

The Mechanism of Parliamentary Questioning in the Oversight Process in Algeria

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Abstract:

The parliamentary question, either written or oral, is recognized as a legitimate and potent instrument in the realm of parliamentary supervision of governmental actions. Parliamentary questions, whether written or oral, are established as essential tools for parliamentary oversight of government actions. They strengthen accountability across the legislative and executive branches and aim to promote genuine, effective cooperation between the government and the bicameral parliament within the framework of the republican constitutional system. This cooperation is facilitated through parliamentary oversight, which involves posing written and oral inquiries to the executive branch to foster ongoing dialogue and sustained consultation, rather than confrontation and discord. This mechanism strives to bridge differences that arise from transient and narrow partisan interests, prioritizing allegiance to the nation's overarching interests. It aims to bolster a rule-of-law state and strengthen democracy in all its facets and elements, thereby restoring citizens' faith in their state and its institutional and political framework. This ensures the protection of rights and freedoms while promoting adherence to duties and responsibilities.

key words: Parliamentary Question, Written and Oral Questions, Executive Power, Parliamentary Oversight, Legislative Power.

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Introduction

Parliamentary questions represent essential mechanisms by which members of parliament exercise oversight over governmental activities. Their use became widespread following the inclusion of ministers within parliament, a hallmark of parliamentary systems. In the British political tradition, parliamentary questioning has significantly strengthened the effectiveness of the House of Commons, particularly after the delegation of powers to the executive and the formalization of its constitutional responsibilities.¹

A parliamentary question, whether written or oral, is acknowledged as an authentic and effective tool for parliamentary oversight of government activities. This topic is of considerable significance as it represents a parliamentary mechanism through which vital issues beneficial to the public are addressed. It also facilitates the relay of public concerns to the parliament, prompting the government to adopt more constructive positions, whether by amending its actions or otherwise.

Given the critical nature of this oversight tool, the study delineates:

- The definition of parliamentary questioning, its classifications, and regulatory requirements.
- The key attributes characterizing parliamentary questions.
- The procedures as prescribed by constitutional and legal frameworks.

The central theme of this paper: an exploration of the parliamentary question, its significance, prerequisites, characteristics, and procedural implementation. The discussion is structured as follows:

¹ Sayed Rajab, "Ministerial Responsibility in Contemporary Political Systems Compared to the Islamic System," PhD dissertation, Faculty of Law, Cairo University, 1986, p. 81.

- **First Section: The Nature of the Parliamentary Question**
 - **First Subsection: The Concept of the Parliamentary Question**
 - **Second Subsection: Conditions of the Parliamentary Question**
- **Second Section: Characteristics of the Parliamentary Question and Procedures for Its Practice**
 - **First Subsection: Characteristics of the Parliamentary Question**
 - **Second Subsection: Procedures for Its Practice**

First Section: The Nature of the Parliamentary Question

Mani reasons explain the extensive reliance on parliamentary questions:

- The relatively uncomplicated process for submitting a question compared to the more demanding procedures required to activate other forms of parliamentary oversight.
- The flexible and accessible structure of the questioning process, allowing any parliamentarian—whether from the governing majority or opposition parties—to engage in it effectively, whether presenting the question briefly or with greater elaboration.

First Subsection: The Concept of the Parliamentary Question

A parliamentary question is recognized as an oversight instrument that is constitutionally¹, legally², and administratively¹ organized. This

¹ Article 158 of the 2020 Constitution.

² Article 69 and subsequent articles of Organic Law No. 16-12 dated August 25, 2016, amended and supplemented by Law No. 23-06 dated May 2023, which define the organization of the National People's Assembly and the Council of the Nation, and their operations, as well as the functional relationships between them and the government.

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oversight tool involves soliciting clarifications or explanations concerning specific issues or behaviors, whether positive or negative, attributed to a particular minister or a specific governmental sector.

Moreover, it serves to alert the government to potential oversights, deviations from established public policies, or violations related to specific issues. The aim is to enlighten the public and both chambers of parliament with essential information and to elucidate the facts concerning these issues.

Additionally, a parliamentary question is defined as an inquiry made by a member concerning an unknown element or to confirm the occurrence of an incident that has come to their attention.² It also involves querying the government's intentions regarding a particular matter, providing clarification that does not necessarily imply an accusation. Some scholars describe it as a parliamentary oversight mechanism designed to procure information about an unknown issue, verify an incident that has been reported, comprehend the government's planned actions in a specific area, or to highlight violations under the government's purview.³

This tool also encapsulates the act of directing inquiries to ministers concerning matters related to their departmental functions or to draw the government's attention to specific issues or violations concerning a particular subject.⁴

The questions vary in their usage, form, and prioritization on the agenda according to their significance. From this perspective,

¹ Article 93 of the Rules of Procedure of the Council of the Nation issued on August 22, 2017.

² Fahmi Mustafa Abou Zeid, "The Egyptian Constitution in Doctrine and Judiciary," University Press Publications, Egypt, 1996, p. 619.

³ Mustafa Fahmi Abouzaid, "Parliamentary Oversight of Government Activities in the Egyptian and Kuwaiti Systems," Dar Al-Jamea Al-Jadeeda for Publishing, p. 54.

⁴ Ramzi Taha Al-Chaeri, "General Theory of Constitutional Law," Third Edition, Dar Al-Nahda Al-Arabiya, Cairo, 1983, p. 355.

distinctions are drawn between questions that are presented orally and responded to in the same manner, though procedural requirements mandate their written submission to parliament, and those that are both written and responded to in writing. Parliamentary questions encompass both oral and written forms, including a variant known as the "timely question" or "urgent question," which is contingent upon the constitutional framework of each country.

The Algerian constitution delineates two primary types of parliamentary questions: one that is responded to in writing, commonly referred to in legal discourse as the "written question," and another that is answered orally, known traditionally as the "oral question." The latter is further subdivided into a simple oral question and an oral question with discussion.¹

However, with the evolution of the oral question and its inadequacies for thorough exploration, the written question emerged as a necessary adjunct:²

- **Written Questions:** Fundamentally, all types of questions, including those intended to be oral, are submitted in writing to government members or to a minister overseeing a specific sector. The distinction lies in the response method; if the response is written, then the question is categorized as a written question, and vice versa. Article 158 of the 2020 Constitution mandates that parliament members have the right to direct written questions to government members, with answers required within a maximum period of 30 days.
- **Oral Questions:** This type of question is characterized by the presence of the respondent, either a minister for a specific

¹ Abbas Ammar, "Parliamentary Oversight of Government Work in the Algerian Constitutional System," Dar Al-Khaldunia, Algiers, 2006, p. 29.

² Mustafa Fahmi Abouzaid, "Parliamentary Oversight of Administrative Actions in Parliamentary and Presidential Systems (Comparative Study)," First Edition, Al-Halabi Legal Publications, 2008, p. 132.

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sector or the entire government, at the session designated for answering the question, contrasting with the written question format.

Deputies also utilize parliamentary questions as a means to communicate the grievances and issues of their constituents, particularly those concerning various government departments, thereby informing the government about these concerns. Oral questions, in particular, can serve as a preventative tool to mitigate the potential for more formal interrogations that a ministry might face.

What sets oral questions apart is their delivery method: they are posed orally by the member during a designated session, and responses are required within a maximum of thirty (30) days, as stipulated by Article 158, Paragraph 3 of the 2020 Constitution.

Second Subsection: Conditions of the Parliamentary Question

The internal regulations of parliamentary bodies typically outline the conditions and procedures that a member must follow when utilizing parliamentary questions. These regulations serve as safeguards, establishing controls and restrictions to prevent the misuse of this oversight mechanism.

The parliamentary question is subject to specific conditions outlined in the 2020 Constitution, which preserves the status of both types of parliamentary questions. The Constitution attempts to meticulously define these questions by detailing their procedures and the manner in which they are to be practiced, the most significant of these conditions:

- The right to ask questions is granted to every member of parliament and does not require any prior permission from any entity to exercise it.¹

¹ Article 69 of Organic Law No. 16-12 dated August 25, 2016, amended and supplemented by Organic Law No. 23-06.

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- The parliamentary question, whether oral or written, must be composed in Arabic and contain only one subject.¹
- Questions must target a government member regarding matters under their ministerial authority and may be directly addressed to the minister.²
- The concerned official must reply within 30 days from the date of receiving the written question.³
- The question must not contain inappropriate, unclear, or ambiguous terms; it should be precise, focused, and concise.⁴
- A member of parliament who has directed an oral question has the right to withdraw⁵ it at any time or convert it into a written question, provided the withdrawal occurs before the session designated for its response is scheduled, and the government is notified of this change.
- Responses to oral questions are given by government members orally in sessions specially designated for answering oral questions.
- If either chamber deems that a response, whether oral or written, justifies a discussion, such discussion takes place according to the conditions stipulated in the internal regulations of chambers.⁶

¹ Article 94 of the Rules of Procedure of the Council of the Nation issued in 2017.

² See Articles 70 to 75 of the Organic Law regulating the relationships between the parliament and the government.

○ See Articles 96-99 of the Rules of Procedure for the Council of the Nation issued on August 22, 2017.

○ See Articles 99-134 of the Rules of Procedure for the National People's Assembly issued on March 25, 2000.

³ Article 74 of the Organic Law regulating the relationships between the parliament and the government.

⁴ Article 94 of the Rules of Procedure for the Council of the Nation issued in 2017.

⁵ See Article 71, paragraph 2 of the Organic Law regulating the relationships between the parliament and the government, and Article 98 of the Rules of Procedure for the Council of the Nation issued in 2017.

⁶ See Article 99 of the Rules of Procedure for the Council of the Nation issued in 2017.

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- Each parliamentarian is limited to submitting one question per parliamentary session.¹
- If a member is absent without appointing a delegate, they lose the right to ask their oral question, as per Article 97 of the Council of the Nation's rules.
- Each chamber's bureau evaluates the number and content of questions addressed to the government.²
- Responses must be provided within 30 days, handled by the relevant parliamentary office, and sent to the author.³
- Questions and answers are published following the same procedures as the official records of parliamentary debates.

First Subsection: Characteristics of the Parliamentary Question

Despite ongoing theoretical debates over the priority, significance, and efficacy of the different types of parliamentary questions, whether a written question surpasses an oral one or vice versa, the constitutional framers and parliamentary legislators have accorded them equal standing in various respects. However, each type possesses its distinct domain, dimensions, circumstances, and roles. A key shared characteristic is their origination from members of parliament, representing unique mechanisms and means that a parliamentarian can employ freely and simply without requiring prior approval or consent from the government.

¹ See Article 99 of the Rules of Procedure for the National People's Assembly issued in the year 2000, and Article 94 of the Rules of Procedure for the Council of the Nation issued in 2017.

² Article 93 of the Rules of Procedure for the Council of the Nation for the year 2017.

- o Article 95 of the Rules of Procedure for the National People's Assembly.
- o Article 70 of the Organic Law regulating the relationships between the parliament and the government.

³ Article 99 of the Rules of Procedure for the Council of the Nation.

- o Article 74 of the Organic Law regulating the relationships between the parliament and the government.
- o Article 96 of the Rules of Procedure for the National People's Assembly for the year 2000.

A written question is primarily designed to solicit clarifications, information, or data concerning specific matters. This is akin to an oral question, which may pertain to the enforcement or application of a particular legal or regulatory provision, inquire about a solution that has been inadequately provided, or will be provided by the executive authority through its administrative bodies and institutions to tackle a specific issue, or to highlight an unresolved problem that necessitates decisive and practical intervention to alleviate grievances and enhance the public welfare, thereby bolstering trust and credibility between the citizens and the state.

The influence of a written question on public opinion is typically limited and narrow, as the response is directed solely to the parliamentarian who posed the question. Although it is documented in the official gazette of parliamentary deliberations, access to this information remains restricted to those directly involved, whether they are citizens, researchers, or the parliament members themselves, particularly in contexts where there is a deficiency in political and parliamentary culture and public interest in governmental affairs at both the local and national levels.

Conversely, the oral question inherently possesses a political dimension and can profoundly affect public opinion, thereby impacting the political accountability of the entire government. Every parliamentarian from both chambers has the right to direct an oral question in a concise, focused, and clear written form to members of government.

The response from the concerned government member is delivered orally in a session specifically designated for addressing oral questions within a maximum period of thirty (30) days from the date the question is communicated. The session for oral questions is scheduled through consultation between the offices of both chambers in agreement with the government.¹ The parliamentarian presents their

¹ Articles 3 and 4, paragraph 3 of the 2020 Constitution, and Article 71 of Organic Law 16-12.

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question orally; it is then addressed by the government member, followed by a brief period during which the questioner can comment on the response, and likewise, the government representative may remark on the parliamentarian's observations. Both an oral or written question can precipitate a general discussion involving other parliament members.¹

This focused discussion may culminate in the issuance of a resolution by the concerned chamber, potentially challenging the government's accountability and leading to its dismissal through a motion of censure.²

In conclusion, questions of both types that lead to discussions invariably contribute to governmental instability but are deemed among the most critical manifestations of integration and cooperation between the government and parliament. This is largely due to the pivotal role played by the parliamentary member in uncovering facts on the ground to address the concerns and issues of citizens, thus furnishing the government member with opportunities to remain informed about their sector and to be cognizant of both significant and minor details at the national level, especially concerning the intricate, unseen affairs of Algeria.

Second Subsection: Procedures for Practicing Parliamentary Questions

Written questions are filed with the office of the National People's Assembly or the Council of the Nation and must be answered in writing within 30 days. Responses are then recorded and sent to the author.

¹ If either chamber deems that a response from a government member, whether oral or written, justifies a discussion, the discussion will be conducted according to the terms specified in the Rules of Procedure of both chambers.

² Motion for oversight, a mechanism of parliamentary oversight on government work, is conducted after discussing the general policy statement and requires signing by seventy deputies of the National People's Assembly (66 deputies).

A- Submission of the Question:

Written questions must be filed at the office of the National People's Assembly or the Council of the Nation, depending on jurisdiction. Responses must be submitted in writing within 30 days of notification and are then recorded and forwarded to the author.

Oral questions must be submitted at least ten days before the scheduled session, according to Article 70 of Organic Law No. 16-12, as amended by Law No. 23-06 of May 18, 2023.

B- Inclusion of the Question in the Agenda:

The placement of a question on the agenda and its subsequent consideration and possible discussion are crucial steps. For oral questions, this inclusion is mandatory to facilitate a response; however, this stipulation does not apply to written questions. Article 158, in its second paragraph, outlines the response timelines for both types of questions, setting a period of 30 days for written responses and similarly, not exceeding 30 days for oral questions.

They must be filed with the National People's Assembly office no later than one week before the session. As per internal regulations, oral questions are usually placed at the beginning and end of the agenda. Organic Law No. 16-12 provides for oral question sessions every two weeks, with an additional weekly session for government replies, scheduled through coordination between the parliamentary offices and the government.

A parliament member has the option to withdraw their oral question or convert it to a written question before the appointed session and must notify the government of this change. Only one question may be posed per session, and responses from government members must be managed by mutual agreement between the office of each chamber and the government.

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C- Hearing Sessions:

Organic Law No. 23-06 (May 18, 2023) outlines hearing sessions in Section Ten (Articles 76 and 76 bis), regulating interactions between parliament and the government. This section establishes the formal procedures for both questioning and hearing sessions, ensuring a structured approach to parliamentary inquiries and interactions with the government.

According to Article 157 of the 2020 Constitution, parliamentary committees may question government members on matters of public interest. This principle, rooted in Articles 7 and 8, confirms that sovereignty and authority derive from the people.

Internal regulations specify that the President of the relevant chamber must be informed at least seven (7) days before the hearing session. Session scheduling is coordinated jointly with the government.

Conclusion:

Despite ongoing debates regarding the efficacy of the right to inquiry as a mechanism for overseeing government actions, with some critics dismissing it as merely a tool for facilitating cooperation and information exchange between legislative and executive branches, the parliamentary question, particularly in its oral form, remains a crucial mechanism for effective and immediate oversight of government activities.

If unsatisfied with a ministerial or governmental reply, the inquirer may initiate a general debate, potentially leading to further inquiries or the formation of investigative committees, with possible implications for government stability.

From this analysis, several recommendations for enhancing the effectiveness of parliamentary questions within this research paper are proposed:

- The oral parliamentary question should be viewed as a vital expression of positive cooperation between legislative and executive branches, contributing to the stability and balance of their interactions.
- Oral questions are particularly effective in drawing government attention to the urgent need for enacting laws or regulations to address gaps identified during parliamentary inquiries.
- The significance of parliamentary questions, especially oral ones, as tools for cooperation and oversight mechanisms, hinges on the simplicity and ease of their procedural applications and the rigorous enforcement of constitutional, legal, and regulatory frameworks governing them. This approach ensures the rights of the parliamentary minority to pose questions, often representing their primary means of voicing the concerns and aspirations of their constituents.
- The inherent limitations of the oral question format and the restricted time frames allowed for responses can reduce their effectiveness and efficiency.
- Considering the critical nature and sensitivity of parliamentary questions, particularly oral ones, it may be necessary to increase the frequency of sessions dedicated to addressing these questions to two or three per week, rather than the current practice of one. This adjustment would enable both parliament members and government officials to more effectively reassure citizens that their interests are a paramount concern, thereby helping to restore and reinforce trust between the citizens and their state.

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