

**The economic rights of minorities in international conventions
and the position of the Algerian legislator on them**

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Abstract

The aim of this study is to clarify the economic rights of minorities in international conventions and the position of the Algerian legislator regarding them, by defining the reality of economic rights in both international conventions and the Islamic perspective, as well as the position of the Algerian legislator on the economic rights of minorities, and it was found that their small number and their weak status do not prevent them from enjoying their economic rights “theoretically”, whether they have the right to work and the rights associated with it or the right to trade and industry, all of which are guaranteed in Algerian legislation and Islamic jurisprudence, and the Algerian legislator must intensify its efforts and strengthen its treaties and projects to establish national legislation capable of protecting the economic rights of all individuals. By allocating articles that clearly explain the economic rights of minorities and guarantee them under all circumstances.

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1. INTRODUCTION

In the majority of human societies, we find a group that differs from the rest of society, whether in terms of religion, language or ethnicity, this group often represents a small percentage of its members, which makes it vulnerable to infringement and abuse of its rights. In order not to lead to ethnic conflicts that may amount to genocide, international charters have been drawn up to preserve the rights of these minorities and enact accompanying legal legislation in most democratic countries, ensuring their enjoyment of their various rights, whether civil, political, economic and social. Political and civil rights have always occupied the core of human issues. It is time to shed light on economic rights, as they are no less important, especially if they relate to minorities. It has this kind of rights. Based on the foregoing, the need arose to address the content of the economic rights of minorities and the extent to which laws and legislation are available to preserve them. This is what prompts us to ask the following fundamental question: **How does international law in general and the Algerian constitution in particular view the economic rights of minorities?**

A number of sub-questions derive from the previous problem, which are summarized as follows:

- What is meant by minorities and what are the criteria adopted in classifying them? What are their economic rights ?
- What are the international mechanisms to activate in order to protect the economic rights of minorities? And where does the Algerian legislation contribute to preserving them?
- What is the position of the Algerian legislator on the economic rights of minorities?

This study proceeds from the premise that international charters and national legislation are capable of protecting the economic rights of minorities, and that the Algerian legislator has covered all aspects of the economic rights of minorities.

The importance of this study lies in the fact that it sheds light on the economic aspect of minority rights, in contrast to previous studies in the subject that are concerned with the legal aspect only, by identifying the

nature of the economic rights of minorities and international charters as well as the national legislation that stipulates them to accurately clarify the position of the legislator The Algerian one, with a view to the extent to which these mechanisms respect the economic rights of minorities.

1.1 Methods:

To answer the problem of the study, the descriptive analytical method was relied on, as the descriptive approach relates to the theoretical aspect that paves the way for the research, which is the first step in the study. And articles, memoranda, as well as publications and reports issued by minority rights protection bodies, and to address the subtle aspects of the subject, the analytical method was resorted to that suited the purposes of the study tools, especially the legal texts, including those carrying information on the subject, and the historical approach was also used to list the facts associated with by studying how the idea of minorities arose and the emergence of their own economic rights.

1.2 Study axes:

To address the topic, the study was divided into three main branches, each of which includes three sub-elements, so that the first section was devoted to determining the basis for the emergence of the idea of the minority, in which it was identified what the concept of minorities is with identifying their divisions and identifying the reasons leading to their emergence, while the second section is devoted to identifying the Economic rights in both international conventions and the Islamic perspective, and this implies their historical development, after defining their concept and most important sections. And how its emergence and development in the five constitutions to define the perspective of Algerian legislation for the economic rights of minorities.

2. The basis for the emergence of the idea of minorities

Before addressing the economic rights of minorities, it is necessary to know what is meant by minorities; identify the categories. For this purpose, this section has been devoted to studying the basis for the emergence of the idea of minorities, as follows:

2.1 Definition of minorities:

Minorities are considered the sensitive nerve in society, so the rights of these minorities must be guaranteed to ensure its cohesion and to avoid conflicts in it. In order to achieve this, it must first be defined as follows:

The term minorities represent the total of the minority, and it is taken from the few, meaning scarcity or limited number, and the dictionary of the contemporary Arabic language explained it with the view that a minority of those whose number is less than others, it is the opposite of a majority; It is supplemented by an indication of a group distinguished by its religion, race, or color that lives in a society that is outnumbered by it and differs in characteristics. As for the American Encyclopedia, it considered minorities as: “groups that have a social status within society that is less than that of the dominant groups in the society itself, and they have a lower amount of Power and influence exercise fewer rights compared to dominant groups in society, and members of minorities are often deprived of adequate enjoyment of the privileges of first-class citizens.” The definition proposed by Special Rapporteur Francesco Caputurti, in his 1979 report, states that minorities are “a group of people, They less in number than the rest of the population in a state, which is in a non-dominant position, and its members - who are citizens of the mentioned state - have ethnic, religious or linguistic characteristics that are different from those of the rest of the population, they express, even implicitly, a spirit of solidarity directed towards preserving their culture, traditions, religion or language.” As for Professor Alain Lamballe, “a minority is a group of people who differ from others in a society in terms of race, nationality, religion or language, and see themselves as distinct in this, but It is far from authority and from it is subject to some enslavement, discrimination and different treatment. (Ahmed Mukhtar Omar, 2008, p. 1853) (Abd al-Wahhab al-Kayyali, 1986, p. 244) (United Nations, 2012, p. 7). (Alain, 1985, p. 290)

Despite the difficulty of determining an accurate definition of the term minorities, it can be reached from the foregoing that it is determined by the small number and the weak, nondominant position, as it is distinguished from the rest by a difference and seeks to preserve this difference, whether in terms of religion, language or other Characteristics, and if we drop that

on the economic side, we can define the economic minority as a small group of individuals who practice an economic activity that differs from what the dominant group in that market demands and aim for continuity in it and ensure the ability to compete. For example Alcohol in Islamic countries, despite the lack of demand for this type of activities in their place, they seek to stay and continue to provide this type of services and demand laws to ensure the good practice of their activity in it.

2.2 Minority Sections:

The concept of minorities is not complete without addressing the most important types into which they are divided. Most researchers in this field have divided them according to five basic criteria:

A. Religious minorities: They are represented in that small part of the population of a region who differs from the rest in terms of religious belief, such as the Muslim minorities in India, and the Jewish minorities in the Kingdom of Morocco. Discrimination against them and the practice of the same rights enjoyed by the majority who adhere to the dominant religion in the state, as well as their demand for their right to practice their religion freely with the establishment of sites to practice it while teaching it in their school institutions.” (Viron, 1980, p. 42)

With an economic view of the concept of religious minorities, we are caught by that community group that practices commercial operations on goods and merchandise belonging to religions that differ from the religion of the state in which they are active. For example, sellers of Islamic books and Qurans and mosque workers in Western countries, as well as workers in Christian places of work ship in Islamic countries, who often Their economic rights to engage in this type of activity are violated in every dispute and most of the time they suffer material losses, as a result of the mere fact that they represent an economic religious minority that can be summarized in the group of individuals who provide services and products that fall within the framework of activities that conflict with the beliefs of The country in which they operate.

B. Linguistic minorities: they mean that group of society that speaks a language of its own that differs from the language spoken by the majority,

for example the Berber language in Algeria and the Kurdish language in Iraq. Veron believes that language in itself is capable of protecting minorities if it is linked to some rights, and this is based on his saying: “Language allows communication between people and the exchange of views, and it is important for the development of minority culture that calls for complete equality in the rights granted to the majority, such as the right to teach their language in schools, as well as the right to teach their language in schools. The use of this language in the special courses undertaken by members of the minority and also within its cultural institutions. (Viron, 1980, p. 44). In the economy, linguistic economic minorities can be considered those products that carry informational brochures similar to the way they are used and their components in a language rarely used in the market in which it is offered. On the other hand, they can be represented in that part of the workforce that does not master the language of the dominant majority in the market from competitors and clients, for example, are Asians who are in the Arabian Peninsula and do not master the Arabic language despite their physical abilities. They cannot exercise their economic rights in terms of work and trade because their language is an obstacle to them.

c. National minorities: The concept of a national minority expands to include a group that is located within a state and differs from it in terms of religion, language, and even in terms of lived historical facts. These differences usually push it to demand separation and independence from the state, similar to Catalonia in Spain and the Cabille in Algeria. Guy Heraud believes that a national minority is a population group that lives under the authority of a state different from its original state and bears a sense of belonging to a nation different from the one in which it resides. (Fatiha bin Noaman, 2017, p. 23)

As for dropping that on the economic side, it is possible to define the national economic category in the workers and products of a country in other countries or the products of a certain category within a country, such as the products of the American Indians, and this category loses its economic rights in the case of exercising a policy of boycotting the products and workers of a country such as products Israel, as well as the

siege policy imposed on Iraq and Iran, for example.

D. Ethnic minorities: They are that group that lives in a society and differs in terms of race and origin from the majority of it, and this is determined by skin color, shape, hair color and nature, for example, the black minority in the United States of America, and because the word race contains some of the racism. The Subcommittee on Prevention of Discrimination and Protection of Minorities decided to replace the term “racial” with an ethnic term “because it includes all biological, social, cultural and historical characteristics” (Fatiha bin Noaman, 2017, p. 24). The presence of this type of minorities affected the economic field in the idea of slavery and slave trade, which led to the restriction of the workforce to a particular race and the exclusion of women and people with special needs from economic rights, especially work, and the practice of trade operations on a particular race as a salable commodity. Purchasing represented the maximum violation of human rights during the unauthorized expansion of the individual in the exploitation of his economic rights.

E. Pagan minorities: The word ethnic is derived from the Greek ETHNO meaning people, nation or race, and in the modern era it was used in social sciences to refer to any human group whose members share customs, traditions, language, religion and any other distinguishing features, including origin and physical features. (Ibrahim Saad Eddin, 1992, p. 23)

2.3 Reasons for the emergence of minorities:

There are many motives that lead to the emergence of the idea of minorities in societies, whether they stem from some practices carried out by the states themselves or from reasons beyond the power of the state's control. It can be divided into internal and external, which can be summarized as follows:

A. Internal reasons: These are the political, economic and even scientific practices carried out by the state within its geographical scope and which lead to the emergence of minorities in it, and we summarize them in:

Political instability: In many countries of the world, the issue of the relationship between the state and its cultural and religious components remains The inability of the state to deal properly with this sensitive issue

by adhering to specific constitutional principles makes it vulnerable to instability, security and possibly rupture and division, just acknowledging the existence of minorities is not sufficient alone to ensure Peace and stability in that state, rather the existence of a virtually non-aligned state that treats all its components equally without discrimination is the basic condition for the safety of its society and the stability of its institutions. (Nasr El-Din Abdel Bari, 2013, p. 2)

Note that political stability is among the basic variables that affect the economy through its link to the prices of economic goods, whether they are for minorities or others.

Problems of representation and political participation: The idea of abstract democratic freedom is not sufficient to solve the problem of minorities, but rather it must be related to the contents of culture and history, and the need to recognize these contents is not circumstantial or accidental, but rather aims at a goal beyond mere confinement to the assimilation of minorities or ethnic groups in the culture of the majority. On the one hand, recognition contributes to helping individuals direct their practical and existential lives and urges them on the other hand to integrate socially, thus urging them to participate in effective political participation away from isolation and away from the public scene that makes the issue of political stability fragile and temporary, as it is devoid of the energies of communication and coalition. (Said Matar, 2015, p. 22)

Participation and political representation of minorities help in strengthening the demand for their rights by proposing appropriate solutions to their situation. Israeli participation in international organizations supports their status as a Jewish minority and reduces the severity of the economic boycott of their products.

B. External causes: They are represented in historical and colonial motives, as well as in external interventions in some countries and even the factor of migration and technological development, and we summarize them as follows:

Historical and colonial motives: As a result of the movement of individuals for the sake of Islamic conquests and colonial processes and their stay in those areas and their exchange of cultures, differences appeared

in the members of society in terms of language, religion and even ethnicity, this matter which contributed to the emergence of the idea of the minority in them, as it affects from the aspect Economic alienation of a country's customers from the economic products of the country that colonized it or that was with it in historical disputes, and for the best example of this, the reluctance of American customers to buy Nazi Russian products.

External interventions: Foreign interventions in a country lead to changing the components of its society, and as a result of some individuals keeping pace with these changes and approving them on the one hand, and others rejecting them and clinging to their original values, societal differences appear and the idea of a minority appears with them. As well as a result of intermarriage between the cultures of the host and intervening country. In Algeria, for example, a generation known as the Caragill appeared in its old society, and this is a result of the Algerians' intermarriage with the Ottomans during the informal Ottoman intervention. And with the emergence of new social customs in the community that are considered alien to it, new products and economic services appear for this category, which affects This is based on the consumer behaviour of the citizens of that country, with their inclinations to products other than those he was inclined to before the foreign intervention.

Migration and technological development: As a result of the poor standard of living in some areas and the lack of work in them, individuals migrate to other areas in search of work or education or for any reason that leads to the migration of individuals and their settlement in another place and their reproduction in it leads to the emergence of a minority in it, as well as as a result of technological development and globalization that It reduced the person's attachments to the place on one hand, and its contribution to facilitating cultural exchange between individuals and their movement on the other hand, has contributed to the emergence of differences between members of the same community and the emergence of minorities in it. This also affects the economic sector with the migration of labor to the country, especially as it is the brain drain and the ease of economic exchange of goods and services between different cultures.

From the above, we conclude that minorities are represented in that part of society that differs from the majority in terms of ethnic characteristics, and they result from many motives, including internal and external, which affect their overall lifestyle, including their consumption and economic pattern in general, as they constitute the non-dominant group in society. That is why it always seeks to claim its rights, and we find among these economic rights.

3. Economic rights

To study the economic rights of minorities and know the international charters and national legislation that preserve them, it is necessary to first stand on their concept and how this type of rights arose and its most prominent sections as shown in this section as follows:

3.1 The concept of economic rights:

The concept of economic rights cannot be accurately defined without addressing the concept of right in the first place, which is a legal term that means the power or ability to obtain a moral and material interest recognized and protected by law (Sadouq, 2005, p. 25). The right is based on four main pillars represented in: The owner of the right and the reason for it, as well as the subject of the right and what the right should be, and if we drop this definition on the economy, we find that economic rights are that part of human rights that guarantee him the right to a decent life through the ability to obtain the necessary economic resources To cover the needs of the individual, and it includes the enjoyment of economic rights: the right to work, the right to retirement, the right to insurance, the right to trade and practice industry, the right to development in addition to the right to own property, inheritance and other sections of economic rights. Obtaining revenues as a result of engaging in an activity, and the subject of the economic right lies in the right to increase the financial liability of the individual.

In general, it is every right that improves the economic and financial situation of individuals, and it includes the right to work and all related rights, such as the right to rest and holidays, and the right to strike. also, the right to engage in commerce and industry.

The International Covenant on Economic Rights stipulates a set of

rights necessary for human life, including the right to work with fair wages and rewards and in safe conditions, the right to form trade unions, the right to social security, and the right to an adequate standard of living that includes providing Food, water, clothing, housing and the right to education. (International Covenant on Economic, Social and Cultural Rights, 1976).

According to the British Maurice Dobb (1900-1976), the necessary elements that must be included in a charter of human rights in order to conceive a new society, were presented in the text he sent in 1947, in response to UNESCO's investigation into the philosophical foundations of human rights, stressing that the roots of Economic issues are well-established in history, whether they are economic problems, financial needs or the rights and duties related to them, and this was summarized in the following elements: (Morris Dobb, 1920)

A. The right to work: The first duty ever in any new society is to reach full employment. Today, this matter seems to us to be self-evident, except that it was not like that in the past, and there are still those who oppose it to this day, or those who accept its goals without accepting it. By its means, until recently unemployment was considered an inevitable result of the so-called "liberal society", but rather represented a desirable reserve of labor, so that the capitalist economy would not lack a vital means of flexibility and discipline. It is worth recalling in this regard that the USSR Constitution of 1936 placed the "right to work" at the forefront of the "fundamental rights of the citizen" (Article 118).

B. Elimination of poverty: It is necessary to ensure a minimum livelihood for all, sufficient to eliminate poverty, and this point has two characteristics. The first is insurance through a comprehensive system of social security, against the loss of the ability to earn a living due to the risks that the employee is exposed to, which are mostly risks caused by accidents, illness and old age. Then comes insurance related to minimum conditions of work: preventing contracts that do not give the minimum legal wage. And all of this is not only a matter of aspirations, but also requires implementation, because the criterion that is considered a lower criterion - such as "the wage

that allows meeting needs” - is subject to change from one generation to another, and it changes with the change in the level of social and historical development for different regions of the world. At the present time, there are large areas that are not applicable to any form of the desired standards (even if we radically change the distribution of income), due to the low level of productivity of the working hour. An integrated development of a large area under the auspices of the public authorities without leaving any room for random behavior, and it is desirable that this be accompanied by an external financial aid, provided that this subsidy is not linked to undesirable political conditions.

C. Guarantees for all: It is necessary to guarantee freedom of assembly and organization for all workers. Moreover, freedom of association must be effective through all workers' associations having the right to negotiate working conditions and being represented in the structures charged with monitoring them. It is clear that considering the labor force (to this day) as a mere factor of production, and not being indifferent to its opinion in directing industrial policy, is a position contrary to human dignity.

D. Freedom of work: It is essential that employment and access to livelihood resources not be restricted by any reason related to race, religion, opinion, or affiliation to any legitimate association.

E. Preventing the monopoly of the private sector: It may reasonably be said that the large-scale confiscation of the means of production as private property (including land) by some individuals such as kings, so that they are prohibited from being used independently over a large part of society, constitutes a violation of human economic rights, in every sense of the word. When the ownership of land and production equipment is concentrated in the hands of a class, the rest of the members of society have no choice but to offer their services to earn a living. Of course, it is impossible to reconcile this understanding of human rights with capitalism as an economic system. However, if properly formulated, it may permit support for the prevention of private monopoly that dominates entire economic sectors and dominate the production and marketing of low-quality materials. necessary for human livelihood, or raw materials and basic necessities for production, and thus dictates its conditions to private

consumers or other producers.

3.2 Sections of Economic Rights:

Based on the above, economic rights can be divided into:

A. The right to work: The right to work comes at the forefront of human rights, because a person who does not enjoy the right to work and is deprived of it cannot demand other rights, as this type of rights is the starting line for providing the rest of the rights, and on the other hand it preserves human dignity and meets all the needs of the individual. The term right to work in man-made laws means the state's obligation to provide a job position for those wishing to its subjects, as well as the state's obligation to protect labor relations from abuse by employers, and to provide all work-related money from the regulation of wages and social protection. Comprehensive international covenants stipulate the right to work (The Universal Declaration of Human Rights, 1948). The right to work does not depend on the individual obtaining work only but requires the availability of other rights associated with it, which serve as guarantees for him, so that these rights are enjoyed within a legal framework. and experience or competence. The freedom to work by choosing the appropriate work.

Rights related to the right to work: Many rights that are related to the right to work result from the right to work, so that the enjoyment of the right to work would not be complete without them, which are represented in: (The Universal Declaration of Human Rights, 1948)

The right to salary, represents the compensation that pays individuals and motivates them to work, so it is used to meet the needs and desires of the individual, and the wage is determined according to the work performed.

The right to rest and holidays, and legal working hours: Every employee or worker has the right to rest periods and to take sick and annual holidays, as well as setting legal hours for working hours and regulated by the legislation in force in each sector.

The right to security, protection, health protection and healthy working conditions: this right includes protecting him while performing work, as well as providing him with an appropriate work environment.

The right to exercise the trade union right and the right to strike: The trade union right is one of the most important means that a working individual resorts to claim his rights, according to Convention No. 87 of 1948 relating to freedom of association and protection of the trade union right ratified by Algeria to be constitutionally enshrined.

If these economic rights are dropped on the case of minorities, we find that women and people with special needs have the right to enjoy the right to work and the rights attached to it, which take a different picture. If it comes to the economic rights of children, preventing them from working and practicing professions is considered a protection for their economic rights as they are minors and unqualified to exercise this type of rights while guaranteeing them the right to a decent life as a basic principle for the establishment of the economic rights of the individual, whether by their parents or by international organizations defending the rights of the child such as UNESCO.

B. The right to trade and industry: This right is the freedom of individuals to practice the profession of commerce and industry to obtain income to cover their personal needs to preserve their dignity. This right is exercised by engaging in buying and selling operations as well as doing various industries, and the individual has complete freedom to choose the characteristics and nature of this activity. The enjoyment of this type of rights results in the right to obtain the necessary financing for investment from various sources of financing without discrimination, including the use of resources derived from inheritance, which can also be considered among the hidden economic rights, and also includes the right to own economic projects and the consequences the right to carry out rental operations.

4. Historical development of economic rights

The emergence of the economic rights of people as it is in recent times, did not appear in this way once, but went through many developments whose development can be recognized within both international conventions and Algerian legislation and even in Islamic law, as follows:

A. The historical development of economic rights in international covenants: The development of economic rights within international

treaties and covenants can be studied in two main covenants, given the importance of their contribution to defining and preserving economic rights, as well as laying the necessary parameters for their international organization, and summarized them as follows:

The Universal Declaration of Human Rights of 1948: Economic, social and cultural rights have been recognized in constitutions and domestic legislation as well as in regional and international treaties. The establishment of the International Labor Organization in 1919 is considered to be the first step towards protecting these rights at the international level by recognizing the human rights guaranteed to workers in These treaties are organized, as the period of the Great Depression of 1929 and World War II inspired the comprehensive recognition of economic, social and cultural rights in the Universal Declaration of Human Rights in 1948, which later evolved into the International Covenant on Economic, Social and Cultural Rights and other human rights instruments. (United Nations Economic and Social Council, 2006, p. 5) (The Universal Declaration of Human Rights, 1948).

International Covenant on Economic and Social Rights: A set of regional and international treaties, national legislation and constitutions also impose obligations on states to promote and protect economic, social and cultural rights. The expression of general obligations relating to economic, social and cultural rights varies among international instruments. In addition, some instruments, such as the International Covenant on Economic, Social and Cultural Rights, impose on states special obligations for these rights, taking into account resource constraints, especially for developing countries. For example, Article 2, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination requires States parties to “take steps, individually and through international assistance and cooperation, especially at the economic and technical levels, to the maximum extent of their available resources for this purpose, with a view to achieving the progressive realization of the rights recognized in the present Covenant. This obligation under the International Covenant on Economic, Social and Cultural Rights to “take

steps” differs from the obligations recognized. As a means of clarifying the obligations imposed on States parties in relation to economic, social and cultural rights under the Covenant, the Committee on Economic, Social and Cultural Rights has adopted a model classification of obligations. The Committee considers the following obligations on the part of Member States:

(International Covenant on Economic, Social and Cultural Rights, 1976)

- Respect for economic, social and cultural rights, which require states to refrain from interfering with the enjoyment of economic, social and cultural rights.
- Protection of economic, social and cultural rights, which requires states to prevent violations of these rights by a third party.
- Implementation, promotion, facilitation and provision of economic, social and cultural rights, which require states to take appropriate legislative, administrative, judicial, budgetary and other security measures directed towards the full realization of these rights.

Note that it entered into force on January 3, 1976, and the number of states parties reached 150. This covenant aims to protect the rights related to the material situation of the individual within society (Alwan Muhammad Yusuf, 2005, p. 113).

Although it pertains to the individual, it recognizes collective rights and the covenant consists of a preamble and 31 articles according to five parts, where the first part states the recognition of the right of people to self-determination and their freedom to achieve their economic, social and cultural development, while the second part contains the commitment of the states parties to ensure the enjoyment The actual rights mentioned, and non-discrimination in the exercise of these rights, and the third part provides for economic, social and cultural rights. The fourth part is devoted to organizing the follow-up to the implementation of the provisions of the covenant, the submission of reports by the states of the parties, the fifth part regulates the enforcement of the covenant and the validity of its procedures. (Aziz, 2008, p. 120)

B. The historical development of economic rights in Islamic law: Islamic jurisprudence is considered one of the first advocates of the

necessity for a person to enjoy his economic rights, especially those of minorities such as women.

The right to work: God made work for man a right and a duty at the same time and sanctified the position of work, and this is to preserve human dignity and protect him from many manifestations such as beggary and theft. He also made it a command and a duty to do in the Almighty's saying: "And say, work, and God will see your work, and His Messenger and the believers." There are many honorable prophetic hadiths that urged action, where the Messenger, may God's prayers and peace be upon him, said: "The best earning is an acceptable sale, and a man's work is with his own hands" (Mahmoud, 1994, p. 114)

The right of ownership: the right of ownership is intended to recognize the right of individual property of a person and to enable the owner to have the authority to dispose of the thing, benefit from it and exploit it (Mahmoud, 1994, p. 124)

The human rights guaranteed in the Islamic religion are innumerable and varied, whether in the Qur'an or the Sunnah, including the rights of minorities. He transgressed it, as he resisted the manifestations of societal discrimination and isolating minorities and sought to unstill the spirit of equality in many Quranic texts and the Sunnah of the Prophet, such as his saying, may God's prayers and peace be upon him: "O people, except that your Lord is one, and for your father, No, there is no good for my Arab over my glory, nor my slander against my Arab, nor for ride on Swedish, nor is it a bond of people ?" . This hadith included that skin color and race do not detract from one's dignity of Man is something, just as the Islamic religion preserved the social rights of minorities, it has also preserved its economic rights, as the woman has bestowed and granted them the highest rights such as the right to obtain the inheritance and right of work, and the best example of this is. About him, it is also forbidden to consider a woman from the legacies that a person can inherit.

5. The position of the Algerian legislator on the economic rights of minorities

After identifying both what minorities are and economic rights, it

became possible to study and analyse the status of the economic rights of minorities from the perspective of the Algerian legislator, by first identifying the economic rights that he recognizes for all citizens, so that they are then projected onto the status of minorities in Algeria, and this is as follows:

5.1 Economic rights in Algerian legislation and their legal development:

The recognition of economic rights for Algerian citizens in general has developed in national constitutions and legislation, through the development of each of the laws associated with work and the practice of commercial and investment activity as they are the most popular economic rights of economic rights, and we will study this development through the five constitutions that passed through Algeria are as follows:

Constitution of 1963: Due to the circumstances that the Algerian state was going through in the wake of independence, French law prevailed unless it contradicted national sovereignty for a certain period, until the 1963 constitution came, which did not completely cancel the dealings with French law, but rather served as a complement to it or corrected for it. So, to speak - the force of French law - in some texts, it came with many political and social rights for Algerian citizens under the title of basic rights after they were deprived of them for 132 years, such as the right to freedom of expression, assembly, vote and others. As for economic rights, he referred to only two rights. Including in Article 16 and Article 20, which included the right to a decent living and the equitable distribution of national income, as it referred to the right to work implicitly through the adoption of the right to strike and union activity, and the participation of workers in the management of institutions, and thus did not provide for any economic rights for minorities It guaranteed the minimum of it for all, but it stipulated the right of asylum to Algeria for all people who seek the right to freedom of self-determination as a sympathy for the persecuted minorities in the world (Algerian constitution, 1963).

Constitution of 1976: This constitution is considered the true legislative document of Algeria, as it came in Chapter One. Chapter Four, entitled "Basic Freedoms and Rights of Man and Citizen" in Article 39, guaranteeing human rights in general and basic freedoms for him, and he

did not exclude any right or a particular group, It established the equality of all in rights and duties, and abolished all discrimination based on prejudices related to gender, race or profession, thus protecting all minority rights, including economic rights, despite their different divisions from manifestations of discrimination, whether on the basis of sex, race or profession, as he emphasized On the necessity of equality of all, especially in terms of economic rights, in Article 41, which came as follows: The state guarantees equality for all citizens, by removing obstacles of an economic, social and cultural nature that actually limit equality between citizens and impede human prosperity, and It prevents the effective participation of all citizens in the political, economic, social and cultural organization.

This constitution also sought to support women, as the infringement of their rights in that period was escalating, it sought to guarantee their rights and singled out them by explicitly mentioning in Article 42 that the constitution guarantees all the political, economic, social and cultural rights of Algerian women. Such as the weak position in society and the small number of her, as the independent financial disclosure was guaranteed to her in the family law, in which the rest of her economic rights were redeemed.

As a gesture to the rights of religious minorities in Algeria, Article 53 stipulates not to prejudice the freedom of belief or the freedom of opinion, but he did not specify these minorities or mention them in particular, so he did not put articles for them protecting their various rights, especially the economic ones, this matter which can be considered as a shortcoming of it as it may enter In the policy of non-discrimination to ensure national unity, however, he emphasized in the texts on economic rights the principle of equality for all.

He emphasized that the jobs of the state and its affiliated institutions are available to all citizens, and they are accessible to them equally and without any condition, except for the conditions related to eligibility and the rights associated with it. it has preserved the worker's exercise of his productive function as a duty and an honour, the right to take a share of the national income is subject to the obligation to work so that wages are

subject to the principle that says: “Equal work requires equal pay.” It recognized the right to join the union for all workers, and the right to the strike in the private sector, and it guarantees the right to protection at work, security and health protection, and the right to rest, as well as the freedom of intellectual, artistic and scientific innovation of the citizen, freedom of writing and freedom of assembly.

The 1976 constitution also added the rights to protect foreigners legally residing and their money on the national territory, taking into account the traditions of Algerian society.

It also guarantees living conditions for individuals who have not yet reached the age of work and who are unable to do it, and who have been unable to do it permanently, as a sign of people with special needs who can be considered among the rejected minorities in some societies. It is the highest goal of the economic rights of the individual.

As for the rest of the economic rights, such as the right to inheritance and ownership, he did not address them except that it is within the sanctity of housing guaranteed in the 1963 constitution. (Algerian Constitution, 1976)

Constitution of 1989: This constitution preserved all the economic rights stipulated by, especially those related to work and the rights associated with it. It also emphasized in Article 52 that the right to work is guaranteed to everyone without exception, as well as the right to retirement and social security, and added to it the right to property Private ownership and inheritance, Article 49 recognizes the right to own property by guaranteeing private ownership and explicitly establishes the right to inheritance, and this is after Articles 32 and 33 of it guarantee basic human rights and individual and collective freedoms in general without allocating a specific type of rights, and Article 34 of it protects the rights of individuals In general, the law penalizes violations of rights and freedoms, including economic rights (Algerian Constitution, 1989).

Constitution of 1996: This constitution recognized the economic rights of the citizen that were included in the previous constitutions. As for the right that came in the 1996 constitution, it is the right to trade and industry, as Article 37 approved Chapter One in Chapter Four on Rights and Freedoms,

including the right and freedom to engage in any commercial or industrial activity. It also stipulated the individual rights of creativity and innovation of any kind and within the rights of the author and recognized the protection of the family and society and their rights in general without allocating a specific type of rights or a specific category, and within a decent standard of living for disabled people. (Algerian constitution, 1996)

The 2020 Constitution: This constitution did not amend the economic rights. It kept them as they are. However, it stipulated in Article 36 the promotion of parity between men and women in the labor market by encouraging the state to promote women in positions of responsibility in public bodies and administrations and at the level of institutions. Article 37 To support the youth category, some if marginalized under the pretext of age and experience, to consider them as a living force in building the nation.

From this, we conclude that Algeria has approved the economic rights in general for all its citizens without specialization. Under the International Covenant on Economic Rights, Algeria has enshrined the right to work as a basis for economic rights in all its legislation. On December 31, 1962, and was in effect until the issuance of Order No. 66-133 of June 1966 containing the general basic law for the public service, which developed according to different constitutions as previously, and the right to work is not the only right stipulated in Algerian laws, there is the right of ownership and the right of inheritance, the right to work Investment and savings, the right to engage in trade and industry. The Algerian legislator also guarantees some other economic rights, such as the right to development, as an economic process aimed at continuous improvement of the individual's advancement within the state. same time. Which means securing social justice and distributing wealth to all citizens and improving living conditions for all. This right is for everyone and the minority benefits from it through the work of the state to achieve the rule of equal opportunities for all while benefiting from wealth and equitable distribution of profit. The individual is the prominent factor in achieving it through participation through participation All areas and attention to it internationally may lead to

saying that it has become a principle of public international law. (Fatiha bin Noaman, 2017)

5.2 The position of the Algerian legislator on the economic rights of minorities:

Although national legislation preserves the rights of minorities in Algeria, this is done only implicitly. The Algerian legislator did not address minorities and their rights explicitly, and for that there is a shortcoming of it, but it guarantees them in general under Article 2. Of the two International Covenants on Civil and Political Rights and on Economic and Social Rights dated December 16, 1966, to which Algeria joined on May 17, 1989, and explicitly supported the right of people to self-determination in Article 27 of the 1996 Constitution, which stipulates that Algeria is in solidarity with all peoples Which struggles for political and economic liberation, the right to self-determination, and against all racial discrimination (Algerian constitution, 1996), and also granted it the right of asylum to Algeria, as stipulated in Article 4 of Part One in Chapter One of the 2020 Constitution on the victory of the Berber linguistic minorities. Across all parts of the country, as it is a national and official language, the state works to promote and develop it with all its linguistic diversity used throughout the national territory. (Algerian Constitution, 16September 2020), and the Algerian legislator has kept pace with the development of human rights, respecting its international obligations in the field of international conventions on the elimination of all forms of racial discrimination dated December 21, 1965, which it joined on January 20, 1965. However, his position towards supporting Rights for minorities are more evident in the study and analysis of its national legislation protecting them.

Before addressing the protection of the Algerian legislator for minorities in terms of economic rights, it must be determined first. Special needs and foreigners from minorities in Algeria, as well as the Tuareg and Ibadis, as well as the Christian minority, which enjoys a set of rights in accordance with legal texts. The details of this regarding their economic rights are as follows:

A. The right to work and the rights associated with it: With regard to the right of members of minorities to work, the importance of the principle of

equal opportunities is increasing and emerging, which was confirmed by the International Labor Convention regarding nondiscrimination in employment and professions No. (111) for the year 1958, where it stipulated the principle of equal pay for the same work. Elimination of all forms of racial discrimination in the field of work, whether based on color, religion, race, sex, political opinions, national origin, or social origin. In this regard, states undertake to declare and follow up a national policy that seeks to promote the principle of equal opportunities by using appropriate methods to eliminate any discrimination in this regard. (Ben Mhenni, 2017/2018) Among these countries, Algeria has guaranteed this right in many legislations, as was previously discussed.

The Algerian constitution guarantees this right, as well as the rest of the economic rights of people with special needs, such as the right to a decent life, as Article 15 of it, as stipulated in Articles 50 to 55 in Chapter VII under the title: “Measures for the Protection of Persons with

Disabilities,” the right to health protection. and social, to ensure social and professional inclusion and the provision of a minimum income, and the provision of a financial grant to those who do not have income, and this grant was determined by Executive Decree No. 06-45 issued on January 16, 2016 in its second and third articles, and the right to benefit from free transportation prices In addition, they are exempt from tax when acquiring tourist cars with a special meter, and this category is automatically integrated by the interests of social activity, so they benefit from all the privileges granted by the National Social Security Fund. The legislator also did not neglect the basic principles of equal opportunities and participation in social life in both the Constitution and Law 51 for the protection and promotion of persons with disabilities, as stipulated in Chapter Three on vocational training, job retraining and readjustment, and the state also sought to embody the idea of vocational rehabilitation by providing Vocational services, such as vocational guidance, vocational training and employment, which provide disabled people with a suitable job position and stability in it. The right to work for people with special needs is enshrined in Articles 65 and 11 of the Constitution (Khadraoui, 2017, p. 28) Whoever

receives economic rights, they have the right to inherit, own property and engage in trade and industry, and the best proof of this is the Algerian Factory for the Blind for Brooms.

B. The right to invest and save: The Algerian legislator has guaranteed the rights of the foreign investor, as he is one of the economic minorities in Algeria, and granted him many economic rights, such as the right to work, practice trade and the right to obtain financing, but he specifically mentioned it more clearly in the investment laws, since independence, where he directed The productive foreign capital finds its basis in Article 03 of the Investments Law No. 63-277 of 07/26/63, which stipulates that “the investment is recognized for every foreign natural or legal person within the limits of the public order and the rules of residence within the framework of the laws and regulations in force” (Investments Law No 63-277, 26/07/1963) “which guaranteed him many rights such as freedom of investment and equality before the law, especially taxation and the right to employ foreign workers, but he faced some restrictions that his activity should be carried out within the scope of a mixed institution, as the 1982 law limited Concerning the establishment, functioning and regulation of mixed-economy companies (modified and supplemented), foreign capital enters Algeria in the form of mixed-economy companies, but this law did not attract the attention of foreign investors, due to the specified the percentage of foreign participation that could not exceed the limits of 49% compared to 51% for the national partner (Article 22), and he also restricted the jurisdiction to settle commercial disputes to the national courts (Thaloun, 27April 2017), until this restriction was lifted in The last amendment to dedicate this article to sensitive areas only.

C. The right to practice commerce and industry: The Commercial Law has guaranteed all the economic rights of citizens, including some minorities. It has protected the child and his money in many articles. It has protected women and foreigners, who have been granted the right to obtain a commercial registry and practice business in accordance with the terms and principles of the law. However, the most prominent forms of protection for the commercial rights of minorities appear in the protection it provides to the border trade of the Tuareg tribe since 1988, in which a joint

ministerial decision was issued on February 14 of that year, specifying the conditions for importing and exporting goods within the framework of barter border trade with Niger. Its second article states that border barter trade is of an exceptional nature and cannot in any way replace international trade, and it is intended to facilitate the supply of residents of the states of Tamangast, Adrar and Illizi only. The joint ministerial decision dated December 14, 1994 also included the state of Mali in this type of trade, and it defines the modalities of practicing border barter trade with Niger and Mali. The joint ministerial decision dated November 22, 1997 was more specific to the protection of border minorities, specifying For the modalities of practicing border barter trade on the occasion of the 1997 session of the AseharTamangust - of the Tuareg tribe- whose second article allows the lower Saharan African countries to participate in this trade demonstration of the Tuareg tribe, which shows the face of their allocation well in its third article, which states that this is specific to the three states of Tamghast Adrar and Illizi, in which this tribe is located, and that every transaction outside these three states is considered illegal. Then came a joint ministerial decision dated April 12, 1999, to amend and complete the joint ministerial decision dated December 14, 1994, which defines the modalities of practicing border barter trade. With Niger and Mali, the first article of it included an amendment to Article 2 of the 1994 resolution, adding the state of Tindouf also within the states concerned with this type of trade, and the second article of it amended Article 11 of the 1994 resolution specifying the location in which these commercial operations take place and allocating regional borders to these The four states have it, and a new economic and commercial demonstration has been added to these four states, while allowing the neighbouring states to participate in it within their border range and keeping that Any deal outside these areas is considered a fraudulent deal, according to a joint ministerial decision dated March 8, 2001, specifying the modalities for the practice of border barter trade on the occasion of the first session of the Amine Tassili exhibition 2001. The year 2020, determines the conditions and modalities for practicing the border barter trade and the list of goods subjects to exchange with the Republic of

Mali and the Republic of Niger Confirms that it is valid even after the announcement of the closure of the border (Official Gazette, from 1988 to 2020).

And to allocate this type of trade to the desert states and grant this concession to the areas of the Saharan tribe's presence, the Tuareg, is the highest protection offered by the Algerian legislator for the economic rights of this minority.

From the foregoing, we conclude that national legislation did not specify minorities or their rights explicitly, and the Algerian legislator should avoid allocating articles of his legislation to protect minorities in order to preserve national unity required by the diverse nature of Algerian society. to resolve the dispute.

6.CONCLUSION

This study sought to shed light on the economic rights of minorities, through international charters, national legislation, and guarantees that preserve this type of rights. Linguistic, ethnic and religious minorities have many rights, including economic rights that guarantee them the right to a decent living, the right to inherit and the right to own property. The rights associated with it or the right to trade and industry and the rights attached to it, all of which are guaranteed in Algerian legislation and Islamic jurisprudence, and in international mechanisms for the protection of the economic rights of minorities. Others, but despite the multiplicity of parties that seek to protect the economic rights of minorities, they are subjected to restrictions at every crisis. This is what prompts us to say that international conventions and National legislation alone is not sufficient to protect this type of minority rights in all circumstances. The mighty efforts made in this area are not sufficient, and the national legislation that guarantees them is not clear and does not specifically concern them. This is why we arrive at the hypothesis that international charters and national legislation are capable of protecting economic rights for minorities. and that the Algerian legislator has covered all the relevant aspects of the economic rights of minorities, a false hypothesis. The word "minority" was not mentioned explicitly in any of the five constitutions that passed on Algeria, and none of them contained articles protecting their economic rights in particular.

Rather, it was implicit through its accession to international covenants protecting them. This matter, which some may consider as a shortcoming, as others may see as a policy to preserve national unity, which is required by the diverse nature of Algerian society, given the vastness of the area of Algeria, it has included many minorities of various kinds. Christianity, as for the ethnicity, there are the Tuareg, the tribes, the Bani Mزاب, and others, so the Algerian legislator did not single out any of them or refer to them as being A minority, in the end, they are all Algerian citizens. This does not prevent the Algerian legislator from intensifying his efforts and strengthening his treaties and projects to establish national legislation capable of protecting the economic rights of all individuals by allocating articles that clearly explain the economic rights of minorities and guarantee them under all circumstances.

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***The economic rights of minorities in international conventions
and the position of the Algerian legislator on them***

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