

**The role of The Independent National Electoral  
Authority (INEA) in Algeria's electoral process -  
Accordance With order No. 21-01**

**دور السلطة الوطنية المستقلة للانتخابات في العملية  
الانتخابية بالجزائر - طبقاً للأمر رقم 01.21**

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**Abstract:**

This paper aims to analyze the role of The Independent National Electoral Authority (INEA) in the Algerian electoral process, as outlined in Order No. 21-01. Through a comprehensive examination of its legal status, powers, and competencies, the study evaluates its capacity to guarantee free and fair elections. The findings indicate that, despite the extensive authority vested in The Independent National Electoral Authority, its influence remains insufficient to establish it as the sole governing body of elections in Algeria. Various formal and informal actors, along with additional intervening factors, exert influence over the electoral process, thereby undermining its exclusive and central role in election administration.

**Keywords:** The Independent National Electoral Authority; Election; Algeria; electoral process; the Organic Law Relating to The Electoral System.

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**ملخص:**

تهدف هذه الورقة إلى تحليل دور السلطة الوطنية المستقلة للانتخابات في العملية الانتخابية الجزائرية، وفق الأمر رقم 21-01. وهذا عبر دراسة شاملة لوضعها القانوني وصلاحياتها واختصاصاتها، حيث تُقيّم الدراسة قدرتها على ضمان انتخابات حرة ونزيهة. خلصت الدراسة إلى أنه على الرغم من الصلاحيات الواسعة الممنوحة للسلطة الوطنية المستقلة للانتخابات، إلا أن نفوذها لا يزال غير كافٍ لترسيخها كجهة منظمة وحيدة للانتخابات في الجزائر. إذ تمارس جهات مختلفة رسمية وغير رسمية، إلى جانب متغيرات أخرى، دوراً ونفوذاً على العملية الانتخابية، مما يُقوّض دورها الحصري والمحوري في إدارة وتنظيم الانتخابات.

**الكلمات المفتاحية:** السلطة الوطنية المستقلة للانتخابات، الانتخابات، الجزائر، العملية الانتخابية، القانون العضوي المتعلق بالنظام الانتخابي.

**Introduction**

Elections are a factor in the advancement and progress of societies, as they enable the masses to express their opinions, suggestions, and concerns. They can also influence government policies and decisions and play a significant role in shaping their country's public policy. Furthermore, elections foster political participation among individuals through a sense of responsibility, initiative, self-reliance, and loyalty to the community. At the same time, through political participation, citizens create greater stability within the state and society.

Elections serve as the primary guarantee and the most effective mechanism for realizing indirect democracy, functioning as a political and legal tool that enables citizens to participate in the governance of public affairs. However, the integrity and transparency of the electoral process can be compromised when its implementation and oversight fail to meet public expectations.

In response to these challenges, Algeria established the Independent National Electoral Authority under Organic Law No. 19-07 of September 2019 to ensure impartial electoral management. Its role was further strengthened through its constitutional enshrinement in the 2020 constitutional amendment; a measure aimed at preventing

administrative interference in elections and safeguarding the principles of transparency and fairness in the democratic process.

In this paper, we analyze the role of the Independent National Electoral Authority in Algeria's electoral process by examining the scope of its powers and competencies. Specifically, we seek to answer the central research question: **How has the establishment of The Independent National Electoral Authority influenced the electoral process in Algeria?**

To address this question, we employ a descriptive and case study approach, complemented by a legal-institutional analysis. The study is structured into two main sections: the first provides a definition and overview of The Independent National Electoral Authority, while the second examines its role in the electoral process in accordance with Order No. 21-01. The paper concludes with a summary of the key findings and insights derived from the study.

### **First Section: The legal and institutional framework of the Independent National Electoral Authority**

#### **1- The Independent National Electoral Authority: Origins and Definition**

Anyone observing the trajectory of the electoral process in Algeria—particularly since the introduction of political pluralism in 1989—cannot fail to notice that the supervision of elections remained, for an extended period, monopolized by the Ministry of the Interior and certain state administrative bodies. This centralization of authority gave rise to recurrent criticism concerning the impartiality of the administration and the integrity of the electoral process. In later stages, however, the Algerian authorities sought to implement institutional reforms intended to enhance transparency and neutrality in the organization and supervision of elections. These efforts ultimately culminated in the establishment of the Independent National Electoral Authority in 2019, regarded as the outcome of a long and gradual reform process.

Before the creation of the Independent National Electoral Authority, Algeria had already undertaken several preliminary initiatives in this field. Among the most notable was the establishment of the Independent National Election Commission in 1997, which oversaw the legislative

elections of that year. Following the 1999 presidential elections, the National Political Commission for Election Monitoring was formed, maintaining its supervisory function during the 2002 legislative and 2004 presidential elections. (بن عائشة، 2020، صفحة 102).

With the promulgation of Organic Law No. 12-01 relating to the electoral system, the legal framework for elections underwent a significant restructuring of its supervisory architecture. This reorganization introduced two key bodies: (بن عائشة، 2020، صفحة 102)

- The National Commission for Election Supervision, a judicial entity tasked with ensuring compliance with the legal norms governing the electoral process; and
- The National Commission for Election Monitoring, composed of representatives of candidates and political parties, responsible for monitoring the conduct of elections on the ground.

Subsequently, the 2016 constitutional revision led to the creation of a more permanent institution—the Independent High Authority for Election Monitoring—which marked a significant institutional advancement aimed at bolstering public confidence in the electoral process.

Under Organic Law No. 19-07 of September 2019, the Independent National Electoral Authority was designated as the sole body responsible for organizing and overseeing elections in Algeria, effectively replacing the Ministry of the Interior, which had held this role since independence. The Independent National Electoral Authority was established on September 14, 2019 (Muharram 14, 1441), ("Organic Law No. 19-07, 2019) with its headquarters in Algiers.

The creation of the Independent National Electoral Authority occurred during a period of exceptional political circumstances, characterized by an Algerian protest also called Hirak (al-Ḥirāk) 16 February 2019 and the resignation of former President Abdelaziz Bouteflika (Algeria Press Service, 2019), along with significant political repercussions. Given this context, the establishment of the Independent National Electoral Authority can be interpreted as a key step in Algeria's political reform process, aimed at enhancing the integrity, transparency, and independence of the electoral system.

The December 12, 2019, presidential elections were the first to be organized under the supervision of the Independent National Electoral Authority (Authority, n.d.). Following the 2020 constitutional amendment, the Independent National Electoral Authority was officially recognized as a constitutional body, as stipulated in Articles 200 to 203 of the Constitution. With the issuance of Order No. 21-01, which introduced a new organic law on the electoral system, repealing the previous legislation, the role and significance of the Independent National Electoral Authority were further reinforced. The new legal framework expanded the powers of the Authority and introduced structural modifications to enhance its effectiveness.

According to Article 200 of the constitutional amendment, the Independent National Electoral Authority is an independent institution endowed with financial and administrative autonomy and legal personality ("Presidential Decree No. 20/442, 2020, pp. 42. Articles 200-203) . However, this independence is not absolute, especially because all members are appointed by the President of the Republic and not elected. (طويرات، 2024، صفحة 235) and It is funded from the state budget approved by the government.

The Independent National Electoral Authority may be defined as a constitutional institution entrusted with the mandate to supervise, organize, and oversee the electoral process in all its stages, ensuring its integrity, transparency, and conformity with the legal and constitutional framework.

## **2- Organizational structure of the Independent National Electoral Authority**

The authority is formed, as stated in the Article 19, of: (Order No. 21-01, 2021, pp. 9-13. Articles 7-49)

1. A deliberative body, represented by the Independent Authority Council, which is responsible for decision-making and oversight of electoral processes.

2. An executive body, represented by the President of the Independent National Electoral Authority, who ensures the implementation of decisions and manages the daily operations of the institution.

The President of the Republic appoints both the President and the members of the Independent National Electoral Authority for a single,

non-renewable term of six years (Article 201). To ensure impartiality and neutrality, members of the Independent National Electoral Authority must not belong to any political party ("Presidential Decree No. 20/442, 2020).

The Independent Authority Council is composed of twenty members, a reduction from the fifty members stipulated in the previous organic law. These members are appointed by the President of the Republic from among independent figures, as follows:

**Table No. 01 shows the composition of the Independent National Electoral Authority**

| Authority Council                                             | Number of Members |
|---------------------------------------------------------------|-------------------|
| the President of the Independent National Electoral Authority | 01                |
| Civil Society Competencies                                    | 06                |
| University Competencies                                       | 05                |
| Judges                                                        | 03                |
| Lawyers                                                       | 01                |
| Notaries                                                      | 01                |
| Bailiffs                                                      | 01                |
| Professional Competencies                                     | 01                |
| National Community Abroad                                     | 01                |

**Source:** The website of The Independent National Electoral Authority, at: <https://2u.pw/zaLQ3Hx0>

The Independent National Electoral Authority also (Article 20) includes 58 Wilayas (provinces) coordinators, along with extensions at the state and municipal levels, as well as within diplomatic and consular missions abroad (Order No. 21-01, 2021).

It is important to note that, although the relevant legal provisions confer an “independent” character upon the Authority, the procedure for appointing its members presents a fundamental challenge. According to Article 9 of Organic Law No. 19-07, the President of the Republic appoints the head of the Authority after consulting the

political class, while the members of its council are designated based on nominations submitted by various institutions and entities.

While this method of appointment ostensibly promotes pluralistic representation, it simultaneously constrains the Authority's actual independence. The fact that its composition ultimately depends on presidential discretion introduces a form of institutional dependency, which stands in partial contradiction to the principle of absolute neutrality that underpins the notion of an independent electoral body.

### **Second Section: The role of The Independent National Electoral Authority in Algeria's electoral process, in accordance with Order No. 21-01.**

As stipulated in Article 201 of the Constitution, the Independent National Elections Authority is entrusted with the preparation, organization, conduct, and supervision of presidential, legislative, and local elections, as well as referendums. Additionally, the authority oversees voter registration and review processes, election logistics, voting procedures, ballot counting, and the resolution of electoral disputes, all in accordance with the prevailing legal framework.

In accordance with the Constitution (Article 203), the Independent National Electoral Authority exercises its powers from the convening of the electoral body until the announcement of the provisional election results. The Constitution mandates that the authority carry out its functions with transparency, neutrality, and impartiality. Accordingly, it receives the necessary support from the relevant public authorities to effectively fulfill its mandate ("Presidential Decree No. 20/442, 2020).

Order No. 21-01, which encompasses the Organic Law on the Electoral System, outlines in its first chapter the role of the Independent National Electoral Authority in overseeing and managing electoral processes. This includes the preparation, organization, administration, and supervision of all elections and referendums. The authority exercises its jurisdiction from the summoning of the electoral body until the announcement of the provisional results, in accordance with the provisions of this Organic Law.

A closer examination of the role of the Independent National Electoral Authority in Algeria, as stipulated in Order No. 21-01, reveals

three key dimensions of its overlapping powers and responsibilities: the general duties of the authority, the specific powers vested in its council, and the executive functions assigned to its president.

### **1.Jurisdiction and Powers of the independent authority in general**

The Independent National Electoral Authority is entrusted with overseeing the electoral process to ensure its integrity, transparency, and fairness (Article 10). Its responsibilities include: (Order No. 21-01, 2021).

- **Maintaining and updating electoral records:** Managing the national electoral register, the electoral lists of municipalities, and those of the Algerian community abroad on a continuous and periodic basis, in accordance with the provisions of the organic law.

- **Issuing voter identification:** Preparing and distributing voter cards to eligible citizens.

- **Supervising electoral and referendum operations:** Overseeing the entire electoral and referendum process to guarantee compliance with legal standards.

- **Providing election materials:** Ensuring the availability of electoral documents and equipment necessary for conducting elections and referendums.

- **Accrediting candidate representatives:** Granting authorization to candidate representatives to monitor the voting process within polling stations and offices.

- **Facilitating international election observation:** Coordinating with competent authorities for the deployment and supervision of international election observation missions.

- **Protecting personal data:** Safeguarding the personal information of voters and candidates in accordance with applicable legal provisions.

- **Promoting electoral awareness:** Conducting public awareness campaigns to enhance participation in elections and foster a culture of voting.

- **Training electoral personnel:** Organizing training programs to enhance the skills and efficiency of electoral agents and supervisors.

- **Encouraging electoral research:** Collaborating with research centers and institutions to support scientific research in the field of electoral studies.

These functions collectively reinforce the Independent National Elections Authority's role as an independent and impartial institution committed to ensuring free, fair, and transparent elections in Algeria.

The Independent National Electoral Authority also plays a crucial role in ensuring the integrity and credibility of electoral and referendum processes by enforcing strict impartiality and transparency among all personnel involved (Article 11). Its additional responsibilities include : (Order No. 21-01, 2021)

- Ensuring compliance with electoral integrity standards: the Independent National Elections Authority monitors all agents in charge of electoral and referendum operations, ensuring they refrain from any actions or behaviors that could compromise the validity, transparency, and credibility of the vote.

- Reporting irregularities: The Authority notifies relevant public authorities of any irregularities, deficiencies, or violations observed within its jurisdiction that may affect the organization and conduct of elections and referendums.

- Implementing security measures: In coordination with competent public authorities, the Independent National Electoral Authority enforces security measures to guarantee the smooth and orderly execution of electoral and referendum operations.

- Receiving petitions and complaints: the Independent National Electoral Authority serves as the official body responsible for handling electoral grievances, receiving petitions or protests related to electoral or referendum operations from political parties, candidates, and voters (Articles 12,13,14) (Order No. 21-01, 2021).

Through these functions, the Independent National Elections Authority ensures that elections and referendums in Algeria are conducted in a fair, transparent, and secure manner, reinforcing public trust in the democratic process.

The Independent National Electoral Authority is entrusted with guaranteeing the fundamental democratic right of citizens to vote in a manner that is free, periodic, and transparent, as stipulated in Article 15 of the organic law.

To fulfill this mission, the Independent National Elections Authority (Articles 15,16,17): (Order No. 21-01, 2021)

- Utilizes national media platforms (Article 16): The Authority benefits from access to the written and electronic press, as well as national audiovisual media, to effectively communicate with the public, in accordance with existing legislation and regulations.

- Manages its own operating budget: the Independent National Elections Authority is allocated an independent financial budget and has the authority to define expenditure codes and establish terms and mechanisms for budget implementation in compliance with applicable laws.

- Oversees the election budget: The Authority is responsible for preparing the electoral budget, distributing funds, and ensuring financial oversight of its implementation in coordination with relevant authorities.

## **2.Jurisdiction and Powers of the Council**

The Council of The Independent National Electoral Authority is entrusted with key responsibilities to ensure the fairness, transparency, and efficiency of electoral and referendum processes. Its primary powers include (Article 26): (Order No. 21-01, 2021)

- Approving the work program of the Independent Authority, as proposed by its President.

- Preparing lists of members for provincial and municipal delegations, as well as delegations within diplomatic and consular missions abroad.

- Receiving and deciding on presidential candidacy applications, in accordance with the provisions of the organic law, while ensuring compliance with Article 121, Paragraph 3 of the Constitution.

- Ensuring fair media access by establishing equitable guidelines for the use of national audiovisual media, allocation of meeting rooms,

and distribution of advertising spaces during electoral and referendum campaigns.

- Handling electoral appeals and complaints, ensuring that disputes related to electoral and referendum processes are reviewed and addressed in a transparent manner.

- Approving financial oversight reports, including the Electoral and Referendum Campaign Finance Oversight Committee's report.

- Reviewing and approving election process reports, as submitted by the President of the Independent Authority.

- Approving the Basic Law for the Independent National Electoral Authority's employees, which defines the legal framework governing personnel within the Independent Authority.

- Approving the Authority's budget, ensuring financial transparency and accountability in the management of electoral resources.

- Providing opinions on draft laws and regulations related to elections, contributing to legislative improvements in the electoral framework.

- Developing and promoting the Code of Ethics for Electoral Practices, fostering adherence to ethical standards among all stakeholders in the electoral process.

### **3. Jurisdiction and Powers of the Authority's President**

Under Order No. 21-01, Articles 27-31 the President of the The Independent National Electoral Authority is vested with extensive executive powers to ensure the efficient and impartial management of electoral processes. The President's key responsibilities include :(Order No. 21-01, 2021)

- Appointing and overseeing polling station supervisors (Article 30), ensuring the proper administration of voting procedures.

- Announcing the provisional results of presidential and legislative elections, as well as referendum results, in accordance with the provisions of Article 186 of the Organic Law.

- Preparing and publishing the official report on electoral and referendum processes, following approval by the Council.

- Authorizing budget expenditures, acting as the financial decision-maker for the Independent National Electoral Authority's operations.

- Appointing and dismissing the Secretary-General of the Authority, who is responsible for overseeing the Authority's administrative functions.

- Appointing and dismissing administrative and technical staff, ensuring that the Authority is managed by competent and neutral personnel.

- Exercising presidential authority over all administrative and technical personnel affiliated with the Independent National Electoral Authority, ensuring operational efficiency.

## CONCLUSION

The substantial powers granted to the Independent National Electoral Authority by the Algerian legislature demonstrate a strong inclination toward political reform, democratic transition, and the adoption of more neutral and transparent electoral mechanisms. While the establishment of an independent electoral body represents a positive step toward disengaging elections from governmental control, it is essential to acknowledge the complex interplay of political, social, cultural, psychological, and economic factors that impact the electoral process.

A crucial point to consider is that the electoral environment significantly influences both elections and the performance of the Independent National Electoral Authority. Without broader reforms that foster a political and institutional climate conducive to democracy, the authority's role could risk becoming merely symbolic rather than substantive.

Several factors could undermine the effectiveness of the independent authority, including:

**The Principle of Full Independence:** Although the Independent National Electoral Authority is legally independent in its administrative, financial, and operational functions, the fact that all its members are appointed by the executive authority raises concerns about

political loyalty and patronage. In political systems that lack deeply rooted democratic traditions, institutional independence does not necessarily translate into functional impartiality.

**Composition of the Council Members:** While the law mandates that the Independent National Electoral Authority's members remain non-partisan, this does not guarantee non-politicization.

A significant portion of the Independent National Electoral Authority's members hail from civil society (6 out of 20), which introduces another challenge—the political nature of civil society in Algeria and its often-ambiguous relationship with state institutions and political actors.

**Adequacy of Powers and Mechanisms:** Suring that the Independent National Electoral Authority is endowed with sufficient authority, resources, and mechanisms to carry out its electoral oversight duties effectively remains a key challenge.

Any structural weaknesses in its mandate could limit its ability to enforce electoral integrity.

While the creation of the Independent National Electoral Authority is a progressive step toward electoral reform, its success depends on addressing broader political and institutional challenges. Strengthening its functional independence, enhancing its governance framework, and ensuring a favorable democratic environment are necessary to solidify electoral integrity and public confidence in the process.

### **Recommendations:**

For the Independent National Electoral Authority to function effectively, it needs legislative and institutional reform through:

- Genuine independence in appointment and funding: This can be achieved by involving Parliament or the Supreme Judicial Council in appointing the head of the Authority and granting it an independent budget subject only to parliamentary oversight.

- Strengthening financial oversight powers: This involves empowering the Authority to investigate campaign funding sources and refer violators to the judiciary, thus ensuring genuine financial transparency.

- Granting it the power to appeal and investigate: This involves enabling the Authority to receive preliminary appeals and investigate violations before referring them to the Constitutional Court, thereby enhancing its oversight effectiveness.

- Digitalizing the electoral process: This facilitates tracking electoral lists and ensures transparency in the vote counting and announcement of results.

- Granting it the authority to make binding administrative decisions when violations are detected.

- Enhancing information transparency at all stages of the electoral process.

- Involving civil society in field monitoring to ensure greater credibility.

- Training and Professional Development: Continuous training and capacity-building programs should be instituted for the Independent National Electoral Authority members at all levels to enhance their expertise in electoral management and familiarize them with best international practices.

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