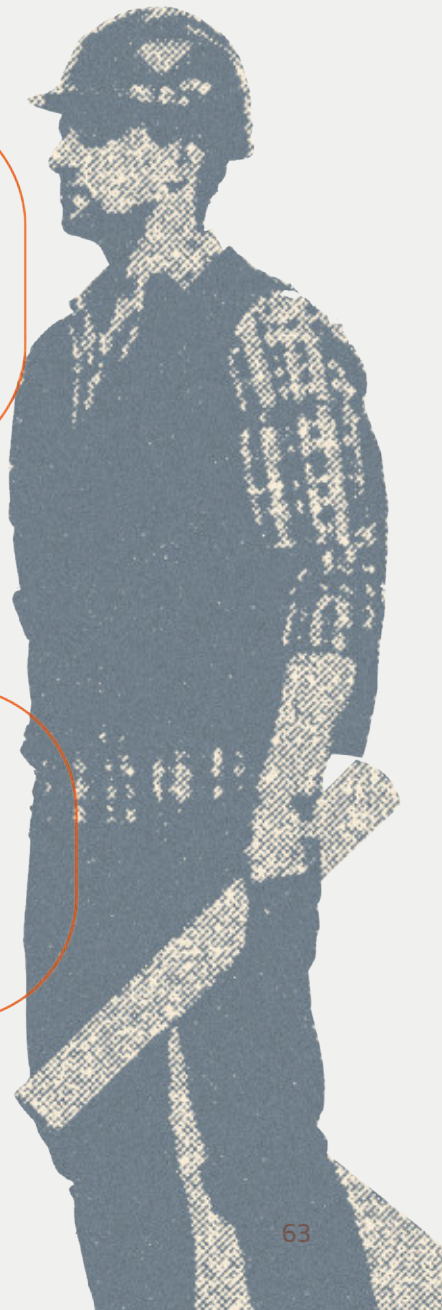
Elections suspended for

18 years

from 1993 to 2011

Cessation of ordinary general assembly

from 1992 to 2011



Doctors Syndicate

Guardianship Duration

4 years

from 1997 to August 2011

Guardianship was not imposed on the General Union or any of the other 25 sub-unions, with many lawsuits being filed before the courts for this purpose

Elections suspended for

19 years

from the last elections in 1992 until 2011

Cessation of ordinary general assembly

None

Almost all of them were held during the era of Law 100 in accordance with the quorum stipulated in the union law (one thousand members)



Periodicity of elections, date of the General Assembly, and its quorum in accordance

with the laws of the four unions

Bar Association



Elections

Every four years with the ordinary GA

Date of general assembly

June, the syndicate council may postpone until after the judicial vacation.



Quorum

At least one third of members. If the quorum is not met, the meeting will be postponed for two weeks with a quorum of 1,500 members, and the call will be repeated until it is achieved

Syndicate of **Journalists**



Elections

Every two years with the annual invitation to the ordinary GA.

Date of general assembly
First Friday in March



Quorum for GA and elections

At least half of the members of the roster of workers are invited in the first invitation, and at least a quarter are still called every two weeks on a Friday until a quorum is achieved.

Engineers'
general Syndicate



Elections

Every two years for half of the members of the Council and four years for the President of the Syndicate and the Supreme Council of the Syndicate, with the annual call for the regular general assembly

Date of general assembly

During the first week of March, and on a day determined by the Syndicate Council.



Quorum for GA and elections

At least a quarter of the members. If the assembly is not completed within two hours, the second meeting shall be valid with at least three hundred members. Otherwise, the meeting shall be postponed for two weeks and the invitation shall be repeated until the number is complete.

Doctors' *syndicate*



Elections

Every four years with the ordinary GA.

Date of general assembly

Annually in March.



Quorum for GA and elections

At least one thousand members. If quorum not achieved after two hours, the meeting shall be called for again within 15 days with a quorum of at least 300 members.

Part II

How did the "justice system" work?
Courts, trade unions and law 100

Zainab Kheir - Emad Mubarak

Introduction

The conflict intensified in the 1990s between the state and professional unions in Egypt, and moved to the stage of legal battles. This took two paths: the first was legislative with the issuance of Law 100 of 1993, called the "Law of Guarantees of Democratic Professional Union Organizations," then its amendments in accordance with Law 5 of 1995. The second was the entry of the judiciary as an influential party that decides on union disputes and supervises the most important pillar of union activity, which is the entire electoral process, which later led to the imposition of guardianship on many professional unions for varying periods (lawyers, engineers, physicians, commercial... and others). As for the unions that did suffer the guardianship, they also went to court under Law 100 with many complaints that resulted from the implementation of this law, which caused the obstruction of many of the objectives of unions, for which they were founded in the first place, such as developing the profession, solving the problems of its members, and defending their rights. This subsequently led to reluctance to work in unions, a lack of renewal of membership, as if whole unions were sent into retirement.

Professional unions entered the judicial arena through two paths:



The first was before the administrative judiciary in accordance with the laws establishing unions, then Law No. 100. The courts of the State Council witnessed appeals and lawsuits against the procedures of the electoral process in many professional unions, and their violation of the law or integrity standards. This later developed into some of these cases to be moved before the Supreme Constitutional Court, which in turn issued a set of rulings that established important principles, emphasizing the institutional freedom of unions and the democracy of union work (the right to assembly, etc..).

The second path was before the civil courts based on Articles No. 729 and 730 and Civil Law No. 131 of 1948, which stipulates the imposition of guardianship in the event of a danger. These courts have been known to file lawsuits based on financial violations of professional union councils, most of which were attributed to members of the Muslim Brotherhood, which dominated many professional union councils, their capabilities, and their management during the period covered by this report. The ruling in a number of these cases resulted in the imposition of guardianship on professional unions for periods that amounted, in the cases of the Egyptian Engineers and the Egyptian Lawyers Syndicates, to 16 and 4 years, respectively.

This was accompanied by a freeze in the union movement in general from the beginning of the nineties until the end of the first decade of the third millennium, after the conflict erupted over what was described as the Brotherhood's influence over the affairs of professional unions for political goals and objectives. In many cases, the resort to courts in union affairs was on the part of their leaders and members among the civil and leftist forces, in an attempt to seek the help of the law to confront this encroachment.

This research paper discusses the interaction between professional unions on the one hand and the laws and judiciary, which are the two pillars of the "justice system," on the other hand during the period of application of Law 100 between 1993 and 2011, while also providing a historical background.

The Egyptian Bar, Engineers, and Journalists Syndicates and the General Syndicate of Egyptian Physicians are taken as a case study for considerations that were clarified in the previous

research paper. A random sample of a number of these union cases before the constitutional, administrative, and civil courts is presented, examining the parties to the dispute, the topics of the cases, the rulings, and the time the litigation took, as well as the principles upon which these rulings were based.

First: Background on the state's authority over professional union laws

The laws establishing professional unions issued under the Nasserist regime (during the sixties) and their amendments during the seventies during the rule of former President Sadat were not without restrictions and mechanisms for interference in their affairs.

The laws of many of these unions belong to this or that administrative body concerned with the scope of work of its members, represented by a government ministry and its minister, as is the case for example (Artists Syndicate, Minister of Culture - Physicians Syndicate, Minister of Health - Engineers Syndicate, Minister of Irrigation - Implementers Syndicate, Minister Industry...etc.). As for the Bar Association, the Bar Law, which deals with the affairs of the Bar, came to the Court of Cassation as a counterpart to the administration of the previously mentioned unions. The texts of several laws also gave the competent minister the right to call extraordinary general assemblies of unions, or to dissolve their councils.

In the historical context, the "Law of Guarantees of the Democracy of Professional Union Organizations' No. 100 of 1993 and its amendments of 1995 is not considered the first attempt at authoritarian interference in union work through laws and decrees. However, this law was preceded by numerous and repeated attempts, including, but not limited to Republican Decree Law 174 of 1961 regarding the suspension of some provisions related to professional unions. Its first article stipulated that the procedures for elections of the boards of directors of professional unions and their various formations would be halted until December 31, 1961, with the cancellation of any measures that had been taken regarding these elections, and that the councils and formations existing at that time for these unions would continue to carry out their work.

Reading the texts of the laws established by the political authority for the four unions under our study (lawyers, engineers, physicians, and journalists) and before Law 100 of 1993 indicates that the authority sought to explicitly and directly dominate three of them, encroaching on their independence, and allowing interference in their affairs and management, by granting broad powers to the ministers over them.

The provisions of Article 62 of Law No. 76 of 1970 establishing the Journalists Syndicate stipulate that "the Minister of National Guidance may appeal the formation of the General Assembly and the formation of the Syndicate Council, and he also has the right to appeal decisions issued by the General Assembly..." Regarding the Engineers Syndicate, article 20 of Law No. 66 of 1974 stipulates that "the Minister of Irrigation may challenge the validity of the convening of the General Assembly or its decisions or the election of the President and members of the Syndicate Council, through a report deposited with the clerk of the Administrative Judicial Court of the State Council within fifteen days from the date of his being informed of the General Assembly's decisions or the result of the elections." Moreover, the same law grants the Minister of Irrigation in Article 95 the authority to "determine by decision the type and size of engineering works that a union member may undertake in accordance with his specialization, after taking the opinion of the union council."

As for the syndicate of physicians, the implementation of the articles of Law No. 45 of 1969, was entrusted to decisions issued by the Minister of Health, in accordance with Article 79 of this law. For journalists, the internal bylaws of the union are issued by a decision from the Minister of Guidance after the approval of the Socialist Union in accordance with Article 33/E, and for engineers this bylaw is issued by a decision of the Minister of Irrigation in accordance with Article 94.

The executive authority has more powers and additional possible interventions, as union laws determine the membership of employees of this authority in investigation and disciplinary councils of its members. For example, for physicians, an investigation committee is formed that includes a member of the Administrative Prosecution and a disciplinary body that includes a representative in the Fatwa and Legislation Department of the Ministry of Health, according to the text of Article 56. For engineers, the investigation committee includes a

member of the State Council with at least a deputy rank, chosen by the head of the Fatwa Department at the Ministry of Irrigation, according to Article 59. In turn, the disciplinary bodies for engineers include the State Counselor of the Ministry of Irrigation, as stipulated in Article 61/B. For journalists, the law forces the legal advisor of the Ministry of National Guidance (later Information) to form the trade union investigation body, along with one of the representatives of the Fatwa and Legislation Department of the Ministry of Justice. The Minister is granted the right to file lawsuits before this body, in accordance with Article 81. As for the Appellate Disciplinary Authority, it is originally one of the chambers of the Cairo Court of Appeal, with a special formation, as stated in Article 82.

Because the Journalists Syndicate Law has not undergone any amendments since its issuance in September 1970, it has retained broad interventions by the Socialist Union. However, the continuing impact of authoritarian interventions is embodied today in the powers of the State Information Service (governmental) in many of the affairs of the union and journalists, including the formation of a grievance body against the decisions of the membership registration committee, in accordance with Article 14, as well as sending lists of the names of applicants for registration in the union to the Ministry of National Guidance (Mass Media), in order to express their opinion before the committee decides whether to accept them or not, as stipulated in Article 13, as well as Article 16, and other interventions.

However, interference in the affairs of professional unions did not stop there, and in what can be described as "electoral manipulation', the laws of these unions, by the authority and legislation of the state, and not by the decisions and will of the members of the general assemblies, determine the details of the process of electing the union chairs and councils. These details are not devoid of restrictions, requirements, and logistical determinants that serve those supported by the government, and benefit wealthy professionals and powerful organizations, as was the case with the Muslim Brotherhood.

For example, Article 18 of the Physicians' Law 45 of 1969 stipulates that "candidates for the

council of the General Syndicate, numbering only 6 members, are required to run for candidacy in all parts of the Republic every mid-term renewal.' This effectively means the necessity of reaching thousands of physicians distributed across 26 governorates from Alexandria to Aswan, which also means the impossibility of reaching all voters without strong organization and major financial capabilities. As such, "those most able to access the union's management are mostly either lists of those supported by the state, owners of major hospitals, directors of hospitals and directorates who have been selected for positions according to state security reports, or members of a powerful organization such as the Muslim Brotherhood.'

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Second: Law 100 in its form, content, and effect

In terms of form, Law 100 and its subsequent amendment consists of 9 articles, in addition to two articles at the end related to the repeal of every provision that violates its provisions, and the procedures for its stamping, publication in the Official Gazette, and enforcement.

In terms of content, one of the negative aspects of the law was that it was applied to all professional unions. This is even though the situation of each union is different from the other. There are unions with a central character, such as journalists, which have only two headquarters (Cairo and Alexandria). Others are spread throughout Egypt and have an office in every governorate and center, such as engineers, lawyers, and physicians.

There is a difference in membership numbers between unions, which makes a difference between the chances of each union and another in its success and ability to complete the quorum specified by the legislator to complete its general assembly. It is half when the first invitation to the Elections Assembly is sent out, then a third with repeated invitations until it reaches quorum. But here too, the specificity of each union was overlooked.

Thus, contrary to its title, "The Law of the Democratic Guarantees for Professional Union Organizations," the law came with demands and conditions that could be described as "impossible" for holding union elections, especially for those unions that have many affiliates/ members. This opened the door to imposing security on many professional unions. At a time when the participation rate of citizens in the presidential and parliamentary elections in Egypt in the 1990s did not exceed 10%, the law 100 raised the minimum percentage of completion of the electoral quorum and came to require the participation of 50% of those who have the right to vote, then a third in the runoff stage in accordance with the text of Article Two of the law. .

If the previously stipulated quorum is not achieved, the Syndicate and the Syndicate Council will continue to exercise their powers for a period of three months only, and the members of the General Assembly will be invited during this period to elect the Syndicate or the Syndicate Council in the same manner, and the election will be valid upon completion of the quorum stipulated in the previous paragraph, as stated in Article 2.

The law also obligates unions to hold elections on days other than official holidays, in accordance with Article 4, thus making it more difficult for union members to attend who may not have enough time or desire to vote on a workday.

The result was that unions became managed by temporary judicial committees, in accordance with the provisions of Article 3. In most cases, they quickly turned into permanent committees controlled by the regime, which subsequently helped impose its official guardianship over the unions. In an attempt to limit the political role of unions, the law included in Article 8 a general prohibition on professional unions from engaging in any activity that contradicts the objectives for which they were established, and from directing their resources to purposes other than

those for which they were established.

An amendment or addition in 1995 took away the unions' right to organize their elections, and granted this power and authority to a "judicial committee' headed by the president of the court of first instance in whose jurisdiction the election took place and membership of the four most senior members of the court presidents or judges of the court itself, in accordance with the text of Article 6.

Third: Judges against judicial interference in professional unions

The reality of the situation is that Law 100 and its amendments took away the inherent powers of the general assemblies of trade unions and granted them to judges, which included:

- Judicial supervision of elections and adjudication of all matters related to them, until the announcement of the results and other matters.
- Forming a committee of judges to convene the General Assembly after the guard is lifted. This is what happened in the cases of the Bar and Engineers Associations.

In this context, the positions announced by the judges themselves and through their clubs, which constitute their union organization, are noteworthy. Following the issuance of Law 100 of 1993, the Egyptian Judges Club objected to assigning administrative tasks to judges. The Judges' Clubs' letter labeled the law unconstitutional, not only because it violated the text of Article 173 of the Constitution, as the Supreme Council of Judicial Bodies did was not consulted, but because it also violated the principle of separation of powers, when it assigned administrative work to the judiciary and abused them by using them to confiscate the right of professional union members to choose their leaders.

In this context, Counselor Zakaria Abdel Aziz, President of the Egyptian Judges Club, said in his improvised speech before the General Assembly in November 2007, "the necessity of unleashing the freedom of professional unions to hold their elections by repealing Articles 3 and 6 of Law No. 100 of 1993, and by abolishing any role for the judiciary to supervise professional

elections, and let this supervision be left to its owners, as they know best how to manage their elections.' He added, "Professional unions should not be embarrassed by this request, as judges believe in freedom of unions, associations, and other civil institutions to manage their affairs.'

The deliberations of the General Assembly of the Egyptian Judges Club in Cairo, held on November 30, 2007, ended with the assignment of the board of directors of their club to continue the march towards independence, and to present an integrated study explaining the judges' demand to exempt them from interference in the affairs of professional unions stipulated in Law 100 of 1993. Later, this study prepared by judge Ahmed Mekki, Deputy President of the Court of Cassation and Minister of Justice after the January Revolution, indicated, that "disrupting union activity under the pretext of imposing judicial guardianship is a legal scandal that undermines the prestige and status of the Egyptian judiciary, and such rulings do not exist, as stated in the ruling issued by the Court of Cassation in 2005, which clearly decided that public unions are persons of public law that may not be subject to judicial custody, and in carrying out their activities and powers they are subject only to the authority of their general assemblies, and every text or action from any entity, whether legislative, judicial, or executive, that squanders this right by prohibiting or restricting it, is null and void' The study added, "The worst thing about this jurisprudence is that the punishment that befalls union members is assigning their union to the judiciary.'

Fourth: Unions before the courts under Law 100?

The 1971 Constitution, in effect during the period of application of Law 100, allocated Article 56 to stipulate the establishment of trade unions and federations on a democratic basis and to guarantee their legal personality. The Constitution referred the regulation of the work of trade unions and federations, including holding their members accountable for their behavior in practicing the profession in accordance with ethical codes of honor, and defending the rights and freedoms legally established for these members, to the law.

During the period we are examining (1993 - 2011), and in accordance with the 1971 Constitution

in force at that time, there were many types of courts that the opponents resorted to during their judicial union battles under Law 100. Among these courts were those specified by the laws establishing professional unions themselves, and the majority of them were administrative judiciary courts. This is also the case, but not limited to, the unions of physicians, journalists, and professionals working in commerce. Since the issuance of Law 100, the administrative judiciary courts, in accordance with its eighth article, have also become competent to decide on activities that contradict the objectives of establishing unions, or collecting funds or accepting gifts or donations for purposes other than those for which the union is established.

However, the Court of Cassation was in turn an arena for litigation regarding professional unions in a number of other cases related, for example, to the journalists' and lawyers' unions. The civil courts, for their part, specialized in cases of guardianship of professional unions. Many professional union cases were referred to the Supreme Constitutional Court to decide on the constitutionality of articles included in the laws establishing these unions, leading to the case of arguing the unconstitutionality of Law No. 100 of 1993, which ended with a ruling of its unconstitutionality on January 2, 2011.

According to the jurisdiction of the Constitutional Court and the Administrative Court in the 1971 Constitution (Articles 172, 174, and 175), the two courts played multiple roles during this period of union crisis. The senior administration had an active role (whether in issuing important rulings confirming legal rules) or in referring to the Constitutional Court when there was a suspicion of unconstitutionality of some articles of the laws. In turn, the Supreme Constitutional Court established the principles of the freedom of association system, intersecting with other principles of the Constitution, such as the right to litigation and the direct personal interest of the litigant. The Supreme Constitutional Court also relied on the texts of international agreements ratified by the Egyptian state, such as the Freedom of Association Agreement and the Protection of the Right to Organize. For example, the ruling of Case No. 22 of the 17th judicial year stipulated, "Determining whether a union organization is valid or invalid must not be based on prior intervention, neither by the administrative body, nor by the judicial authority."

Before addressing several rulings issued regarding professional unions during the period in force of Law 100, we can note the following about the litigation process before the legally

competent courts:

- Lawsuits were brought by members of a general assembly, often related to political work, against the union president, representatives of the administrative body, judicial guards, or representatives of the judicial supervisory body over professional unions.
- Appeals against the results of the elections or their procedures and regarding the validity of the quorum achieved for the General Assembly are remarkably frequent in these lawsuits. It is also noted that there are repeated appeals against the validity of the candidacy of those who have exceeded the terms of assuming elected responsibilities stipulated in union laws.
- In many cases, the defense of the defendants led to the suspension of the cases and their referral to the Constitutional Court due to suspicion of the unconstitutionality of the articles claimed.
- It is clear that the rulings of the Constitutional Court are used as defenses in cases of lifting guardianship.
- The duration of the litigation mostly ranged between two and four years, according to the lawsuit documents available to us, with the exception of the ruling on the unconstitutionality of Law 100, which was issued about ten years after the case was heard.

Fifth: Examples of judicial rulings in union cases

Despite the random nature of the sample of cases under study, we were keen to ensure that it represented as much as possible the various types of courts competent to consider professional union cases and the diversity of lawsuit topics to highlight the most important principles established through these rulings.

I: Examples of civil judiciary rulings in cases concerning guardianship over unions:

1- The ruling on imposing guardianship on the Engineers Syndicate Case No. 1835 of 1948 and its subsequent rulings:

The date of February 26, 1993, was the beginning of the Engineers Syndicate entering the tunnel into guardianship, which continued for fourteen years. This is the longest period in the

history of guardianship over professional unions in Egypt. This date was scheduled for holding mid-term renewal elections for the Syndicate Council in accordance with Article 66 of 1974 establishing the Engineers Syndicate, which stipulates that the term of membership in councils and organizations at all levels is 4 years, and the membership of half of its members is dropped every two years by lottery for the first time and the membership of the second half begins after 4 years have passed since their election; the membership of councils members whose term has expired continues until the election of their replacement.

However, the General Assembly was not held on that date due to escalation of disagreements within the Syndicate Council and between the Council and the General Assembly. The head of the Syndicate also failed to respond to the request of the Judicial Committee supervising the elections to complete some voter data, and he did not sign the papers and lists in his capacity. Moreover, investigations have begun into voter registration lists, which made it impossible to call on the General Assembly to elect those whose membership has dropped.

The result of this was the negative ruling in the case (1835) of the judicial year 48 issued on December 21, 1994, after the committee supervising the elections decided to postpone its holding until a date to be determined later. The reasons for the ruling were that the president did not sign the membership/voter lists, and that there were one hundred thousand members of the association whose names were submitted to the committee, and the president must declare the extent to which the sent lists matched reality. One of the reasons for the ruling also was the objection of the judicial committee supervising the holding of the elections due to the possibility that the votes would be invalidated, and the president's failure to respond to the committee's request to examine, review and sign the voter lists.

Almost a year after these events, a number of members of the General Assembly of the Engineers Syndicate filed suit No. 2282 of 1994 before the administrative judiciary in accordance with the law establishing the Engineers Syndicate, against both the President of the Engineers Syndicate and the Minister of Irrigation in their capacity as members of the General Assembly of the Syndicate and have all rights and obligations towards the union, explaining the dispute that broke out between members of the union council and members of the general assembly.

They called for an urgent ruling to impose judicial guardianship over the Engineers Syndicate, with a temporary mandate to take over the union's headquarters, including its furniture, records, books, and funds, manage the affairs of the union in accordance with the law establishing the union, and prepare for elections to choose new council members instead of those whose membership terms have expired in accordance with Law 100.

The plaintiff engineers presented in the lawsuit petition the reasons for filing it, the first of which wass disrupting the mid-term renewal procedure for council members whose terms have expired, and what was stated in the report of the Central Auditing Organization addressed to the union on December 1, 1994 and the previous one in 1991, of serious financial violations that severely affect the members of the union and the beneficiaries of the pension fund , which has about 200 million pounds, in addition to the resources of the union itself.

The petition said, "These violations represent harm to the interests of the union and its members in managing its affairs and achieving its goals, and are a waste of its funds, which constitutes an urgent danger. Hence, there is sufficient content in the lawsuit papers to implement the provisions of Articles (729, 730 and subsequent articles) of Civil Law No. 131 of 1948 regarding the availability of reasons for imposing guardianship, considering the urgent danger of the money remaining in the possession of a possessor, due to the presence of conflict and imminent danger, which provides the justification for the urgent intervention of the judiciary to rule on the imposition of guardianship. This is what prompted them (the plaintiffs) to file this lawsuit to rule on their aforementioned requests.'

However, the court of first instance issued its ruling rejecting the case on December 7, 1994, which prompted the plaintiffs to appeal the ruling, requesting the imposition of guardianship and the appointment of Dr. Abdel Mohsen Hamouda, Galal Girgis, and Abdel Maqsoud Muhammad as judicial guards for the committees, in order to be in charge of receiving and managing their funds, accounts, and deposits. . The guardianship should end immediately upon completion of the elections.

Then the South Cairo Court of first instance returned in Appeal No. 2173 of 1994, Cairo, urgent civil appellant, to cancel the appealed ruling, and the judiciary "imposed guardianship over the

union and appointed the docket guard, engineer "Mohamed Sabry Abdel Majeed," as a judicial guardian, and his mission was to receive the union's headquarters and manage its affairs and prepare to hold elections to choose a new council, in order to submit a statement of account every 3 months and a management report to the clerk of this court every three months until the dispute ends by consent or judgment."

2-The ruling on lifting the guardianship of the Engineers Syndicate

In Case No. 6263 of 2009, North Cairo Court:

On 6/22/2009, several members of the General Assembly of the Engineers Syndicate, representing multiple factions within it, filed a lawsuit to end the guardianship of the Syndicate before the North Cairo Civil Court.

The lawsuit stated in the petition: "Because the union was subject to judicial guardianship for fourteen years, which caused the freezing of its union life throughout that period, and since the reasons under which guardianship was imposed have been resolved due to the absence of danger due to a change in the circumstances upon which the ruling on imposing guardianship was based, with the expiration of the term of the council, which posed a risk should the union have remained under its control, pursuant to Law No. 66 of 1974, and because the Court of Cassation concluded by establishing a principle in Appeals No. 33533 of 68 J that it is not permissible to impose guardianship on public unions because they are subject, in carrying out their activities and powers, only to the authority of their general assembly and what it enacts, the regulations and decisions it issues are limited only by legislative texts."

The petition also stated: "The matter prompted them (meaning the plaintiffs) to file the lawsuit, and to provide support for their lawsuit through a folder of photocopied documents of the ruling issued in case No. 2173 of 1994, urgent appellant, Cairo, and the judge imposing guardianship on the Engineers Syndicate."

On the other hand, the representative of the second defendant (the judicial guard) argued that the court does not have specific jurisdiction to hear the case but rather the Court of Urgent Matters, and that the lawsuit should not be accepted to be filed in a manner other than that

prescribed by the law because the rest of the judicial guards have not been disputed, and he requested that the case be dismissed because the reasons for the guardianship had not expired.

The State Attorney argued that the lawsuit was not accepted because it was brought against someone who had no legal capacity with respect to the first defendant in his capacity as (Minister of Irrigation).

The ruling was issued on February 26, 2009, in favor of the plaintiffs in the matter, terminating the judicial guardianship imposed on the Engineers Syndicate in accordance with the ruling issued in Appeal No. 2173 of 1994, urgent civil appellant, Cairo.

3-Ruling on lifting the guardianship of the Bar Association in 1999 (Appeal 14902 No. 115) South Cairo Court:

Guardianship was initially imposed on the Bar Association during 1995 by a judicial ruling issued by the Court of Urgent Matters, in Case No. 1812 of 1995 Partial Cairo, which was supported by an appeal in Ruling No. 342/1996 Cairo urgent appeals.

After about three years, Ms. Fatima Rabie Ali, in her capacity as a member of the General Assembly of the Bar Association, filed an appeal against Case No. 7409/89 J before the South Cairo Civil Court. The court issued its decision on October 29, 1998, rejecting the case because: "The justifications for imposing guardianship still exist."

The ruling was not accepted by the plaintiff, so on December 2, 1998, she filed Appeal No. (14902/115 J) before the Cairo Court of Appeal, Civil Circuit 12, against both: the judicial guardian of the General Lawyers Syndicate in his capacity, the representative of the General Syndicate of Lawyers and the head of the Syndicate in her capacity and the representative of the General Syndicate of Lawyers and the Acting President of the Syndicate in his capacity as the third judicial guardian of the General Syndicate of Lawyers). Mr. Mustafa Omar, the lawyer, joined as an appellant in her case.

In her appeal, the plaintiff requested the same previous requests, namely:

- Termination of guardianship issued pursuant to Judgment No. 1812 of 1995, Cairo, supported by urgent appeal judgment No. 342 of 1996.
- Handing over the union to the union council, represented by its office members, for reasons that result in the violation by the ruling imposing guardianship of the constitution, the law, and the reality established in the papers, and the guards' violation of the ruling, the law, and reality, the disruption of union work, the inability to manage the union, the disruption of judicial rulings and elections, and the impossibility of implementing the guardianship ruling on the union, which prompted her to file a lawsuit.

The plaintiff based her claim on:

- The ruling imposing guardianship on the Bar Association was in violation of the provisions of the Bar Law, because the Bar Association is an independent professional institution that enjoys a legal personality, has public funds, and its decisions are administrative.
- A request to impose guardianship was submitted by a few lawyers after they failed in the Bar Council elections, in order to achieve private benefits.
- The texts of the Constitution and the rulings of the Supreme Constitutional Court stipulate that unions are democratic organizations and may not be harmed, and imposing guardianship on the Bar Association is considered a violation of these texts.
- The ruling to impose guardianship was based on political considerations, and the reality of the ruling was to dismiss the legitimate council of the union and appoint another council.
- The judicial guards who were appointed are managing the union's affairs in violation of the provisions of the law.

The guardianship ruling that is subject to cancellation is a temporary ruling that will not take effect if the disputed right is decided, and that ending the guardianship is an inevitable and necessary consequence of deciding the matter, and that the substantive dispute has been settled.

The plaintiff submitted a memorandum of defense, at the end of which she requested a ruling in her favor, which took place on July 13, 1999, as follows:

- Accepting the appeal in form.
- Canceling the appealed ruling regarding the rejection of the appellant's request to terminate the guardianship ruling, and ruling again to terminate the judicial guardianship imposed on the Bar Association in accordance with the ruling issued in Case No. 1812 of 1995, and its appeal No. 342 of 1996.
- Upholding the appealed ruling regarding the rejection of the appellant's request to hand over the union to the union council.

II: Examples of rulings of the administrative judiciary and the Supreme Administrative Court:

4-Administrative Judicial Court, Case No. (23345) of 57J:

On 6/16/2003, a lawsuit was filed by members of the General Assembly (Karem Yahya - Essam Abdel Hamid) in their capacity as candidates for the elections, against the Chairman of the Judicial Committee supervising the elections of the Journalists Syndicate in his capacity and the President of the Journalists Syndicate in his capacity, requesting: First, as an urgent matter, a halt to the implementation of the negative decision to hold elections of the Board of Directors of the Journalists Syndicate, and refraining from amending the holding of elections according to committees that rely on alphabetical order with all the consequences that result from that, and not according to committees according to the major press institutions, which will make it easier for the candidates to know the institutional affiliation of voters, crating room for harassment of voters.

The court decided to refer the case to the State Commissioner's Authority to prepare a report with the legal opinion on its subject. The representative of the chair of the Journalists Syndicate acknowledged that there was no dispute between the plaintiffs and the Syndicate. As for the representative of the state, he requested that the case not be accepted because of lack of a plaintiff's interest and that the elections were scheduled for June 25, 2003, as a precaution for the absence of the administrative decision. However, the defendants did not submit to the

court any evidence that the elections would be held with regard to the absence of the interest condition, nor regarding the rejection of the case due to the absence of the administrative decision.

The two plaintiffs had filed the lawsuit for the following reasons: Firstly, the two decisions violated the provisions of Article (56) of the Constitution of holding elections on a democratic basis. Secondly: Violating the guarantees of the elections and preventing elections from being held in an easy and convenient manner in accordance with the provisions of Article (6) of Law No. 100, where the most important guarantee is that the election be by secret ballot, and because the arrangement of the committees is in accordance with the major press institutions, it would be easy for candidates to know the affiliation of voters, which opens the way for abuse. The plaintiffs pointed out that the two elements of seriousness and urgency are present in the request to stop the implementation.

The ruling accepted the case in form and substance to cancel the contested decision and its consequences, as the court saw that the internal regulations of the Journalists Syndicate lacked any specific text on how to organize the subcommittee for the union's elections, and therefore it is subject to the discretionary authority of the body supervising the electoral process, without the judicial authority having to respond to the plaintiffs' requests since the democracy of union work and union elections is based primarily on the secrecy of the ballot, considering it a constitutional principle that guarantees the integrity of the election and constitutes a guarantee of due conscience. This is the principle that the law establishing the Journalists Syndicate was keen to enshrine in the text of Article (38) thereof.

The case was deliberated for two years from 6/16/2003 and was ruled on 7/6/2005.

5-The ruling of the Supreme Administrative Court in Appeal No. 8144 of 46 Administrative Judiciary regarding the upholding of the first instance ruling that annulled the decision to locate the election headquarters outside the headquarters of the Bar Association:

lawyer Ahmed Hussein Nasser, filed a lawsuit in the administrative judiciary to challenge the

decision issued on 6/8/2000 by the President of the South Cairo Court in his capacity and the consequent effects of holding the union elections outside the union house and its subsidiary headquarters because it represents a strange precedent and a departure from the text of Article (135) of the Bar Law promulgated by Law No. 17 of 1983, amended by Law No. 227 of 1984, which stipulates that elections be held at the union's headquarters and its branches. The union's buildings and branches accommodate the conduct of the electoral process under the supervision of the General Assembly, and holding it elsewhere violates the fairness of the electoral process and threatens the accuracy of the results. The Administrative Court ruled to annul this decision. The court's ruling was based on:

The jurisdiction of the committee supervising the elections is restricted by two factors:
1- That it ensures its complete supervision of the elections
2- That the headquarters must be determined in accordance with what is stipulated in the law.

The Minister of Justice and the President of the South Cairo Court, in his capacity as head of the judicial committee supervising the Bar Association elections, requested that the contested ruling be annulled, and that the judiciary once again reject the request to halt the implementation of the decision.

The ruling was issued at the 5/9/2000 session in the Supreme Administrative Appeal No. 8144/46J halting the implementation of the decision of the Chairman of the Elections Commission to hold it outside the union's headquarters, based on the following:

The general rule that it is in the authority of the committee to determine the locations of the elections does not abrogate what is stated in the law relating to the Bar Association, the provisions of which stipulate those elections be held at the Bar Association's headquarters and its branches. It is taken for granted that implicit abrogation of a legal rule only occurs where subsequent legislation is issued at the same level. In the field of legislative degree, the subsequent legislation that fulfills the condition of the previous one must be decisive in overturning the previous ruling, because it conflicts with it in a way that makes it impossible to reconcile them. However, where each of the two pieces of legislation has a scope for its work that differs from the other, none would negate the other.

If the legislator singles out a special regulation for a specific legal issue that is referred to generally in another law, the general reference must be introduced and the special regulation implemented, in application of the rule that the specific restricts the general.
Even if it appears that there is a contradiction, it is an apparent contradiction because the Law of the Legal Profession precisely specifies places, while the other law does not specify places, but rather sets a general rule according to which the committee chooses those places in order to achieve full supervision in accordance with what is legally recognized.

III: Sample of the rulings of the Supreme Constitutional Court:

6- Ruling on the unconstitutionality of Law 100

In administrative case No. 5656/55 J / Supreme Constitutional case No. 198/23J

On July 9, 2001, lawyer "Abdel Azim Gouda Mustafa Maged,' filed suit No. (5656/55J) before the Administrative Court against the following:
Minister of Justice
Counselor, President of the South Cairo Court
Prime Minister
President of the Bar

He called for an urgent ruling to halt the implementation of a negative decision of the Judicial Committee supervising the Bar Association elections until a substantive decision is made to cancel that decision and its legal consequences. The plaintiff argued that Law No. 100 of 1993 regarding guarantees of democracy for professional union organizations, amended by Law No. 5 of 1995, especially Articles (2, 3, 4, 5, 6, 6 bis, 9) is unconstitutional due to a formal defect. The draft law was not presented beforehand to the Shura Council (The Upper House).

The lawsuit also challenged the constitutionality of Law 100 due to an objective defect, which is the law's legislative deviation due to its violation of the established constitutional principles regarding equal opportunities for all citizens, equity between them, the right to establish unions on a democratic basis, the right to vote, run for office, and express an opinion, and the rule of law, which are the principles stipulated in Articles (8, 40, 56, 62, 64, 65) of the 1971

Constitution.

The subject court (administrative judiciary) stopped its consideration of the case and referred it to the Supreme Constitutional Court to decide on the constitutionality of the law. In view of this, the defendants, namely the State Litigation Authority and the Bar Association, presented defenses, the most prominent of which were summarized as follows:

"Ignorance of the contested legislative texts, due to the absence of a definition of them in the trial court's statement, would be self-defining as to their nature, and reveal the truth of their content, which means: This statement was made in the wrong place, and therefore the case in question has been brought to the court in violation of the stipulated conditions in its bylaw'.

"The constitutional legislator has made an amendment to the text of Article (194) of the Constitution, pursuant to which he specified the constitutional articles whose provisions contain what are considered laws complementary to the Constitution, and the law whose unconstitutionality is being challenged (Law 100) was not included among them) in the present case.'

After about 10 years, the Supreme Constitutional Court ruled in the case on January 2, 2011, that Law 100 of 1993 was unconstitutional, based on the following: "Presenting draft laws to the Shura Council to have its say is an indispensable and obligatory matter, and it cannot be neglected or omitted, and if the Constitutional Court verifies the failure of this procedure, the law must be dropped because it is tainted by a formal flaw in all the texts it contains, and there is no point in discussing the agreement of its provisions with the substantive provisions of the Constitution or its contradiction with them, as it violates Articles of the Constitution No. (194, 195).

Thus, the court ruled that Law No. 100 of 1993 was unconstitutional because it did not meet the formal conditions that require the validity of issuing the law in accordance with the constitution, without substantively considering its articles.

Conclusion

The Egyptian legal system consists of the constitution and laws, including general laws such as civil and criminal laws, and special laws such as the labor law, the civil associations law, and the laws for establishing professional unions. The texts of the laws must be consistent with the principles and provisions of the Constitution, which regulates the mechanism and conditions for the validity of issuing these laws. In the event that the issuance of the law violates any of these conditions in form or substance, the Supreme Constitutional Court has the right to consider the constitutionality of the articles of the laws referred to it objectively, and it also has the right to decide whether the laws fulfill the requirements of the Constitution in form.

It is clear from the above that during the professional union crisis between 1993 and 2011, the judicial and legal process was a major player in its proceedings before the constitutional, administrative, and civil courts. During these legal battles, a set of main laws were relied upon:

- Laws for establishing individual professional unions.
- Law No. 100 of 1993 regarding guarantees of democracy for professional union organizations.
- Civil Law, specifically Chapter Five, on imposing guardianship.

As for the right to litigation and its exercise regarding professional unions during the period under study, four types of courts were resorted to:

- The Supreme Administrative and Administrative Judicial Court in accordance with what is specified in the laws of professional unions and Law No. 100 of 1993, and given the jurisdiction of this court in matters related to elections and their conduct, and regarding activities contrary to the objectives of establishing unions, and receiving gifts or donations for a purpose other than the purpose for which the union is established.
- Civil courts, first and second levels, regarding guardianship cases.
- The Court of Cassation in accordance with the laws establishing the Bar Association and the Journalists Syndicate
- The Supreme Constitutional Court after other courts deem that there were articles whose constitutionality was contested, with regard to union disputes.

These conflicts/battles have led to a pattern of dealing with these issues as follows:

Political conflicts, especially between Islamists and civil groups, pushed major professional unions such as lawyers, physicians, and engineers into the courts. This resulted in the beginning of the imposition of guardianship on the Engineers and Lawyers Syndicates, in accordance with the definition of guardianship in the Civil Code (the presence of an immediate danger threatening the transferred property). This appeal also gave the judiciary the status of urgency regarding the request to impose guardianship in accordance with the Code of Procedures (clarifying urgent danger as urgent matters for which there is a fear that time will run out). All of this was embodied in rulings issued by civil courts on an urgent basis. The civil courts would later issue rulings to lift the guardianship of the same unions.

Despite the legal disputes raised by the cases that were filed under Law No. 100 and its texts, they ultimately led to the cancellation of articles of the professional union laws due to their unconstitutionality.

The administrative judiciary, in its capacity as the court concerned with adjudicating appeals against the procedures of the electoral process in the majority of unions, referred many cases to the Constitutional Court, in order to consider the constitutional validity of many legal articles related to professional unions, and it is noted that the referral in many cases was based on what was stated in the defenses of the defendants, especially the State Litigation Authority and representatives of trade union councils.

For its part, the Constitutional Court established principles that benefited those who filed subsequent lawsuits for similar reasons, the most prominent of which are:

- The right to litigation and easy access to it.
- Direct personal interest.
- The right of a union member to independence in his claim to guarantee his personal rights that he suffered because of their violation, and the separation of these rights from the collective interests that the union protects as a legal person.
- Abolishing the restriction on appeals on the availability of the signature of a specific number

of members of the General Assembly, as it exhausts the stakeholder.

- Equality between citizens.
- The right to hold meetings.
- The right to establish trade union organizations on a democratic basis, and to manage their affairs in a way that ensures the independence of their decisions, away from any interference or tutelage from the administrative body.
- The right of the General Assembly to monitor the validity of its meetings.

Thus, during the period from 1993 to 2011, the Supreme Constitutional Court abolished articles in the professional union laws that detracted from the previously mentioned rights. It also annulled Law No. 100 of 199. This was for a formal reason, which was that it did not meet the conditions for issuing laws by being presented to the Shura Council before approving them, and without the court examining the objectivity of the texts of Law 100. But the law at that time had fulfilled its purpose, by suppressing the union movement, and the successive security strikes on the Muslim Brotherhood.

General Assemblies

Journalists *Syndicate* Organizing law | No. 76 of 19970

Quorum

- The General Assembly meeting will not be valid unless it is attended by at least half of the members. If this number is not available, the meeting will be postponed for two weeks and the members will be re-announced with the new date. Its second meeting will be valid if it is attended by a quarter of the members. Otherwise, the invitation will be repeated until this number is complete.

- General Assembly decisions are issued by an absolute majority of the members present.

- The election of the President shall be by an absolute majority of the valid votes of those present. If one of the candidates does not obtain this majority, the election shall be repeated among the candidates who obtained the most votes. In this case, the election shall be by a relative majority, and when the votes are equal, voting shall be held among those who obtained the equal votes.

- The Syndicate Council is responsible for counting the votes, and each candidate has the right to attend the counting process and to have one of the Syndicate's working members act on his behalf in doing so.
  The union's internal regulations state the conditions and dates for nomination and the method of conducting elections

Conditions for holding the General Assembly

- The President of the Syndicate invites the members of the General Assembly to meet through an announcement published twice in two daily newspapers published in Cairo, at least one week before it is held. The announcement indicates the date of the meeting and the agenda of the General Assembly, and the topics proposed by the Syndicate Council are included in the agendas.
- The ordinary or extraordinary general assembly may not consider matters other than those included in its agenda... except for urgent matters that arise after the invitation is sent.
- The union's general assembly holds its regular meeting on the first Friday of March of each year. The General Assembly may be called to an extraordinary meeting whenever the Syndicate Council deems it necessary to hold it.
- It must be invited if a request is submitted by one hundred members who have the right to attend its meetings, within one month of submitting the request.
- General Assembly meetings are held at the union's main headquarters. The Syndicate Council must notify the Arab Socialist Union and the Minister of National Guidance of the results of the election of the members of the Syndicate Council and the Syndicate and the decisions of the General Assembly within a week from the date of their issuance.
- If the membership of a member of the Council is terminated or his place is vacated, he shall be replaced, for the remaining term of membership, by the candidate who obtained the most votes in the last elections held for membership in the Syndicate.

If the number of vacant places on the Council is three or more, the

- General Assembly shall be called within fifteen days from the date of their vacancy to elect members for the vacant positions to complete the term of the members who replaced them.



Conditions for appeal and the court competent to hear appeals

- The Minister of National Guidance may challenge the formation of the General Assembly and the formation of the Syndicate Council, and he also has the right to appeal the decisions issued by the General Assembly.

- One-fifth of the members who attended the General Assembly meeting have the right to challenge the validity of its convening and the formation of the Syndicate Council. The appeal shall be filed with a report in the clerk of the Court of Cassation (Criminal Division) within fifteen days from the date of the General Assembly for its members, and from the date of notification for the Minister of National Guidance. The appeal must be reasoned. The court shall decide on the appeal as a matter of urgency after hearing the statements of the Public Prosecution. The chair or his representative, and the plaintiffs' attorney, in a closed session.

Quorum

- Its meeting will not be valid unless it is attended by at least a third of its members or three thousand members, whichever is less. If this number is not available, the meeting will be postponed for two weeks. The second meeting will be valid if it is attended by at least one thousand five hundred members. If the number is not complete at this meeting, the case will be returned to a meeting held during For two weeks, the lawsuit will be repeated until the required number is complete. In all cases, the Syndicate Council may postpone the General Assembly until after the end of the judicial recess.

- If the request is to convene an extraordinary assembly to withdraw confidence from the President or one or more members of the Syndicate Council, on the condition that its convening is valid, the presence of a number of members not less than one thousand and five hundred members and that it is chaired by the oldest member who is not a member of the Syndicate Council.

- The decisions of the General Assembly shall be issued by an absolute majority of the votes of those present. If the votes are equal, the side on which the President of the Assembly is in favor shall prevail, and a report shall be written of the result of the meeting, recorded in a special notebook and signed by the President of the Assembly, the Secretary-General, and the vote count.

- The General Assembly is held annually and is valid for at least one-third of the members or three thousand members, whichever is less. The meeting is postponed for two weeks and is valid for one thousand and five hundred members.

- The invitation will be repeated within two weeks until a quorum is reached

- Extraordinary General Assembly: At the invitation of the union council or 500 members whose signatures are authenticated by the relevant sub-unions, with a reason and an agenda.

- The captain shall undertake the convocation within 30 days. If he does not direct the convocation, the convocation shall be held on the day following the end of the period by force of law

- Withdrawal of confidence: 1,500 people sign, with supporting documents and documents attached

- Elections are in accordance with the rules and procedures determined by the union's bylaws.

- Fifty lawyers who attended or participated in the elections may appeal the decisions issued by them and the formation of the union council with a report signed by them and submitted to the Court of Cassation within two weeks from the date of the decision, provided that it is ratified.

- If the president or more than 3 of the members are invalidated, elections will be held

- A temporary council shall be formed under the chairmanship of the President of the Court of Appeal and the membership of the 6 most senior presidents or vice-presidents of this court. It shall alone be competent to hold elections within a period not exceeding 60 days from the date of invalidation, and it shall have all the powers of the council.

- The Court of Cassation is responsible for adjudicating appeals against its decisions within the stipulated deadlines and procedures.



Conditions for holding the General Assembly

- The General Assembly is held annually in the month of June at the headquarters of the Cairo Bar Association.

- The President shall chair the General Assembly meeting, and in the event of his absence, the senior of the two representatives who practice the profession shall represent him. In the event of his absence, the other representative shall represent him. The president of the association shall announce its meeting after verifying the availability of the quorum necessary for its convening.

- The meeting is also announced and the Secretary General of the Union assumes the secretariat of the meeting in the event of his absence. The President of the Association chooses a secretary for the meeting and the General Assembly chooses two vote counters from among its members.

- The Union Council may submit for consideration urgent issues that arose after the lawsuit was filed and were studied.

- The General Assembly may hold extraordinary meetings upon the invitation of the General Union Council or upon a written request submitted to the Syndicate by a number of not less than five hundred members of the General Assembly whose signatures are certified by the competent subsidiary union. The request shall state its reasons and the proposed agenda.

- The captain shall direct the lawsuit during the aforementioned period. Otherwise, the extraordinary general assembly shall meet by force of law on the day following the end of that period.

- The union's bylaws outline the procedures for calling and holding the general assembly and how its work is conducted.

- The candidate shall submit the application to the Syndicate Council at the time it specifies to accept nomination requests, provided that it is at least forty days before the date set for holding the elections.

- The election to choose the president and members of the general union council takes place at the union's headquarters and at the branch union headquarters in accordance with the rules and procedures determined by the union's bylaws. The election shall be by direct secret ballot and by relative majority. If the votes are equal among more than one candidate, ballots shall be made between those who obtained the equal votes.

- The election and counting of votes are carried out under the supervision of committees made up of non-candidates, and each candidate may be represented by a lawyer who is not lower than his registered representative in attending the counting procedures. The Council must notify the Minister of Justice, the President of the Supreme Administrative Court, the Presidents of the Courts of Appeal, the Attorney General, and the organizations of Arab Bar Associations and sub-unions of the election result within three days from the date of announcing the result.

- At least fifty lawyers who attended the general assembly or participated in the elections for the Bar Council may appeal the decisions issued by it and the formation of the Bar Council, with a report signed by them and submitted to the clerk of the Court of Cassation within two weeks from the date of the decision, provided that their signatures are ratified.

- The appeal must be reasoned, and the court decides on the appeal expeditiously after hearing the statements of the prosecution and the statements of the captain or whoever represents him, the representative

of the appellants. If the formation of the General Assembly is ruled invalid, its decisions are invalid. If the election of the captain or more than three members of the council is ruled invalid, new elections are held to elect whoever replaces him. Their place.

- A temporary council shall be formed under the chairmanship of the Cairo Court of Appeal and the membership of the six most senior presidents or deputies of this court. It alone shall have the sole jurisdiction to hold the elections within a period not exceeding sixty days from the date of the ruling on the invalidity. If any of these people apologizes or something prevents him from doing so, he shall be replaced by the most senior, then the most senior, and this council shall be in charge for a period of time. The formation of the new council has all the powers assigned to the Syndicate Council, and its president has the powers of the Syndicate, and the Court of Cassation has exclusive jurisdiction to decide on appeals against its decisions within the dates and procedures stipulated in the previous two paragraphs.

- The election of the President may not be renewed for more than two consecutive terms in light of this law.



Conditions for appeal and the court competent to hear appeals

- The Syndicate Council shall prepare the list of candidates within a maximum of ten days from the closing of the nomination window. It shall be announced to the lawyers in the sub-unions. Anyone who neglects to include his name in it may file a grievance with the Syndicate Council or appeal its decision before the Cairo Court of Appeal within ten days from the date of publishing the lists of candidates, and the appeal shall be decided. Urgently.

- At least fifty lawyers who attended the general assembly or participated in the elections for the Bar Council may appeal the decisions issued by it and the formation of the Bar Council, with a report signed by them and submitted to the clerk of the Court of Cassation within two weeks from the date of the decision, provided that their signatures are ratified.

Physicians *Syndicate*

Organizing law | Law 45/1969

Quorum

- The meeting of the union's general assembly shall not be valid unless at least a thousand members are present who have the right to attend the meeting. If this number is not available after an hour, the general assembly shall be called to meet again within 15 days from the date of the aforementioned meeting, and the meeting shall not be valid unless Attended by at least 300 members

- Membership is won by those with the most votes, and in the event of a tie, the oldest registered in the general roster is elected. Half of the members in the union council and sub-unions or at any of the union levels must be members who have been registered in the general roster for less than 15 years, and the other half must be from those who have been registered in the general roster for less than 15 years. They have been registered for more than 15 years.

- The extraordinary general assembly has the right to withdraw confidence, provided that at least half of the members are present and the decision is made by a majority.

Conditions for holding the General Assembly

- The president presides over the general assembly. If he is absent, the representative presides. If both of them are absent, the presidency goes to the oldest member of the union council present.

- Elections for all union levels are held through direct elections by secret ballot at the branch union headquarters. The election card is canceled if the member elects a number less than or more than the number required to be elected, whether for the union council or the branch union councils.

- - The General Assembly of the Syndicate holds its regular meeting in Cairo in the month of March of each year. It also holds an extraordinary meeting whenever the Syndicate Council deems it necessary to hold it, and if a request is submitted to that effect signed by at least 150 members who have the right to attend it, with an explanation of the purpose, and the purpose must be explained. In this case, it will be held within one month from the date of submitting the request. The extraordinary assembly shall not be held without referring to the union council and on the date specified by those requesting the assembly to be held.

- The decisions of the General Assembly are issued by a majority, and if the votes are equal, the opinion of the side on which the president belongs prevails.

- A special invitation shall be sent to each member to attend the General Assembly at least fifteen days before the date set for holding it, stating the date and place of the meeting and the Assembly's agenda. This shall be published in two daily newspapers chosen by the Syndicate Council, at least one week before the date of the meeting. The General Assembly may not consider anything other than The items included in the agenda are only what the Syndicate Council deems necessary to present to it.

- Any member may submit to the Syndicate Council any proposal that he deems necessary to present to the Ordinary General Assembly at least one week before the date of its holding.

- The extraordinary general assembly has the right to withdraw confidence from the Syndicate Council, provided that at least half of the members registered in the general roster who have the right to vote attend this assembly, and the decision shall be made by a majority of the votes of the members present.

- The union council shall be composed of the president and 24 members elected from among the union members. All of them are required to be among the members working in the Arab Socialist Union, except for the union members who are officers of the armed forces. The union's approval of his nomination is sufficient.
  General assemblies and sub-union councils in the governorates:

- Members shall be invited to attend the General Assembly by personal invitation at least fifteen days before the meeting, in which the time and place of the meeting shall indicate the agendas. This shall also be announced by publication in two daily newspapers chosen by the subsidiary union council before The date set for the meeting is at least one week away

- The general assembly of the sub-unions holds its regular meeting in the month of February of each year. The meeting is valid if it is attended by half of the members registered in the sub-union or one hundred members, whichever is less. If the number is not complete, the meeting is postponed for fifteen days and the members are re-announced with the new date. Its holding will be valid no matter what. The number of attendees was.

- An extraordinary meeting of the general assembly may be held upon the

- basis of the sub-union council or upon a request signed by a quarter of the members registered in the sub-union or fifty members, whichever is less, provided that they explain in their request the reasons for calling the general assembly to convene within two weeks of the request being received, otherwise the assembly will convene. The General Assembly shall be held after notifying the Syndicate Council and the Sub-Union Council and on the date specified by those requesting it to hold the General Assembly.

- The extraordinary general assembly has the right to request a withdrawal of confidence from the sub-union council after notifying the union council and the sub-union council, provided that at least two-thirds of the members registered in the sub-union's roster attend this assembly. Confidence cannot be withdrawn except with the approval of at least two-thirds of the members present. The Syndicate Council may send a representative to attend this meeting, and he shall have a counted vote in the deliberations. In this case, he shall chair it, otherwise it shall be chaired by the eldest person present.

- To request the holding of an extraordinary general assembly, a request must be submitted signed by at least 150 members who have the right to attend the general assembly, explaining the purpose. It shall be held within a month. Otherwise, an extraordinary assembly shall be held without consulting the Syndicate Council on the date specified by the applicants.



Conditions for appeal and the court competent to hear appeals

- At least fifty members who attended the General Assembly may appeal the validity of its convening or the formation of the Syndicate Council with a report signed by them and submitted to the Clerk of the Court of Cassation within 15 days from the date of its convening, provided that

- the signatures are authenticated by the competent authority. The appeal must be reasoned or be unacceptable.

- The Court of Cassation shall decide the cassation as a matter of urgency in a secret session after hearing the statements of the State Counselor at the Ministry of Health and the statements of the Captain or his representative as representative of the appellants.

- Fifty members or a quarter of the number of members registered in the sub-union, whichever is less, who attended the general assembly of the sub-union, have the right to appeal the validity of its convening or the formation of the sub-union council, through a report signed by them stating the aspects and reasons for the appeal, provided that the signatures are authenticated by the competent authority, and this report is submitted to the union council. Within 15 days from the date of its meeting or from the date of the formation of the sub-union council. The union council must decide on this appeal within 30 days from the date of its submission after hearing the statements of the president of the sub-union or his representative and representative of the members submitting the appeal.

Quorum

- The chair wins by absolute majority of the valid votes of the voters present at the republic level, and if no one obtains it, a re-election is held among the candidates who received the highest votes.

- Membership is won in all cases for which there is no special provision, those who obtain the most valid votes from those present, and are elected upon a tie in the oldest votes in the union's tables.
  It is not permissible to vote more than twice in a row.

- A valid meeting with at least a quarter of the members if the two-week period is not completed, and it is valid if the number of attendees is at least 300 members, and the invitation is repeated until the number is complete.

- The general decision shall be issued by a majority of the votes of those present. If the votes are equal, the side on which the president is in favor shall prevail.

- In the event of a proposal to amend the union law, the decision must be issued by a three-quarters majority of the members present.

Conditions for holding the General Assembly

- It is held in the first week of March of each year at a date determined by the Syndicate's Council. It may be called for a regular meeting whenever the Council deems it necessary. It is held within two months of submit-
- ting the application if it is reasoned and signed by at least 100 members. The Minister of Irrigation must convene within 15 days if necessary. The council did not invite her.

- A special invitation is sent to the members to attend the assembly at least fifteen days before it, indicating the date and place of the general assembly and the agenda in accordance with the bylaws. The date of the meeting is published 7 days before it is held in two daily newspapers for the council to choose.

Conditions for appeal and the court competent to hear appeals

- One hundred members who attended the General Assembly have the right to challenge the validity of the General Assembly, its decisions, or the elections, with a report submitted to the administrative judiciary of the State Council. The Minister of Irrigation alone also has the right to do the same procedure within 15 days from the date of his notification of the decisions.

Syndicate	Type of decision	Number of law suit	Court	Duration of litigation	Cause of litigation
Engineers	Imposing and lifting guardianship	2173 1994	South Cairo Court of First Instance, Circuit 2, urgent appellant	A year and two months	Imposing guardianship
Engineers	Imposing and lifting guardianship	6263 2009	North Cairo Court, Circuit 27, civil	Six months	Lifting guardianship
Bar Association	Imposing and lifting guardianship	14902 115	Cairo Court of Appeal, Circuit 12, civil	2/12/1998	Lifting guardianship

Syndicate	Type of decision	Number of law suit	Court	Duration of litigation	Cause of litigation
Syndicate of Applied Technical Professions 	Special provisions for appealing election procedures	22 17	Supreme Constitutional Court	Two years	Unconstitutionality of the article No. 49 of Law No. 67 regarding the establishment of the Syndicate of Applied Technical Professions (requiring the signature of 50 members of the General Assembly to appeal the decisions of the Sub-General Assembly and to authenticate the signatures of the appellants from the competent authority)
Fine Artists Syndicate 	Special provisions for appealing election procedures	217 23	Supreme Constitutional Court	4 years and 7 months	The unconstitutionality of Article No. 27 of Law No. 83 of 1976 establishing the Fine Artists Syndicate, which stipulates that "no challenge to the election of the President of the General Syndicate and the members of the General Syndicate and its sub-unions will be accepted except from a quarter of their members.'
Bar Association 	Special provisions for appealing election procedures	198 23	Supreme Constitutional Court	was decided on in January 2011 after 9 years	The unconstitutionality of Law No. 100 of 1993

Syndicate	Type of decision	Number of law suit	Court	Duration of litigation	Cause of litigation
Syndicate of commercial professions 	Special provisions for appealing election procedures	35 21	Supreme Constitutional Court	was referred to the Constitutional Court in 1999 and was decided on in January 2000	The unconstitutionality of Article 21 of Law 40 stipulates that an appeal against the decisions of the General Assembly of the Syndicate or the validity of its meeting shall not be accepted except by at least one hundred members who attended its meeting, with a report certified by the signatures signed by it.
Bar Association 	Special provisions for appealing election procedures	8144 46	Supreme Administrative Court	It was concluded in only 3 months	Appealing the Election Commission's decision to hold elections outside the union's headquarters and its branches
Syndicate of pharmacists 	Special provisions for appealing election procedures	9 41	Supreme Administrative Court	It was filed in March 2019 and ruled on 9/5/2020	Requesting that the request to impose judicial custody on professional unions be removed from the jurisdiction of the judiciary and specifying a judicial body to hear the dispute between the Administrative Judicial Court and the Cairo Court for Urgent Matters

Syndicate	Type of decision	Number of law suit	Court	Duration of litigation	Cause of litigation
Journalists Syndicate 	Special provisions for appealing election procedures	22345 57	Administrative Court	Two years	A request to urgently stop holding elections for the Board of Directors of the Journalists Syndicate, and to appeal the Election Commission's decision to hold the elections according to committees bearing the names of press institutions and not in alphabetical order.
Syndicate of commercial professions 	Miscellaneous	35 21	Supreme Constitutional Court	Two years	The unconstitutionality of Article 21 of Law 40 stipulates that an appeal against the decisions of the General Assembly of the Syndicate or the validity of its meeting shall not be accepted except by at least one hundred members who attended its meeting, with a report certified by the signatures signed by it.

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