



A Review of Developments in Parliamentary Activities in Light of Recent Constitutional Reforms 2021 – 2024

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Abstract

In 2019, Algeria underwent a political transformation driven by popular demands for constitutional reform, leading to amendments in 2020 and the adoption of Organic Law 23-06. Key changes included expanded parliamentary initiative, electronic voting, and emergency ratification procedures. Oversight mechanisms were strengthened to enhance government accountability. However, the legislative progress between 2021 and 2024 did not meet expectations, largely due to the failure to update parliamentary regulations in accordance with new constitutional provisions.

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1. **Introduction**

Parliament is the institution responsible for representing the people. It is tasked with legislating laws and monitoring the executive authority within the framework of establishing a state governed by the rule of law and upholding the principle of separation of powers. This institution plays a crucial role in safeguarding rights and freedoms, preventing the executive authority from exceeding its constitutional mandate, and ensuring democracy.

In 2019, Algeria experienced a pivotal period in its history. The populace, through what became known as the "popular movement," demanded substantial reforms to redirect the country toward the correct path. This led to political action responding to these calls by initiating significant constitutional reforms in 2020. These reforms specifically targeted the constitutional provisions governing the parliamentary institution, focusing on its legislative function of enacting laws and its oversight function of monitoring the government's actions as the people's representative.

To align with the 2020 constitutional amendment, the Algerian legislator sought to modernize and refine the provisions of the organic law regulating both parliamentary chambers and their relationship with the government. Consequently, Organic Law 23-06 was introduced to amend and supplement Organic Law 16-12.

Recognizing the pivotal role of Parliament, both in the legislative process and in holding the government accountable for its actions, these reforms aimed to ensure the establishment of a robust state in which the people actively participate through their representatives. This study examines the developments in constitutional reforms and their influence on parliamentary work

during the legislative period from 2021 to 2024.

This paper aims to evaluate the outcomes achieved by Parliament in light of the recent reforms. It seeks to determine whether these reforms are adequate to steer the state onto the right path or whether they are insufficient and warrant a reassessment of the provisions governing Parliament. To address this issue, the following questions are posed:

Did the constitutional reforms encourage Parliament to fulfill the roles assigned to it?

To address this question, we will employ a descriptive and analytical approach to outline the most significant amendments and examine their positive aspects in light of the results achieved during the legislative period from 2021 to 2024. This research paper is divided into two sections: the first focuses on the amendments related to the legislative function, while the second explores the amendments concerning Parliament's oversight of the government's actions.

First Section: Amendments Related to the Legislative Function of Parliament

Parliament undertakes legislative work as a fundamental duty assigned to it by the Algerian Constitution, particularly under Article 114, as amended by the 2020¹ constitutional reforms. This work operates within the framework of the separation of powers between the executive, judicial, and legislative authorities.

In addition to Parliament, the executive authority also holds legislative power. The constitutional framework grants the President of the Republic the authority to legislate through orders, as outlined in the first paragraph of Article 142 of the Constitution.

The legislative function serves as a means to reflect the popular will, represented by

parliamentary deputies and members. Through this function, they draft legal texts aimed at fulfilling the people's aspirations, promoting integrity in public life, and guiding societal behavior toward the achievement of established goals.

Legislation is initiated through law proposals by deputies of the National People's Assembly and members of the National Assembly, as well as draft laws submitted by the government to Parliament. These texts undergo multiple stages, during which they are debated and then put to a vote following legally established procedures. The Constitution exclusively defines the areas of legislation, as specified in Article 139 for ordinary laws and Article 140 for organic laws.

The constitutional founder, in collaboration with the legislator, introduced amendments to the Constitution and its complementary legal texts concerning the legislative function. These amendments address two primary aspects: the initiative to propose laws (First Requirement) and governmental draft laws (Second Requirement).

First Requirement: Initiating Law Proposals

Members of Parliament, including deputies of the National People's Assembly and members of the Council of the Nation, have the right to submit law proposals. This right was affirmed by the 2020 constitutional amendment in the first paragraph of Article 143. It is further detailed in Organic Law 16-12, as amended and supplemented by Law 23-06, which regulates the organization and functioning of the National People's Assembly and the Council of the Nation, as well as their functional relationships with the government.

The constitutional founder revisited the conditions for submitting law proposals. This approach was mirrored by the legislator in the amended organic law,

addressing both the numerical thresholds required for submission and the specific areas in which deputies or members of Parliament can propose laws.

First Part: Lifting the Numerical Limitation on Parliamentary Initiative

An examination of Article 143 of the Constitution reveals that the legislator granted deputies and members of Parliament the right to initiate laws, alongside the Prime Minister or the head of government, as applicable. This provision is reflected in Organic Law 16-12², as amended and supplemented by Organic Law 23-06³, specifically in Articles 20 and 22. Article 20 states in its first paragraph that the Prime Minister or the head of government deposits draft laws with the office of the National People's Assembly or the Council of the Nation, depending on the project's scope. Similarly, Article 22 establishes that each deputy or member of Parliament is entitled to propose laws. The 2020 constitutional reform removed the numerical limitation, eliminating the need for a specific quorum for submitting law proposals. This reform enabled individual deputies or members to propose laws independently. To align with these constitutional changes, the legislator updated the organic law in 2023.

The adoption of the individual initiative to propose laws demonstrates the constitutional founder's commitment to enhancing the role of deputies and members of the two chambers of Parliament in legislative processes. Previously, the numerical quorum requirement placed a significant burden on deputies and Parliament members, limiting their ability to actively engage in legislative activities and resulting in a scarcity of legislative initiatives from them; one of the negative consequences of this requirement. In contrast, government-led initiatives were more prevalent⁴. During the public session held on Tuesday, February 21, 2023, at the

National People's Assembly dome, Minister of Relations with Parliament Ms. Bessma Azwar highlighted the significance of abandoning the numerical quorum requirement for proposing laws. She noted that this shift reflects the political will of the Algerian state to involve more members of Parliament in lawmaking and in addressing the aspirations and demands of the people⁵. Previously, the numerical quorum requirement exceeded the minimum necessary for forming a single parliamentary group, requiring the participation of ten deputies from the National People's Assembly or ten members of the National Assembly, as defined by the procedural rules of the two chambers. Consequently, achieving the quorum of twenty (20) deputies or twenty (20) members to propose laws proved challenging, often necessitating alliances between parliamentary groups⁶.

Referring to the parliamentary outcomes concerning initiatives by its members to propose laws during the legislative period from 2021 to 2024, the number of proposals submitted during the regular parliamentary session of 2021–2022 was zero. This contrasts sharply with government initiatives, which included 41 draft laws: 12 concerning the approval of orders, 14 approved draft laws, and 15 draft laws still under review at the government level. Despite the intensity of legislative activity, parliamentary contributions were absent⁷.

During the regular parliamentary session of 2022–2023, there were 43 draft laws submitted, alongside 4 proposals for laws. These proposals included an organic law amending Organic Law No. 04-11 governing the Judiciary, a proposal to amend Law 13-07 regulating the legal profession, a proposal to amend Law 06-02 regulating the notary public profession, and a proposal to amend Law No. 16-07 governing the auctioneer profession. These proposals were submitted by a group of deputies from the National People's

Assembly and accepted by the Bureau of the National People's Assembly during its session on December 7, 2022. The government was informed to provide its opinion to the Bureau of the National People's Assembly. However, after reviewing these proposals, the government did not approve them⁸.

The 2023–2024 ordinary parliamentary session recorded a government initiative involving 36 draft laws. Meanwhile, deputies of the National People's Assembly (NPA) submitted three proposed laws to the NPA office. One of these proposals, concerning the supplementation of Order 75-74 related to the preparation of the general land survey and the establishment of the land registry⁹, was rejected by the government. Another proposal was an organic law amending and supplementing Organic Law No. 18-15 on the Finance Law¹⁰.

It can be observed that government initiatives dominate Parliament with a significantly large volume, whereas parliamentary initiatives remain modest. This is despite the removal of the signature requirement previously needed for the acceptance of law proposals.

Second Part: Strengthening the Areas of Legislation by Ordinary Laws Excluding Organic Laws

Article 139 of the Constitution specifies the areas of legislation governed by ordinary laws, enumerating 30 areas. Among these is the inclusion of general rules related to public transactions, which was added as a new area following the 2020 constitutional amendment. This step marks a significant precedent, as Parliament was not previously entrusted with legislating in the field of public transactions under earlier constitutions¹¹. Since the issuance of the 1996 Constitution, this area had been regulated by presidential decrees and fell within the organizational sphere of the President of the Republic¹².

The inclusion of general rules related to public procurement within Parliament's legislative competence is a crucial development. It allows members of Parliament to exercise prior oversight over draft laws in the field of public procurement. Through their involvement in enacting general rules in this area, a responsibility is placed on administrations to adhere to these rules when issuing regulations related to public procurement¹³.

Since the public procurement system serves as the legal framework regulating the expenditure of the state's general budget allocated for equipment, it must be strictly controlled to safeguard the budget against corruption and ensure the optimal management of public funds. Furthermore, the inclusion of this area strengthens Parliament's legislative activities¹⁴.

With the practical advancements in the fields of energy and renewable energy, the constitutional institution has adapted by broadening the scope of legislation to include energy and fuels, prioritizing environmental preservation¹⁵.

It is also noteworthy that the constitutional legislator revised the terminology in the 2020 constitutional amendment. Specifically, the phrase "voting on the state budget" in Article 140, Article 11 of the 2016 Constitution, was changed to "voting on financial laws" in Article 139, Article 12 of the 2020 amendment. This adjustment ensures precision in terminology¹⁶, as the vote concerns financial laws related to the state budget. Nonetheless, the domain of financial laws remains exclusively under the authority of the executive¹⁷.

In 2020, the constitutional founder amended Clause 13 of Article 139, addressing the establishment of taxes, levies, fees, and various rights, along with the determination of their bases and rates. The amendment added the phrase "and their collection," aiming to enable legislative initiatives by members of Parliament in the domain of tax

law, particularly regarding tax collection. This change underscores the importance of tax collection in securing necessary funds to cover public expenditures¹⁸.

Regarding the areas of legislation by organic laws, the text of Article 140 remains unchanged from the 2016 amendment.

It is worth mentioning that the National People's Assembly witnessed the submission of a proposal for an organic law amending and supplementing Organic Law No. 18-15 on Finance Laws, which was deposited with the Initiatives Office on June 8, 2023. This proposal aimed to adapt the aforementioned law to the specific requirements of the financial management of the two chambers of Parliament. It sought to exempt Parliament from applying the system of programming, preparing, and implementing the general budget based on the results-oriented management principle outlined in Organic Law No. 18-15 on Finance Laws. This adaptation was justified by several considerations, including Parliament's financial autonomy as established by special texts such as the rules of procedure of each chamber and Organic Law 16-12 along with other considerations¹⁹. The proposal was voted on after some amendments were made during the session of the National People's Assembly held on November 14 of the same year²⁰.

With reference to the outcomes of Parliament's work during the three legislative periods from 2021 to 2024, there remains a notable scarcity of parliamentary initiatives for law proposals compared to government draft laws. This is observed despite the expansion of legislative areas through ordinary laws, including the addition of public procurement, the modernization of the general system of mines and hydrocarbons, the incorporation of renewable energies, and the inclusion of tax collection.

Second Requirement: Discussion of Government Bills

Article 143 of the 2020 constitutional amendment grants the Prime Minister or the Head of Government, as applicable, the right to initiate laws. The process begins with the concerned ministries drafting a preliminary version, which is then submitted to the General Secretariat of the Government. At this stage, the preliminary draft undergoes initial reviews conducted by the competent directorates to ensure consistency and avoid conflicts with existing legislation. Following this, the preliminary draft is distributed to government members and advisory bodies, including sector-specific control authorities, for further examination. Once these procedures are completed and the government approves the draft, it officially becomes a draft law. The General Secretariat of the Government then converts the draft into legal articles, which are subsequently deposited by the Prime Minister or Head of Government with the relevant office²¹, in accordance with the provisions of Article 143 and Article 144 of the 2020 constitutional amendment, as well as the first paragraph of Article 20 of Organic Law 16-12.

The bill undergoes several stages within Parliament, beginning with its review by the competent committee, as outlined in the second section of Chapter III of Organic Law 16-12, as amended and supplemented by Organic Law 23-06. This process culminates in voting and ratification, as detailed in the third section of Chapter III of the same law.

Accordingly, this discussion focuses on an important development introduced by the 2020 constitutional amendment and reinforced by Organic Law 23-06. Specifically, it examines the ratification of draft laws through the urgency procedure as the first point, followed by the adoption of

the electronic method of voting as the second point.

First Part: The Urgency Procedure for Approving Draft Laws

In addition to submitting law proposals, Parliament debates and approves government draft laws in accordance with Article 145 of the 2020 constitutional amendment and Article 29 of Organic Law 16-12, as amended and supplemented by Organic Law 23-06.

Following the 2020 constitutional amendment, Article 119 introduced the government's ability to request the ratification of draft laws through the urgency procedure. This approach was unprecedented in earlier constitutional frameworks. The rapporteur of the Legal, Administrative Affairs and Freedoms Committee emphasized this development in the committee's preliminary report, stating that the constitutionalization of the urgency procedure granted it legal validity whenever the government invoked it²². The legislator later reinforced this procedure in Organic Law 23-06, which amended and supplemented Organic Law 16-12, specifically in Article 29 and Article 37 bis.

Since Article 119 of the Constitution assigned the regulation of the terms and conditions for resorting to the urgency procedure to organic law, the legislator addressed this in Section III bis, titled "Approval of Draft Laws According to the Urgency Procedure," within Section III, titled "Voting and Approval Procedures," of Chapter III, titled "Functional Relations between the Chambers of Parliament and the Government," of Organic Law 16-12, as amended and supplemented by Organic Law 23-06.

Regarding the assessment of the urgency procedure, the Minister of Relations with Parliament stated during the discussion session of the draft organic law, as previously mentioned, that the addition of a

new section regulating the modalities for studying and approving draft laws under the urgency procedure allows the government to invoke this mechanism when necessary. Such projects are given priority, and the procedure is granted legal validity by its inclusion in the Constitution. Organic Law 23-06 establishes a maximum period of ten days for the final approval of draft laws, which remain subject to the standard procedures of study, discussion, and voting.

She further explained that this procedure provides greater flexibility in processing draft laws that hold particular importance and urgency for their timely implementation, given the critical role of their provisions in managing state affairs and meeting the demands of public interest²³.

The organic law does not specify particular criteria or controls to assess the necessity of this procedure. Instead, it entrusts this determination to the government's discretion, as the government is more attuned to practical realities and aware of the immediate needs in specific areas requiring swift regulatory intervention.

Second Part: Adopting Electronic Voting

This stage follows the initiative stage of legal texts and is a critical phase in the legislative process, as it marks the actual materialization of laws. It has rightly been said that discussion and voting constitute the backbone of law enactment²⁴.

Article 30 of Organic Law 23-06 stipulates the use of electronic voting, whether conducted by open or secret ballot, which represents a new development introduced by this amendment. This provision establishes the adoption of the electronic method for voting on both draft and proposed laws.

The last paragraph of Article 30 refers to the rules of procedure of each chamber to specify how this provision should be applied. However, the current rules of the

National People's Assembly, last issued in 1997²⁵ and amended in 2000²⁶, and those of the Council of the Nation, last updated in 2017²⁷, require revisions to align with the latest constitutional reforms. Consequently, the application of the electronic method for law ratification remains without a regulatory framework, leaving its implementation undefined within the procedural texts of both parliamentary chambers.

The legislator introduced this new method to ensure the highest level of transparency in the voting process and to integrate modern technology, aligning with practices in other parliaments worldwide. This approach reflects one of democracy's most essential principles and advances the objectives of modernizing state institutions, as noted by the Minister of Relations with Parliament during the discussion of the draft organic law amending Law 16-12 before the National People's Assembly (NPA)²⁸.

From our perspective, the legislator has succeeded in adopting the electronic method, as it optimizes time and effort, delivers accurate results, and reinforces control over voting outcomes when properly organized. This approach also strengthens democracy, as confirmed by many deputies during their discussions of the project²⁹. It ensures that deputies opposing a government bill can freely express their stance without any pressure, thereby preserving the people's will.

Second Section: Amendments Related to the Parliament's Oversight Function Over the Government's Actions

Parliament exercises oversight over the government within the framework of the principle of separation of powers and the rule of law. Acting as the people's representative, it ensures that the executive authority does not overreach or monopolize political power. This oversight is essential for upholding democracy by fostering public participation in state affairs and

protecting the constitutional rights and freedoms of individuals. As Horio observes, monitoring the government through constitutionally established means and compelling it to justify its actions before Parliament and public opinion is a fundamental safeguard for individual rights and liberties³⁰, preventing violations of the Constitution and its provisions.

The oversight function is considered the most critical aspect of Parliament's activity in a modern state. As some argue, Parliament is primarily an institution for monitoring government actions, a role deemed even more significant than the legislative process³¹.

Parliament fulfills its oversight role using mechanisms and means established in constitutional texts. These mechanisms can be categorized into two types: those that raise the responsibility of the government (First Requirement) and those with no significant effect (Second Requirement).

First Requirement: Mechanisms for Parliamentary Oversight of the Government's Responsibility

Referring to the provisions of the 2020 constitutional amendment, the constitutional founder endowed Parliament with a series of tools that empower it to oversee the actions of the government. These tools ensure the participation of the people through their elected representatives in governance while guaranteeing that the executive authority adheres to the constitutional limits set for it. This oversight ensures that the executive does not exceed its powers on one hand, and on the other, that it fulfills the tasks assigned to it.

Article 161 of the 2020 constitutional amendment establishes the interrogation mechanism, which will be examined as the first point. The same article also provides for the discussion of the public policy statement, which will be explored as the second point.

First Part: Parliamentary Questioning

Article 160 of the 2020 constitutional amendment grants members of Parliament the right to question the government on matters of national importance or the status of the implementation of laws, with responses required within a maximum period of 30 days.

Article 161 of the same constitutional amendment further allows the National People's Assembly, after an interrogation, to vote on an oversight petition addressing the government's responsibility—an innovation not included in the 2016 constitutional amendment.

Additionally, Article 66 of Organic Law 23-06 outlines the interrogation mechanism, with exceptions restricting parliamentary questioning on matters involving national defense and state secrets in foreign relations. These constitutional reforms transformed interrogation from a non-consequential tool into a mechanism capable of holding the government accountable, potentially triggering government responsibility and leading to resignation.

The interrogation process is governed by a set of formal and substantive conditions, some of which are explicitly mentioned, while others can be implicitly inferred. The most important conditions include:

Firstly: Formal Requirements for the Practice of Parliamentary Questioning

- **Writing:** Article 66 of the aforementioned Organic Law stipulates that the text of the interrogation must be submitted in writing, a practice commonly observed in the bylaws of parliamentary assemblies in Egypt, Yemen, and other countries³².

- **Fulfillment of the Quorum:** The second paragraph of Article 66 requires the interrogation text to be signed by 30 deputies or 30 members, depending on the chamber, for it to be accepted. This quorum

is notably excessive, particularly for members of the National Assembly, considering the chamber's composition, which includes a presidential third³³.

The rules of procedure for the National People's Assembly do not currently regulate the interrogation mechanism. The Minister of Relations with Parliament, along with several MPs, has emphasized the urgent need to amend the procedural rules of both parliamentary chambers to align them with these constitutional reforms³⁴.

• **Submitting the Text of the Interrogation to the Competent Authority:** Article 66 does not specify whether the interrogation text should be submitted personally to the head of the bureau of the concerned chamber, as is the practice in some bylaws, such as those of the Yemeni and Egyptian parliaments³⁵, or to the bureau itself. In other parliamentary councils across Arab countries, such as Egypt and Bahrain, bylaws stipulate that the text of the interrogation is submitted to the president of the council³⁶.

• **Communicating the Text of the Interrogation to the Prime Minister or Head of Government:** Both the Constitution and Article 66 require this step. The Speaker of the National People's Assembly or the Speaker of the National Assembly, as applicable, is the authority responsible for undertaking this notification³⁷.

Secondly: Substantive Conditions That Must Be Met in the Interrogation Text

• **Compliance with the Constitution and the Law:** The interrogation text must not contain provisions that violate the Constitution, even if this is not explicitly stated. If it is determined that the interrogation conflicts with the spirit or the letter of the Constitution, the body responsible for receiving the interrogation text has the right to exclude it³⁸.

• Relevance to Matters of National Importance or the Application of Laws:

The interrogation must address either a matter of national importance or the status of laws' application and related exceptions. Parliament, as the legislative authority, has the right to question the government regarding the implementation of laws, which falls under the regulatory jurisdiction of the Prime Minister or the Head of Government, as outlined in Article 141 of the 2020 Constitutional Amendment. Regarding matters of national importance, Article 160 of the Constitutional Amendment and Article 66 of Organic Law 23-06 refer to the phrase "any matter of national importance," which replaced the term "a topical issue" used in Article 151 of the 2016 Constitutional Amendment. However, both terms remain broad, with no precise definition of their scope³⁹.

Article 66 (paragraph 1) of Organic Law 16-12, as amended, excludes certain matters from the scope of interrogation. These include issues related to national defense and state secrets in foreign relations, without providing further explanation or specification of these matters.

• Relevance to Government Activities:

The interrogation must pertain strictly to the work carried out by the government. It cannot address the unilateral actions of the President of the Republic⁴⁰, as such actions are considered acts of sovereignty⁴¹.

Thirdly: The Impact of Parliamentary Interrogation

The right of Parliament to question the government is one of its most significant powers, as it encompasses the ability to accuse the entire government or one of its members and to critique its policies. Parliamentary questioning typically concludes in one of three ways: by thanking the government if it is demonstrated that it has fulfilled its responsibilities; by returning to the agenda if the questioning reveals a minor error or no error at all; or by

convicting the government as a whole or certain members thereof⁴².

According to the 2020 amendment to the Algerian Constitution, an interrogation may lead to the government's accountability if deputies of the National People's Assembly submit a censorship petition signed by at least one-seventh of the deputies for it to be admissible.

Article 62 of Organic Law 23-06 stipulates that if a censorship petition is approved by a two-thirds majority vote, representing the National People's Assembly's ratification of the petition, the Prime Minister or Head of Government must submit the government's resignation to the President of the Republic. It is notable that the constitutional founder granted the National People's Assembly exclusive authority to hold the government accountable through the interrogation mechanism, excluding members of the National Assembly. This arrangement enables the lower chamber to exercise control over the government's activities, apart from the areas excluded by Article 66, thereby rendering it an effective tool for deputies⁴³.

However, an analysis of the legislative sessions from 2021 to 2024 reveals a lack of parliamentary questioning on pressing matters, despite the presence of issues that warrant it. These include, for instance, the continued enforcement of Presidential Decree 15-247, even after the issuance of Law 23-12, which establishes the general rules for public procurement⁴⁴. Article 112 of this law delegated the details of its implementation to regulatory texts. Additionally, other significant national issues remain unaddressed, raising numerous concerns about the effectiveness of parliamentary oversight.

Second Part: Discussion of the Public Policy Statement

Article 111 of the Constitution, in its first paragraph, requires the Prime Minister or

Head of Government to submit a public policy statement to the National People's Assembly at the end of each year. The second paragraph of the same article stipulates that the government's work is to be discussed during the presentation of this statement, a process further confirmed by Article 51 of the organic law governing the relationship between the two chambers of Parliament and the government.

Regarding the National Assembly, Article 57 of the same organic law indicates that the government has the option, but not the obligation, to present the public policy statement to this chamber, highlighting its permissive nature.

Additionally, Article 161 of the Constitution provides for the possibility of filing a censorship petition as a result of the public policy statement discussion. While the recent constitutional reforms did not alter this mechanism, it remains an available tool with potential outcomes, such as filing a censorship petition or concluding the discussion by adopting a regulation.

Firstly: Concluding the Discussion of the Policy Statement with a List
Organic Law 16-12 grants deputies of the National People's Assembly the right to issue a list after discussing the government's policy statement. In contrast, members of the National Assembly are not afforded this right, as stipulated in Article 57 of the aforementioned Organic Law.

It is worth noting that Organic Law 23-06 failed to amend Article 57 to align it with the constitutional amendment. Despite the constitutional reference, it retained the term "government," while Article 111 specifies the Prime Minister or the Head of Government. This discrepancy highlights the need for this article to be updated accordingly.

Secondly: Concluding the Debate on the Policy Statement by Filing a Censorship Petition

Article 161 provides for the possibility of filing a censorship petition after the discussion and voting on the public policy statement, addressing the government's responsibility. The constitutional founder required that such a petition be signed by at least one-seventh of the deputies for it to be admissible. This petition is then deposited with the office of the National People's Assembly, as specified in Article 60 of Organic Law 16-12, amended and supplemented by Organic Law 23-06. Furthermore, the text of the censorship petition is published in the official journal of the National People's Assembly debates, commented upon, and distributed to all deputies in accordance with the same article.

Additionally, Article 59 of the aforementioned Organic Law states that a deputy cannot sign more than one censorship petition within a year. This limitation ensures that the deputy may only endorse one petition annually, as censorship petitions are connected to the annual public policy statement⁴⁵.

After the oversight petition related to the discussion of the public policy statement is deposited and accepted, it is discussed in a session before being put to a vote. According to Article 62 of the previous organic law, the vote cannot occur until three days after the petition has been deposited. Only the parties listed in Article 61 of the same law are permitted to intervene during the discussion session, namely:

- The government, at its request: Since the censorship petition pertains to its performance following the presentation of its annual results, the government is entitled to justify and defend itself.
- The representative of the petition's signatories: This individual acts as a representative and spokesperson for the MPs who signed the petition.

- A deputy opposing the censorship petition: A member of Parliament who presents arguments against the petition.
- A deputy supporting the censorship petition: A member of Parliament advocating for the petition.

After the discussion, a vote is conducted on the censorship petition. If two-thirds of the deputies in the National People's Assembly approve it, the government is held accountable, and the Prime Minister or Head of Government submits their resignation to the President of the Republic.

Some have raised questions about the impact of submitting the resignation to the President of the Republic, specifically whether the President is obligated to accept or reject it⁴⁶. In our view, the President of the Republic must accept the resignation in this case. The deputies, who represent the will of the people, have determined that the government in question is unable to continue its work or meet the aspirations of the people. This inability stems from the government's failure to implement its program or action plan, which is intended to translate the program of the President of the Republic, chosen by the people, into reality.

Second Requirement: Non-Productive Oversight Mechanisms of Government

Responsibility

The Algerian Constitution, as amended in 2020, introduced mechanisms allowing Parliament to oversee the government's actions. These mechanisms include both traditional approaches and new tools established in the latest constitutional amendment.

Such mechanisms are categorized as friendly oversight tools, as their application by Parliament members does not hold the government accountable or impose any responsibility upon it. This distinguishes them from the productive mechanisms previously discussed, which directly address government responsibility.

First Part: Parliamentary Question

The constitutional founder, together with the legislator, established the questioning mechanism in the Constitution and the organic law regulating Parliament and its relationship with the government.

Article 158 of the Constitution grants members of Parliament the right to ask the government oral or written questions on any matter of public interest.

However, the recent constitutional reforms did not modify this mechanism, leaving the procedures and effects of parliamentary questions unchanged. The organic law regulating the two chambers of the legislative institution was updated in 2023 to align its constitutional references with the reordered articles introduced by the 2020 constitutional amendment.

An analysis of the work of Parliament during the legislative period from 2021 to 2024 reveals that approximately 2,527 oral questions and 5,151 written questions were submitted⁴⁷, which is a substantial figure. The Ministry of Relations with Parliament attributed this high number to the efficiency and effectiveness of parliamentary questioning as a communication channel between MPs and the government. This mechanism enables MPs to raise citizens' concerns, ensuring these issues are heard and addressed, with the government subsequently taking steps to find solutions. The simplicity and ease of this mechanism were also highlighted as contributing factors to its extensive use.

However, a review of the minutes from oral question response sessions and general discussion sessions in the National People's Assembly reveals several recurring complaints from deputies. These include the procrastination of ministers in answering questions⁴⁸, the occasional absence of ministers from response sessions, and instances where ministers request deputies to withdraw their questions⁴⁹. Such issues

have created tension between the statements of the Ministry of Relations with Parliament and those of the deputies. Additionally, statistics released by the Ministry at the end of each legislative period indicate that many questions remain unaddressed, raising concerns about the overall effectiveness of this oversight mechanism.

In the absence of any penalties for failing to answer questions, the questioning mechanism remains largely symbolic and does not exert significant influence over the government⁵⁰. However, it can serve as a stepping stone, potentially encouraging the use of more effective oversight tools, such as the interrogation mechanism, when deemed necessary.

Second Part: Parliamentary Committees Hearing Members of the Government

Article 157 of the 2020 Constitutional Amendment introduced a mechanism allowing parliamentary committees to hear members of the government on matters of public interest. This mechanism was subsequently regulated by the legislator through Articles 76 bis and 76 bis 1 of the aforementioned organic law. Notably, it was absent from the organic law before its amendment in 2023.

During her presentation of the draft organic law to the National People's Assembly, the Minister of Relations with Parliament emphasized that this mechanism enhances Parliament's oversight of the government and implements constitutional provisions. The organic law grants standing committees in both chambers of Parliament the ability to hear members of the government on public interest matters through sessions scheduled by mutual agreement between Parliament and the government. This approach aims to strengthen integration and coordination between the two institutions⁵¹.

Article 157 specifies "parliamentary committees" without explicitly mentioning "standing committees." This is consistent with Article 76 bis of the organic law.

However, during her presentation, the Minister of Relations with Parliament specifically referred to standing committees, as noted earlier.

Following the promulgation of the aforementioned organic law, this mechanism was utilized by members of Parliament during parliamentary sessions. These sessions examined the extent to which ministerial sectors implemented their work programs derived from the government's plan. Across both chambers of Parliament, 30 hearings were conducted, addressing various topics of public interest, such as water security, digitalization, and more⁵². It is important to note, however, that this mechanism does not impose any sanctions on the government.

Third Part: Access to Information and Documents Necessary for the Exercise of Oversight Functions

Article 87 bis of the aforementioned organic law, in line with Article 155 of the Constitution as amended in 2020, grants both chambers of Parliament the right to request and access all information and documents deemed necessary for exercising their oversight functions.

However, Article 87 bis 1 specifies exceptions that are excluded from this mechanism. Parliament is not permitted to access certain documents and information, including:

- Documents related to national defense that are confidential and strategic in nature.
- Documents and information concerning the internal and external security of the state.
- Documents pertaining to facts that are the subject of ongoing judicial proceedings.

It is worth noting that the organic law excludes certain issues from the scope of parliamentary intervention, as previously mentioned concerning interrogation and

investigation committees. According to Article 85 of the same organic law, investigation committees are prohibited from accessing documents of a confidential and strategic nature that pertain to national defense, the vital interests of the national economy, and the internal and external security of the state.

In the context of this mechanism, the exclusion of documents and information in these areas raises significant concerns. This restriction may be justified by the fear of such information being disclosed. However, the term "secrecy" remains broad, allowing the government to invoke it for nearly any claim. The legislator should have clarified this provision further, as its vagueness makes it challenging to interpret and apply effectively.

The article lacks provisions to ensure its proper application, as it does not impose any penalties for the government's failure to provide the requested documents and information. This omission could hinder its implementation and prevent the realization of its intended purpose to facilitate and enhance Parliament's oversight role over the government's work.

Conclusion:

The Algerian Parliament, following numerous constitutional amendments in 2020 and changes to Organic Law 16-12, aimed to strengthen its role and align it with its responsibilities. However, based on the results observed during the legislative period from 2021 to 2024, it appears that Parliament still falls short of meeting the aspirations of the people and the requirements for building a strong state. From our research, we have drawn several key conclusions:

- Despite the removal of the numerical threshold for initiating legislation and the expansion of legislative areas, the legislative output remains insufficient. Government-sponsored projects continue to

dominate Parliament's agenda, limiting the institution's ability to address broader issues.

- The urgency procedure, in the context of Parliament's weakened state, poses a significant risk. It provides the government with a mechanism to pass laws at its discretion by declaring a state of necessity for their ratification.
- The introduction of electronic voting is a commendable step by the legislator. This method ensures transparency in voting on laws, enhances the accuracy of vote counting, and saves time. However, it requires adjustments to procedures and the provision of adequate equipment to support its proper implementation.
- The constitutional founder took an important step by enabling Parliament to raise the political responsibility of the government, whether regarding the status of law application or matters of national importance. However, excluding certain issues from the scope of questioning raises concerns. Furthermore, the absence of clear criteria for defining matters of national importance remains an area requiring regulatory intervention.
- Granting MPs access to necessary documents and information is crucial for effective oversight. Nonetheless, the mechanism lacks provisions to impose penalties on the government in cases of refusal to provide such information, hindering its full application.
- The government continues to delay answering questions and sometimes refrains from responding without justification. This may be attributed to the absence of penalties for non-compliance, diminishing the effectiveness of the mechanism.

Based on the findings of this research, we propose several recommendations aimed at addressing the shortcomings and enhancing the performance of Parliament:

- Regulating the Urgency Procedure and Establish clear criteria for determining the state of necessity, which would justify the use of the urgency procedure to approve draft laws.
- Organizing Electronic Voting by Implementing the necessary amendments to the internal regulations of both chambers of Parliament to put electronic voting into effect. This will ensure proper regulation and operation of the system.
- Defining Criteria for National Importance by Develop precise criteria for identifying issues of national importance. This will enable members of Parliament to effectively address and question the government on such matters.
- Introducing penalties for the government's failure to provide requested documents and information to MPs, as well as for procrastination or refusal to answer parliamentary questions. These measures will strengthen the effectiveness of the oversight function.

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