

Palestinian Trade Unions

An overview



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Friedrich-Ebert-Stiftung
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Table of Contents

List of Abbreviations	6
Chapter I	
Introduction	7
Chapter II	
History of Trade Unions in Palestine	9
1. From the British Mandate to 2005	9
2. Main Trade Unions today	11
a) <i>PGFTU</i>	11
b) <i>PTUF</i>	12
c) <i>DWRC</i>	12
d) <i>Islamic Trade Unions</i>	13
3. Professional Associations	13
Chapter III	
Definition of Palestinian Trade Unions	16
1. Self understanding of the PGFTU	16
2. Approach of the DWRC	16
Chapter IV	
Organisation of PGFTU & DWRC	17
1. Organisation Structures	17
2. Funding	18
3. Cooperation between Trade Unions	18
4. Main Union Laws and Legislations – Establishment of new Unions	19
5. Departments for Youth & Women	19
Chapter V	
PGFTU, DWRC & their Members	21
1. Payment of Due	21
2. Election Procedures	21
3. Congresses	21
4. Participation of Women	22
Chapter VI	
Government & the Trade Unions	23
1. Bargaining with the Ministry of Labour	23
The New Labour Law:	
a) <i>Minimum Wages</i>	24
b) <i>Child Labour</i>	25
c) <i>Social Security Law</i>	25
d) <i>Health Insurance</i>	25
2. Double Hats: PGFTU & PA	25
3. On the way to Democratic Structures	26
4. PGFTU & Histadrut	27

Chapter VII	
Trade Unions & the Law	28
1. Right to Strike	28
2. Tripartite Consultations	28
3. ILO Conventions	28
Chapter VIII	
Trade Unions & the ILO	29
1. Main Projects of the ILO	29
2. Programs run by ACTRAV	29
3. Cooperation between the PGFTU & the ILO	29
Chapter IX	
Palestinian Trade Unions & the International Trade Union Movement	31
1. Affiliation Agreements with GUFs	31
2. Cooperation between Trade Unions and the International Trade Union Movement	31
Chapter X	
Conclusion: Expectations and Visions	33
Bibliography	34
Apendix	
Contact Addresses	36

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List of Abbreviations

ACTRAV	Bureau for Workers' Activities within the International Labour Organisation
APS	Association for Participation and Development (in Italy)
ALO	Arab Labour Organisation
CCOO	Workers' Commissions (in Spain)
DFLP	Democratic Front for the Liberation of Palestine
DGB	Deutscher Gewerkschaftsbund
DWRC	Democracy and Workers' Rights Center
FES	Friedrich-Ebert-Stiftung
FOS	Fund for Development Cooperation (in Belgium)
GTUF	General Trade Union Federation
GUF	Global Union Federations
GUPW	General Union of Palestinian Workers
ICATU	International Confederation of Arab Trade Unions
ICEM	International Federation of Chemical, Energy, Mine and General Workers' Unions
ICFTU	International Confederation of Free Trade Unions
IDF	Israeli Defence Force
IFBWW	International Federation of Building and Wood Workers
IFJ	International Federation of Journalists
ILO	International Labour Organisation
IMF	International Metalworkers' Federation
IT	Information Technology
ITF	International Transport Workers' Federation
NGO	Nongovernmental Organisation
NIS	New Israeli Shekel
PA	Palestinian Authority
PFLP	Popular Front for the Liberation of Palestine
PGFTU	Palestinian General Federation of Trade Unions
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organisation
PNA	Palestinian National Authority
PPP	Palestine People's Party
PSI	Public Services International
PTUF	Palestinian Trade Union Federation
UN	United Nations
UNDP	United Nations Development Program
UNI	Union Network International

I. INTRODUCTION

Between September 2000 and late 2002 the Palestinian economy suffered immensely due to the restrictions on the movement of goods and people. It was indeed one of the deepest recessions in modern history. In 2003 the Palestinian economy stabilised slightly as violence decreased and curfews were limited. The economic stability, however, remains fragile. Faced with high population growth and lack of sufficient job creation, the stabilisation possesses little vitality. “Many Palestinians have lost their jobs, not only in Israel but also in the Palestinian territories. The supply of raw materials through Israel has been cut off, for example, as have Palestinian exports. Olive oil products from the West Bank cannot even reach Gaza, not to mention foreign markets. Gaza, for its part, cannot export its fruit and vegetables to the West Bank. It’s a disaster!” explains PGFTU Secretary General Shaher Saed, conveying the frustration of Palestinian workers who are ‘asking for jobs, not charity!’ “It is the workers who suffer from collective punishments the most. [...] The most pressing need for workers is the ability to reach their workplace, so they can bring home the bread and milk to feed their families”, he adds.¹

The continuing occupation of the West Bank and the construction of the separation barrier lead to restrictions on movement, and consequently to losses in production, employment and income. As the United Nations Secretary General underscored, three intertwined areas comprise the Palestinian reform agenda: Governance, security and economic development. “A viable Palestinian economy is essential in its own right but it can also make a vital contribution to governance and security. Without real and discernible change on the ground – such as more job opportunities and the removal of checkpoints and roadblocks – the Palestinian economy

will continue to struggle, with all that prolonged, pervasive despair among the Palestinian populace that that implies.”²

The activities of the trade union movement are severely affected by the overall situation. High unemployment and poverty among the members of the PGFTU have changed the focus of the federation. Rather than organising workplaces, the unions are now concentrating on social issues.

During the Second Intifada, the PGFTU offices were invaded several times by the Israeli Defence Forces (IDF), which destroyed computers and seized papers such as membership documents and the union archive.

Furthermore, the travel restrictions such as the separation barrier, curfews and closures of checkpoints make it almost impossible to carry out any real trade union activity. The PGFTU leaders in Nablus and in Gaza City are unable to meet due to Israeli travel restrictions imposed on them, and communication is difficult. The fundamental right as workers to freedom of association is therefore violated. In 2003, the PGFTU several times tried in vain to hold its National Congress in Nablus. As it turned out, the delegates were unable to travel freely from Gaza and various West Bank towns in order to reach Nablus, and the event had to continuously be postponed. In May 2004, the PGFTU therefore held their national congress via videoconference. Shaher Saed complains: “As a trade union movement we need to convene meetings. However, the occupation creates immense problems for us. We have expensive video conferences between Nablus and Gaza. Even in the West Bank it is not easy as the transportation is very difficult due to the checkpoints. For example, we have 17 members in our executive board from Ramallah. If they want to come here just for one meeting, they need to stay for two nights.”³

1 International Confederation of Free Trade Unions (ICFTU), *Women trade unionists in Palestine: A daily struggle*, pg. 2

2 UN secretary-general in his speech at the London Conference in support of the Palestinian Authority on March 1, 2005, quoted in: International Labour Office Geneva, *The situation of workers of the occupied Arab territories*, pg. vi

3 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

In April 2004, Israeli forces even prevented Palestinian trade union leaders from commemorating the International Commemoration Day for Dead and Injured Workers. Whilst workers around the world were gathering to honour deceased, injured and sick workers, senior PGFTU officials, including the Secretary General Shaher Saed were stopped on their way to a ceremony in Hebron by Israeli soldiers at a checkpoint. In a letter to Israel's Prime Minister, the International Confederation of Free Trade Unions (ICFTU) condemned the defence forces' unnecessary harassment preventing Palestinian trade union officials from carrying out these legitimate trade union activities.⁴

Moreover, Hasan Barghouthi, head of the Democracy and Workers' Rights Center (DWRC), an NGO not affiliated to the PGFTU, was prevented from leaving the country for meetings in Brussels and Jordan. Although no formal reason was given, the IDF forced him to wait at the Jordanian border

all day. A promised meeting with the intelligence services never materialised and after waiting in vain for days for a permit, he was told that he was not allowed to travel abroad. This humiliation caused Barghouthi's lawyer to petition the Israeli High Court of Justice on his behalf. Yet Barghouthi warns that it is wrong to blame the Israeli occupation for everything: "Yes, because of our political activism the Israelis arrest us sometimes. But on the other hand we run elections and conferences without any obstacles from Israel. It is a big lie of the PGFTU to say that because of the occupation it is a problem for them to run democratic elections."⁵

The purpose of this handbook is to shed some light on the history, definition, organisation and membership of the Palestinian trade unions. Furthermore, their relations with the government, law, International Labour Organisation (ILO) and the international trade union movement will be discussed.

⁴ see: <http://www.icftu.org/displaydocument.asp?Index=991219223&Language=EN>, April 30th, 2004

⁵ Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

II. THE HISTORY OF PALESTINIAN TRADE UNIONS

1. From the British Mandate to 2005

During the British Mandate

The Palestinian labour movement, called the *Arab Workers' Association*, was founded in Haifa as early as 1920 during the British mandate. After the Egyptian trade union society it is the second oldest in the region. The Palestinian labour movement soon became an important instrument in the struggle against the British policy which facilitated Jewish immigration to Palestine with the Balfour Declaration of 1917. The British administration preferred Jewish workers in the railway project and army camps rather than the native labour force, as the Jews had received better training and cooperated more with the British. In January 1930 the *Arab Workers' Association* had succeeded in convening their first congress in Haifa. During the period of 1920 to 1945 communists led the Palestinian unions, and in 1939 some communist leaders, such as Fuad Nasser, Salem Quasem and Fahme Salfeety established the *Arab Workers' Conference* which joined the World Union Federation in 1945. The *Arab Workers' Association* succeeded in raising the number of its members to 35,000 in 1943, improved work conditions and wages and introduced the eight-hour workday. However, the famous Secretary General of the *Arab Workers' Association*, Sami Taha, was assassinated under contested circumstances in 1947. When a delegation of the *Arab Workers' Association* attended the meeting of the *International Trade Unions Federation* in 1948, the society was recognised as the legitimate representative of the Palestinian workers.

“The fact that the first ideologically based movement transcending family lines had been created was important for the future, and the communist union structure offered Palestinians an in-

frastructure within which to mobilise politically well into the Israeli occupation.”⁶

The Establishment of the State of Israel

After the establishment of Israel in 1948, the centre of the Arab Workers' Association moved from Haifa to Nablus. Unionists opened branches all over the West Bank and Gaza. However, the unions went separate ways. Whereas the trade unions in the West Bank came under Jordanian labour law (which was mixed with British labour law) and merged with the Jordanian trade union movement in 1960, the Palestinian trade unions in Gaza operated under Egyptian labour law. In Gaza, the Palestinian trade union enjoyed relative freedom during Egyptian rule under Nasser which even encouraged the Palestinian labour law. The Gaza-based Palestinian Trade Union Federation (PTUF) convened a congress in 1964 which decided to organise Palestinian workers abroad in addition to the six industrial unions in Gaza. Consequently 13 exile branches were established throughout Europe and the Middle East. In 1969, the PTUF became part of the PLO and was established with an exile leadership located at the PLO headquarters in Amman. During this time the PTUF also became affiliated with the communist-led World Federation of Trade Unions.⁷

The situation of the West Bank trade unions was different. Whereas the unions had flourished in the early years of Jordanian rule (in 1953 the labour law codified union activity) with the limitation that the Communist party was banned by the Jordanians, the unions were heavily controlled by the state after 1957: “The thirty-nine unions operating in 1957 had dwindled to twenty-nine by 1959 and to sixteen by 1961. In the meantime, the General Federation of Unions, which in 1954 brought together more than twenty Jordanian unions,

⁶ Sovich, N., *Palestinian Trade Unions*, pg. 66/67

⁷ Taken from Endresen, L. C. & Grimsrud, B., *Building the Union and the Nation*, pg. 10

mostly dominated by West Bankers, had moved from Amman to Nablus, where its derivative organisation, the PGFTU, is headquartered today.”⁸

Israeli Occupation – First Intifada

The Israeli occupation of 1967 severed the situation of the Palestinian trade unions even more as Israeli authorities closed the union offices in Gaza and all unionist activities were forbidden until 1979. Many union leaders were imprisoned, harassed or even expelled. Surprisingly, though the union movement was forced underground, the unions grew: “In the late 1970s, some 12,000 Palestinians claimed membership. Ironically, the occupation indirectly fostered their growth: As Israel tore at the financial and economic independence of the West Bank and Gaza, Palestinian workers began migrating to the factories and construction sites of Israel as well as to their own urban centers. Bolstered by the initial economic growth of occupation, Palestinian workers for the first time began to form a working class.”⁹

In the wake of the First Intifada, the trade unions became more and more politicised. Class demands were subordinated to the nationalist goal of liberation. As trade unions were overtly political organisations, the trade union consciousness of class struggle generally weakened. The Democratic Front for the Liberation of Palestine (DFLP), the Popular Front for the Liberation of Palestine (PFLP) and then Fatah began to organise popular movements through the trade unions parallel to the formerly Communist party, the Palestine People’s Party (PPP). These four confederations coexisted from 1982 onwards. A power struggle between the factions within the unions started when several local unions within the same trade were established by the various factions. The result was a total splintering of the workers’ movement, which amounted to 161 ‘political’ unions in the West Bank and Gaza, with a combined membership of not more than 6,000 workers, most of them politically affiliated.¹⁰

Unification of Unions – Establishment of PGFTU

At the beginning of the 1990s the Intifada was burning itself out, and in order to survive politically the parties aimed at unifying the many splinter unions. A meeting of the leaders of the PPP, PFLP and Fatah took place in Amman in 1991. Fatah governance was accepted and the faction-based unions were combined into twelve industry-based unions. Shaher Saed was elected head of the PGFTU (Palestinian General Federation of Trade Unions) of the West Bank. In 1995 he was re-elected at a joint meeting with the PGFTU confederation of Gaza, whose leader, Rasem Bayari, became deputy leader of the Palestinian General Federation of Trade Unions (PGFTU).

The PGFTU soon enjoyed direct international support. However, the PTUF (which had been in exile with the PLO leadership) was still regarded as the parent organisation at this point.

Establishment of the PA in 1994: “Outside” vs. “Inside”

When the Palestinian Authority was established in 1994, the leader of the PTUF in exile, Haider Ibrahim, was appointed Deputy Minister of Labour. However, his attempted takeover of the trade unions did not succeed since he had little constituency inside the West Bank and Gaza, and the PGFTU had already established itself as a representative of the trade unions, enjoying international support. Ibrahim tried to combine the two unions under the name of General Union of Palestinian Workers (GUPW) but “of the 19-seat executive, he allocated only two places for representatives from the occupied territories: one for Gaza’s GTUF Secretary General Rasem Bayari and the other for West Bank Secretary General Shaher Saed. Palestinian unions ‘inside’ flatly refused the deal. The International Labour Organisation (ILO) insisted that it could only deal with ‘elected’ representatives from the territories, not appointees from Tunis.”¹¹

⁸ Sovich, N., *Palestinian Trade Unions*, pg. 67

⁹ *ibid*

¹⁰ Usher, G., *Palestinian Trade Unions and the Struggle for Independence*, pg. 22

Therefore, the PGFTU announced its independence from the PTUF, was granted observer status and invited to join the activities of the ICFTU, becoming the Palestinian workers' representative in the ILO.

Since this time, an ongoing war of competition between the 'outside' and the 'inside' has occurred. "Their conflict, over who controls the union, its members, money, and status in Palestinian society, is also over symbolic ownership of the national struggle. In 1994, when the PLO returned to Gaza, the tensions between the Palestinians in the occupied territories and those who returned with the PLO from Tunis were palpable and occasionally violent. While they hailed Arafat's return, they also resented the usurpation of their power by his cadre."¹² This rivalry between Haider Ibrahim, Secretary General of the GUPW (and as such the leader of all Palestinian unions, whether in Lebanon, Palestine, Syria, or Tunis), and Shaher Saed, the General Director of the PGFTU in Palestine is detrimental to a unified labour movement. While Ibrahim was Arafat's appointee and spent the occupation in exile with the PLO, Saed, who comes from Nablus, emerged as a union organiser in the early 1980s and led Fatah unions in the West Bank throughout the First Intifada. In Saed's opinion, Ibrahim's legitimacy derives from his connections to the PLO and not from the workers themselves or from his special skills in union building. As Saed worked his way up in the union movement and had to bear much hardship during the occupation, he regards himself as the only legitimate leader of the workers' movement although he is technically below Ibrahim in rank. In Saed's view the union leaders who came from outside do not really have the right to lead the union movement inside Palestine. He criticises that: "the people who came with Arafat have now well paid jobs in the PA. They have a budget of around 100,000 US Dollars per year and the

deputy minister Haider Ibrahim gets 30,000 NIS per month from the PA."¹³ Most workers would agree with Saed and feel more affinity towards him than to Ibrahim. But in reality neither of them was directly elected by the workers and both are Fatah. Sadly enough, "Saed's fear of Ibrahim shows that power over the unions is passed down from Fatah and by extension the PA, rather than up from the workers."¹⁴

2. The Main Trade Unions Today

a) Palestinian General Federation of Trade Unions (PGFTU)

At the time of writing this handbook the PGFTU appears to be separate organisations – one in Gaza and one in the West Bank. Although the PGFTU leaders Rasem Bayari and Shaher Saed are in constant contact with each other, the Israeli occupation and the overall differences between the two entities prevent a unified approach. Out of the 296,850 registered workers who are represented by the Palestinian trade unions, approximately 18,000 are members of the Gaza PGFTU.

Gaza is organised into four geographical regions and comprises eight unions¹⁵; the West Bank is divided into nine areas with twelve national unions¹⁶ serving as umbrella organisations for the 186 local unions.

The public relations officer of the PGFTU, Naser, explains: "Out of them all, the most important trade unions are Construction and Building, the Textile, Sewing and Leather and the Municipalities and Public Institutions Union."¹⁷

The main objectives of the PGFTU are to develop an independent, democratic trade union, to work towards greater financial independence, to fight corruption, to increase membership (espe-

11 Usher, G., *Palestinian Trade Unions and the Struggle for Independence*, pg. 22

12 Sovich, N., *Palestinian Trade Unions*, pg. 70

13 Interview with Saed, S., Palestine General Federation of Trade Union (PGFTU), Secretary General, on March 21st, 2005

14 Sovich, N., *Palestinian Trade Unions*, pg. 70

15 Transportation, Metal, Agriculture and Food, Service and Commerce, Construction and Wood, Textile, employees of the Municipality, Post and Communication

16 Public Services, Chemistry, Health, Transportation, Building and Construction, Textile, Sewing and Leather, Printing and Graphic, Telecommunication and Post, Banks and Insurances, Food and Agriculture, Tourism.

17 Interview with Naser, F., at the PGFTU headquarters in Nablus on March 21st, 2005

cially the number of female members), to campaign for the establishment of a proper Palestinian Labour Law, to establish labour courts, to develop health and safety on work sites and to conduct workshops to benefit the workers. Furthermore, the PGFTU aims to help the trade unions in offering support and legal services for its members and to provide effective (financial) management training.¹⁸

b) Palestinian Trade Union Federation (PTUF)

The Ramallah-based PTUF led by Haider Ibrahim, Secretary General of the General Union of Palestinian Workers, is the representative of all Palestinian unions in Arab countries and clings tightly to its membership in the Damascus-based International Confederation of Arab Trade Unions (ICATU).

As the official trade union it occupies 15 seats in the PLO's principal governing body, the Palestinian National Congress. However, the PTUF is criticised of not doing enough to enhance the situation of the workers. Shaher Saed states, "The PTUF does not represent Palestinian workers on the ground because they do not have members, just two empty offices. Unfortunately, the PGFTU cannot represent workers officially outside Palestine. The PGFTU tried to handle the PTUF as a member but they retreated."¹⁹

DWRC's director Hasan Barghouthi is also dissatisfied with the work of the PTUF: "They started a housing project for workers with money from workers who applied (1000 NIS application fee) and got around 35 million Jordanian Dinar in their account. But 6-7 years have passed and none of the four projects is finished. We went to the court and to the PLC to complain. The general attorney then froze all money and started an investigation."²⁰ Until March 2000 Ibrahim remained a senior official in the Ministry of Labour.

c) Democracy and Workers' Rights Center (DWRC)

In contrast to the above-mentioned trade unions the Democracy and Workers' Rights Center (DWRC) was established with the intention of being a non-affiliated, non-governmental and non-profit organisation. Inspired by a series of workshops in the West Bank and Gaza Strip on 'Democracy in Palestine and the Role of Civil Society Organisations in Building a State of Institutions and the Sovereignty of Law', a group of academics, lawyers, politicians and trade unionists initiated organisation of the Center in 1993.

The DWRC was established with the following objectives:

1. To campaign for awareness and education regarding the necessity of depending on law and democratic negotiations for attaining rights,
2. To spread awareness of the legal mechanisms for the protection of rights,
3. To offer free legal consultations,
4. To conduct training courses to develop the skills and efficiency of the workers and employees,
5. To promote the role of women in the political, economic, social and cultural aspects of life.²¹

Consequently, a main office was opened in Ramallah with a branch office in Gaza. Apart from the administration offices, the DWRC headquarters also hosts the main units of the Center which are Legal Aid and Human Rights, Training and Education and the Elimination of Poverty and Unemployment. Director Hasan Barghouthi is especially proud of the DWRC clinic: "We have the first work-related clinic in Palestine. It should serve as a role model for the PA that pressures them to include work health in their health system, too."²²

The Gaza office also provides a training hall for up to 30 participants for lectures, meetings and workshops.

¹⁸ see <http://www.pgftu.org>

¹⁹ Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

²⁰ Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

²¹ Taken from <http://www.dwrc.org>, April 28th, 2005

²² Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

In the West Bank and Gaza there are 29 full-time and 7 part-time staff members. Additionally, many volunteers join the activities of the DWRC when it comes to lobbying, campaigning and organising workshops.

d) Islamic Trade Unions

While the PGFTU is dependent on Fatah, the Islamic Trade Unions are Hamas-affiliated. Their focus lies mainly on social work, food handouts and money for the needy. Members join the trade unions mainly to get social benefits. In general, Islamic groups, such as the Islamic Society (founded in 1979) and the Al-Salah Association (founded in 1980) prefer to work on an NGO level as it is easier for them to gain influence. However, in 1992, the Islamic Workers' Association was founded in Ramallah. It is run by Ahmed El-Qutob; branches exist in Nablus, Tulkarm, Jenin and Jericho. The association concentrates on workers from productive establishments and public services. The Islamists' influence on the trade union movement is slowly but steadily growing. Attempts to combine the Islamic with the secular trade unions have failed so far, as Hasan Barghouthi from the DWRC explains: "Six years ago we invited Islamic groups to participate in our workshops; they came, but stopped after a while because their workers came back with too many questions. We should be very clear in dealing with the Islamic faction and their Palestinian/social agenda. The second we support them this will be the end of democracy and freedom."²³

And Shaher Saed elaborates: "I refuse to let Islamic trade union under our umbrella, because we are not a religious organisation. We asked them to change their trade union but nothing happened."²⁴

3. Professional Associations

Aside from the previously-mentioned unions, there are also a number of other craft unions, associations and in-house unions in the West Bank and Gaza. Among the most important professional unions are the Teachers' Association, the Engineering Union, the Medical Association, the Journalists' League and the Lawyers' Association.

Like the trade unions, the professional associations were split into many groups. Hamas steadily gained influence in the professional associations from the early 1980s on, and, especially during the last few years, Hamas members have won seats on the boards of several professional associations. As an example, Hamas gained 11 out of 13 seats of the Engineering Union in 2003. An active 'Islamic wing of the Medical Association' was founded after the board of the Medical Association had refused any elections for three years.

In the struggle for professionalisation, the activists faced three main problems – first, many leaders held dual positions as members of their professional associations and as PNA or PLO officials. Secondly, the drafting of laws governing the associations proved to be difficult since association leaders guarded the drafting process quite jealously. And thirdly, existing leaders (regarded as 'dated PLO apparatchiks'²⁵ by the younger activists) served extended terms due to the long process of drafting new laws, which led to new divisions.²⁶

Lawyers' Associations

This is especially true for the Bar Associations which govern the legal profession, responsible for overseeing that licensing, training and lawyers' activities are in accordance with law. Palestinian lawyers were severely divided along geographical and political lines (Gaza vs. West Bank, 'outsiders' vs.

23 Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

24 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

25 as called by Brown, N. J., *Palestinian Civil Society in Theory and in Practice*, pg. 19

26 *ibid*, pg. 20

'insiders', those who boycotted during the Israeli occupation vs. those who did not) when the PNA was established. It took three years for the Lawyers' Association to decide merely on the principles of unification and it even took a Presidential decree to form an interim board. In 2001, the elections were finally scheduled. However, "seven years after the creation of the PNA, the Bar was a success story compared to its counterpart profession association: It had obtained legal recognition, moved toward unification, demonstrated independence to a certain extent and succeeded in having a law organising its affairs promulgated. Yet, despite all these successes Palestinian lawyers had not yet succeeded in electing their leadership and moving their affairs out of the courts."²⁷

Journalists' League

While no formal organisation for Palestinian journalists existed before the 1990s, there was a broader Palestinian Writers' Union affiliated with the PLO.

A new Journalists' League was established during the wake of the Oslo Agreement. However, the journalists were also divided into the older PLO-loyalists and the younger journalists who regarded themselves as independent from the national struggle. Furthermore, confronted with many changes (end of Israeli censorship, recruitment of Palestinian journalists from external news organisations, etc.) the professional journalists' association became divided.

"And it is clear that the current body – known as the Journalists' League, though it sometimes calls itself the Journalists' Syndicate – is an ineffective body disconnected from the journalists, distancing itself from their professional problems, and only concerned with working for personal interests."²⁸

Medical Association

Although the problems concerning the unification of the medical associations were less politicised than the journalist association, the process was complicated as well.

"First, the unification of the profession into a single syndicate faced hurdles both in the West Bank and Gaza. In the West Bank, the syndicates had to disengage from the Jordanian parent organisations, a complex task because their stronger legal status was based on Jordanian law and their pension funds continued to be held by the Jordanian syndicate. The Palestinian branches worked to resolve this separation by allowing their members to continue affiliation with both the Jordanian syndicate and the soon-to-be independent Palestinian syndicate (rather than attempting to disentangle the organisations and pension funds). In Gaza, on the other hand, a very different problem existed: the Gazan organisations were far weaker (generally 'associations' rather than 'syndicates') and they were often dominated by government employees. West Bank syndicate leaders insisted that their new, unified body be autonomous and thus opposed allowing government employees to serve as leaders – effectively forcing Gazan leaders to find new employment or leave syndicate work. Unifying a syndicate thus involved not only a complex divorce from Jordan for the West Bank but also a politically sensitive divorce from the PNA for Gaza."²⁹

The drafting of the law which combined the syndicates in the West Bank and Gaza was thus a difficult undertaking.

Engineering Union

The Engineers' Syndicate was very similar to the medical syndicates, but the unification process went quicker. Even under Israeli occupation attempts to combine the two syndicates were made. "Immediately after the PNA was founded, the organisations began to work toward unification. The obstacles were the same as those that confronted the medical syndicate: not only were there multiple organisations, but one was tied to Jordan, while the other two lacked much independence from the PLO and PNA. Perhaps because of its longer history and larger membership, as well as the greater independence of the Jerusalem Center, the Engineers' Syn-

²⁷ *ibid.*, pg. 24

²⁸ as quoted in *ibid.*, pg. 22

²⁹ *ibid.*, pg. 25

dicate was able to proceed more quickly with its draft law for unification.”³⁰ In February 2000, a draft which corresponded mostly with Jordanian law was presented to the PLC, which placed the Engineers’ draft far ahead of those of the other professional associations.

Teachers’ Association

The Teachers’ Union is a very active association. However, the strike of 1997 showed how the PA and the PGFTU worked together to suppress this non-affiliated grass-roots labour movement’s activities.

The strike was led by the elected representative council of non-affiliated teachers. After they went on strike, President Arafat met up with the teachers’ council and tried to persuade them to stop. Shaher Saed also attempted to dissuade the teachers from striking as ‘it is illegal under Jordanian law for public sector employees to strike.’ The President arrested the leaders and released them after six days without any compensation. Bassem Makhoul, a professor of economics at al-Najah University, stated: “The teachers were doomed to fail. They were unaffiliated. If they had been in Fatah, they would have been protected.”³¹

31 as quoted in Sovich, N., *Palestinian Trade Unions*, pg. 72

30 *ibid*, pg. 26

III. DEFINITION OF PALESTINIAN TRADE UNIONS

1. Self understanding of the PGFTU

The PGFTU nowadays regards itself as the sole representative of the majority of the Palestinian workers' movement. Although the PGFTU acknowledges that there are attempts to establish unions outside the PGFTU umbrella, the federation believes that it reflects the major political and labour blocks in the Palestinian community.

The Secretary General of the PGFTU, Shaher Saed points out that:

“The PGFTU is the first national institution working independently and democratically inside the Palestinian territories. Between the past and now there is a great difference. Last year we had elections where the constitution, the local and national union bylaws, the financial bylaw and the electoral system bylaw were approved. More importantly: the conference decided that all elections have to be implemented on all levels. We began right after that with the elections. Now we are gathering the fruits: democracy and independence – our legitimacy increased in this way.”³²

Furthermore, the PGFTU stresses that the Israeli occupation has to end before peace can be achieved. The federation supports the Oslo agreement and the PA, and will continue to support peace initiatives which reflect the two-state solution.

2. Approach of the Democracy and Workers' Rights Center (DWRC)

The overall vision of the DWRC is to contribute to the construction of a democratic and civil society in the Palestinian territories and achieve peace and stability under the sovereignty of an independent Palestinian state next to the state of Israel. The DWRC's mission is therefore to spread democratic education, awareness of human rights and the mechanisms of protection of these rights from violations, and to fight unemployment and poverty. The DWRC focuses in particular on organising workers and employees in the public and private sectors and on democratising their representative bodies. By enhancing their organisational skills, the Center aims at activating the workers' participation in politics and society. The underlying philosophy of the DWRC is to enhance transparency and credibility within their activities. This means developing a system of participation, monitoring and internal accountability with the aim of developing and improving the Center's performance. Advocacy work and cooperation on the local, regional and international level with institutions working in the same field are also among the main tasks of the DWRC.³³

As Hasan Barghouthi, director of the Center, emphasises: “We succeeded in establishing organisations like ours in other Arab countries. With our international organisations we want to start a revolution. We want to educate the workers so that they can help themselves. People are thirsty for new ideas which can liberate them and introduce them to respecting other points of views.”³⁴

³² Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

³³ See: www.dwrc.org

³⁴ Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

IV. ORGANISATION OF PGFTU

1. Organisation Structures

a) PGFTU

The union constitution, which was approved in 2004 at a congress in West Bank and Gaza, forms the basis of the PGFTU structure, and accordingly the building of unions. Therefore, the PGFTU claims that the structure is a systematic and democratic one. During the last couple of years the PGFTU structure has changed. Shaher Saed points out: “Now branches exist in all governorates in the Palestinian territories, and not only one office per governorate. In Hebron for example there are four PGFTU union offices.”³⁵

D) There are many offices in the PGFTU which run the work of the federation, such as legal advice, education, training, finance and administration. The headquarters of the PGFTU in Nablus consists of a wide range of departments, including Finance, Labour Relations, Legal Affairs, Women, Youth, Health (including occupational health), Affairs for Workers Abroad, Education and Social Affairs, Research, and Regional and International Relations.³⁶

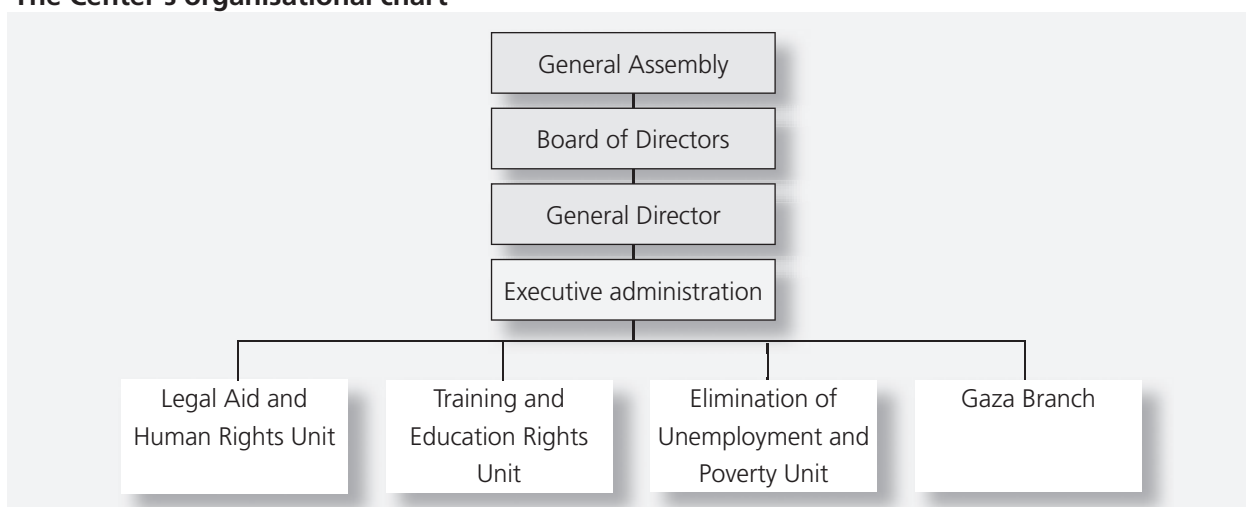
The PGFTU regional offices collect the membership dues. Furthermore, departments for Legal Aid, Education and Women are usually situated in every regional office. Local training and women’s activities are mostly organised through these offices which are spread all over the West Bank and Gaza Strip.

b) DWRC

In contrast to the top-down approach of the PGFTU, the DWRC is organised from the grassroots up by promoting workers’ committees at all work places. The director of the Center, Hasan Barghouthi, who once was the Secretary General of the construction and public services in Ramallah, elaborates:

“We had the idea in 1993 when the absence of real unions encouraged us to organise workers into worker committees. So far, we have already organised 11,000 local council workers and employees. Gaza now has a committee and there are efforts to bring the administration of the West Bank and Gaza together.”³⁷ During the last three years, workers’ committees were established with the assistance of the DWRC in the Gaza Strip. This resulted in the decision to establish a new union structure, the Independent Workers’ Committees Federation.

The Center’s organisational chart



35 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

36 see: www.pgftu.org/central_dep.htm

37 Interview with Barghouthi, H., The Democracy & Workers’ Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

38 Chart and description taken from: <http://www.dwrc.org>

The General Assembly (which is the DWRC's highest authority) holds yearly meetings where general programs of activities, administrative and financial policies are approved. The General Assembly also adopts the internal administrative and financial regulations and elects the Board of Directors every three years. This Board, which is the official representative of the DWRC, meets every three months.³⁸

The DWRC action programs are structured into the following units:

- a) Legal and Human Rights
- b) Training and Education Rights
- c) Elimination of Poverty and Unemployment
- d) Freedom of Association
- e) Networking Program

Within the structure of the DWRC, special emphasis is laid on the non-affiliation to any political faction. Barghouthi regards it as a widespread problem that 'the political factions still have such a big impact on the unions'. "Our fundamental role is to democratise the unions to put them on independent footing. The current factional leadership will then face a choice: either resign or be held accountable to their membership by fighting on labour issues rather than narrowly factional issues. I'm not just talking about Fatah here. All of the PLO factions have had the same abusive attitude to trade unions, using them as mere fronts for their political line." Barghouthi cites labour struggles in Ramallah and Gaza where, since Oslo, workers have formed their own workplace committees. "These are the embryonic bases of a new union movement," he says. "The committees deal directly with employers, decide actions, without the intervention of the factions."³⁹

2. Funding

a) PGFTU

The PGFTU is funded by the fees from the workers (around 30 NIS per year per worker). As this is not enough to finance the trade union federation, the PGFTU is highly dependent on external funding.

Besides support from the International Confederation of Free Trade Unions (ICFTU) which sponsors training courses for the PGFTU, and the cooperation with international trade unions, assistance is given by the International Labour Organisation (ILO) and the Norwegians. Norway alone pays 75% of the PGFTU headquarters in Nablus.

b) DWRC

DWRC's projects are mainly funded by international partners such as the EU, The United Nations Development Program (UNDP), The Katholische Zentralstelle für Entwicklungshilfe e.V./Germany, The British Council, CCOO Spain and The Norwegian People's Aid (PNA). Furthermore, the DWRC has an observer status at ICFTU congresses.

3. Cooperation between Trade Unions

The different offices within the PGFTU coordinate cooperation between the trade unions on common issues. On the local level, there are local councils in all eleven districts. The offices of the different sectors inside the local districts are in direct contact with each other. On the national level there is communication through the election of representatives from the local unions to the national sectoral unions. Communication in general is mainly through email and telephone. There is also daily contact with Gaza, sometimes through video conferences.

In regard to the NGOs concerned with workers' affairs, however, the cooperation is not so smooth. Fathi Naser, the PGFTU public relations spokesman, explains: "Our relations with NGOs are in general satisfactory. We have good contacts, cooperation, coordination and mutual projects."⁴⁰

The PGFTU has made it clear that it regards itself as the only legitimate voice of workers' rights. DWRC director Barghouthi complains about the difficulties with cooperation between the DWRC and the executive committee of the PGFTU: "We told the PGFTU to take advantage of the benefits in working

³⁹ as quoted in Usher, G., *Palestinian Trade Unions and the Struggle for Independence*, in Middle East Report, No. 194/195 (May – Aug., 1995), pg. 23

⁴⁰ Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005

with us, but they are afraid of financial competition (e.g. fund sharing). Anyway, although there is no official cooperation we have a lot of cooperation on a greater level with the PGFTU, such as support of the public sector strike and education training. As our many workshops are open to everyone, PGFTU members are also participating.”⁴¹ In general, however, the PGFTU brings in trainers from outside to train their members.

The rivalry between the PGFTU and the DWRC can even be taken to extremes: “An alarming situation was the DWRC demonstration in Gaza, when PGFTU agents shot police from inside our demonstration in order to make them angry at us”, Barghouthi says. “They even wrote a letter to the Israeli intelligence to close our office and attack our centre and worker groups. It is sad that international unions fund PGFTU without monitoring and evaluating them.”⁴² This fragmentation of trade unions (typical for countries in transformation) leads to increasing competition between the different groups. Sadly enough, the organisations do not seem to consider productive solutions to overcome this competition, which in effect weakens the whole trade union movement.

4. Main Union Laws and Legislations / Establishment of new Unions

From 1953 until 2001, Jordanian labour law was the only legislation which allowed the organisation of unions. After 2001, the Palestinian labour code was established, but this law does not address the issue of organising unions. At the time of writing this handbook, there is a new project for a law titled ‘Organising Unions Law’, but it is still being discussed in the PLC legislative committee.

However, it is possible to form new unions. After handing in the necessary documents to the labour office, fifty workers can apply to establish a new union.

5. Departments for Youth & Women

There are also special departments for women and youth which are considered the most active departments in the PGFTU. While the Youth and Sports department works on establishing special clubs for workers and their families (organising teams in all kind of sports), the Women’s department plays a major role in providing education, training and organisational skills to their female members.⁴³

Palestinian women are hit particularly hard by the economic and political difficulties. More than two-thirds of Palestinian women work in the informal sector. Female workers are faced with low and unequal pay, low health and safety standards on work sites and limited job opportunities which are mainly in the traditional sector. “Despite their high level of education, Palestinian women remain on the margins of the labour market. Against the current background of mass unemployment and the spread of insecure and low-paid work, women are hit the hardest by the crisis and play a key role in helping their families and communities ‘survive against the odds’.” [...]

Women workers in Palestine are concentrated within a limited number of traditionally ‘female’ sectors (education, health, agriculture, textiles), a situation which arose from the traditional gender division of labour within the Palestinian community and reinforced by the general economic climate.

Only 12 percent of Palestinian women form part of the formal labour market.⁴⁴ Due to absence of support at home and lack of social facilities/ security systems, women usually stop working when they get married. As women who enter the labour market have the double responsibility of work and family, it is difficult for them to have enough time to participate in trade union activities. Therefore, and in light of the limited participation of women in the formal labour market, the PGFTU has a very low level of female membership (only eight percent in the West Bank and five percent in Gaza).

41 Interview with Barghouthi, H., The Democracy & Workers’ Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

42 *ibid*

43 see website of PGFTU: <http://www.pgftu.org>

44 International Confederation of Free Trade Unions (ICFTU), *Women trade unionists in Palestine: A daily struggle*, pg. 1 & 6

With the assistance of the Norwegian Confederation of Labour Organisations (LO), the first women's activities within the PGFTU were launched in 1996. The Women's department, in line with the PGFTU's new constitution, was created in 1997.

“In 1998, we drew up our strategy, which was aimed at increasing female membership figures, educating women in women's rights and in human and workers' rights in general, improving women's working conditions, and educating men in the importance of improving women's rights,” explains Abla Masrujeh, underlining the importance given to communication through publications or face-to-face dealings.⁴⁵

In order to improve working conditions for women, strengthen the role of women in the trade union movement and support women's administrative and leadership skills, the PGFTU women's de-

partment conducts workshops, seminars and lectures for women. Recently it organised a large campaign to achieve a fair Palestinian labour code for both men and women. At present, the PGFTU is focusing on the issue of participating in the payment of maternity leave within the framework of the social security system. Furthermore, home visits, first aid solidarity services and joint initiatives with the Palestinian women's movement are among the many examples illustrating their determination to develop original and alternative strategies.⁴⁶ Included in their achievements are an increase in women's participation in the different levels of unions, new modes of job creation for women, better working conditions, an increase in women's participation in the PGFTU activities regionally and nationally, and health insurance services for women.⁴⁷

45 International Confederation of Free Trade Unions (ICFTU), *Women trade unionists in Palestine: A daily struggle*, pg. 7

46 *ibid*

47 see website of PGFTU: <http://www.pgftu.org>

V. PGFTU, DWRC & THEIR MEMBERS

1. Payment of Dues

Each worker pays 30 shekels (NIS) per year for PGFTU membership. The dues are mainly collected by the PGFTU regional offices. A few unions collect membership dues directly at the workplace; a small number of members pay their dues through a cheque-off system. "For municipality workers the fees are deducted from their salaries; in other cases workers pay fees by themselves to the trade unions," explains Saher Saed.⁴⁸ Faced with high unemployment, the PGFTU has been operating a system whereby its unemployed members contribute five shekels a month and the union matches that contribution with another five shekels (since April 1st, 2004).

The PGFTU members benefit from an agreement between the trade union and the Palestinian Ministry of Health, which enables them to obtain a discount on public health insurance. In the West Bank the discount is about 50 percent of the normal rate, whereas in Gaza Palestinians pay a monthly health insurance rate of 45 NIS to the Palestinian Authority (as compared with 75 NIS at the normal rate).

2. Election Procedures

All workers have the right to join a trade union under the PGFTU umbrella. The election procedures are based on the unions' constitutions. Every two years members elect their representatives. Every national union nominates its representatives to the PGFTU congress according to the comparative representatives' formula. For example: 500–1000 members can elect up to two representatives and 1001–2000 members up to five representatives.

The PGFTU national congress is held once every two years to elect a new committee which elects or nominates the main posts. Every union elects its representative(s) to the national union and all representatives from the national congress for the sectoral congress which also elects or nominates the main posts. Fathi Naser, the PGFTU public affairs officer, states: "Ideas of members and office bearers are appreciated, especially regarding technical issues and are taken into consideration in the decision-making process."⁴⁹

The DWRC's criticism of the PGFTU election procedure is that since 1982 there has been no general election for the office of Secretary General and that both union federations are controlled by Fatah. The DWRC further points out that since 1997 there hasn't been any financial report presented by the PGFTU. Barghouthi explains: "Our centre asked for an urgent meeting but we were not welcomed. The PGFTU has no power to put pressure on the labour minister as both are controlled by Fatah. Plus, Shaher Saed has no real members behind him. He is a Secretary General like a General without soldiers. The DWRC has more negotiating power because we have members through the workers' committees (35,000 in Gaza and a little bit more in the West Bank)."⁵⁰

3. Congresses

The PGFTU national congress which took place every two years was held for the last time in May 2004. It was a videoconferenced national congress, making it possible for the unions in Gaza 'to take part' in the elections. With a total participation of over 250 delegates, the same agenda was followed in the two sessions, with frequent reports on the

48 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

49 Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005

50 Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

progress in debates and decisions exchanged via telefax and telephone. The Congress elected a new 34-member PGFTU Executive Board, and national unions which are due to hold elections will now proceed with these under the new framework adopted by the PGFTU. In response to the DWRC's criticism, Shaher Saed voices that on completion of the sectoral election process by the end of 2006, a national conference should be able to elect a new federation executive. The hope is that until then greater freedom of movement will be assured for union members to join the elections. The election of a new federation executive would mean a step into the right direction to make the union more transparent, democratic and independent.

The DWRC, in addition to establishing its Independent Workers' Committees Federation, organized four regional conferences in the North, Middle, Khan Younis and Gaza Governorates. "During these conferences, they elected their regional leaders and delegates for the general conference, during which the Federation's leaders will be elected and its charter of principles and statutes adopted. The first conference for the North Governorate workers' committees took place on the 22nd of September, 2004 in Beit Lahia. 95 delegates had been chosen by the workers' committees to represent their 475 members at this regional conference, and 86 were able to attend the conference. The delegates agreed

that the 15 presidents of their workers' committees (among them five women) would be representing them at the general conference, as well as eight delegates whom they elected out of 17 candidates."⁵¹

4. Participation of Women

Women's participation in the PGFTU unions is nearly 14% of the total workers, but they sometimes have prominent participation in sectors such as sewing, textile and health services. According to Fathi Naser, the PGFTU public relations officer, "Women are active unionists in all offices and part of the structure of the unions at all levels. They are members of the executive committee of the PGFTU, in local and regional unions. In the Salfed area, all members of the workers' committee for the textile and sewing workers' union are women."⁵²

Furthermore, the PGFTU second constitutional conference held in May last year produced the first women delegates, most notably the president of the health sector union. The national congress of 2004 also decided that the quota of women in all structures of the union must not be less than 20 percent. The decision resulted from the fact that women account for only 12 percent of the membership, as the percentage of women employed in the formal economy is very low.

51 taken from: *"Bericht ueber die Gruendungskonferenz einer unabaengigen Gewerkschaftsstruktur in Palaestina"*, <http://www.labournet.de/internationales/pal/foederationsgruendung.html>

52 Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005

VI. GOVERNMENT & THE TRADE UNIONS

1. Bargaining with the Ministry of Labour – The new Labour Law

The Palestinian Labour Code entered into effect in January 2002. It allows, for example, public sector employees to organise and to bargain collectively at sectoral level. However, due to the current situation, no real social security system exists in the Palestinian territories. There is no free choice of employment; there is child labour and clear discrimination against women at the workplace (although it is legally forbidden by the Palestinian National Authority, Ministry of Labour). The labour laws that exist in the West Bank and in Gaza still stem from old Egyptian and Jordanian codes and are outdated and feudal in character. “A responsible and above all coherent labour law would do much to clarify the working environment in Palestine, orders set by Israeli occupation forces. One labour code could create a social contract between employers, workers, and the government and could only strengthen Palestinian civil and political society. Most importantly, it would protect Palestinians whose workplace needs have been ignored by the political class. Regrettably, the Palestinian labour law as it stands in its second reading falls short in many areas. It does not offer the unqualified right to strike, the right to form trade unions, or a minimum wage, nor does it establish or even mention a much needed labour court. It actually codifies child labour around seven-hour days. There are few health and safety provisions, and employers, rather than the Ministry of Labour, are held responsible for workers’ overall health. Why has the PGFTU failed to pressure the PLC to adopt a law that protects workers?”⁵³

One problem the Palestinian trade unions are faced with is the PLC members, who are mainly landowners and employers. Consequently it is not in their interest to promote a progressive labour

law which threatens their businesses and investments. Another problem is the weak position of the PGFTU in bargaining with the Ministry of Labour. The PLC is not convinced that the PGFTU represents the whole Palestinian working class. Union leaders who have been focused on fighting the Israeli occupation do not necessarily have the negotiation skills and power as the following example demonstrates:

In 1997 the head of legislative affairs of the PGFTU, Muhammad Aruri, tried in vain to influence the labour law. Finally, it was discussed in 1998 by the Minister of Labour, selected employers, and the PGFTU. Although the fact that the union was involved in the decision making process could be regarded as a success in itself, the final result, namely a weak labour law, was less impressive. Vague terms left room for different interpretations, agriculturists were excluded from parts of protective legislation, and in general employers and government officials were favoured at the expense of the workers. While after the first reading the PGFTU met with PLC members and the Minister of Labour to discuss changes, in the second reading (July 1999) apathy ran high; none of the PGFTU executive committee members and only 25 PLC members showed up for the first day of discussions.

“Aruri sat in the observers’ gallery in shock while the law he had negotiated was whittled away before his eyes. The workweek went up from forty-five hours to forty-eight. Paid maternity leave remained at ten weeks, but was afforded only to women who had been in that place of employment at least six months. The workday for those under the age of fifteen was upped from six hours to seven. [...] The second reading was actually worse than the first. The next day the PGFTU rallied department directors to lobby the PLC. Led by Shaher Saed, PGFTU leaders sat helplessly in the observation gallery while PLC members voted to cut health

⁵³ Sovich, N., *Palestinian Trade Unions*, in the *Journal of Palestine Studies*, pg. 74

and safety codes and compensation rates. Aruri commented that 'they were discussing a law that was in parts worse than the Jordanian law of 1965'. Aruri concedes that the union should have done more than 'lobby quietly'. It is telling that in July 1999, only department directors went to Ramallah to lobby the PLC, rather than workers themselves. Either the PGFTU could not entice workers to join the demonstrations, or the union did not want them there, or a combination of the two."⁵⁴

Meanwhile, NGOs lobbied the PLC aggressively and staged demonstrations. Barghouthi recalls the efforts of the DWRC: "We presented an alternative draft with 16 regulations for the labour law and gave it to the Ministry of Labour. We campaigned door to door, had a demonstration a month ago, ran 20 workshops about the labour law from Gaza to Jenin and published information about the subject."⁵⁵ He insists, "We must fight for the implementation of laws consonant with all the international ILO agreements. At the very least, we must aim to harmonise our laws with those in Israel."⁵⁶

Shaher Saed defends the initiatives of the PGFTU in regard to the labour law: "As unionists we have had many problems with the PNA lately. We organized several demonstrations in 2000 against the PNA and the PLC because the labour law as it stands violates ILO conventions 87 and 98. But the draft was passed to the PLC without any negotiation with us. We protested and sent a letter to the Labour Minister and the ILO, but the PLC is still discussing the old law. I read the draft - it is already 30 years out of date. We had a meeting with Arafat who was very angry with us. After that I was invited to a conference in Bethlehem and Arafat closed the area and brought in intelligence officers. So we had the meeting on the street because Arafat also closed the hotel - we paid 15,000 US Dollars for the hotel and we got nothing for it."⁵⁷ Shaher Saed goes on to outline the challenges ahead: "They include the introduction of social funds, the speeding up of the social insurance laws, stopping child

labour, asking the Ministry of Labour to introduce the minimum wage system and the need for competent labour laws which have to be implemented on the ground and not just written in law."⁵⁸ These are the issues will be a closely looked at in the following paragraphs.

a) Minimum Wages

There is no minimum wage system in the Palestinian territories. A wage committee within the Ministry of Labour is supposed to determine a minimum wage system, but at the moment the employer and employee agree on a minimum wage when entering a work contract. For Palestinians working in Israel the minimum wage is NIS 3,300 (=580 Euros) on a monthly basis. At the congress of the PGFTU in May 2004 the introduction of a minimum wage system of NIS 1,700 on a monthly basis (=300 Euros) for the Occupied Territories was demanded. However, with the current situation there are no guarantees of even minimal conditions of decent work or the application of any labour legislation. Furthermore, the chance of Palestinian labour in Israel is highly dependent on the changing restrictions on movement of persons. Shaher Saed explains the current situation: "The ministry can choose a committee for minimum wages and labour policy according to subject 37 of the labour code. In the committee are supposed to be five from the PGFTU, five employers and five from the ministry. But the committee has never met because of restrictions to travel and lack of interest by the ministry to implement it on the ground in case it is approved."⁵⁹

Furthermore the introduction of minimum wages is also a difficult issue for the labour movement to decide: "On the one hand minimum wages may play a very important role in economies such as the Palestinian one, where there is an unequal distribution of wealth, many small businesses and relatively weak trade unions. On the other hand, the introduction of minimum wages may lead to

54 Sovich, N., *Palestinian Trade Unions*, in the Journal of Palestine Studies, pg. 74

55 Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

56 Usher, G., *Palestinian Trade Unions and the Struggle for Independence*, pg. 23

57 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

58 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

59 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

redundancies and reduce the need for trade unions to negotiate wages. The latter also applies to other rights that may be secured either by legislation or negotiations.”⁶⁰

b) Child Labour

In the West Bank it is still legal for minors to work full shifts for six months without pay if their parents or guardians so agree. According to Shaher Saed, 49,000 children who are less than 15 years old are employed in the Palestinian territories at the moment. In his opinion, some Israeli employers even have Palestinian child workers under the age of 15 because they do not need permission. The PGFTU is now investigating this matter in Jenin, Tulkarm and Jerusalem. It is one of the issues which needs to be addressed in the new labour law.

c) Social Security Law

The Social Security Law was approved in 2003 but has not yet been implemented on the ground. Among other things it is supposed to cover work accidents, old age and natural death. Shaher Saed is sad about the procrastination of this law, explaining: “The PGFTU met with the ex-labour minister to establish a board about social security. But the new minister has problems understanding its importance and nobody at the ministry is following up on the topic up right now. The Social Security Law should have begun in 2005 with the law from 2003, but nothing has been implemented so far. I myself informed the trade union in Jordan to have a training workshop about social insurance for PGFTU officers. Next to the fund for employment (emergency employment fund) and the trade unions constitutions, the social insurance law is right now the most important issue for the PGFTU.”⁶¹

d) Health Insurance

Before his death Arafat signed free health care for unemployed workers, especially former workers behind the green line (in Israel). 100,000 families now profit from this free health care system. For those with an estimated monthly income of 1500 NIS, the health insurance from the Ministry of Health costs 70 NIS per month. This covers 90 percent of the treatment including surgical operations.⁶²

Shaher Saed elaborates: “The fee changes from time to time. If a Palestinian worker is employed in Israel, 120 NIS per month are deducted from the salary and directed to the Palestinian ministry. Now this money should be paid to cover the health insurance for those workers working in the Palestinian territories.”⁶³

2. Double Hats: PGFTU & PA

As previously outlined, the union movement was heavily politicised in the past. And still today, when one enters the PGFTU headquarters in Nablus, a big portrait of Arafat greets the visitor. The question of PGFTU independence therefore comes to mind immediately. Regarding this concern, it does not help that there are people working for both the PGFTU and the PA at the same time. Especially during the Second Intifada, Palestinian trade unions maintained close relations with their patron political party. “The PNA rewarded activists (especially those in Fatah) with government jobs. [...] And at least thirty-eight officials of the PGFTU were sneaked onto the government payroll. The resulting co-optation and divisions left the union movement fairly ineffectual. [...] Unlike the professional organisations discussed above, Palestinian labour unions have been completely unable to free themselves of structures and practices that grew up when

60 Endresen, L. C. & Grimsrud, B., *Building the Union and the Nation – An evaluation of LO Norway’s support to the Palestinian General Federation of Trade Union*, pg. 16

61 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

62 According to Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005

63 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

the labour movement was part of a broader national struggle.”⁶⁴ As a result of the apparent lack of independence, many workers who are frustrated with the PGFTU are leaving to join NGOs, such as the DWRC. In addition, Mohammed Abu-Zaid, representing the Federation of Unions of University Teachers and Employees, is accusing the PGFTU of being dependent on the PLO as leaders came from the political arena and not from the working class, resulting in a fragmentation of the union. “The politics is implemented far away from the workers’ influence and they do not really feel represented. The union movement is totally politicised. Shaher Saed talks about independence, but the people working for the PGFTU also are working for the factions and members of the PLC are on the board of the PGFTU.” And he goes on to criticise: “The way the PGFTU deals with the health insurance scheme is not acceptable, as the union just gathers the money. The Ministry of Labour plays the major role in implementing the labour laws, not the union.”⁶⁵

While critics of the PGFTU regard the union as another instrument of the PA machinery, Shaher Saed recognises the fact that unionists working for the PA is a widespread problem. But he defends them: “Some of the trade unionists are employed by the PA because they need a job. We just simply do not have enough resources to pay them. That is the most important problem. For example one leader in Gaza stands fully behind the trade unions, but he needs a job and money. Therefore he is employed by the PA. I on my level can refuse. I had good relations with Arafat on a personal level and I could have had a high position as a deputy minister but I refused because I have different interests as a trade unionist. At first the PGFTU’s task was to establish an umbrella union by combining the 235 unions in the West Bank and Gaza unions. Just now we can start to become more democratic and independent. For ten years we have had the question regarding who can be a member of the PGFTU. We are still trying to solve this problem. I think from

the level of director downwards they should be included, we cannot deprive them of the trade union.”⁶⁶ According to the Palestinian labour code (subject No. 3), the PGFTU cannot represent PA officers on the first and second level (Deputy Minister and General Director), and also not home servants. Furthermore, according to the labour code, the PGFTU is not allowed to represent employees who are under the civilian workers code (municipality workers).

3. On the way to Democratic Structures

The previously mentioned 2nd Constitutional Congress of the PGFTU was held under the slogan ‘Enhancing Democracy and Independence of Trade Unions’. The PGFTU is proud of its implementation of democratic structures such as the union constitution and proportional representation. Along with revisions to the PGFTU’s own constitution, a model framework for the constitutions of national unions and branch level structures was adopted, along with criteria for trade union elections. “This congress, organised under the extremely difficult circumstances of Israeli occupation, will move us ahead as a strong, democratic and independent trade union movement”, said PGFTU Secretary General Shaher Saed following the end of the meeting.⁶⁷

Other key decisions adopted by the Congress included:⁶⁸

- rejection of the draft law governing trade unions proposed by the Labour Ministry of the Palestinian National Authority, and a call for this law to be consistent with ILO conventions 87, 98, and 151
- a call for the minimum wage to be set at NIS 1,700 with the establishment of a minimum wage commission to monitor and periodically update the minimum wage
- a demand for rapid progress in finalising the labour code, which must fully comply with ILO standards

64 Brown, N. J., *Palestinian Civil Society in Theory and in Practice*, pg. 28

65 Notes from presentation given by Abu-Zaid, M., representing the Federation of Unions of University Teachers and Employees, at the First Ramallah Conference: “Ten Years of the Palestinian Authority – Evaluation, Assessment with Prospects for a Future Vision” on March 15th, 2005

66 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

67 ICFTU ONLINE, *Palestinian Trade Union Congress Adopts New Constitution, Strengthening Union Democracy*, <http://www.icftu.org/display-document.asp?Index=991219272&Language=EN>

68 *ibid*

- the establishment of effective labour courts, to deal with the large and growing backlog of cases which remain unresolved
- the establishment of a PGFTU committee to tackle child labour, given the increasing incidence of child labour in the West Bank and in Gaza
- support for a national industrial policy, which creates urgently needed jobs for Palestinian workers.

4. PGFTU & the Histadrut

Whereas Palestinians in Jerusalem can join both the West Bank federations and the Israeli Histadrut Labour Federation as Israeli labour law governs in Jerusalem, Palestinians from the West Bank and Gaza Strip who work in Israel are not permitted to join Israeli trade unions or organise their own unions in Israel. At the same time, Palestinian trade unions in the West Bank and Gaza Strip are not allowed to carry out trade union activities in Israel.

However, during the post-Oslo Accord era there were areas of cooperation between the Histadrut and the PGFTU. “To achieve a meaningful peace that dipped below the political stratum, unions would have to put aside national interests and speak of class issues, bringing workers together in the process. PGFTU leaders, many of whom had been deported or spent the intifada in detention, would accept normalisation in return for the Histadrut’s recognition of Israel’s exploitation of migrant Palestinian workers.”⁶⁹

Shaher Saed explains: “In 1998 we had a joint project with the IGMetall, Histadrut, and Palestinian trade unions (Palestinian Transport Union) and we had agreements with the Histadrut on cooperation. But since the Intifada started the Histadrut did not implement the agreements.”⁷⁰

“Though the Histadrut has failed to provide services for Palestinian workers, it regularly collected union dues from them, with 1 percent of their salaries being automatically deducted for this

purpose. The PGFTU estimates that the Histadrut pocketed NIS 400 million between 1970 and 1994. Although this figure may be inflated, Palestinians paid significant sums for little more than permission to enter Histadrut collective agreements along with Israeli workers. [...] In March 1995, after a series of disputes in which both sides walked out, the PGFTU and the Histadrut finally signed a one-page accord stating merely that one-half of the 1 percent deducted by the Histadrut from Palestinian pay checks (approximately NIS 1.8 million a year) would henceforth be paid to the PGFTU. As for the 0.5 percent that the Histadrut retains, it was to be used ‘for union activities to protect workers in Israel and defend their rights.’ [...] Ironically, the money for which the union fought has become the primary lever with which the Histadrut enforces its control. After the agreement was signed, the PGFTU had to fight to get the 0.5 percent promised each month. The Histadrut’s delay in handing over the money was a bitter pill for the PGFTU to swallow, especially as the union had fought for financial compensation at the expense of most other issues and subsequently relinquished claims to the earlier Histadrut deductions in order to secure the monthly transfers.”⁷¹

Since the death of PLO Chief Yasser Arafat and the election of Mahmoud Abbas, the ICFTU level (in which both PGFTU and Histadrut are members) has served as a meeting point for future cooperation. At a ICFTU gathering in Brussels on April 14th, 2005, Shaher Saed, Secretary General of the Palestinian General Federation of Trade Unions and Amir Peretz, Chairperson of the Israeli trade union centre Histadrut, met to develop a cooperative agreement. In a positive and constructive atmosphere issues such as access for Palestinian workers to employment in Israel, relief funds for Palestinian workers, implementation of a March 1995 Cooperation Framework, and perspectives for future cooperation between the two organisations were discussed and the commitment to the ‘Road Map’ was stressed by both trade union organisations.

69 Sovich, N., *Palestinian Trade Unions*, pg. 77

70 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

71 Sovich, N., *Palestinian Trade Unions*, pg. 77

VII. TRADE UNIONS & THE LAW

1. Right to Strike

The right to strike is implemented in the Palestinian labour code. The procedure of going on strike is mentioned in section four of the law in Articles 66–67. Two weeks prior to the strike the workers have to give a written notice to their employer and to the Labour Ministry. This written notice has to be signed by 51% of the workers. However, going on strike during discussions of the dispute by the reconciliation committee is not allowed. Strikes have taken place in many areas, such as banks, telecommunication companies, and transportation and health services. Teachers especially have been very active in voicing their opinions in strikes.

2. Tripartite Consultations

Due to the dramatic situation in the territories and the lack of a legal and institutional framework for industrial relations, social dialogue and tripartite

activities are sporadic. Shaher Saed complains: “We need a tripartite system in the Palestinian territories. According to ILO Standard Nr. 87 a tripartite system of government, employers and employees needs to be introduced. It is important in order to have an independent and democratic trade union system and free organization and free affiliation. But there has been no code to solve this problem so far aside from code number three. At the PLC the trade union organisation law is discussed but it is not like the ILO Standard Nr. 87.”⁷²

3. ILO Conventions

As a member of the Arab Labour Organization (ALO), the Palestinian Authority has approved a huge number of ILO conventions, especially those concerning child labour, women’s rights, collective bargaining, health and safety in workplaces and work disputes. However, they have not been signed because Palestine is not an official state yet.

⁷² Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

VIII. THE PGFTU & THE ILO

The International Labour Organisation is always in direct contact with the PGFTU, government and employers to enforce the declaration on fundamental principles and rights at work as well as at the ILO core conventions. Therefore, many lectures, seminars, and training workshops have been held locally or regionally and internationally to enhance these rights.

1. Main Projects of the ILO⁷³

The ILO's program for technical cooperation for the Occupied Territories centers on strengthening the capacity of employers' and workers' organisations and the Ministry of Labour. There are four main programs run by ILO in the Occupied Territories:

1. Reassessment of existing projects,
2. Technical assistance for the creation of the 'Palestinian Fund for Employment and Social Protection',
3. Capacity building for the social partners by supporting the Palestine General Federation of Trade Unions, the Federation of Palestinian Chambers of Commerce, Industry and Agriculture and the Ministry of Labour, and
4. Creating a platform for Palestinian and Israeli constituents for social dialogue.

The three core programs of the Palestinian Fund for Employment and Social Protection are:

1. Community Infrastructure Development
2. Enterprise Development
3. Human Resource Development

Further projects are aimed at implementing a social security system for private sector workers and to provide legal aid to secure rights of Palestinian workers in Israel. Furthermore, the ILO supports the capacity building of the Ministry of Labour

through the 'Employment Task Force' and the strengthening of the Labour Market Information System.

2. Programs run by ACTRAV

The Bureau for Workers' Activities (ACTRAV) serves as the main link between the ILO and the workers. ACTRAV coordinates all activities of the Office related to workers and their organisations whether at the headquarters or in the field. The work concept of ACTRAV, which includes an active presence in the field, training or information seminars, cooperation projects, briefings, studies and publications, is designed to promote the fundamental rights of workers, values of social justice and concepts of equality.⁷⁴

ACTRAV has organised many activities for the benefit of the Palestinian Trade Unions. There is an advanced program run by ACTRAV to assist the Palestinian Trade Unions and to build the capacity of these unions. A new project designed by ACTRAV provides an IT centre within the PGFTU for the training of trade unionists. The program, which will run for two years, also provides the trade unions with fundamental resources.

3. Cooperation between the Trade Unions & the ILO

The cooperation between PGFTU and the ILO is regarded by both parties as very positive: "We feel that our cooperation with ILO is satisfactory. The ILO is convinced to help the Palestinian unemployed workers and therefore decided to establish a special fund for Employment and Social Protection. This is

⁷³ taken from: International Labour Office Geneva, *Palestinian Fund for Employment and Social Protection, Enhanced programme of technical cooperation for the occupied territories*, Feasibility Study, Geneva, August 2003

⁷⁴ Taken from 'About ACTRAV', <http://www.ilo.org/public/english/dialogue/actrav/new/actravnw.htm>, November 1st, 2005

considered the most effective tool to face the current increasing problems of unemployment and poverty with. Besides, the ILO is fully aware of our entire situation; therefore, it always tries to find solutions, so their role is appreciated with deep gratification,”⁷⁵ Naser, the PGFTU Public Affairs spokesperson and coordinator of ILO activities says.

The ILO Representative for the West Bank and Gaza Strip, Doudine, is also happy about the relations between his organisation and the PGFTU: “I am in constant contact with the PGFTU Secretary General Shaher Saed. We call each other every day.”⁷⁶

The cooperation between the ILO and the DWRC is of a different nature as the director of the DWRC Barghouthi explains: “Although, up to now the ILO only recognises the PGFTU, the ILO visits us and declares that they depend on our information because we report on violations on all levels. They even attended one of our courses and sometimes we use their material for training sessions. The difference between their workshops and ours is that the ILO gives more lectures, whereas we have a more participatory approach.”⁷⁷

75 Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005

76 Interview with Doudine, K. M., International Labour Organisation (ILO), Representative West Bank & Gaza Strip, on March 11th, 2005

77 Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

IX. CONNECTION WITH THE INTERNATIONAL TRADE UNION MOVEMENT

1. PGFTU Affiliation Agreements with Global Union Federations (GUFs)

There are wide relations between Palestinian Trade Unions and GUFs. The PGFTU is a member of the International Confederation of the Free Trade Unions' (ICFTU) executive board. The ICFTU repre-

sents over 151 million workers in 233 affiliated organisations in 152 countries and territories. Meetings take place twice a year in Brussels. The PGFTU has also lately been elected as a member in the steering council of the ICFTU.

The following PGFTU national unions are affiliated with GUFs:

Municipality and public institution workers' union:

Public Services International (PSI)

Petrochemicals workers' union:

International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM)

Health workers' union:

Public Services International (PSI)

Transportation workers' union:

International Transport Workers' Federation (ITF)

Building and construction union:

International Federation of Building and Wood Workers (IFBWW)

Printing and graphic workers' union:

International Federation of Journalists (IFJ)

Banks and insurance workers' union:

Union Network International (UNI)

Mechanical and electricity workers' union:

International Metalworkers' Federation (IMF)

2. Cooperation between Trade Unions and the International Trade Union Movement

The cooperation between the PGFTU and the international trade unions began in 1985 during the First Intifada as members of the international community expressed their solidarity with the Palestinian cause. In the following three years PGFTU received about 1000 delegation members. From that time on PGFTU has tried systematic cooperation and considers the PGFTU delegations to the GUFs as messengers of the Palestinian workers/people.

Fathi Naser, the PGFTU Public Affairs Officer and Coordinator of ILO activities explains: "We can

say that the cooperation between the Palestinian trade unions and the international trade union movement is very successful."

In the Arab world, the PGFTU has contacts with trade unions in Jordan, Lebanon, Bahrain, Tunisia, Algeria, Morocco and Yemen. There was also an important fund established by Saudi Arabia. The fund included 500,000 food baskets for unemployed workers (each worth 35 US dollars), 120 US dollars per family per year for 20,000 families (especially for large families with more than 8 family members). 900,000 jobs were created for unemployed workers and 370,000 people received free health insurance through this project, also supported by Syria. Shaher

Saed elaborates: “Prince Amir Najjaf, the Saudi Arabian interior minister, gave us this support. It was a change in Saudi Arabian policy to work together with us as a trade union as they do not have trade unions themselves. However, Israel asked the US to stop the money flow and the US forbid Saudi Arabia to give money for ‘terrorists’, and the

money was stopped after three months. Three million US Dollars were scheduled for every month. In total there are now 18 million US Dollars in the bank waiting to be spent. It is a real shame that all those projects have been going down since 2003 because of US pressure.”⁷⁸

78 Interview with Saed, S., at the PGFTU headquarters in Nablus on March 21st, 2005

X. CONCLUSION

The Future of the Trade Unions in Palestine: Expectations & Visions

The Palestinian trade unions have come a long way from where they started in 1920. The trade union movement faces many challenges ahead. Externally they have to cope with obstacles such as the Israeli occupation, high unemployment and poverty in the Palestinian territories. Internally the reforms which aim at becoming more independent from the government and more democratic are on their way. With the election of the new Palestinian President Mahmoud Abbas, the subsequent Sharm-el-Sheikh agreement signed with former Israeli Prime Minister Ariel Sharon and the Gaza-Disengagement, a new chapter is beginning in the ongoing conflict between Israel and the Palestinian Authority. The PGFTU's stance on peace is based on the UN resolutions and peaceful coexistence in a two-state solution.

The trade union movement can play a constructive part in the democratisation process in the Palestinian territories. This special role is regarded as a positive challenge for the future by the Palestinian trade unions as Fathi Naser, the PGFTU public relations spokesperson, outlines:

“When we study the future prospects we see huge responsibilities and wide duties to assist and serve our workers. But we are satisfied that we are on the right side because we are performing activities that rich and big federations in the world have not faced. Our tasks and aims will focus on labour matters. Elections, democracy, gender, capacity building of unions, workers' rights, laws and systems will be the main fields. This situation has forced the trade unions to struggle in many fields: First to perform the traditional duties of the union; second to secure assistance to the workers; third to find jobs for them and fourth to find and implement new laws such as those on social security. We try our best to build the capacity of the unions, to have

an efficient and capable cadre who can lead the unions for future on the basis of democracy. Thanks to the assistance of our friends in the world we are building and will continue to build the Palestinian unions.”⁷⁹

The director of the Democracy and Workers' Rights Center, Barghouthi, is also positive about the future despite the diverse difficulties lying ahead of the union movement in Palestine: “I certainly believe in the future of Palestinian trade unions. With a quarter million organised workers (40% of the labour class), we can become stronger than any of the political factions. Especially with international support we believe that we can achieve a lot. But we need to have a democratic trade union which is independent from the government and the political factions. One problem we are faced with is that we are not an industrial country and can therefore just afford small workshops and short-term employment. But nonetheless, the future starts now in terms of organising workers in a good structure that reflects the labour force.”⁸⁰

In order for the Palestinian workers to become the leading force in a broad democratic coalition, the precondition is a genuinely mass-based, democratic and independent trade union movement. At the moment the trade union movement in the Palestinian territories is fragmented, typical for countries in transition. Overcoming this split will be a difficult task. It has been shown in cases of trade unions in Eastern European countries such as Bulgaria and the Czech Republic that a unification of the different organisations can only be successful to a limited extent.⁸¹ However, many steps are being taken in a positive direction. Workshops dealing with topics that are of interest to all members of the trade union movement can help to create discussion forums which can serve as a base for future cooperation. At the end of the day Barghouthi may be right in saying: “The future of the trade union is not me or Shaher, it's the workers!”⁸²

79 Naser, F., Palestine General Federation of Trade Unions (PGFTU), Public Affairs Dep. and Coordinator of ILO activities, on March 21st, 2005
80 Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

81 According to Mund, H., Friedrich-Ebert-Stiftung (FES), Dept. for Eastern Europe, on November 8th, 2005

82 Interview with Barghouthi, H., The Democracy & Workers' Rights Center in Palestine (DWRC), General Director, on April 20th, 2005

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