

# كسر القوالب Breaking the mold

#Breaking\_The\_Mold

## Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: Iraq

Keywords: Trade Unions, Workers' rights, associational reforms, rights for association, Labor laws, Legal reforms

### The Role of Iraqi Trade Unions in Adopting a New Labor Law in 2015

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#### BACKGROUND OF THE SELECTED CASE

This case study shows that the trade unions (TUs) were able to make changes in social policies by utilizing campaign strategies that involve developing extensive connections with state and non-state organizations, including collective actions and negotiations on the local or international level.

The question of labor rights became a key issue following Iraq's departure from a centrally planned economy towards a free market economy marked by neoliberal policies. Iraq experienced economic and political changes, with an expanding private sector, and a diminishing role of the state, allowing the economy to adapt to the global market (Looney, 2003). With this new reality, there was a need for a new labor law. However, despite new political opportunities emerging following the defeat of the previous regime in 2003, changes in many laws relating to labor remained untouched, regardless of the adoption of the de-Ba'athification policy. The following case study provides empirical evidence of how the TUs operating as civil society (CS) actors have influenced the decision-makers in Iraq. Consequently, this study will discuss the TUs' role in changing labor laws. In this case study, a qualitative method was used; this includes reviewing the available literature about the TUs in Iraq after 2003 and conducting semi-structured interviews with three TU leaders in Iraq in November 2018.

#### TIMELINE OF THE ISSUE

Workers in Iraq have been governed by the Labor Law No. 71 of 1987, but after 2003, the newly-organized trade union demanded the abolition of the old law, and replacing it with a new one. Their demand stemmed from their conviction that it "was issued by a dictator regime and the law contradicted the basic labor rights that were included in international labor treaties" (ICSSI BAGHDAD, 2014).

There is a disagreement about who wrote the first draft. A press release by the Federation of Workers Councils and Trade Unions (FWCTU) claimed that a draft was submitted by the International Labour Organization (ILO) Federation of Workers Councils and Trade Unions, 2004), whilst Wisam Chaseb, the Iraq program manager of the International Solidarity Center stated that it was presented by the Iraqi government.<sup>1</sup> Davis confirmed that in 2004, the Ministry of Labor and Social Affairs (MOLSA), in cooperation with the ILO, introduced the draft of a new labor law (Davis, 2005, p.56).<sup>2</sup> Whether the first draft was written by the ILO or the Iraqi government, it went through many changes, and provoked much concern. This led to many years of activism for a better, fairer law that could be applied to all workers, whether in the public or private sector, in permanent or temporary jobs, and in the formal or informal sector.



<sup>1</sup> A draft of the first labor law, written in Arabic by an Iraqi trade union can be accessed here: <http://www.m.ahewar.org/s.asp?aid=16630&r=0>.

<sup>2</sup> According to Davis (2015), "In November 2003, the ILO and the former Iraqi Minister of Labor and Social Affairs signed a Memorandum of Understanding in Amman, Jordan. Under this agreement, the ILO has already begun to provide capacity building, labor law review, vocational training expertise, labor market survey, and assistance with the organization of labor unions" (2015, p.60).

Chaseb, in a paper presented to a 2014 conference in Oslo wrote:

*“The Iraqi government put forward the first draft of the new labor law and it was discussed by a number of parties and was to be sent to Parliament. However, this took many years. Then, the Parliament Labor Committee started to work on the draft in 2012 in conjunction with a number of International Organizations (IOs), including ILO and Solidarity Centre. This took place through many meetings, conferences and workshops. Yet, it turned out that the draft suffered from major gaps and thus, was in need of thorough revision” (Chaseb, 2014).*

The trade unionists complained that in the draft law the “public-sector workers, the majority of Iraqi workers, are not covered” (Trade Union Rights Bulletin, 2011). The TUs believed these contained many articles that would violate the Iraqi Constitution, such as article 22, paragraph 2, and Labor Law No. 37 of 2015 (ICSSI BAGHDAD, 2017). This led to the Iraqi TUs pressurizing the policy-makers into making changes to the new proposed bill.

### CIVIL SOCIETY ACTORS’ ROLE AND INVOLVEMENT

CS actors, including trade unions, are defined simply as “the arena outside the family, the state, and the market, which is created by individual and collective actions, organizations, and institutions to advance shared interests” (VanDyck, 2017, p. 1). The trade unions by their nature as CS organizations are NGOs, which can be defined as an “association of employees, formed and maintained for the specific purpose of advancing and protecting the interests of the members in their working relationship” (Yoder, 1974, p. 521). They form an important part of civil society, simply because they represent the wide section of society that is working class, as the labor force increased from 8.5 million in 2013 (Patel, 2018, p.4) to 10,601,039 in 2017, in addition to 1,984,726 working in the agricultural sector in the same year (World Bank, 2018). However, they faced many challenges post-2003 to make their voices heard. These organizations work to achieve their objectives through collective action, negotiations, and collective bargaining to secure their rights, in which a new labor law was their first priority.

### STRATEGIES AND TACTICS

The TUs adopted a multifaceted strategy to bring about new changes in the labor law: using their internal resources; mobilizing those who shared similar views regarding these laws; employing external entities, i.e., international organizations such as the ILO; and finally, adopting the ‘divide and conquer’ tactic of the governmental officials to secure support from some policy-makers.

Despite their differences, the TUs gathered their forces from time to time to organize peaceful sit-ins and their actions were covered to a limited extent by the press<sup>3</sup>. However, the main tactic adopted by TUs was negotiating with the governmental organizations and IOs. The TUs pressurized the parliament to issue the labor law before the elections and formation of a new legislative body in the first half of 2014 (Lando and Abo Iraq, 2014).

The TUs collectively attended many meetings and consultation sessions with regional and international organizations such as the ILO and the Solidarity Center to make their demands clear. According to Hassan Jommaa, they “attended most if not all the workshops, meetings, conferences related to the issuing of new labor law”<sup>4</sup>.



On the other hand the IOs organized raising-awareness sessions regarding the international treaties that have enlightened both local TUs and Iraqi policy-makers. The support received by IOs played a crucial role in empowering the TUs<sup>5</sup>, and contributed greatly in pushing for a labor law draft (Solidarity Center, 2016). Yet, the first draft was rejected by the TUs calling on the Iraqi government to withdraw it immediately” (ICSSI BAGHDAD, 2017).

The TU campaigners confirmed in three interviews that some of the officials within the government and MOLSA already had a positive attitude towards the trade unionists and their demands. In fact, the campaigners reported that the state officials’ different political affiliations were an important factor contributing to the formulation of the new labor law. According to one of the interviewees, they “benefited from people in higher positions in MOLSA, who were from a left background supporting our cause.” This was seconded by another TU leader, stating that “some of the governmental officials, in particular, those who are from a ‘leftist affiliation’, have a tendency to support workers. Those officials showed great sympathy, understanding and support to the TUs’ cause”<sup>6</sup>.



Iraq Social Forum organizes a meeting on the draft of the new labor law in 2015 (source: ISF website).

<sup>3</sup> Interview with Abdul Kareem Abd Alsada, 2018.

<sup>4</sup> Interview with Hassan Jommaa in November 2018.

<sup>5</sup> IOs, such as (IndustriALL, USLAW, the ITUC, CS Solidarity Initiative (ICSSI) and Un Ponte Per (UPP).

<sup>6</sup> Interview with Abdul Kareem Abd Alsada.

## THE TRANSFORMATIVE MOMENT OF ISSUING A NEW LABOR LAW

While the TUs were pressuring government to issue a new amended draft, the transformative moment can be ascribed to the mass protest that swept the central and southern parts of Iraq on July 30, 2015, demanding better rights and an end to corruption. Thus, on August 17, the long-awaited draft law was accepted by the parliament unanimously and entered into force on February 7, 2016.

## POLICY OUTCOME

On August 17, 2015 the TUs succeeded in getting a new labor law adopted. It is considered by the interviewees as a great achievement, as it secured workers' rights to join or form their own organizations in line with the post-war constitution. It formalized its main principles, which include: securing wider social security, organizing relationships between the employers and employees, and guaranteeing the right of the labor force to form its own TUs. It is also more resonant with the international treaties, meeting the international standards and regulations related to employment relations. It provides equal rights to workers in both the public and private sector, whilst also treating domestic and foreign workers in the same way. Finally, it defends women's labor rights, in particular against sexual harassment.

However, the question on to what extent this law would be used by the workers, trade unions and the state is yet to be answered. Interviewees Abbas Ribat and Abd Alsada stated that issuing a law is one thing, but implementing the law is something else.

## CONCLUSIONS AND LESSONS LEARNED

Despite the effectiveness of the campaign for a labor law, the field work raises a number of issues, which are as follows. First, the relationship between the TUs and the rest of the civil society organizations (CSOs) throughout the campaign's duration was not strong or broad enough, which was confirmed by one of the activists engaged with the campaign (Chasib, 2014). The connection with other CSOs could be strengthened so that more resources as well as energy could be saved (Ibid). Second, whilst "a number of

radio stations, newspapers and satellite channels have covered the nonviolent protests, offering interviews with some of the participants" (ICSSI BAGHDAD, 2017), the utilization of the media was limited and ineffective (Chaseb, 2014), owing to the limited human and financial resources of the TUs (Iraq Social Forum, 2015). Third, the engagement of the laborers was limited. This shows that the TUs in fact act on behalf of their members instead of spurring them into action to defend their labor rights. The issuance of this law and its effective implementation can provide a safe environment for the CSOs. The interviewees explained that it is important to raise the laborers' awareness about these laws, for it is also essential that this law is enacted if better social and economic rights are to be delivered to workers.

It is contended that the democratization process that started after 2003 was not straightforward; despite the acknowledgment of the CS role in enacting change, labor rights were certainly not easily translated into law given the challenges the TUs faced, in addition to the attempts to delegitimize their existence in a country that had already claimed its transformation from a centrally planned economy to neoliberalism.

## ABBREVIATIONS

Civil Society (CS)  
Civil Society Organizations (CSOs)  
Coalition Provisional Authority (CPA)  
Federation of Workers Councils and Trade Unions (FWCTU)  
General Federation of Workers' Unions in Iraq (GFWI)  
International Labour Organization (ILO)  
International Organizations (IOs)  
Iraqi Federation of Oil Unions (IFOU)  
Ministry of Labor and Social Affairs (MOLSA)  
Non-governmental organizations (NGOs)  
Trade Unions (TUs)



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## BREAKING THE MOLD PROJECT

In mid2018-, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

## THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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