



*The National Observatory for Civil Society in Accordance with
Presidential Decree No.21-139*

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Abstract:

The National Observatory for Civil Society was created under the revised and strengthened 2020 Constitution. Presidential Decree 21-139 outlined its objectives, creation, and operation. The Observatory serves as an advisory body to the President of the Republic, providing a platform for dialogue, consultation, and the exchange of ideas on issues related to civil society.

The National Observatory for Civil Society strives to engage civil society and foster national values, democratic practices, and citizenship. Additionally, it supports the achievement of economic development objectives.

Keywords: associations, civil society, participative, citizenship, democracy.

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I. Introduction:

Given the significant and successful role that civil society plays in contributing to local and national development, it has acquired international and worldwide recognition. It was vital to activate the role of civil society in Algeria, as in other nations that accepted the concept, because it must be used to contribute to change, reform, and growth.

Algeria became the first African country To recognize civil society and its framework, the 2020 Constitution, in Article 213, designates the National Observatory for Civil Society. (Presidential Decree No.20-442, 2020) As an advisory body, its goal is to promote collective action and the formation of associations. The composition and additional functions of the National Observatory for Civil Society were outlined in Presidential Decree No. 21-139. (Presidential Decree No.21-139, 2021)

This raises the following issue: What authority did Presidential Decree No.21-139 provide The National Observatory for Civil Society aims to strengthen and activate civil society in Algeria by promoting collective action, encouraging the formation of associations, and facilitating dialogue between civil society and public authorities.

To provide a comprehensive analysis of the solution to the question, we have divided the issue into two chapters:

The first chapter focuses on the composition, organization, and functioning of the National Observatory for Civil Society.

The second chapter examines the responsibilities of the National Observatory for Civil Society.

Section One: The National Observatory for Civil Society Composition and Organization

Presidential Decree No. 21-139, in Chapter Three (Articles 5–11), outlines the establishment and appointment process of the National Observatory for Civil Society members, while Chapters Four and Five define its operational and organizational structure.

1. The Observatory Composition and its Members' Appointment Process

According to Article 5, "The head of the Observatory shall be appointed by presidential decree from among the national competencies, and their duties shall be terminated in the same manner." (Presidential Decree No.21-139, 2021)

Article 6: "The Observatory shall consist of the president and fifty (50) members, evenly divided between men and women, and allocated as follows:

- The National Observatory for Civil Society consists of thirty (30) members, including:
 - Ten (10) representatives from National Societies and two (2) from recognized public-benefit associations.
 - Eight (8) members from national civil society competencies, including four (4) from the national community abroad, selected by the President of the Republic based on their expertise in the Observatory's field of work.

- Twelve (12) members representing trade unions, national and professional organizations, and other civil organizations and institutions.

The head of the National Observatory for Civil Society shall be appointed by presidential decree and selected from among national competencies.

Although Algeria's legal framework allows Algerians to create parties, unions, and associations, the idea of civil society in Algeria has grown more related to associations, and official data confirms that there are a considerable number of associations. (Djabi, 2007, p. 145)

The emerging associations in Algeria were concerned with a variety of topics, most notably professional issues, neighborhood associations, religious and sporting interests, and cultural issues, without ignoring the social issues (health, the disabled, work, etc...) that had worsened in recent years, causing the associations to follow a clear demand curve. Algerian organizations (local and national) stand out for the diversity of their operations in a scenario marked by the state's partial absence as a result of new economic alternatives selected and a financial crisis that has lasted several years. (Djabi, 2007, p. 147)

For these reasons, it is difficult to pick members of the National Observatory for Civil Society since more than half of the Observatory's members will be drawn from Algerian groups, which number in the thousands and are distinguished by their diversity of activity. Unions were the primary manifestation in the realm of labor, with two main actors: wage workers and employers. As a result of their extraordinary efforts, their membership in the Observatory is quite modest. While we support enhancing women's representation in the National Observatory, it will be composed of an equal number of men and women, with 25 members of each gender. Additionally, the President of the Republic will select four qualified individuals from the national community abroad.

A special committee selects 42 members for the National Observatory for Civil Society. When selecting these members, the committee must consider numerous spheres of operation as well as the entire national territory. The committee must consider the young group, which will make up half of the observatory's composition. The decree determined a youth age of 40, which means that half of the committee's members must be under 40, and no more than one individual from the same group, union, organization, or institution may be nominated. It is also not feasible to select new members for two consecutive terms among associations, unions, organizations, or institutions whose representatives' term in the observatory has expired. The Special Committee may also adopt additional criteria in selecting the members of the Observatory. (Presidential Decree No.21-139, 2021)

The observatory members are appointed for a four-year non-renewable term by its president decision stated in the Official Gazette. (Presidential Decree No.21-139, 2021) Membership in the Observatory is incompatible with holding a position in the government, a position in a political party's leadership body, or membership in elected popular councils, and results in the loss of observatory status. (Presidential Decree No.21-139, 2021)

A member of the National Observatory for Civil Society loses their status in seven specific cases : expiration of the term, resignation, death, exclusion, absence without a legitimate reason For more than three (3) consecutive sessions of the Observatory and five (5) consecutive committee meetings, resulting in a loss of eligibility. for which he was chosen to the observatory, conviction for a deliberate crime or misdemeanor incompatible with the

observatory's functions, as is engaging in any risky conduct or behavior inconsistent with the obligations of membership in the Observatory. (Presidential Decree No.21-139, 2021)

Any member of the National Observatory who loses his position as a member for the remainder of the term will be replaced in accordance with the same procedures and circumstances under which he was appointed. (Presidential Decree No.21-139, 2021)

2. The Observatory Organization and Operating

The National Observatory is composed of the President, the Council, and the Bureau. (Presidential Decree No.21-139, 2021) The President is responsible for overseeing the Observatory and guiding the activities of its structures. As the organization's official spokesperson, he represents it at both national and international levels. In this role, he primarily ensures the Observatory's presence in civil life and before the judiciary, manages the bureau's operations, sets the agenda and leads its meetings, and appoints employees when no other appointment procedure is specified.

The head of the National Observatory for Civil Society prepares various reports on the bureau's activities, drafts the Observatory's budget and work program, and formulates internal regulations. Additionally, the head exercises peaceful authority over all Observatory users. The President informs the bureau of any matters deemed essential and provides suggestions, reports, and observations. The Observatory reports to the President of the Republic and the Prime Minister or enters into agreements, conventions, and contracts related to its functions. The head is also responsible for managing and disbursing the budget. (Presidential Decree No.21-139, 2021)

The Observatory's President will choose a permanent secretariat to organize the bureau's activities and offer technical support. Its additional responsibilities and how it operates will be established by the Observatory's internal structure. (Presidential Decree No.21-139, 2021) The observatory also has administrative departments, which are overseen by the president. A Secretary-General manages the observatory. (Presidential Decree No.21-139, 2021)

"The Council serves as the Observatory's deliberative body, comprising all its members. It convenes every three (3) months at the President's request to approve the following:

- The Observatory's opinions and recommendations
- Internal regulations
- Periodic reports prepared by the bureau and the head of the Observatory
- The Observatory's work program and the outcomes of its activities
- The annual financial and literary report
- The annual report submitted to the President of the Republic
- The establishment of committees or thematic committees
- Committee reports
- Acceptance of gifts and bequests
- The draft Observatory budget
- Other relevant matters presented by the head of the Observatory."

- (Presidential Decree No.21-139, 2021)

The Council may convene in an extraordinary session at the request of its Chairman or two-thirds (2/3) of its members. Council meetings are considered valid only if at least half of the members are present. If a quorum is not met, a new meeting must be scheduled within fifteen (15) days, and debates are legitimate regardless of the number of members present; (Presidential Decree No.21-139, 2021) and the Council's decisions are made by a majority vote. When the number of votes is equal, the president's vote takes precedence. (Presidential Decree No.21-139, 2021)

The bureau is made up of the Observatory's president and four (4) members elected by the Council under the requirements provided in the Observatory's bylaws. (Presidential Decree No.21-139, 2021)

The bureau's head and members must dedicate their whole attention to their work, and they benefit from a salary and compensation scheme defined by a special text. (Presidential Decree No.21-139, 2021) Article 35 of Presidential Decree No.21-139 states that the bureau is explicitly entrusted to:

- Coordinating the committees' activities and tracking their progress,
- Investigate all aspects of the observatory's operation,
- Assessing the observatory's performance and generating reports and suggestions,
- Establishing proper structures and methods to improve the Observatory's work.
- Reviewing the observatory's proposed budget and internal procedures.
- Approve the conclusion of agreements, conventions, and contracts connected to the Observatory's responsibilities,
- Investigate all concerns given. (Presidential Decree No.21-139, 2021)

Good governance, via its numerous processes, seeks to produce a state of rights, law, openness, involvement in public administration, and political quality. Good governance is a modern approach to governance driven by internal factors, including the need to promote sustainable development and facilitate civil society's political engagement in shaping and implementing public policies. It also enhances the ability to comprehend global dynamics and respond to international developments and the requirements of financial institutions. (Guellati, 2010, p. 45)

Presidential Decree No.21-139 embodied this idea in the fourth chapter, entitled As outlined in Article 14, the "Process of the Council" involves the Observatory gathering input from various civil society actors. It considers their concerns and suggestions on enhancing the role of civil society, particularly in fostering national values, democratic practices, citizenship, and national development.

In Article 16, it states: "The Observatory may invite civil society actors, representatives from public administrations, public or private institutions, and any qualified individuals to participate in its work in an advisory or observer capacity to support its duties."

Additionally, Article 17 states that: "The Observatory may, within the framework of exercising its duties, request information or any useful clarifications from any public or private body or institution, and it must respond to its correspondence within a maximum period of sixty (60) days".

When necessary, the National Civil Society Observatory might convene at the province (wilaya) or municipal level. (Presidential Decree No.21-139, 2021)

By extrapolating the preceding articles, we can see that the powers of the National Observatory for Civil Society and the Mediator of the Republic are comparable and interconnected, as the Mediator gets authority from the President of the Republic. The Mediator

of the Republic is also a non-judicial appeals body that helps to defend people's rights and freedoms by ensuring that public institutions and administrations (Presidential Decree No.20-45, 2020) operate legally. To carry out his tasks, the Republic's Mediator is given access to a bureau and a technical secretariat. A local representative assists the Republic's Mediator at the level of each province. (Presidential Decree No.20-103, 2020)

The Republic Mediator has broad follow-up and supervision abilities, allowing him to review the administration's relationship with people. Any natural person who has exhausted all methods of appeal and believes that he has been a victim of injustice due to a defect in the management of a public facility can notify the Republic Mediator, (Presidential Decree No.20-45, 2020)

which we do not find in the National Observatory for Civil Society, as the National Observatory shall be notified only by the President of the Republic or the Prime Minister, and it may automatically initiate suggestions, recommendations, or studies that fall within its duties.

The notification authority defines the time during which the National Observatory for Civil Society provides its opinion or suggestions, which must be at least thirty (30) days and take into account the circumstances of urgency stated in the notification request. (Presidential Decree No.21-139, 2021)

The head of the National Observatory for Civil Society presents an annual report to the President of the Republic, detailing the Observatory's activities, assessing the state of civil society, and providing suggestions and recommendations for its enhancement and development. (Presidential Decree No.21-139, 2021)

Representatives from the Ministries of Foreign Affairs, Interior, Local Communities and Finance, Religious Affairs, National Education, Higher Education, Culture, Youth and Sports, National Solidarity, Health, Labor, and Environment, among others, participate in the Observatory's work in an advisory capacity without a deliberative voice. Additionally, experienced individuals recognized for their commitment to civil society also contribute. (Presidential Decree No.21-139, 2021)

In collaboration with numerous civil society activities and relevant ministries and authorities, the Observatory builds a national information system focused on the condition of civil society, its activity, and various areas of action. (Presidential Decree No.21-139, 2021)

The state must protect the head of the Observatory and its members from any pressures, threats, insults, defamation, or attacks of any kind that they may face while carrying out their duties. (Presidential Decree No.21-139, 2021)

After reviewing the many laws and regulations governing political life in Algeria, particularly the Associations and the Elections Laws, we discovered that these laws did not address the interaction between civil society and parliament in Algeria. (Goui & Boutayeb, 2015, p. 238)

By analyzing the provisions of Presidential Decree No. 21-139, it becomes evident that it addresses the involvement of the National Observatory of Civil Society and parliamentary institutions in the Observatory's functions. This is reflected in Article Four, paragraph eight, which states: "Providing opinions on draft legislative and regulatory texts related to its duties and upon request.

" Given the significant increase in the number of associations in Algeria, now exceeding 120,000 at both local and national levels, it is essential for the parliamentary institution, as the legally mandated legislative authority, to revisit its legal framework. This reassessment should aim to effectively integrate this vast network of associations in a way that enhances the institution's performance. Parliament's engagement with civil society is not only a testament to rational governance but also recognizes civil society movements as key actors in addressing public concerns through active participation. Strengthening the parliamentary institution's

accessibility to these organizations will lead to improved legislative quality and accountability, reaffirming its commitment to transparency and the rule of law. (Goui & Boutayeb, 2015, p. 241)

Civil society has limitations. It exists outside of the political and social spheres, and civil society cannot be compared to political representation. However, it offers some solutions to problems that are closest to human reality and highlights an effort to address citizen issues and concerns, which parliamentarians should encourage and benefit from because it allows them to carry out their duties, and thus can and should motivate them to support this beneficial interaction. However, legislative institutions can only gain support via relationships and interactions with civil society. This is an important topic for debate and enrichment. (Pierre, 2005, p. 212)

In many nations, parliamentarians fear civil society representatives because they believe they are interfering with their authority. This is because Parliament also represents civil society and has particular legitimacy because it is founded on universal suffrage, hence relations between them may be contentious. However, it is not necessary to place them in competition; rather, their complementarity should be emphasized. Whatever the situation, it must be emphasized that representative democracy is still a necessary foundation of legitimacy. (bennabou, 2012, p. 120)

Section Two: The National Observatory for Civil Society Tasks

Civil society is a recent notion that is deeply embedded in democratic thinking. To back up this claim, Presidential Decree No.21-139 specified the National Observatory for Civil Society's responsibilities in its fourth article, emphasizing the need of fostering democratic evolution in Algeria first and national development second.

1. Fostering Democratic Development in Algeria

The National Observatory for Civil Society operates as an advisory body to the President of the Republic, providing a platform for discussion, consultation, recommendations, analysis, and forecasting on all issues concerning civil society and its operations. Civil society consists of institutions, events, and activities that operate between the family, the foundation of social structure, and the state. However, its organizations and entities have an official status, including associations, unions, political parties, clubs, federations, cooperatives, research institutes, and human rights organizations.

Civil society plays a crucial role in promoting democratic development, deepening democratic practice, and affirming basic values. Its role and functions in society serve as the foundation for democracy as a way of life and management, making it the best framework. To serve as schools of political education and practical training in democratic activity. Political progress cannot occur in any community unless civil society organizations insist on reason as the foundation for democracy. (Ben Baghila, 2014, p. 17)

Civil society's duties are centered on one matter: teaching the democratic movement and the public using whatever methods feasible, such as human rights organizations or civil society organizations. In civil society jargon, we refer to it as "training." It is concerned with teaching individuals and communities and building a national discourse that is relevant to each people's national concerns while being democratic. (Azmi , 2004, p. 270) This is what Article 4 of Presidential Decree No.21-139 stipulates: "The Observatory contributes to promoting national values, democratic practice, and citizenship..."

This article reflects what Algeria is going through. Algeria, like other developing nations, is in the process of transitioning to democracy, hence it is governed by a system known as constrained pluralism, which allows for certain freedom but imposes certain conditions and constraints on its practice. The extent to which the state intervenes in society varies. Civil society is steadily declining, implying that it is one of the tools for the transition to democracy, and its presence and strength are among the most significant requirements for the move to greater democracy and human rights. (Presidential Decree No.21-139, 2021)

People in Algeria have been protesting continuously. On February 22nd, 2019, Algeria witnessed a popular movement as a result of the escalation of the political crisis caused by the withdrawal of confidence and credibility from the political system and its various components and institutions.

The widespread corruption, deteriorating social conditions—such as rising unemployment—and the worsening illegal immigration crisis, coupled with the absence of the President of the Republic from both national and international affairs, and the inefficiency of legislative and judicial institutions in contrast to administrative dominance over decision-making, have all driven the Algerian people, across various groups, to take action. They have sought solutions and alternatives to ensure free and fair elections and to hold corrupt individuals accountable under the label of the "gang."

Algerian people exerted pressure to enact Articles 102 and 2 of the Constitution, (Maghraoui, 2021, p. 365) thus its preamble states: "The people keen to translate their aspirations for political change into this Constitution and deep social issues for the building of a new Algeria as expressed peacefully since the popular movement (Hirak) started out on February 22nd, 2019. (Presidential Decree No.20-442, 2020)

The fifth paragraph of Article 4 further states: "To promote national values and principles, propose fundamental mechanisms to encourage volunteerism and public service within civil society, foster a sense of belonging, and strengthen individuals' ability to communicate and engage with one another."

The actual implementation of democratic ideology has encountered no bigger obstacle than safeguarding the independence and integrity of elections. Since the world knew election as a basis for assigning political power, the issue of searching for the guarantees that must be available so that its results truly express the pulse of the political street has arisen, whether those guarantees relate to the preparatory stages of the electoral process, or accompanied its results in order to correct any errors that might result from these results errors, with the aim of creating an elected council that truly represents the people. (Denden, 2014, p. 15)

It is feasible to identify a sort of association that is both active and successful throughout the political campaign season. It also works to explore numerous issues and fulfill some of the objectives for which it was founded. However, after the electoral season is over, their activity lessens, if not ceases, which is explained by these groups' subordination to the relevant authorities. During the election season, like political parties, it demonstrates their lack of independence.

2. Realizing National Development

Article four reads as follows: "...and participates with other institutions in achieving national development goals..." (Presidential Decree No.21-139, 2021)

Civil society organizations have an important and complementary role in correcting development policies. Civil society should prioritize democracy, participation, transparency, accountability, combating corruption, and addressing basic issues like poverty, illiteracy, and poor health. It should also empower women, children, and youth from all backgrounds. (Haffaf, 2017, p. 202)

In the context of this new view of comprehensive development in general, and local development in particular, a new concept has emerged: the "life" framework, which moves beyond the traditional view of development, which is based solely on technical indicators, to a more comprehensive, realistic view based on a participatory approach, in which development is no longer a responsibility. Not only the state and its agencies but society as a whole, guided by the government and reinforced by the genuine and active involvement of civil society institutions, which has become an urgent necessity and a necessary condition for achieving development goals. (Goui & Boutayeb, 2015, p. 51)

The 2020 constitutional amendment recognised participatory democracy as a fresh victory for civil society by establishing civil society's participation role in public affairs managing. (Presidential Decree No.20-442, 2020)

In this regard, the second paragraph of Article Four reads as follows: Providing opinions, recommendations, and suggestions to enhance civil society's participation in shaping and implementing public policies at all levels through a participatory democratic approach, while also offering guidance to support various civil society activities in strengthening their fieldwork capabilities. (Presidential Decree No.21-139, 2021)

Article 210 defines one of the duties of the Economic, Social, and Environmental Council, which is to create a framework that facilitates the participation of civil society in national consultations on policies related to economic, social, and environmental development, all within the context of sustainable development. (Presidential Decree No.20-442, 2020)

This is confirmed by Presidential Decree No 21-139, Specifically in the first and third paragraphs of Article Four, which stipulate: "Evaluating and enhancing civil society's performance in meeting societal needs and utilizing available resources, developing a comprehensive vision for its role in sustainable national development, identifying challenges to its effective participation in public life, notifying the relevant authorities, and taking the necessary measures to facilitate its functioning."

Contributing to laying the groundwork for consultation between all civil society activities and public authorities with the goal of making civil society an effective contributor to long-term national development, as well as participating in all actions initiated by public bodies and institutions related to civil society activity". (Presidential Decree No.21-139, 2021)

The Observatory strives to include and enhance the involvement of the national community abroad in various national civil society programs and activities, as well as to integrate them into the path of national development and to create media and contact with them. (Presidential Decree No.21-139, 2021)

Civil society organizations must understand that their duty is fulfilled by collaborating with people, not replacing them, and adhering to a stance that embodies people's interests, and that their legitimacy is dependent on people's acknowledgment of this role. Activating its function and improving its capacities is related to frameworks of collaboration and coordination with other pressure groups and civil society members in order to promote more fair development and a safer environment.

Despite historical evidence demonstrating the dangers of depending only on the growth-first strategy to development, Algeria continues to rely on economic growth as the primary engine of change. The hazard of this strategy is seen in Algeria's reliance on oil money to extend human development possibilities, which is jeopardized by the first drop in global market prices (Haffaf, 2017, p. 203)

Most groups proclaim their commitment to the state in exchange for funding, therefore they lack independence, which affects their credibility and hinders, if not undermines, the creation of civil society, despite the vast number of associations, many remain ineffectual.

Associations, on the other hand, were seen as prominent government interlocutors. It actively engaged in several committees and consultations to overhaul the government. In terms of labor and economic reform, trade unions and employers collaborated with the government.

The actuality of civil society and its availability of useful materials to activate democratic practice, and it has yet to build a meaningful alternative that can give answers and visions owing to its perplexity in many difficulties, including the stagnation of the elite that leads it. Civil society organizations are facing an internal democratic crisis that has worsened over time by concentrating decision-making power in the hands of its leaders. (Hamitoch, 2017, p. 420)

Civil society is characterized by elitism in that it fails to represent the true socioeconomic forces at work in society. Civil society bodies and organizations are still unable to integrate economic and social rights into the citizenship system in general, and civil society organizations have been unable to cooperate and coordinate in the language of interests that control their behavior, as well as due to the dominance of competition and conflict over their orientations, which deprives them of them due to the formation of pressure groups that influence policymaking bodies

The advancement of contemporary communication technology compels us to follow a worldwide trend that institutionalizes civil society while separating it from its local community and roots of struggle. Despite the problems experienced by civil society institutions in Algeria, the function of these organizations can be engaged in order to carry out its intended duty, which is Achieving human development through:

- Increasing civil society's efficacy by fortifying its institutions with social forces and active social players, among whom intellectuals play an important role in encouraging collective action and promoting awareness of the relevance of democratic principles for people and groups.
- It is essential to reinforce and uphold the democratic path, as democracy serves as the proper foundation for individual and citizen rights, including the right to elect leaders, freedom of expression, and the right to assembly. Achieving this requires the support of the National Observatory for Civil Society for Algerian citizens.. (Denden, 2014, p. 185)

II. Conclusion:

Civil society plays a crucial role in developing new policies and alternatives to failing ones. Civil society has grown in strength as democracy and globalization have spread, and the state has failed to provide society's requirements alone. Following the 2020 constitutional amendment, the Algerian state made significant efforts to open up to various social actors, as evidenced by the establishment of the National Observatory for Civil Society under Presidential Decree No.21-139, which came to activate the role of civil society in its various organizations, including associations, trade unions and so on.

Results:

- ✓ Giving young people under the age of forty more opportunities to join the National Observatory for Civil Society, as well as raising women's representation in the Observatory to half of the total number of members. This is a wonderful development that will be welcomed by many civil society stakeholders.
- ✓ The National Observatory for Civil Society will gather complaints from various civil society activities as well as proposals for activating civil society's role in promoting national values, democratic practice, citizenship, and achieving sustainable development.
- ✓ The state shall protect the Observatory's director and members from any threats, pressure, insults, defamation, or attacks they may encounter while performing their duties. However, the National Observatory remains an advisory body to the President of the Republic, providing recommendations on civil society matters and, therefore, is not bound by any obligations..

Recommendations:

- ✓ To carefully consider and evaluate all ideas and concerns presented by the National Observatory for Civil Society regarding various civil society issues and ways to enhance its effectiveness.
- ✓ Emphasizing the need to mobilize civil society institutions through the National Observatory for Civil Society, leveraging national expertise to support the democratic path.

- ✓ Organizing civil society events like as conferences, study days, training courses, seminars, and national and local sessions, particularly for students at schools and universities.
- ✓ The observatory must cover the whole national area by building an effective national information system for the observatory's domains of action in collaboration with diverse civil society activities.
- ✓ Members of the National Observatory for Civil Society must be selected with openness and credibility, and they must meet requirements of honesty and competence that allow them to execute their tasks without undue pressure.

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