

The Status of the Parliament with Its Two Chambers in Algeria

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ABSTRACT:

The principles and values underpinning the bicameral parliamentary system have become firmly established in the contemporary world as a cornerstone of modern and rational constitutional governance, serving to organize and regulate both the state and society within the framework of good governance. Algeria has implemented this parliamentary system for multiple reasons and objectives, all rooted in the state's conviction regarding its soundness and effectiveness in deepening and broadening pluralistic democratic representation and enhancing parliamentary performance. Furthermore, the Algerian state recognized the necessity of a parliamentary system capable of ensuring political, social, and security stability, as well as maintaining equilibrium and continuity in the functioning of constitutional and political institutions.

The bicameral parliamentary system constitutes a modern and sophisticated governance model adopted by numerous nations to fulfill diverse political, economic, social, civilizational, and strategic purposes. This adoption reflects Algeria's confidence in the pivotal and pioneering role that this constitutional and political parliamentary institution can fulfill and the objectives it can achieve across diverse domains, particularly the legislative, supervisory, political, and cultural spheres.

key words: Parliament, People's National Assembly, Council of the Nation, Status, Democracy, Pluralism, Parliamentary Performance.

Introduction:

The bicameral parliamentary system represents a modern and advanced model adopted by numerous countries to achieve a range of political, economic, social, civilizational, and strategic objectives. In line with this global trend, modern

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Algeria has embraced the bicameral framework through the establishment of the *Council of the Nation* as the upper chamber, complementing the *People's National Assembly*, which serves as the lower chamber of the Algerian Parliament. This institutional arrangement is founded on the provisions of Article 98 of the 1996 Constitution, as subsequently amended and reinforced by Article 114 of the 2020 Constitution. This adoption reflects Algeria's recognition of the effective and pioneering role that this constitutional parliamentary institution can perform and the diverse functions and objectives it can accomplish, particularly in legislative, supervisory, political, and cultural domains.

Examining this topic — titled *The Status of the Parliament with Its Two Chambers in Algeria* — provides significant theoretical and practical insights within the fields of constitutional law and parliamentary law in Algeria.

In this context, the central question emerges: What constitutes the Algerian Parliament, and what defines its significance and authority as a sovereign legislative institution positioned at the apex of the Algerian political system?

To address this question, the study is structured according to the following outline:

Section One: The Composition and Organization of Parliament

The global adoption of the bicameral parliamentary system underscores the structural distinction between the two chambers while illustrating that each nation applies this framework according to its specific political, constitutional, and institutional context. This diversity is particularly evident in the *composition of the second chamber*. Whereas most countries elect the *first chamber*—such as Algeria's *People's National Assembly*—through a *general and direct voting process*, the *formation of the second chamber*, exemplified by the *Council of the Nation* in Algeria, varies from one state to another.

In some cases, membership is inherited, as in the United Kingdom; others regard appointment as the most effective method, while another group considers election to be the strongest and most democratic mechanism for selecting members. Some systems adopt a mixed model, combining both election and appointment to suit their specific political environment, as is the case in Algeria.¹

Subsection One: The People's National Assembly

Since the adoption of the bicameral system under the 1996 Constitution, the Algerian Parliament, as the embodiment of legislative authority, has consisted of two chambers. This constitutional reform sought to address the weaknesses of the previous unicameral system established by the 1989 Constitution, which had proved ineffective in managing the political crisis of January 11, 1992, following the resignation of the late President Chadli Bendjedid. As a result, the 1996

¹ Ammar Aouabdi, *The Presidency of Parliament in Algerian Parliamentary Law*, *Parliamentary Thought Journal*, Council of the Nation, Issue No. 5, April 2004, pp. 109–111.

Constitution instituted a bicameral legislature composed of the People's National Assembly and the Council of the Nation.

Branch One: Election and Internal Structure

A. Election:

The People's National Assembly, composed of 407 deputies, is elected through direct and secret universal suffrage. Election results are determined using a closed-list system, in which seats are allocated according to the order of candidates on each electoral list within a district. Previously, the Assembly comprised 462 deputies; this number was reduced to 407 following an increase in the number of provinces (wilayas) by ten, resulting in a proportional adjustment of parliamentary seats.¹

B. Internal Structure:

In accordance with the internal regulations of the People's National Assembly, which derive their authority from constitutional provisions, the organizational framework and administrative bodies of the Assembly are clearly defined. The parliamentary administration—entrusted with overseeing legislative and supervisory functions as well as managing deputies' affairs—comprises several institutional bodies established by both the Constitution and the organic law governing the organization and operation of the People's National Assembly and the Council of the Nation, along with their functional relations with the Government.

Each chamber's internal regulations outline the procedures governing the operation of these bodies, the principal ones being:

- The President of the Assembly,
- The Bureau of the Assembly,
- The Conference of Presidents,
- The twelve Permanent Committees,
- The Coordination Body,
- The Parliamentary Groups.²

Branch Two: Powers and Competences

The legislative process represents one of the most essential functions performed by constitutional state institutions, as it regulates public life across political, social, economic, and administrative domains. *Legislation* functions as the fundamental instrument through which the *constitutional* and *institutional relationships* between the two *parliamentary chambers* and other *state authorities*

¹ See the 2016 Constitutional Amendment, Article 100 bis 02, corresponding to Article 120 of the 2020 Amendment.

² See Article 121 of the 2020 Constitution.

are activated and harmonized, thereby ensuring coherence, coordination, and efficiency across the governance system.

In accordance with **Article 145 of the 2020 Constitution**, all *bills and proposed laws* must undergo successive examination by both the *People's National Assembly* and the *Council of the Nation* before being adopted. Deliberations within the *People's National Assembly* concern legislative texts introduced either by the *Prime Minister* or *Head of Government*, as applicable, or those endorsed by the *Bureau of the Council of the Nation* in the specific areas outlined in **Article 144**, including *local governance, spatial planning, and territorial organization*¹.

Parliamentary oversight is widely regarded by scholars as a fundamental mechanism for controlling government actions.² It encompasses a range of *constitutional and legal tools* aimed at protecting the *public interest*, the *state's integrity*, and the *rights and freedoms of citizens* from the dangers of *bureaucracy* and *political or administrative corruption*.

Such oversight is implemented through several formal mechanisms, notably the *monitoring of government actions*, including the *presentation of the Government's Action Plan* by the *Prime Minister* before the *People's National Assembly*, as well as the *submission of the Finance Bill* by the *Government* to *Parliament* for discussion and approval, in accordance with Article 146 of the 2020 Constitution.³

Branch Three: The Relationship between the People's National Assembly and the Government

The Constitution establishes a framework of cooperation between the legislative and executive authorities, creating a system of mutual relations that allows each authority to engage in the affairs of the other. This relationship embodies a balance and complementarity between the two powers. Interaction is manifested through the study and discussion of draft laws submitted by the executive authority, followed by their approval by the legislative authority, after which the executive ensures implementation and enforcement.

Under the Constitution and law, the legislative authority possesses various means and mechanisms to exercise its legislative and supervisory functions over government actions. This supervision is continuous and does not necessarily imply political accountability; rather, its primary purpose is to gather information and verify facts. Nevertheless, this does not diminish the importance or effectiveness of

¹ See Articles 84 to 101 concerning the provisions governing the election of members of the People's National Assembly, as defined by Organic Law Ordinance No. 21-01 of March 10, 2021, relating to the Electoral System.

² See Articles 9, 10, 11, 12, 13, and 14 of Organic Law No. 16-12, issued on August 16, 2016, which defines the organization and functioning of the People's National Assembly and the Council of the Nation, as well as their functional relations with the government.

³ See Articles 144 and 145 of the 2020 Constitution.

such oversight. Indeed, this relationship is pivotal in promoting institutional reform, consolidating democratic development, and advancing reforms across multiple aspects of political life.¹

Subsection Two: The Council of the Nation

The *Council of the Nation* serves as the *second or upper chamber* of the *Algerian Parliament*, forming together with the *People's National Assembly* the *legislative authority of the State*. It occupies a secondary yet complementary position within the national parliamentary framework, exercising both *legislative* and *oversight* powers. The *constitutional and legal identity* of the Council can be accurately discerned only through the interpretation of the relevant constitutional provisions defining its mandate—particularly Articles 98 and 99 of the 1996 Constitution, as later amended and reinforced by Article 114 of the 2020 Constitution.²

Branch One: Election and Internal Structure

A. Election:

The *Council of the Nation* is composed of two distinct categories of members:

- One-third (1/3) of its members are appointed by the President of the Republic from among national experts and eminent public figures.
- Two-thirds (2/3) are indirectly elected by local representatives through a restricted, indirect, and secret ballot, with two members elected from each wilaya (province).

Originally, the Council consisted of 144 members (48 provinces × 3 representatives). Following the creation of 58 provinces, the total membership increased to 174 (58 × 2 elected = 116 + 58 appointed = 174).

Council members serve a six-year term, with half of the membership renewed every three years. The Council elects its President and Vice-Presidents and forms standing committees in accordance with its internal regulations. Members also enjoy parliamentary immunity. A member loses the parliamentary seat if they change the political party under which they were elected, thereby preventing political defection.

The *Parliament* now convenes for a *single ordinary annual session* lasting *no less than ten months*, beginning on the *second working day of September*. This adjustment, introduced by **Article 138 of the 2020 Constitution**, replaced the previous system established under the *1996 Constitution*, which provided for *two regular sessions*—spring and autumn—each lasting ten months and ending on the *last day of June*.

¹ Professor Ammar Aouabdi, *The Process of Parliamentary Oversight and Its Role in Defending Citizens' Rights*, *Parliamentary Thought Journal*, Council of the Nation, Issue No. 1, December 2002, pp. 51–56.

² See Article 146 of the 2020 Constitution.

Additionally, *extraordinary sessions* may be convened when necessary. Under **Article 143 of the 2020 Constitution**, the *right of legislative initiative* has been broadened to include not only the *Government* but also *Members of Parliament*, including those belonging to the *Council of the Nation*—a prerogative that the latter chamber did not previously possess.

B. Internal Structure:

The *Council of the Nation* comprises several institutional organs and internal bodies that collectively ensure its effective operation. These include the *President of the Council*, the *Bureau of the Council*, *nine permanent committees*, the *Conference of Presidents*, the *Coordination Body*, and the *Parliamentary Groups*. The *administration of the Council* is responsible for providing the necessary *human and material resources* to support the efficient execution of the Council's functions and to maintain the smooth conduct of its legislative and oversight activities.

Branch Two: Competences

The Parliament exercises legislative authority within domains defined by the Constitution, either through organic laws or ordinary laws. It holds sovereignty in preparing, debating, and voting on legislation and possesses the authority to oversee government actions through mechanisms such as oral and written questions, government interpellations, investigative committees, and motions of censure.¹ This authority is affirmed by Article 158 of the 2020 Constitution.

Branch Three: The Relationship between the Council of the Nation and the Executive Authority

A cooperative framework governs the relationship between the Council of the Nation and the executive authority, designed to ensure the implementation of laws, the protection of individual rights and freedoms, and the limitation of such rights only within legal boundaries and under judicial supervision, all while safeguarding human dignity.

The interaction between the Council of the Nation—as the second legislative chamber—and the executive branch is grounded in balance, collaboration, and complementarity between the two powers. This relationship embodies a principle of coexistence among state institutions, aimed at maintaining institutional stability, preventing political crises, and promoting flexibility in the practical application of the separation of powers.

Section Two: The Status of the Parliament with Its Two Chambers in Algeria as a Constitutional Parliamentary Institution

The constitutional institutions of the State play a central role in organizing public life across all political, social, economic, and administrative spheres.

¹ See Article 217 of the Organic Law on the Electoral System, issued on March 10, 2021.

Together, these mechanisms represent the central axis for activating and coordinating the constitutional and functional relationships not only between the two parliamentary chambers but also among the various constitutional authorities and state institutions, thereby ensuring coherence, harmony, and continuity in the governance process.

First Requirement: The Relationship Between the Two Chambers of Parliament in the Field of Parliamentary Coordination and Cooperation

One of the most significant indicators of the quality and effectiveness of a bicameral parliament lies in the degree of coordination and cooperation between its two chambers. This relationship is particularly evident in the regulation of the parliamentary session schedule and in instances where both chambers convene jointly, a situation referred to in major contemporary democracies as a parliamentary conference. To clarify this relationship, the study addresses the following:

First Branch: Coordination Between the Two Chambers of Parliament for the Regulation of the Parliamentary Session Agenda

Scheduling a parliamentary session involves determining all draft and proposed laws to be examined during the session and arranging them in a logical and political order based on societal needs for the enactment of such texts. In other words, draft and proposed laws are prioritized according to the urgency and importance of each text. Therefore, joint meetings between the two chambers of Parliament and the government's representative are required to coordinate and establish the session's agenda.

Organic Law No. 16-12 of 25 August 2016, which regulates the People's National Assembly and the Council of the Nation as well as their functional relations with the Government, provides in Article 15 that:

"The bureaus of both chambers and the representative of the government shall meet at the headquarters of the People's National Assembly at the beginning of each parliamentary session to establish the session's agenda, according to the order of priority set by the government."

To ensure effective coordination and proper regulation of this relationship, the bureaus of both chambers and the government representative are required to convene at the People's National Assembly headquarters at the start of each session. This requirement arises from the fact that all draft and proposed laws are submitted to the Bureau of the People's National Assembly in accordance with the Constitution and the organic law.

Second Branch: The Relationship Between the Two Chambers of Parliament Convened Jointly

Coordination and complementarity between the two chambers of Parliament are also evident when both chambers convene jointly. These cases are specifically defined by Articles 135 to 140 of the 2020 Constitution and organized by Articles

15 to 43 of the Organic Law governing the two chambers and their functional relations with the government.

The exclusive circumstances in which Parliament convenes in a joint session, as forms of coordination and complementarity between the chambers, are as follows:

- _ Complete and permanent incapacity of the President of the Republic to perform presidential duties, requiring Parliament to declare the *vacancy of the presidency*, pursuant to Article 94.¹
- _ Extension of the state of siege or state of emergency, in accordance with Article 97.
- _ Declaration of war, as stipulated in Articles 94 and 100.
- _ Approval of emergency, siege, war, or exceptional measures during a *presidential vacancy*, when the *President of the Council of the Nation* assumes the role of *Acting Head of State*, under Article 94.
- _ Declaration of a state of necessity or exception, corresponding to *exceptional circumstances*, pursuant to Articles 98, 99, and 100.
- _ Approval of an exceptional extension of the parliamentary term, under Article 98, paragraph 4.
- _ Approval of a constitutional amendment through the parliamentary route by a *three-fourths (¾) majority* of Parliament convened jointly, as per Article 138.
- _ Initiation of a constitutional amendment by Parliament in joint session, in accordance with Article 143.

These circumstances represent the exclusive cases in which Parliament meets jointly and constitute a key aspect of coordination and complementarity between the two chambers within the framework of constitutional parliamentary relations.

Second Requirement: Organizing the Relationship of Coordination and Cooperation Between the Two Chambers of Parliament in the Field of International Parliamentary Relations

Comparative international studies and research indicate that Algeria holds membership in the Inter-Parliamentary Union alongside 135 other parliaments, out of a total of 179 parliaments worldwide.

For these reasons, the Algerian Parliament, with its two chambers, plays an active role in international, regional, and global parliamentary diplomacy in a legitimate and appropriate manner. Ensuring this requires the proper organization and regulation of the Algerian National Parliamentary Section in accordance with

¹ Article 120 of the 2020 Constitution stipulates that any elected member of the People's National Assembly or the Council of the Nation belonging to a political party who voluntarily changes the affiliation on the basis of which they were elected shall lose their parliamentary mandate *by operation of law*.

international standards, as defined by the Model Rules of Procedure for National Parliamentary Groups prepared and adopted by the Inter-Parliamentary Union.¹

These rules serve as a decisive instrument for determining the representation of the national parliamentary section in international, regional, and global parliamentary bodies and unions, as well as for forming Algerian parliamentary delegations participating in international and regional conferences, seminars, and collective parliamentary meetings—both general and specialized—in a clear, logical, and legitimate manner.

The Model Rules of Procedure for the National Parliamentary Group, prepared and adopted by the Inter-Parliamentary Union, outline and clarify the legal and organizational foundations for establishing the national parliamentary section. They refer to the sources and legal frameworks of each country's national legal system, after defining the structural and procedural requirements for the proper formation of the national parliamentary section.²

First Branch: The Main Constitutional and Legal Principles Governing the Organization of the Algerian National Parliamentary Section

1. The *executive authority*, particularly the *President of the Republic*, holds the *constitutional prerogative* to organize and manage the *foreign affairs* and *international relations* of the Algerian State, in accordance with **Articles 91 and 153 of the 2020 Constitution**. The *Parliament* exercises *supervisory authority* over the *treaties concluded by the State* and oversees the execution of its *foreign policy*.

2. Following the widespread establishment and consolidation of the concept of democratic popular representation worldwide, and as part of efforts to democratize international, regional, and global relations in an open manner that ensures credibility and effectiveness, the concept of parliamentary diplomacy emerged. Implemented and activated by national parliaments and parliamentary unions globally through legally and organizationally regulated frameworks, parliamentary diplomacy constitutes a form of international parliamentary relations that complements traditional diplomatic relations between states.

Second Branch: The Main Constitutional and Legal Principles Governing the Establishment, Organization, and Management of the Algerian National Parliamentary Section

1. The *Algerian National Parliamentary Section* consists of the two chambers—the *People's National Assembly* and the *Council of the Nation*—which share *equal representation* grounded in the principles of *equality, organic independence, functional cooperation, and complementarity*. Both chambers

¹ See Article 118 of the 2016 Constitution, as amended by Article 138 of the 2020 Constitution.

² See Article 158 of the 2020 Constitution.

exercise legislative authority and parliamentary oversight over government actions, in accordance with Articles 103, 112, and 123 of the Constitution.

2. The two chambers, which together constitute the *legislative authority* and form the *Algerian Parliamentary Section*, are equally represented within the *constitutional and political institutions of the State*. This principle of *equality and parity* is reflected in the *representation of Parliament within the Constitutional Council (Article 164 of the Constitution)* and in *joint parity committees*, in accordance with **Article 123 of the Constitution** and **Articles 88–98 of Organic Law No. 16-12 of 25 August 2016**.

3. Similarly, the same principle applies to the formation of the National Advisory Commission for the Promotion and Protection of Human Rights, as stipulated in Article 8 of Presidential Decree No. 01-71 of 25 March 2001 (30 Dhu al-Hijjah 1421),¹ which established the Commission as a successor to the National Observatory for Human Rights, created under Presidential Decree No. 92-77 of 22 February 1992.

4. The representation of the Algerian Parliament within its national parliamentary section is founded on the principle of equal representation between the Council of the Nation and the People's National Assembly. This parity underscores that both chambers function as independent representative bodies, each vested with legislative and oversight authority over government actions within Algeria's constitutional parliamentary system.

5. However, if the internal regulations of the Algerian Parliamentary Section stipulate otherwise, the principle of proportional representation for each chamber shall be applied, ensuring the participation of all parliamentary political groups in accordance with the internal rules of each chamber and the Model Rules of Procedure for National Parliamentary Groups previously mentioned.

Hence, these constitute the principal constitutional, legal, and logical foundations for the establishment and regulation of the Algerian National Parliamentary Section's role and participation in international, regional, and global parliamentary diplomatic relations.

Third Branch: Mechanisms for Organizing the Role of the Parliamentary Section in the Field of International, Regional, and Global Relations and Diplomacy

¹ Ammar Aouabdi, *The Presidency of Parliament in Algerian Parliamentary Law*, *Parliamentary Thought Journal*, Council of the Nation, Issue No. 5, April 2004, pp. 109–111. The term *parliamentary section* refers to a national parliament—whether unicameral or bicameral—which is a member of the Inter-Parliamentary Union (IPU). Each national parliament is considered a single parliamentary section within the IPU.

Ammar Aouabdi, *previous reference*, pp. 99–114. See Articles 88–99 of Organic Law No. 16-12, issued on August 25, 2016, which governs the relations between the two chambers of Parliament.

The mechanisms and components for organizing and managing the Algerian National Parliamentary Section, in accordance with the Model Rules of Procedure for National Parliamentary Groups previously mentioned, require the establishment of an internal regulation specific to the Algerian Parliamentary Group.

Conclusion

In conclusion, the bicameral parliamentary system adopted by the Algerian State under the 1996 Constitution rests on modern and effective foundations, principles, and characteristics that render it the parliamentary system most suitable for a contemporary state. It plays a significant role in deepening and broadening democratic practice, improving parliamentary performance, and regulating the functional relations between constitutional authorities based on a balanced and principled application of the separation of powers.

Several recommendations can be made to enhance the quality of *Parliament in Algeria*, including:

- _ The need to activate the majority of oversight mechanisms granted by the Constitution to Parliament for monitoring government actions, including investigative and interpellation mechanisms.
- _ The necessity to review the parliamentary legal framework to address existing shortcomings and gaps, and to enhance and expand the effectiveness of parliamentary oversight over government activities.
- _ All measures should be taken to rationalize and enhance the performance of the bicameral parliamentary system, alongside necessary reforms to the parliamentary legal framework. This objective can only be fully realized when it is recognized that the Council of the Nation is not a rival to the People's National Assembly, but rather a complementary institution that strengthens and supports the parliamentary function. The Council of the Nation ensures that legislative outcomes are comprehensive, valuable, and reflect a reasoned and civilized approach. Composed of national experts and professionals from various fields, it reinforces and activates the parliamentary political system. This arrangement does not undermine the importance or role of the People's National Assembly; instead, it enhances the efficiency, wisdom, and effectiveness of the Algerian parliamentary institution.

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