

Political Reform and the civil society in Algeria

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ملخص:

يعد المجتمع المدني، في الوقت الراهن، أحد الأشكال الرئيسية للمشاركة في الحياة العامة. لأنه يعتبر الوسيلة الضرورية لهيكلية المجتمع وذلك لما يقوم به من دور كوسيط بين المجتمع والدولة ومصدر اقتراح و حل سلمي للنزاعات المجتمعية. و الواقع أن هذا الشكل من الحراك المجتمعي لا زال في المنطقة العربية عموما ومنها المغاربية طبعاً في مراحله الأولى من التطور وذلك بسبب المسار السياسي في هذه البلدان الذي يتسم بالطابع الحديث و الهش للتجربة الديمقراطية.

لكن هذا لم يمنع حركات المجتمع المدني من التظاهر في العديد من المناطق و التعبير السلمي عن مواقفها المطالبة بالحد من الفوارق الاجتماعية و التنديد بمختلف أشكال الفساد الإداري و سوء تسيير الشأن العام.

و بالرغم من الانجازات المحققة في ميدان التعبير عن الحريات العامة، لا زالت هذه التنظيمات تشكو في خطابها من العديد من أشكال التضيق في ممارسة نشاطاتها. و عليه تهدف الورقة الى مناقشة هذه النقاط و تبيان مدى صدقيتها .

Résumé :

Étant l'une des plus importantes formes de participation à la vie publique, la société civile est un moyen indispensable dans la structuration de la communauté avec son rôle essentiel de médiateur entre la société et l'Etat, ainsi qu'une source de proposition et de résolution des conflits sociaux. Cependant, dans les communautés de la région Arabe et du Maghreb, elle est dans ses phases germinales en raison de la nature du processus politique dans ces pays généralement marqué par l'aspect précaire et récent de l'expérience démocratique.

Malgré la stabilité que l'Algérie a connue par rapport aux autres pays de la région qui ont été confrontés aux révoltes du « printemps arabe », ceci n'a pas empêché les mouvements de la société civile de manifester et de protester dans de nombreuses régions du pays pour dénoncer les injustices sociales et condamner les différents aspects de "la corruption administrative et la mauvaise gestion de la chose publique.

Par ailleurs, il est important de souligner que même si de nombreux accomplissements en termes de libertés ont eu lieu, les organisations de la société civile reviennent toujours dans leurs discours sur les différents aspects de restrictions appliquées quant à leurs activités. A cet effet, ce papier a pour objectif d'étudier et d'analyser la crédibilité du dit discours.

Introduction:

In the last decades of the twentieth century, the term **civil society** has been revived to refer to the group of voluntary organizations established in contemporary societies, such as professional and labor unions, business associations, farmers'

unions, NGOs and other organizations. It may be useful to point out that the revival of the concept of civil society in its new formulation was a result of a combination of several factors that led to enrich the civil society at the level of thought and practice as well as at the level of quantity and type. Some factors can be mentioned as follows:

- *The increasing needs of individuals and the decline in the ability of the state to ensure a fair distribution:* the state is failing to meet the health and social needs of the citizens. Families with low incomes, sometimes considered as the largest segment of the society, frequently request social and economic demands. However, middle and eased classes tend to insist and demand political-cultural pluralism and freedom of expression.

- *Expansion of the scope of education:* The spreading of free education is one of the most important achievements of the Maghreb regimes such as Tunisia and Algeria, with clear differences in achievement rates. This has led to an increase in the level of awareness, expectations and organizational skills of the individuals, which was of great importance in the increasing involvement of this educated class in voluntary and charitable activities. As a result, the establishment of organizations that insures the role of mediator between the state and the population became necessary.

- *The significant increase in incomes:* The 1970s and 1980s witnessed a financial boom due to high oil revenues, migration and economic openness. Citizens in Arab and Maghreb regions invested a part of their wealth into private organizations known as charities organizations. - *Civil liberties and openness:* the respect of human rights and fundamental freedoms had gradually expended in response to external pressure to open the political arena and expand the political participation⁽¹⁾.

-*Liberal reforms:* Liberal reforms in the 1980s have led to the creation of a large number of civil society organizations. However, These hasty and random reforms produced associations established for specific objectives: associations used for promotion, associations exploiting media-related issues (such as women's issues and human rights), Associations considered as "electoral costumers" for candidates and politicians lacking popular support and legitimacy.

The concept of civil society:

The terminologists point out that any concept or term cannot be studied and understood outside its historical context. The concept of "civil society" must be traced since we are dealing with a concept extracted from a particular field of knowledge. In order to analyze and understand a social reality linked to a geographical area and the history of those who are different and opposite to our reality and our history. The concept of civil society, like other concepts: (elite - class - state - development - religion - culture ...), was associated with the reality and history of Western societies.

Although the contents of the concept of civil society varied, according to the social and historical contexts in which it is employed, and despite the difficulty of establishing a comprehensive definition, wa can put forth this definition: «a set of free voluntary organizations that fill the public sphere between the individuals and the state Members». Civil society organizations include associations, unions, clubs, cooperatives and all non-governmental organizations. In this context, we can find many definitions of civil society, but they often do not depart from the necessity of the availability of four basic elements in the concept of civil society:

- The first element is the idea of "voluntary" or, in other words, voluntary participation, which is essentially a free or voluntary administrative act. This way, the structures and basis of civil society are distinguished from the rest of the social structures imposed or inherited under any consideration.
- The second element is that civil society is organized: what makes it differ from traditional society in its classical sense. This point refers to the concept of "institutionalism".
- The third element relates to the "purpose" and the "role" played by these organizations, and the great importance of their independence from power and state domination.

- The last of these elements lies in the need to consider the concept of civil society as part of a conceptual system based on diversity and acceptance of diversity, including concepts such as individualism, citizenship, human rights, political participation, constitutional legitimacy⁽²⁾.

Factors guiding the appearance of Civil Society in the Arab and Maghreb regions:

Starting from the eighties, many changes occurred in the Arab and Maghreb states especially within their communities, this period is considered as a turning point in the history of their evolution. These two communities are related and have common features, which as well explain how they can affect each others. One of the features is the demographic evolution, where the youth constitutes a very high percentage of the population (between 70 to 75 % of the population is less than 30 years ⁽³⁾), meaning most of them reached the age of activity and in need of work. Furthermore, the spread of education, as well as the spread of mass media through various means of communication (electronic newspapers, Internet, satellite TV ... etc) increased the level of awareness in these communities.

Nevertheless, these communities are facing several obstacles, including the lack of development in some countries and a total decline in others, which reduces considerably the opportunities for descent living and working conditions – as a result, the levels of frustration and despair increase among the population. That can lead in the majority of countries to some forms of constant social protest that can be sometimes violent.

furthermore, the negative effects of the so-called economic reforms in many countries since the mid-80's (e.g: case of Algeria), under the supervision of the International Fund , that focused mainly on breaking down all social gains achieved under the post-independence national social state also referred to as "the welfare state ^(*):

The decline of the role of the state in some services (such as stopping the free education and healthcare) affected deeply a large segment of the society that suddenly found itself without any assistance. As well as the privatization processes of the public sector: factories laid off a large number of workers.

Moreover, the failure of the inherited political systems since the independence to cope with the profound changes in society and not responding in the right time to different demands by opening the political participation ⁽⁴⁾.

In addition, the spread of corruption in these countries made it difficult for the youth to get involved in any political activities.

Moreover, the political systems in these countries continue to control the society and political freedoms. Consequently, community participation (civil society) is lacking, just as on the political level (parties and trade unions), associated with the lack of development, all those obstructions generate violence and hostile reactions.

Here lies the importance of the role of civil society for the reason that it is one of the finest forms of political participation. However, it is in its germinal phases in the communities of the Arab and Maghreb region, due to the nature of the political process in these countries generally marked by authoritarianism. The organizations of civil society and the parties are in fact the right means of structuring the community with its essential role of mediating between the society and the state and a tool for conflicts resolution the resolution, for instance (unions in the education sector): professors gather their demands and discuss them peacefully with the ministry). The civil society offers a peaceful space for communication and understanding. Communities in the south lack effective civil society organizations being that they are heavily regulated, restricted and often banned. Moreover, civil society organizations have a role of

supervision and guidance, in case they are missing; all channels of peaceful interaction in order to resolve any social conflict are cut off.

Associating to that the lack of development, which generates a deep form of frustration and sense of oppression among the individuals, inducing them in a situation of Violence in its many aspects: Islamist militancy, ethnic extremism, terrorism, riots? The role that the civil society can play in developing good governance models can provide the needed stability and avoid chaotic situations.

In order to clarify and verify what had been mentioned earlier, a short comparison from the Maghreb countries is given as follows:

- Revolution and the political transition succeeded in Tunisia, thanks to the strength and well-organized society (took form of a strong union), independent parties, numerous organizations and very active civil society.
- The deterioration of the situation in Libya towards fighting Results from the absence and lack of all forms of community organization and party throughout 40 years of the previous regime, leading the way for tribalism to take over the political scene.

The relationship between the state and the civil society in Algeria:

The phenomenon of civil society is relatively recent and still in its early phases in Algeria. The local community does not have the experience or the traditions of associative activities. Certainly there are a large number of associations (civil society associations that were established under the Law on Associations) reaching the number of 80000 Associations ⁽⁵⁾, this does not mean that all these associations are all active in the field, but only a limited number are. Besides, most of them are charity-oriented associations only acting on a social level.

Prof. Dr. Saleh Ziani in one of his articles in the Social Sciences Review, stipulates that in

order to expose the state of the civil society in Algeria, it is important to put forth the relationship between the State and civil society institutions in the country -during the colonialism- and in the post French colonialism period. One can note that the state worked on reproducing the same situation that characterizes the state of the Algerian civil society institutions in the occupation period. The authorities managed to conceal the civil society more than it worked on motivating it to become an extension of the state ⁽⁶⁾.

The adoption of the one-party political system reflected negatively on community organizations. The ideology of prioritizing the ruling party drove many organizations to work in secret, since the regime refused to authorize their activities ⁽⁷⁾. During the post-independence period, civil society was marginalized and excluded. Subsequently, the civil society was not recognized as an essential partner in the political process of the construction of the state.

As John P. Entelis argues, «*Civil Society in Algeria has not remained passive over the past two centuries, fixed in a quasi-permanent state of backwardness, retardation and immobility. Algeria has experienced dramatic changes. (...) which have given rise to a dynamic society whose "civil" identities have been suppressed by an authoritarian regime imposed primarily by France and then by the successor State...*» ⁽⁸⁾.

It is important to put forth the role of the army. It played an influential role in the construction of the Algerian state. Shaping a security State in which public order, law enforcement, coercive and police mechanisms marched over representative institutions.

on the 5th of October 1988 protests and mass demonstrations broke throughout the country, where hundreds of disaffected youth by political austerity and its negative consequences on the citizen's living standards, went out on the streets to denounce the situation and request a change

but at a heavy price (600 dead and nearly 4,000 arrests), that was considered by many observers as an "Algerian Spring" that preceded the recent "Arab Spring".

After a violent repression of these riots, the democratic institutions could not establish a counterweight or question the actions of the army and secret services in the political decision-making process. Instead, the Constitution of February 23, 1989 (revised in 1996) established pluralism without modifying the existing political architecture in order to preserve the regime from collapsing.

The constitution of 1989 approved the foundation of association and various civil society organizations, particularly in Article 40 of the Constitution: "The right to create associations of a political nature is recognized ... "and the right of trade union work and associative work"⁹. This political openness also provided an opportunity for the military to return on the political scene. The cancellation of the first round of the legislative elections held on December 26, 1991, where the Islamic Salvation Front (FIS) was about to win, created confusion and disorder among the people provided justification for military intervention. Many activists in the FIS went to escape repression and incarceration in security camps opened in the Sahara. After the military intervention perpetrated on January 11, 1992, the military returned to power through the High Security Council (replaced by the High State Committee), while declaring a State of emergency on February 9th of the same year.

This period can be considered as a breakthrough for Algerian civil society and its recognition to be a social partner. In addition, the situation of civil society made a step forward in the post-1990 where the state admitted it as a structured civil society regulated by laws that supported its presence and prosperity. In this context, Algeria witnessed the birth of a large number of associations directly after the announcement about the new law regulating

associative activities, issued on the 4th of December 1990 under No. 90/31, so that the year 1996 amounted to approximately 778 national Association, and the number of associations in various fields about 42,116 ⁽¹⁰⁾.

As much as the Institutions of civil society and associative movements have known great intensity with the political openness, it faced important challenges in terms of heavy regulations and limiting civil society funding.

The state continued on exercising greater control on associations using different means of pressure especially against the organizations that are not in line with the orientations of the regime. From imposing complex Administrative procedures to containment mechanisms since most of civil society depends on the state subsidies. The regime ensures that money remains in its power and does not generate independent local wealth that could escape its control. It seeks as well to maintain the social status quo and prevent the empowerment of civil society"⁽¹¹⁾. Instead of using the oil revenues to implement a development strategy, the state invented it to sustain political control over society.

One of the key features of Algeria's associative movement is its lack of autonomy. in this respect, the state uses funding in order to ensure the support of the civil society actors to be in favor of all decisions in its public policy agenda " *With the breakdown of the 1980's social contract between the Algerian Government and society, the subsequent partial liberalization of the political field was seen as a strategy deployed by the regime to create new spaces to better control and channel social discontent. The softening of the legal framework was intended to encourage the emergence of new associations to replace mass organizations that had lost all credibility, but were needed by the State as links or intermediaries with society*"⁽¹²⁾.

Although, one important conditions for the success of any public policy is to involve the Civil institutions in the policy making process.

The civil society is facing the deep infiltration of the state, which made it an entity "without a purpose" and incapable of reacting ⁽¹³⁾.

The foreign funding of associations in Algeria is limited or almost inexistent. However, some programs aim to improve training of associations and their networking as the MEDA program^(*) in Algeria. Nonetheless, several analysts have observed the low level of exchange between Algerian associations and international non-governmental organizations. According to Omar Derras, only 5% of associations that are active in Algiers and Oran have established ongoing relationships with international non-governmental organizations or are integrated into international networks ⁽¹⁴⁾. This for the reason that the support of foreign donors aims to enhance the transparency of associations than promoting projects that could have direct policy impacts. Therefore, the priority is given to interventions for reducing poverty than to sensitive policy areas such as supporting advocacy associations. In addition, Islamic associations are excluded by foreign donors, since they are suspected of having ties with terrorist organizations.

The effect of the Arab spring on the Civil society movements in Algeria:

Working with the law of associations N°90/31 continued until the first events of the Arab Spring started to appear in the neighboring Arab countries. The political system in Algeria found itself forced to adopt a series of reforms aiming to absorb the pressure generated from the impact of the events witnessed in many of the Arab countries. Where the political system hurried to modify a number of the most important laws Parties law and the law of associations, after a series of consultations and discussions.

In fact, the State was in need to renew several laws and conventions on which it built its democratic experience since the end of eighties. However, these new laws did not contain anything new, except for some additions to the

initial law; thus perpetuating the belief that political power in Algeria has no real intention of opening the Political field, or any other field. In this context the Law n° 06/12 regarding associations has been issued on 12/01/2012. It appears from the preliminary reading of the law it is only a supplement to the initial one.

The latest events in the Arab region showed the important role that the civil society played in both mobilizing the population and mediating with the official authorities.

Despite the relative stability that Algeria has known compared to other Arab countries and known as "the revolts of the Arab Spring," it did not prevent the movements of civil society to demonstrate and protest in many regions of the country as an expression of social injustice and to condemn the various aspects of political corruption, such as the oil and sugar uprising in 2011 that nearly induced the country in chaos.

The organizations have benefited from the sidelines of the relative freedom that emerged from several political reforms in the country, especially since the adoption of the 1996 constitution, but unfortunately this space is usually filled by either multiple students organizations that have leanings toward a political stream, or trade unions partly paralyzed, it has been observed how some unions did not obtain their accreditations after taming "the General Union of Algerian Workers", a trade-union organization aligned with the power. As it was the case with many civil society organizations, which turned into support committees and backed the president on various issues without the slightest discussion or opposition.

The dynamics of the protests in the country has changed because of the repercussions of the Arab spring; when the authorities lifted the state of emergency under pressure from organized rallies, every Saturday in early 2011, peaceful protests were witnessed but the police use the same repressive practices. This demonstrates the

authoritative management style of the state. In 2010, peaceful demonstrations were dispersed by security forces using violence and often leading to arrests and prosecution for unlawful assembly, although the procedure provided by law requires the existence of a risk of disturbing the public order⁽¹⁵⁾.

After the announcement made by the President Abdelaziz Bouteflika that he was running for a fourth mandate in the presidential elections to be held on 17 April 2014, organizations of opponents to the a fourth mandate emerged: the most prominent of these formations we find "Barakat movement" Protests were organized in front of the University of Algiers, including a protest March 14th 2014, which gathered many of the social strata dominated by educated class of journalists, politicians, academics, scholars and employees in the public and private sector. Carrying slogans condemning the fourth mandate "no to the fourth mandate, yes to Democratic Republic of Algeria", even feminists were strongly present, among them Hadda Hazzam editor in chief of the daily newspaper 'Elfajar' who was arrested during the riots and released later.

On the contrary, the most active student organizations at various universities of Algeria, gathered in the Oval Hall in Algiers on March 14, 2014, several government ministers and First Minister Abdelmalek Sellal attended the event, and those organizations expressed the need of supporting the president Abdelaziz Bouteflika, the same as the position of the National Organization for the ZAWYA*, which held a conference in Algiers in the same period, the event gathered all the elders of the Zawiyas and on a national level had expressed their support for President Bouteflika, some of their reasons of supporting the president are for the major achievements that he made in the previous mandate in different fields. Especially at the economic level and at the social and cultural development. As statistics indicate the road

network expanded by 200 percent, health by 79 Percent, education by 135 percent, providing about one million jobs in 2014, and the decline in the debt to 20 billion⁽¹⁶⁾.

Conclusion:

It was clear that the initial wave of Arab uprisings did not affect Algeria the way it had its neighbors. However, it has experienced a wave of riots that shook the regime but have failed to move it from power. The history of the country is marked by a series of social and political challenges, the most violent ones were the Berber Spring in 1980, the Black Spring of Kabylia in 2001, and the riots of October 1988. The latest demonstrations were held in January 2011 and took place in several wilayas accross the country. Despite these large demonstrations to expresse the deep frustration of the Algerian people, the regime managed to restore the situation by using repression. When remembering The "black decade" Algerians avoide confronting the Government, preferring stability and security. Algeria, to some extent, exceeded other Arab countries in terms of democracy and human rights what made of it an exception. After the uprisings in several countries in North Africa and the Middle East since December 2010, analysts and observers assumed that Algeria will be effected. The changes in neighboring countries have pushed the Algerian President to start reforms, a large constitutional amendments. In order to confort social front and fearing contamination from the Arab and Maghreb countries. President Bouteflika held two Government Cabinet meetings 2011 and measures were taken for investment, housing, and youth employment.

Several factors may explain why Algeria has not witnessed the same uprisings as its neighbors, Tunisia, Egypt, and Libya, and why demands are mostly for social and economic rights and rarely for political changes, here are the main factors :

- 1.The military Department of Intelligence and Security dominates the poltical power made it

impossible to achieve political turnover, but it reflected negatively on the regime putting it in a crisis of legitimacy. The political arena had been controlled by the Algerian security services for many years. In addition, the memory of civil war, has made the political mobilization difficult.

2. The Algerian economy is mainly depending on hydrocarbon exports. This provides the regime a financial base that enables it to face any political and social crises. Besides, it allows the regime to buy the social peace.

3. The division of social classes in Algeria hinders any possibility of alignment between social and political struggles. The gap between the middle class and marginalized youth generated a climate of distrust between the different segments of society, what made it impossible for them to act together in order to change the situation.

Over the years, Algerian civil society has experienced periods of repression and freedom. Today, many achievements in terms of freedoms took place. Popular pressure and the risk of an uprising forced the Government to make concessions (wage increase and providing of housing to some families); however, the civil society is still facing repression and legal restrictions continue, confirming the desire of the regime to control civil society associations and assuring the stability of the regime.

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²⁾ **Civil Society**, Center for NGOs, (electronic version), Classification and Document No: Research and Studies No. 23, 20/09/2003 www.ngoec.org

³⁾ **Concise report on the world population situation in 2014**, UNITED NATIONS, New York 2014
<http://www.un.org/en/development/desa/population/publications/pdf/trends/Concise%20Report%20on%20the%20World%20Population%20Situation%202014/en.pdf>

* the state that ensure many of the services

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⁵⁾ Nabila Saïdoun, **Associations: the bitter observation of Guidoum** Par, Liberté, 2005.

⁶⁾ Ziani Saleh, **Civil Society and the Prospects of the Trade Union Movement in Algeria**, of Social Sciences, University of Mohamed Khader Biskra, No. 12 Algeria, 2007, p94.

⁷⁾ Djamel benramdane, **Associations: emerging actors lacking recognition**, June 2015. p15.

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⁸⁾ John P. Entelis, **Denial of democracy. State and civil society in Algeria. Rational calculations and cultural configurations**, in Democratization devices and authoritarian devices in North Africa, CNRS Editions, Paris, 2006 . p66.

⁹⁾ Official journal, <http://www.premier-ministre.gov.dz/ressources/front/files/pdf/texts-fondamentaux/constit-1989-fr.pdf>

¹⁰⁾ **Associations in Algeria**, <http://www.interieur.gov.dz>

¹¹⁾ Zaki Laïdi, **"Oil rents against development"**, Les Echos , July 2008. p. 13.

¹²⁾ Laurence Thieux, **The associative sector in Algeria: the difficult emergence of a space of political protest**, in L'Année du Maghreb Review, V/2009. p. 133.

¹³⁾ Zaki laïdi Op.cit, p.94.

* The MENA Program: is the main financial instrument of the Euro-Mediterranean partnership. MEDA comes from mesures d'accompagnement (French for accompanying measures). The programme's regional dimension deals with problems common to Mediterranean Partners and emphasises the Partners' complementary nature. The MEDA programme provides financial support to the Union's Mediterranean policy as defined in the Barcelona Declaration of 1995. The main aims are to support economic transition, to develop better socio-economic balance, to foster regional integration and to gradually create a euro-Mediterranean free trade area.)

¹⁴⁾ Omar Derras, **The associative movement in the Maghreb**, Les Cahiers du CRASC , no. 5, 2002 , p.68

¹⁵⁾ **Civil society mobilizes against attacks on economic, social and cultural rights in Algeria**; 18/04/2011 , <http://www.algerie-focus.com/2011/04/1a-societe-civile-se-mobilise-contre-les-atteintes-aux-droits-economiques-sociaux-et-culturels-en-algerie-communique/>

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