

Pleading Memorandum

Discrimination against the Amazigh in Morocco

Amazigh Network for Citizenship "**Azetta Amazigh**" - a non-governmental organization - through this Memorandum, aims at providing its vision about the reality of discrimination experienced by the Amazigh language and culture in Morocco. Its aims also at giving voice to the demands on the advancement of Amazigh language and culture and combating discrimination against them, especially in the application of Moroccan Constitution, which links the establishment of the Amazigh language as an official language to the issuance of an organic law illustrating its integration in public policies for education and other priority sectors according to the Moroccan Constitution, paragraph four, Chapter V.

The Memorandum Context

Although languages are not in conflict with each other, contrary to what happens with human beings, we can, however, trace, within the relations between languages, the impact of conflicts of different kinds. Colonial movements suffered by Morocco and the mass immigration resulted in a linguistic and cultural legacy similar to the one created by the historic military wars, and to the one which will be created by the current globalization wars, with all its economic and political manifestations.

We believe that every attempt to manage these conflicts should go beyond the logic of discrimination and the state's favoritism of one language expressions over another. Multilingualism and cultural diversity has become a reality that could only be denied by ingrates. Unfortunately, the difference often has, in our thinking, as Moroccans, a negative connotation. The different is either better or worse than me, or mysterious and dangerous for my existence. It may sound familiar, when linked to the feeling and behaviors of individuals as their lives are characterized by ebbs and flows, the dominance of psychomotor agitation and the weight of tradition and social upbringing. However, this becomes more dangerous and a cause of confrontation when the embodiment of difference becomes widespread within the State and is infiltrated under public policies and legal texts. This would make of the state a judge of its own cause. The state's organs, in this case, are establishing attitudes far from the supposed neutrality in the modern civil state, which remains at the same distance from all linguistic and cultural components.

The measurement of discrimination rooted by the State is considered as the spearhead in the battle against Amazigh language discrimination. It should be noted that the Amazigh suffers from forms and manifestations of discrimination which are not necessarily documented in the form of a legal text or not up to the level of the legal text or even in the absence of a legal text, and follow different strategies of different forms and manifestations, but with united goals. This Memorandum will focus on aspects of discrimination in the Moroccan legal arsenal. Despite the fact that the criminal law criminalizes certain types of discrimination, it is noted the absence

of criminalizing discrimination based on linguistic belonging of persons or against a particular language. A simple survey of the Moroccan law would highlight the fact that the Amazigh component was always vulnerable to marginalization and humiliation; however, the beginning of the last century till our days remains one of the most dangerous stages of genocide and discrimination suffered by the Amazigh language. This discrimination becomes public and documented in the form of legal texts. Many laws, difficult to account here, have embarked to reinforce this distinction through legalizing monopoly of the Arabic language for some jobs (litigation) model, or the fact that linguistic and identity component of the Amazigh language are checking the legalization area (Amazigh names as a model) ... and so on.

The Amazigh position in the state and society constitutes a central concern of the Amazigh movement activists. It was even taken by the movement as a measurement of the state advancement in democracy, which is reflected through the logo known as "*no democracy without Amazigh*". I think that this logo/demand is still of great relevance, as long as it is difficult to categorize a democratic political system that respects its UN obligations in the field of human rights, and which excludes a linguistic and cultural component in the political, cultural and linguistic efficiency context.

The reality of discrimination against the Amazigh Language:

With the adoption of the Moroccan Constitution in July 2011, we found ourselves in front an unprecedented official linguistic and identity status in Morocco. It was the first time that a preamble to the Constitution was adopted and was considered as an integral part of it, which states that: "A sovereign Muslim State, attached to its national unity and to its territorial integrity, the Kingdom of Morocco intends to preserve, in its plentitude and its diversity, its one and indivisible national identity. Its unity, is forged by the convergence of its Arab-Islamist, Amazigh and Saharan-Hassanic components, nourished and enriched by its African, Andalusian, Hebraic and Mediterranean influences."

New provisions were adopted to make of Amazigh, for the first time, the language of the constitution. The fifth chapter of the Constitution stipulates the following: "likewise, Amazigh constitutes an official language of the State, being common patrimony of all Moroccans without exception... An organic law defines the process of implementation of the official character of this language, as well as the modalities of its integration into teaching and into the priority domains of public life, so that it may be permitted in time to fulfill its function as an official language.

However, the optimism suggested by the constitutional document, faded quickly at the government performance marked by numerous anomalies. Three years have passed since the government was first established without taking any initiative to draft the organic law for the establishment of Amazigh as an official language as stipulated in Chapter V of the Constitution. The organic law concerning the National Council of languages and of Moroccan culture knew the same fate. Actors are still waiting for the government's initiatives.

The government, instead of eliminating all kinds of discrimination against Amazigh in the Moroccan laws, and of stopping the massacre witnessed within the previous period, as was said before, it indulged in issuing decisions and regulations full of discrimination against Amazigh, including:

- The joint decision, of the Communications Minister and government spokesman and Minister Delegate to the Minister of Economy and Finance in charge of the budget issued on September 19th, 2012 on the determination of the conditions, criteria and methods of disbursement of film production support, explicitly stipulates in Article 3, that: "the script should be accompanied by a copy in Arabic in case it is presented in another language". This makes the Arabic language the only language accepted by the cinema supporting committee. This is how Amazigh Language was excluded from the cinema field which, in the current era, is considered vital for the language spreading and development.
- A Decree of the Communications Minister and government spokesman was issued on October 12th, 2012 on the publication of the specifications of the national radio and television, Soriad, second television channel and Medi 1 Sat , on which broadcasting quotas were identified by languages, topics ..etc. To avoid details we will discover, by reading the broadcast quotas by languages, that the Amazigh share does not exceed 7% in more than 27 public media entities.
- A decision of the Minister of Traditional Crafts under number 1038.14 issued on June 2014, regarding the organization of training in the calligraphy section in Arabic, and ignoring Amazigh Tifinagh calligraphy, although the training concerned only the Moroccan nationals, and although the Tifinagh character is the historical and official character of the Amazigh language. After standardization, this character won international recognition, and was, publically and officially, known. This character is used, for centuries, in industry and cosmetics, such as tattoos, textiles, carpets, pottery and others.
- The announcement for the exam to access the Regional Education and Training Centers for the season 2014/2015, allocated 120 position for the Amazigh language, but imposes conditions which are impossible to meet for BA graduates in Amazigh studies which make their access to these centers impossible. This announcement required from Amazigh graduates to present a certificate of the registration in university studies which does not even accept the BA in Amazigh studies. This made of it merely a covered restriction.
- The 2014 second session results for the support of cultural and artistic projects in the music field presented by the Ministry of Culture did not include any Amazigh music product.

Azetta Amazigh Requests and recommendations:

Following a careful consideration of the constitutional document it seems that the preamble was overly broad and vague. According to the Constitution, the components of the Moroccan identity are:

Arab-Islamiste component: This link between Arabism as a race and a language and Islam as a religion is not correct with what is diffused about Islam that under this religion everyone is equal and all races are united. Here, it seems that Islam is the preserve of the Arabic language

and Arab race. From a careful reading of the previous expression, it seems that Arabism has precedence over Islam. Isn't the Amazigh-Islamic component an identity component as well? Don't the Amazigh people contribute in the making of the Moroccan civilization during the Islamic Covenant? both inside the Moroccan territory or in areas covered by the Moroccan empires, how can we deny the participation of Jews in the Moroccan civilization?

The Amazigh component: comes second after the Arab component that monopolized Islam, of course, because of the first's preference and the second's inferiority in the mind the Constitution's authors. As mentioned before, this component was not linked to any religion, neither Islam nor any other religion.

As for the establishment of the Amazigh language as an official language in the constitution, it is also subject to discrimination. Instead of specifying the official languages of the State in terms and formulas suggesting equality, Arabic language was favored. It was provided for initially and the state was in charge of its protection (although the protection target endangered languages, and in Morocco Arabic is not subject to that), while the Amazigh language was mentioned without the word "the" as the official language of the state, without talking about its protection or any other form of attention. The constitution only provides for the need of issuing an organic law which determines the stages of establishing the Amazigh language as an official language and methods of its integration in the field of education and in the priority areas of public life, in order to allow it perform its duty, in the future, as the official language.

The organization of the transition process of the vulnerable languages from dormancy to revival, cannot be, effectively, done without a political management based on the constitutional recognition subsidized by institutional channels in charge of transferring it to the system of education and training, media, justice and other areas of public life within the framework of a central and field governance, practical mechanisms and effective measures. These are the challenges of the Amazigh sophistication in Morocco, a fundamental part of which was expressed by "Azetta Amazigh" in the organic law proposal regarding the establishment of the Amazigh Language as an official language which it raised for public debate since December 2012.

For these reasons, the Amazigh network for citizenship "Azetta Amazigh," recommends to:

I. Develop the conventional practice by the Moroccan State in the field of human rights, through the commitment to the control actions of the United Nations entities, and the ratification of relevant conventions. The approval of the key role that can be played by anti-discrimination mechanism, which may result from the Moroccan version of the second paragraph, Article 14 of the CERD Convention, in fighting and monitoring discrimination, and redressing victims.

II. Adopt a democratic constitution, in which international commitments on human rights should clearly and effectively take transcendence over at the national law, and make the Amazigh Language an official language in a constitutional status not subject to any kind of discrimination.

III. Eliminate all discriminatory expressions and forms against the Amazigh from the Moroccan legal arsenal, and issue legislations which could enable it to assume its due place in public life.

IV. Strengthen the ranks of the democratic movement and the Amazigh movement through academic work, struggling, coordination and cooperation.

Amazigh Network for Citizenship "Azetta Amazigh"

Executive Office

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