



Bawader / Commentary, 28 October 2020

Identity Belonging and Constitutional Reform in Algeria: Reconciling Ideologies for a Peaceful Transition

→ Yacine Abderahmane



Algerians carry Algerian and Amazigh flags during a demonstration for the departure of the Algerian regime in Algiers, Algeria, 03 May 2019. The Algerian protests that began in early February 2019, after the former president announced his candidacy for a fifth presidential term, continue to call for radical change of the system. ©EPA-EFE/MOHAMED MESSARA



Since the beginning of the Hirak in February 2019, the ideological, religious, and cultural tensions which had existed for decades in Algeria have resurfaced and intensified to the point of dominating public debate.¹ Nonetheless, they have rarely been taken into consideration by the central authorities, and the State recently introduced a project for the revision of the Constitution that does not consider identity issues a priority, proposing superficial measures like the institutionalization of the Amazigh language.² The continued political denial of these tensions further exacerbated them among opposing groups - Islamists versus Secularists and Berberists versus Arabists - and proves to all sides that the new draft Constitution is yet another smokescreen measure by the State to sustain the political hegemony of the regime over questions of identity.³ This paper will attempt to explore the underlying reasons of the prevailing conflict between these opposing groups, how the Constitution fails to recognize cultural and ideological diversity, and then proceed to put forward ideas for possible alternatives towards consensual dialogues and public policies within the framework of a more representative constitutional process.

The Constitution and the identity question

Algeria's successive constitutions⁴ have failed to truly reflect the country's diversity and instead have been used by the regime as a tool to extend its hegemony and its domination over the people. The first Constitution,⁵ discussed in 1963 by 300 delegates of the National Liberation Front (FLN) and adopted by referendum the same year, significantly limited political freedom by only recognizing a single party, the FLN, and inscribed Islam and Arabic as the only constitutionally recognized components of Algerian identity -- two features that have never since been questioned. Despite various changes to the different Algerian constitutions, little consideration has been given to identity and cultural issues by successive constitutional committees, usually composed of delegates from the FLN majority party or appointed by Algeria's presidents from strong supporters of the regime. The committees always opted to consider and declare the Algerian people as a homogeneous block with a single culture, a single religion, and a single language. This effort to homogenize the population was



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probably anchored in a long-lasting perception of the State towards diversity, considering it a source of division and a threat for the stability of its territory, especially considering diverse cultural or ideological groups as possibly influenceable by foreign interests.⁶

One of the most significant events in recent Algerian history was the October 1988 uprising, a political and social shock that marked the end of the socialist single-party system. Over a period of several weeks, very violent riots took place in most major Algerian cities, mostly led by young people demanding more freedom, democracy, and better living conditions. Thousands were subsequently arrested and tortured by security forces, who were also responsible for the killing of 500 protesters.

As a consequence of the gravity of the situation, the 1989 constitutional project,⁷ initiated by President Chadli Bendjedid and carried out with great fanfare by then newly-appointed Prime Minister Mouloud Hamrouche, was intended to break with previous constitutions and had the primary ambition of crystallizing the demands of the 1988 movement while still ensuring the continuity of the hyper-centralized State. The text of the 1989 Constitution was mainly characterized by openness to the multiparty system, breaking with the hegemony of the single party (FLN) and thus led to the emergence of civil society organizations (associations and committees), the creation of the People's National Assembly (the Parliament), and the shrinking of the role of the army in politics.

Despite its profound break with the past, the 1989 Constitution again choose to overlook Algeria's religious and cultural diversity, instead maintaining the founding elements of the Algerian State from the 1963 Constitution: Islam as the only State religion and Arabic as the only language of the Algerian people. Nevertheless, it allowed for the creation of two ideologically opposed political formations that have, for years, been the leading protagonists in the national identity debate: the secular Berberist democratic party, the Rally for Culture and Democracy (RCD), and the conservative Islamist party, the Islamic Salvation Front (FIS).⁸ The FIS won the 1992 elections, the first democratic elections ever organized in Algeria, which the State quickly suspended, contributing to a decade of civil unrest and armed conflict.



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The civil war that ensued (1992-2000) helped to further freeze the identity debate in the country at a time of heightened ideological tensions between politically active secular democrats and Islamists and between Berberists and Pan-Arabists, as the authorities were occupied fighting terrorism. After the election of President Liamine Zeroual in 1995, against a backdrop of civil war and military dictatorship, a new Constitution was put forward for referendum in 1996. Most of its articles were taken from that of 1989 with one difference: it recognized, for the first time, Algeria's Amazigh identity as one of the components of the Algerian identity, along with Islam and Arabism,⁹ and integrated the Amazigh language in secondary education.

This change did not respond to the aspirations of many and, in 2001, hundreds of thousands of Kabyles¹⁰ protested during what was known as the "Black Spring". They demanded not only social justice but also the full recognition of the Amazigh identity (linguistic, cultural, and civilizational) and the institutionalization of the Amazigh language as a national and official language. Many groups, especially among leftist student organizations as well as among political parties like the RCD, also demanded that the State consider a more secular orientation, recognizing religious diversity and freedom of thought. During the protests, security forces used violence, causing the deaths of 128 protesters.

As a consequence of the "Black Spring" confrontations, President Bouteflika launched in 2002 a process to amend the Constitution. The new amendments recognized the Amazigh language as a national language in Article 3bis, while maintaining Islam as the State religion (Article 2) and keeping Arabic as the only official language of Algeria (Article 3).¹¹

After a highly contested election to a fourth term for President Bouteflika, the regime understood that changes must rapidly take place before an inevitable uprising could shake the apparent stability of institutions. This pushed the regime to initiate yet another revision of the Constitution in 2016 to apparently introduce some minor changes, such as setting a two-term limit on the presidency. The 2016 constitutional amendment is particular in many respects, chief among them its recognition of the Amazigh language as an official language of the State (Article 4). This new status prompted the creation of the Algerian Academy of the Amazigh Language, founded in 2017 to promote the language. The same amendments



provided for freedom of conscience, without mentioning what it means or what “conscience” the text refers to, a lack of clarity that further complicates the drafting of specific laws to protect religious minorities.¹²

All of Algeria’s constitutional amendments have one thing in common: they have taken place outside of a participatory constituent process and have often followed deep national crises. In announcing constitutional amendments, the Algerian State has invariably declared its willingness to meet the people’s aspirations but has always allowed little space for citizen consultations during the drafting process. While the constitution is supposed to exist as a fundamental text that reflects the very nature of the social pact of the Algerian people, the different constitutions have failed to concretely consider the diversity of the Algerian population, their demands for the recognition of their distinct identities, and their attachment to their cultures.

Although amendments were made to the Constitution to recognize diverse cultural backgrounds like Amazighity,¹³ other related reforms meant to consolidate these steps remain unconsidered by the legislature because they are considered politically “taboo” and “divisive”. For instance, during the amendment of the Finance Law (Government budget) in 2017, Labour Party (Parti des travailleurs) proposed an article to increase the budget of the High Commission of Amazighity¹⁴ to allow more funds for the teaching of the Amazigh language. This was rejected by the commission in charge of the budget, which was mainly composed of representatives from majority parties like FLN and its close ally, the RND (National Democratic Rally) because it was judged a superfluous demand by most of the voting delegates.

2020: The Constitution of the Hirak or a perduring denial of Algeria’s diversity?

In December 2019, after almost a year of protests, Abdelmadjid Tebboune was elected President of the Republic following elections with the lowest turnout in Algerian history. Throughout his campaign, President Tebboune promised to capitalize on the Hirak by “honouring” the calls of the Algerian people for profound change. He convened a “Commission” to draft a new Constitution, that



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of the Hirak.¹⁵ This draft Constitution, which inscribes the Hirak in its preamble, will be submitted to a referendum on 1 November 2020 but has already provoked many tensions between communities. It consecrates the Amazigh language as an official language with the same immutable legal status as Articles 2 and 3 of the Constitution (concerning Islam and Arabic) and proposes additional provisions such as the neutrality of public schools from ideological influence¹⁶ and the maintaining of articles concerning the respect of “freedom of conscience”. These proposed modifications are considered by parties in both sides as being superficial measures that not only ignore the specificities of Algerian population but that are also detached from social realities, where a peaceful agreement between opposing ideological groups is far from reached.

While tensions clearly exist among Algerians, the State still considers debate around ideological issues perverse and a source of division.¹⁷ The draft Constitution not only overlooks the existence of this diversity but rather leans towards considering that Algerians are no more than Arabs and Muslims with an Amazigh origin that the regime is obliged to recognize. Ironically, while the State attempts to ignore tensions between communities to allegedly protect social cohesion, it significantly contributes to exacerbating their effects, further intensifying attacks by one side towards the other. Many believe that these tensions serve the State as they keep divergent groups busy while the authorities pass laws “incognito”. This was, for instance, the case when the finance law was passed in November 2019, with little discussion in parliament or among the wider public.

The current draft of the Constitution is yet another attempt by the Algerian State to pass a text without popular consultation, most likely provoking another conflictual situation between already polarized communities. According to Walid Laggoune, renowned constitutional law expert and rapporteur of the expert committee responsible for this revision, several proposals introduced within the Constitution revision commission concerning identity issues were rejected by this very same body,¹⁸ though he neglected to detail what these were. While admitting that citizenship and religion are perfectly dissociable notions, Laggoune has on numerous occasions said that the precarious balance between identity and Algerianness is for the moment beyond the scope of the ongoing discussions and



that identity remains a considerably sensitive topic to approach.

The Hirak: A space for popular debate or a receptacle of ideological tensions

Within the Hirak, ideological tendencies are numerous and diverse. Although they are more complex to define, existing tensions can be summarized in the duality between conservatives and progressists: Islamists moderately in favour of the recognition of Amazigh culture but attached to Arabism and Islam, and progressists who support multiculturalism and the establishment of a secular State. The Islamist perspective is carried by the Rachad Movement, an association of conservative intellectuals from the Algerian diaspora in France, England, and the USA, including important figures of the dissolved FIS such as Mourad Dhina. This current, omnipresent among the Hirak, resonates very deeply with the Algerian population as it defends an Algeria that is anchored both in the values of Islam and in its dual Arab-Berber culture, despite its clear inclination to Arabism.

The second perspective, smaller in size but just as influential among the more progressive classes in society, is secularism, meaning the separation of religion and State and the recognition of religious and cultural diversity within the Algerian society. Although it is difficult to state that there is an organization of the same size as Rachad representing this orientation, several organizations and political parties fall within this trend, even if they do not explicitly state their secularism. These include parties like the RCD, the association “Rally of Youth Action” (Rassemblement Actions Jeunesse - RAJ), and the far-left party the Democratic and Social Movement (Mouvement démocratique et social - MDS). Organizations and individuals close to this perspective are mostly Berberists and are less keen to recognize Arabism as the main component of Algerian identity.

The divisiveness of these issues, notably the question of Amazigh identity and place of religion, has driven many people to abandon the movement recently as observed on exchanges on social media. While this suggests that the issue of Amazighity, along with the other issue of religious diversity, remains controversial, it also shows the existence of a significant gap between divergent communities



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and even within the Hirak itself. Moreover, many progressists likely abandoned the movement because of the increasing influence of Rachad in the Hirak in 2020. Apart from the tensions between organizations, the public debate between seculars and Islamists dominates online platforms and the streets, including among the Algerian diaspora and mainly in Paris's "Place de la Republique" as of June 2020, where protests could take place instead of in Algiers where they have been banned.

A third perspective, the "Normalists", is gaining momentum among the Hirak because of ongoing Islamist/secularist and Arabist/Berberist tensions. Usually represented by popular figures like the currently imprisoned poet and political activist Mohamed Tadjadit, the "Normalists"¹⁹ are those claiming to be "Normal", neither Islamists nor secularists, neither Arabists nor Berberists, and self-define as a centrist group. This trend aspires to move the debate away from the various ideological groups by supporting a neutral position and considers ideological affiliation or identity fortuitous. Although it is represented by a minority group, it still embodies the rejection by a part of the population of any type of "polemical" confrontation. Normalists also reject the draft Constitution, not over identity issues but because they are opponents to the regime and believe the Constitution will maintain it in place.

It is undeniable that the Hirak has vigorously rejected formal organization and, therefore, failed to propose concrete political alternatives, especially related to identity issues. Yet, many initiatives have emerged from the Hirak since the beginning of the movement to discuss Algeria's new Constitution, a Constitution that takes into consideration its often-divergent demands. Activist and researcher Hichem Rouibah created a group on Facebook to initiate a reflection around the new Constitution called Aktab Doustourek (write your Constitution).²⁰ The Machmoul Project, initiated by the leader of the musical band Gnawa Diffusion Amazigh Kateb, worked for a year to collect opinions on the direction of the new Constitution and published the text proposal in spring 2020.²¹ The daily newspaper *Liberté* also published a preliminary draft of a Citizen's Charter on 28 August 2019, where 160 intellectuals proposed constitutional articles for a new inclusive and diverse charter.²²

These intense exchanges between the two groups have clearly not resonated in



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the ears of decision-makers, who undeniably ignored their existence and the danger they constitute if they are not taken into consideration. Also, authorities further failed to draw on the many initiatives that appeared since the beginning of the movement, missing yet another opportunity to close the gap between the State and the people. While it is clear that the Hirak could have played a greater role in the revision process instead of being simply mentioned in the preamble of the project, it seems difficult to believe that the regime would abandon its privileges and jeopardize its continuity. In addition to arrests of major figures of the Hirak, the pandemic of COVID-19 and the subsequent halting of the popular weekly marches have given a hard blow to the movement and deprived it of street pressure as its major force.

Will the Algerian Constitution, through this new revision project, be able to represent the will of the people expressed through the Hirak? While this question is timely and necessary, it seems difficult to imagine that this Constitution, if endorsed by the referendum, will be perceived differently from the previous ones. While many voices among the Hirak called for a transitional period²³ and/or the election of a constituent assembly,²⁴ President Tebboune preferred to maintain the status quo and adopt the traditional way of top-down initiative. In fact, the commission in charge of revision of the Constitution, at the initiative of the Government, consisted of a group of experts designated by the President. Their role was to draft new articles, submit them to the President, then to the Parliament, and finally to “civil society actors” picked up by the President himself from among associations and collectives supportive of his election like the Algerian Muslim Scouts. The Higher Authority for Elections declared that 5000 individuals were consulted during the process. The non-inclusive top-down nature of the Constitution drafting process and its partial disregard for identity issues make it a project that is destined for failure. Nowadays, many parties on both sides, including the Association of Ulemas, the Movement for Peaceful Society, and *Harakat Al Islah* for Islamists,²⁵ and the RCD, the MDS, and the *Front of Socialist Forces* FFS for democrats,²⁶ have already called for a boycott of the referendum.

Civil society as a motor of debate and locomotive of constitutional reform



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Despite efforts by the State to ignore the identity debate and attempts by the “Normalists” to draw focus away from ideological tensions, it nonetheless appears important today, not least in order to construct an idea of an Algeria that is inclusive and forward-looking but also to frame the debate within peaceful and effective mechanisms.

The conflictual nature of the interaction between the two cultural groups, which has subsisted for decades, is clearly not only one of religion and ethnicity but rather of an entire system of beliefs. Since the first Constitution in 1963, constitutional amendments and government statements that considered Algerian people as nothing more than one Arabo-Muslim block failed to encourage any type of peaceful exchanges between diverse groups and worsened tensions between both secularists and Islamists and also between Arabists and Berberists. At the same time, economic and social difficulties and discrepancies widened the gap as each group blamed the other for the economic crisis²⁷ that followed the drop in oil prices. This was compounded by successive Algerian governments always subscribing to these bipolar debates, using them for political ends and inscribing superficial concepts in constitutions that have been detached from reality. This has led to actual contention and discrimination in many situations, especially during the civil war in the 1990s. Thus, debate in the frame of a large and deep constitutional reform appears to be crucial in order to avoid the resurgence of violence and to build a much stronger approach for the “new Algeria”.²⁸

With only a few days remaining until the referendum on 1 November, it is clear today that civil society has a greater role to play in deconstructing and rejecting this current bipolarity. Civil society actors can create a propitious environment for an objective and inclusive dialogue around the Constitution, using mediation and community-based action to facilitate the consideration of the diversity of the Algerian people. Such dialogue must be initiated and organized by civil society organizations to reject the current constitutional reform project and to challenge the grip of the central authorities over the identity debate.

Although the new Constitution will most likely be adopted after November’s referendum, in which participation rates are expected to be very low, further proposals need to be put forward and widely supported. If a constitutional project aspires to favouring social cohesion, it will need to consider and accept the



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diversity of the Algerian population in a more inclusive way. While this may briefly increase divisions, a lack of discussion serves only to exacerbate tensions and set the foundation for future problems. This could be achieved, among other ways, by amending Article 2 of the Constitution to recognize, additional religious beliefs other than Islam as part of Algeria's identity, and by giving more space to ethnic diversity through greater provision of resources and powers to regional political leaders to ensure, promote, and protect this diversity.

Civil society initiatives must be developed in order to set the foundation of a framework that favours and supports a healthy debate among Algerians with a view to writing a Constitution that truly reflects the aspirations of the population. Indeed, several organizations and political parties have already expressed their attachment to pluralism, such as the Algerian League of Human Rights (LADDH) or the Parties of the Democratic Pact (PPD). However, it remains difficult for Algerians to trust “traditional” organizations. Accordingly, a reforming and inclusive project that could be successful should today come from the helms of the Algerian civil society. For instance, such difficult topics as religion and cultural identity need to be popularized by civil society actors to counter the regime using them for political manipulation. This would also allow for a better understanding of their significance to facilitate their acceptance and support their ownership by Algerians. While ideological conflicts will certainly always exist, considering them in public debates is nevertheless central to the building of a nation that is at peace with its diversity.



Endnotes

1. algerie-eco.com
2. rfi.fr
3. Introduction of the Higher Commission for Amazighity, the introduction of articles protecting the freedom of conscience and the introduction of Academy of Algerian Academy for Amazigh language are other examples of superficial measures with no concrete impact on the field.
4. Amendments of the Algerian Constitution since its first version in 1963: Constitution of 1963, suspended in 1965; The 1976 constitution, revised in 1979, 1980 and 1988, articulated in the National Charter of July 5, 1976, revised in 1986; The constitution of 1989; The 1996 constitution, revised in 2002, 2008 and 2016
5. mjp.univ-perp.fr
6. One of the most common accusations towards anti-conformist groups like Berberists or secularists is to be at the service of foreign interests.
7. mjp.univ-perp.fr
8. Aït-Aoudia Myriam, “ Les dilemmes des nouveaux partis face à la participation à la première élection pluraliste post-autoritaire. Retour sur un impensé à partir du cas algérien “, Revue internationale de politique comparée, 2013/2 Vol. 20, p. 15-32. DOI : 10.3917/ripc.202.0015
9. Meaning: Belonging to the Arab culture
10. Kabyles: people indigenous to Kabylia in the north of Algeria, spread across the Atlas Mountains, one hundred miles east of Algiers. They represent the largest Berber-speaking population of Algeria and the second largest in North Africa.
11. A national language is a language that is recognized as part of national culture and is often taught in regions where it is most spoken (Kabylie for example). An official language is a language that is recognized by the State as one of its languages and is used in official documents and in public insitutions, including courts, and in official communication.
12. rtl.fr
13. Amazighity: Belonging to the Amazigh identity en.wiktionary.org/wiki/Amazighity
14. HCA: Permanent organ (along with the Academy) in charge of the promotion of Amazigh language
15. aps.dz/algerie/110006-belhimer-la-nouvelle-constitution-repondra-aux-revendications-du-hirak
16. inter-lignes.com
17. Official Government Spokesman considers debate around identity as a “flagrant provocation towards sentiments of the population” Source: liberte-algerie.com
18. algerie360.com
19. Official Facebook page of “Nourmalyioun”: [facebook.com](https://www.facebook.com)
20. algerie360.com
21. fr.sputniknews.com



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22. liberte-algerie.com
23. france24.com
24. liberte-algerie.com
25. tsa-algerie.com
26. elwatan.com
27. lemonde.fr
28. A term usually used by President Tebboune and his administration to refer to the country after the fall of Abdelaziz Bouteflika in 2019.



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About the author

Yacine Abderahmane

Algerian writer and researcher

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arab-reform.net

contact@arab-reform.net



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