

THE APRM IN ALGERIA

A CRITICAL ASSESSMENT

Mouloud Boumghar

July 2009



AfriMAP

Africa Governance Monitoring and Advocacy Project (AfriMAP)



AfriMAP

AfriMAP is a project of the Open Society Institute's network of African foundations. The Open Society Institute, a private operating and grant-making foundation, aims to shape public policy to promote democratic

governance, human rights, and economic, legal and social reform.

OSI was created in 1993 by investor and philanthropist George Soros to support his foundations in Central and Eastern Europe and the former Soviet Union, and the emerging network in Africa. The Soros foundations network today encompasses more than 60 countries, and includes the Open Society Foundation for South Africa, the Open Society Initiative for East Africa, the Open Society Initiative for Southern Africa and the Open Society Initiative for West Africa.

Mouloud Boumghar is an Algerian lawyer. He is a member of the law faculty and professor at the Université du Littoral in the north of France where he teaches public international law and human rights. He is the author of various academic publications, especially in the *Annuaire africain de droit international* (African Yearbook of International Law). He is also editorial director of the electronic journal www.droits-fondamentaux.org.

Copyright © 2009 Open Society Initiative for Southern Africa
ISBN 978-1-920355-35-7

Designed and produced by COMPRESS.dsl
www.compressdsl.com

For further information, contact:

AfriMAP, President Place, 1 Hood Avenue/148 Jan Smuts Avenue, Rosebank, South Africa
info@afriMAP.org www.afriMAP.org

Table of Contents

SUMMARY	1
THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT AND THE APRM	3
APRM TIMELINE IN ALGERIA	6
APRM IMPLEMENTATION IN ALGERIA	8
ALGERIA JOINS NEPAD AND THE APRM	8
THE NATIONAL FOCAL POINT	8
THE NATIONAL GOVERNING COUNCIL	9
FINANCING OF THE PROCESS	13
APRM SECRETARIAT SUPPORT MISSIONS	13
SELF-ASSESSMENT: RESEARCH METHODOLOGY AND CONSULTATIONS IN THE FIELD	15
COUNTRY REVIEW	18
TECHNICAL RESEARCH INSTITUTES AND ADDITIONAL SURVEYS	20
FINAL VISIT BY THE CRM (4–16 MARCH 2007) AND SUBMISSION OF THE SELF-ASSESSMENT REPORT	22
PRESENTATION AT THE APRM FORUM	22
LAUNCHING OF THE REVIEW REPORT AND PLAN OF ACTION	23
REVIEW OF THE PROBLEMS AND SHORTCOMINGS OF THE PROCESS	26
THE POLITICAL WILL OF THE PRESIDENT OF THE REPUBLIC	26
SUPPORT BY THE HEAD OF GOVERNMENT	27
HEARING OF 13 MINISTERS BY THE NGC IN THE PRESENCE OF MRS SAVANÉ AND AFRICAN EXPERTS	27
THE APRM ASSESSMENT REFLECTED IN THE CNES 2007 NATIONAL REPORT ON HUMAN DEVELOPMENT	28
REPRESENTATION OF CIVIL SOCIETY WITHIN THE NGC	28
LACK OF TRANSPARENCY	31
CRITICAL ASSESSMENT OF CERTAIN FINDINGS OF THE REVIEW	31
CONCLUSIONS AND RECOMMENDATIONS	38
INTERVIEWS	40

Acronyms

AfDB	African Development Bank
ANSEDI	<i>Association nationale de soutien aux enfants en difficulté et en institution</i> (National Association for Children in Difficulty and in Institutions)
APN	<i>Assemblée populaire nationale</i> (National Assembly of Algeria)
APRM	African Peer Review Mechanism
AU	African Union
CAP	<i>Confédération algérienne du patronat</i> (Algerian employers' confederation)
CENEAP	<i>Centre national d'études et d'analyses pour la population et le développement</i> (National Centre for Population and Development Studies)
CFDA	<i>Collectif des familles de disparu(e)s en Algérie</i> (Collection of Families of the Disappeared in Algeria)
CNES	<i>Conseil national économique et social</i> (National Economic and Social Council)
CNRJ	<i>Commission nationale de réforme de la justice</i> (National Justice Reform Commission)
CRASC	<i>Centre de recherche en anthropologie sociale et culturelle</i> (Centre for research on Social and Cultural Anthropology)
CREAD	<i>Centre de recherche en économie appliquée pour le développement</i> (Centre for Research on Applied Economics for Development)
CRM	country review mission
CSM	country support mission
CSAR	country self-assessment report
CSO	civil society organisation
DGSN	<i>Direction générale de la sûreté nationale</i> (Algerian national security directorate)
ECA	Economic Commission for Africa (United Nations)
ECOSOCC	Economic, Social and Cultural Council (of the African Union)
FAHM	<i>Fédération des associations des handicapés moteurs</i> (Federation of Associations for the physically disabled)
FFS	<i>Front des forces socialistes</i> (Algerian socialist party)
FSIE	<i>Fonds de soutien à l'investissement pour l'emploi</i> (support fund promoting investments for employment)
HSGIC	Heads of State and Government Implementation Committee
ICFTU	International Confederation of Free Trade Unions
INESG	<i>Institut national des études de stratégie globale</i> (National Institute of Global Strategic Studies)
IQRAA	<i>Association algérienne d'alphabétisation</i> (Algerian literacy association)
NADA	<i>Réseau algérien pour la défense des droits de l'enfant</i> (Algerian Network for the Defence of the Rights of the Child)
NEPAD	New Partnership for Africa's Development
NFP	national focal point
NGC	National Governing Council
NGO	non-governmental organisation
NHDR	National Human Development Report
SEVE	<i>Savoir et vouloir entreprendre</i> (Algerian association of women entrepreneurs)

SNAPAP	<i>Syndicat national autonome des personnels de l'administration publique</i> (Independent National Union of Public Administration Personnel)
TRI	technical research institute
UGTA	<i>Union générale des travailleurs algériens</i> (General Union of Algerian Workers)
UME	<i>Union maghrébine des employeurs</i> (Maghreb employers' union)
UNDP	United Nations Development Programme
UNEP	<i>Union nationale des entrepreneurs publics</i> (Algerian Union of Public Entrepreneurs)
UNFA	<i>Union nationale des femmes algériennes</i> (National Union of Algerian Women)
UNPA	<i>Union nationale des paysans algériens</i> (National Union of Algerian Peasants)

Summary

Algeria was one of the initiators of the New Partnership for Africa's Development (NEPAD) and subsequently of the African Peer Review Mechanism (APRM) and it was only natural for it to implement the APRM on its own territory. It therefore began its own self-assessment, which was subsequently reviewed by the country review team sent out for the purpose under the APRM framework, an exercise described by the head of government as an 'audit' of Algeria by Africa. When Algeria announced its intention to implement the APRM, the question raised was not whether the country possessed the financial resources and skills to successfully conduct the exercise; the answer to that question was a resounding 'yes'. However, though the country has seen progress since the year 2000, the situation in Algeria – which had experienced a decade of violence and destruction, had been living in a state of emergency since the early 1990s, and whose political and economic management was commonly considered untransparent – raised issues. Under the circumstances, it was legitimate to ask whether Algeria could complete a self-assessment with no holds barred, which would require considerable transparency.

The answer to that question is less cut and dried. While the APRM can be described as a *technical success*, it is undeniable that it has suffered from – while at the same time shedding light on – the *structural problems faced by Algeria, particularly in terms of the lack of democracy and respect for public freedoms and human rights, as well as the tight controls on the media, associations and trade unions*.

Even a *technical success* represents significant progress in a country where the political regime is authoritarian, the media and associated landscape is tightly controlled and the leadership is unused to being held accountable for its governance. This technical success was evidently due to the backing of the president and the political will shown at the top levels of government to successfully implement APRM in Algeria. The commitment of the president of the republic to making Algeria a model of transparency (*une maison de verre*,

or a 'glass house') in the framework of APRM implementation made it possible to overcome the reticence and quell the mistrust of the administration. This commitment on the part of top officials also meant that the National Governing Council (NGC) was equipped with all of the financial and logistic resources it required to fulfil its mission. It was also backed up by the government, of which more than ten members agreed, in late 2005, to answer the NGC's questions on governance in the framework of hearings, the likes of which had never been seen in Algeria, and which were covered by the media.

This technical success can also be ascribed to the members of the NGC, who worked on a volunteer basis in an environment that was not initially enabling. The actions of the NGC are interesting, and particularly its tours of the wilayas. The tours gave local stakeholders in the governance of the targeted wilayas an opportunity to speak in discussion forums, and that experience was noteworthy for two reasons. Firstly, Algeria lacks a tradition of dialogue between the government and its constituents and members of civil society; a review of the press reveals that rioting has become a typical means for citizens around the country to draw the attention of the government to their daily problems. Secondly, since Algeria is an excessively centralised state where all decisions are taken in Algiers, a demonstration that open discussions can be held locally with civil society on local governance issues is a positive contribution. In this respect, it is hardly surprising that the participants in all wilayas requested the establishment of permanent local discussion forums based on the NGC model.

Whatever the degree of technical success achieved in the implementation of the APRM in Algeria, it remains the case that the exercise ran up against *structural problems experienced by Algeria, which are linked to the quality of political governance*. The impact of these structural problems can be seen on three levels.

THE APRM IN ALGERIA: A CRITICAL ASSESSMENT

Firstly, the documentation on the implementation of the process – particularly the NGC archives, which were submitted to the government, and the National Self-Assessment Report – is not available to the public. This situation, which makes research on the subject very difficult, undermines the goal of transparency sought by the APRM.

Secondly, although the NGC was described as ‘inclusive’ by the APRM Secretariat Support Mission in July 2005, this was not quite the case, given the exclusion of so-called ‘politically sensitive’ associations and independent trade unions. Their exclusion – which cannot be ascribed to the NGC itself – was due in part to the fact that civil society groups considered ‘politically sensitive’ do not have legal status as associations, whereas such status was required for civil society groups to be invited to sit on the NGC. One of the characteristics of these types of associations is that they work on subjects such as human rights and, often, do not share the views of the government in power on essential issues such as ‘national reconciliation’. The locking out of such associations – and also trade unions due to the endless administrative hassles faced by independent unions – stemmed from a deliberate policy by the government in power, aimed at preventing the emergence of a pluralistic civil society whose actors would have the benefit of legal status and the protection of the law.

Thirdly, a careful reading of the Country Review Report and the report on the implementation of the Plan of Action reveals that the NGC was handicapped by the lack of public policy impact studies, and that certain sensitive issues were treated superficially, either because they were viewed as taboo subjects, or because the analysis was not taken far enough. These issues include the state of emergency, whose conformity with the Algerian Constitution was not questioned by the country review mission. Similarly, a rather odd approach was taken to electoral fraud, which is a leading issue in Algeria, and to the issue of ‘national reconciliation’. Conformity with the international conventions ratified by Algeria and their implementing laws and regulations was not analysed, and when stock was taken on the issue, it was done in purely quantitative terms, with no qualitative analysis.

These points are revelatory of a certain ambiguity in the implementation of the APRM process, which requires openness and transparency, in a state such as Algeria, which claims to have a will for political openness that, if not belied by its actions, is at least subject to questions as to its sincerity.

The New Partnership for Africa's Development and the APRM

The New Partnership for Africa's Development (NEPAD) is a strategic framework that sets a 'vision for Africa's renewal'. Five heads of state—those of Algeria, Egypt, Nigeria, Senegal and South Africa—initiated the programme, and NEPAD's founding document was formally adopted by the thirty-seventh summit of the Organisation of African Unity (OAU) in Lusaka, Zambia, in July 2001. NEPAD is now under the aegis of the African Union (the AU, which succeeded the OAU), though it has its own secretariat, based in South Africa, to coordinate and implement its programmes. Greater integration of this secretariat and NEPAD in general with the AU's processes and structures has been proposed at subsequent AU summits.

NEPAD's four primary objectives are to eradicate poverty, promote sustainable growth and development, integrate Africa with the world economy, and accelerate the empowerment of women. It is based on two underlying principles: commitment to good governance, democracy, human rights and conflict resolution; and the recognition that maintaining these standards is fundamental to the creation of an environment conducive to investment and long-term economic growth. NEPAD seeks to attract increased investment, capital flows and funding, and to provide an African-owned framework for development as the foundation for partnerships at both regional and international levels.

NEPAD is governed by a Heads of State and Government Implementation Committee (HSGIC), which finalised the policy framework adopted at Lusaka in October 2001. The HSGIC comprises representatives of three AU member states for each region, with President Obasanjo (Nigeria) as elected chair, and presidents Bouteflika (Algeria) and Wade (Senegal) as deputy chairmen, and reports to the AU Assembly of Heads of State and Government. There is also a steering committee

comprising 20 AU member states, to oversee projects and programme development.

In July 2002, the Durban AU summit supplemented NEPAD with a Declaration on Democracy, Political, Economic and Corporate Governance. According to its terms, states participating in NEPAD 'believe in just, honest, transparent, accountable and participatory government and probity in public life'. Accordingly, they 'undertake to work with renewed determination to enforce' inter alia the rule of law; the equality of all citizens before the law; individual and collective freedoms; the right to participate in free, credible and democratic political processes; and adherence to the separation of powers, including protection for the independence of the judiciary and the effectiveness of parliaments.

The Declaration on Democracy, Political, Economic and Corporate Governance also committed participating states to establishing an African Peer Review Mechanism (APRM) to promote adherence to and fulfilment of its commitments in its member states. The Durban summit also adopted a document setting out the stages of peer review, and the principles according to which the APRM should operate.

In March 2003, the NEPAD HSGIC meeting in Abuja, Nigeria,

- adopted an APRM memorandum of understanding (MOU) which effectively operates as a treaty; this entered into effect immediately, with six states agreeing to be subject to review (as of July 2009, 30 countries had acceded);
- agreed a set of 'objectives, standards, criteria and indicators' for the APRM;
- approved the establishment of a secretariat for the APRM, to be based in South Africa;

- endorsed the appointment of a seven-person 'panel of eminent persons' to oversee the conduct of the APRM process and ensure its integrity.

The APR secretariat, which had become functional by late 2003, developed a questionnaire based on a wide range of African and international human rights treaties and standards, to guide the self-assessments of participating states concerning their compliance with the principles of NEPAD. Its questions are grouped under four broad thematic headings: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. The questionnaire was formally adopted in February 2004, at Kigali, Rwanda, by the first meeting of the APR forum, which is made up of representatives of the heads of state or government of all the participant countries. At this point, the formal process of peer review was ready to start. The meeting identified the first four countries to undergo review as Ghana, Kenya, Mauritius and Rwanda. Since then, 12 APRM-acceding countries have completed their first reviews. In chronological order, these are Ghana, Rwanda, Kenya, South Africa, Algeria, Benin, Uganda, Nigeria, Burkina Faso, Lesotho, Mali, and Mozambique.

Each country to be reviewed is assigned to one of the seven eminent persons, who consider and review reports and make recommendations to the APR Forum. The first set of seven, with the position of chairperson rotating among them, comprised the following: Marie Angelique Savané (Senegal), Adebayo Adedeji (Nigeria); Bethuel Kiplagat (Kenya); Graça Machel (Mozambique); Mourad Medelci (Algeria, later replaced by Mohammed Babes); Dorothy Njeuma (Cameroon); and Chris Stals (South Africa). Some members of the panel stepped down during 2008 and 2009. At the meeting of the APR Forum in Addis Ababa in January 2010, new members were appointed, and the new panel consisted of: Adebayo Adedeji (Nigeria, chair since 2007), Mohamed Babes (Algeria), Amos Sawyer (Liberia), Julienne Ondziel (Republic of Congo), Siteke Mwale (Zambia), Akere Muna (Cameroon), and Domitilia Mukantangazwa (Rwanda).

In order to implement the APRM's objectives and ensure that the self-assessment process is satisfactorily completed, the 'country guidelines' issued by the APRM secretariat lay down that several institutions should be established at national level. Although these have varied somewhat in form, they have generally included:

- a national APRM focal point, ideally a person at ministerial level or in the office of the presidency, and reporting directly to the head of state;

- a national commission or governing council responsible for overseeing the national self-assessment process and signing off on the documents produced, the members of which should be diverse and representative of a wide range of interest groups, and which should be autonomous (though not all countries have fully respected this rule);
- a national APRM secretariat, to provide administrative and technical support to the national commission or governing council, ideally functioning independent of government and with control of its own budget;
- a number of technical research institutions, which are given the responsibility to administer the APRM questionnaire and carry out background research.

The APRM documents identify five stages in the review process.

Stage One: Self-assessment and country support mission

A country support mission (CSM) from the APR secretariat, led by the assigned eminent person, visits the participating country to ensure a common understanding of the rules, processes and principles of the APR. The team liaises with the country's focal point, and organises working sessions and technical workshops with stakeholders. The eminent person signs an MOU with the government of the country concerned, on modalities for the country review mission. The country then begins its self-assessment report (CSAR), which is based on the APR questionnaire. It is also expected to formulate a preliminary plan of action (PoA) to address the shortcomings identified in the CSAR. The PoA should be based on existing policies, programmes and projects.

The self-assessment is supposed to involve the broad participation of all stakeholders in the country, which includes citizens, civil society organisations (CSOs) and government ministries and departments.

Stage Two: Country review mission

Following on the submission of the draft CSAR, a country review mission (CRM) team, also led by the same eminent person, and made up of representatives of the APR secretariat and of the APRM partner institutions (which include the UN Economic Commission for Africa – UNECA, and the African Development Bank) visits the country to carry out broad

consultations, clarify any issues that may require discussion, and help to build national consensus on way forward.

Stage Three: Country Review Report and modification of plan of action

The CRM drafts a report (the Country Review Report – CRR), based on the information it has gathered during its review mission and on independent issues papers developed by the continental APR secretariat, and shares these findings with the government. The country finalises its PoA, which outlines policies and practices for implementation, basing it on both the CSAR and the CRR.

Stage Four: Conduct of peer review

The CRM's report and the country's PoA are presented at the APR forum by the eminent person and the country's head of state or government to the other participating heads of state and government for consideration.

Stage Five: Publication of the report and plan of action

After the report has been considered by the APR forum, it is tabled at the AU Summit before being made public.

APRM timeline in Algeria

9 April 2003	Signing of the APRM Memorandum of Understanding by Algeria.
November 2004	Meeting of the 2nd Forum of Heads of State and Government of the APRM in Algiers. Launch of the process to set up an institutional mechanism for APRM implementation in Algeria, announced by the Deputy Minister of Foreign Affairs in charge of African and Maghrebian Affairs, who serves as the national focal point.
12 March 2005	Address by the head of government on behalf of the president of the republic on the establishment of the National Governing Council (NGC).
23–25 July 2005	APRM Secretariat Support Mission aimed at launching the self-assessment process. Signing of a Memorandum of Understanding with the Algerian Government. The APR Team recommended that the research organisations appointed as technical research institutes (TRIs) should provide support for the <i>Conseil National Economique et Social</i> (CNES, the National Economic and Social Council), in its work as a technical support partner.
October 2005	Eminent person Marie-Angélique Savané visits Algiers in an 'extension' of the Support Mission of July 2005. M.-A. Savané travels to Sétif and Oran with the chair of the NGC and the Focal Point Representative to present the APRM and its objectives to local authorities and members of civil society.
30 Nov.–1 Dec. 2005	M.-A. Savané in Algiers for the General Assembly of the Union of African Economic and Social Councils (<i>Union des Conseils Économiques et Sociaux d'Afrique</i> , UCESA) in Algiers. The NGC hears 13 ministers in the presence of M.-A. Savané, who was invited to attend the event by the president of the republic.
26 March 2006	1st Plenary Meeting of the NGC. Official establishment of the bureau of the NGC.
June–Aug. 2006	Visits by the NGC to different wilayas around the country to meet with local governance stakeholders.
7 August 2006	Organisation of an inter-ministerial council meeting to encourage public departments to help the authors of the Country Review Report improve the quality of their work.
15–16 August 2006	Meeting of NGC thematic groups to enhance the Self-Assessment Report.

- 29 August 2006 Government council meeting focusing on the APRM to validate the work done in the framework of the self-assessment process.
2nd plenary session of the NGC held behind closed doors, focusing specifically on a review of the self-assessment already completed and a summary of the visits to the wilayas.
- 10 Nov.–5 Dec. 2006 Visit by the APRM country review mission, which consulted various governance stakeholders and members of civil society in Algiers and in various wilayas around the country.
The country review mission asked for the opinion polls and surveys lacking in the Country Self-Assessment Report to be conducted. The country review mission stressed the need for the specialised research organisations appointed as TRIs to provide support for the *Conseil National Economique et Social* in its work as a technical support partner.
- 1st quarter 2007 The four designated TRIs (CREAD, CRASC, CENEAP and the University of Tlemcen) conducted opinion polls and surveys whose findings were taken into account in the Country Self-Assessment Report.
- 4–16 March 2007 Final country review mission visit to Algeria.
Submission and detailed presentation of the Country Self-Assessment Report by the NGC to the country review mission, behind closed doors.
- 1 July 2007 Presentation of the Country Review Report in Accra at the 7th Forum of Heads of State and Government.
- 2nd semester 2007 The Country Review Report was put online in French and English on the website of the Algerian Ministry of Foreign Affairs.
- March 2009 A series of conferences was held in three Algerian universities on the APRM implementation process in Algeria, the Country Review Report and Algerian governance policy, by the national focal point, the Deputy Minister of Foreign Affairs in charge of African and Maghrebian Affairs.
- 1st quarter 2009 The Progress Report on the Implementation of the National Programme of Action on Governance, dated November 2008, was put online in French and English on the website of the Algerian Ministry of Foreign Affairs.

APRM implementation in Algeria

Algeria joins NEPAD and the APRMP

As a traditional promoter of African Unity and subsequently the African Union, Algeria has developed an effective African diplomacy, and was one of the founders of NEPAD. Together with Presidents Obasanjo of Nigeria, Wade of Senegal, Mbeki of South Africa and Mubarak of Egypt, President Bouteflika was one of the African Heads of State who backed NEPAD from the time the project was presented at the OAU Summit in Algiers in 1999 to its official launching in late 2001 at the 37th OAU Summit in Lusaka. Algeria was made responsible for human development, one of the top priorities of NEPAD, and was given the vice-chairmanship of the NEPAD Implementation Committee. Algeria was one of the first states to sign the APRM Memorandum on 9 March 2003. It later hosted the second meeting of the APR Forum of Heads of State and Government in November 2004, at which what was known in the Algerian press as the 'Algiers Appeal' was launched. During the Forum's opening address, President Bouteflika stressed the need for funding of the APRM by African states themselves and deemed it 'essential for the member countries to provide their financial support if they intend to give the concept of ownership its full meaning'.¹ On that same occasion, Algeria announced its intention to submit to a peer review and the deputy minister of foreign affairs in charge of African and Maghrebian affairs, Abdelkader Messahel, 'officially launched the process of setting up the institutional mechanisms relating to the APRM'.²

The national focal point

From the very outset, in November 2004, when Algeria announced its desire to undergo the APRM Peer Review, the deputy minister of foreign affairs in charge of African and Maghrebian affairs acted as the leader within the Algerian government with respect to the APRM. Accordingly, Abdelkader Messahel was appointed as national focal point,³ which also made him a member of the National Governing Council (NGC) for the APRM.

The role of the focal point was to ensure the proper unfolding of the review process. He served as an interface with various partners, Algerian and foreign, governmental and non-governmental, and as such was the privileged interlocutor of the continental authorities. The focal point acted as an interface between the country review team and the various Algerian stakeholders in the process. He also played an important role in setting up the NGC, even though the details of the focal point's mission may sometimes appear vague in practice. Regarding the completion of their work, none of the members of the NGC with whom we have met ever complained of any interference by the focal point in Council activities. On the contrary, the focal point facilitated their activities.

The minister assigned an ambassador, Mr El Haouès Riache, to monitor the APRM. In addition, Abderrahmane Merouane also monitored the process on a daily basis at the Ministry of Foreign Affairs.⁴

1 Our translation. See Ghania Oukazi, 'NEPAD. L'Appel d'Alger', *Le Quotidien d'Oran*, 24 November 2004.

2 See 'Algeria joins African Peer Review Mechanism', *Panapress* dispatch of 21 November 2004. Available in French at <http://www.panapress.com/newslatf.asp?code=fre066465&dte=20/11/2004> or in English at <http://62.210.150.98/dossindexlat.asp?code=eng018> upon subscription.

3 It seems there was no official nomination and that the announcement made by Mr Messahel in November 2004 served as an appointment as National focal point.

4 His day-to-day involvement was lauded by the APR team in its Country Review Report.

The National Governing Council

Mission

The national authorities created a National Governing Council (NGC) to conduct the self-assessment process. The Council was officially established by the head of government, Ahmed Ouyahia, on behalf of the president of the republic, on 12 March 2005. To our knowledge, no domestic legal text, law or decree or any other act was adopted to define its status, establish conditions governing its membership, its organisation or its running, or define its mission or the duration of its mandate.

The head of government addressed – in rather general terms – the objectives of the National Governing Council and the mission assigned to it by the executive authorities in a speech on 12 March 2005 at the opening ceremony of the NGC.⁵

The objective assigned to the Council by the head of government was to ‘work with faith and commitment on the preparation of the assessment’ for the peer review. In addition to stating this general objective, the head of government also issued certain ‘recommendations’ to the members of the Council.

In his first ‘recommendation’, the head of government recalled that ‘Algeria is one of the pioneers of the whole NEPAD process based on its strong conviction that it is necessary for Africans to work, not only to promote their development, but also to work by and for themselves to adapt their countries to the new (...) conventional rules on good governance’.

In his second ‘recommendation’, the head of government recalled that Algeria ‘is not entering into competition’ with the other African states ‘in terms of reforms’. He also told the members of the Council in charge of conducting the country’s self-assessment that they had, ‘as Algerians, many reasons to be satisfied with the major progress accomplished by [Algeria] in terms of democracy and good governance in many areas but especially the area of development’ ...

Finally, in his third ‘recommendation’ the head of government recalled the will of the president of the republic to see Algeria move ahead ‘in the utmost transparency with the audit it has

5 ‘Allocution de Monsieur Ahmed Ouyahia, Chef du Gouvernement, à la cérémonie d’installation de la Commission Nationale sur la Gouvernance dans le cadre de la mise en œuvre du Mécanisme Africain d’Evaluation par les Pairs. 12 mars 2005’, available on the official site of the head of government, which became the prime minister’s department: www.cg.gov.dz/gouvernement/chef-G/discours/allo.ouyahia.12-03-2005.htm (last accessed 30 December 2008).

requested from Africa’ and to make the peer review a ‘fair, voluntary, and transparent act’. He also stated that ‘Algeria aspired to be a glass house’ (that is, a model of transparency) and that it ‘had demonstrated that fact to many foreign governmental and non-governmental stakeholders, who were not always motivated by the best intentions towards it’.

In the absence of a domestic legal text, this speech constitutes, to our knowledge the main document available to the public regarding the missions of the NGC. Despite the lack of a detailed definition of the mission of the Council, it remains essential to the extent that it clearly states a will for transparency on the part of the authorities. The address stresses the importance of transparency in conducting the self-assessment but also in every step of the review process.

It seems that the membership of the Council was not definitively decided at the time of its establishment and that consultations continued for some time after March 2005. These were chiefly conducted by the focal point, mainly to ensure that civil society organisations were properly represented. Overall, the focal point played an important role in ‘co-opting’ NGC members from civil society.

Membership

The NGC was made up of 100 members. We have not been able to determine the precise details of the membership of the NGC. Indeed, no official list of the names of the members of the NGC is available to the public. Similarly, we have not been able to access a complete list of the different bodies, especially those from civil society, that were represented on the NGC, nor the number of representatives per body.

Some figures can be found in the Country Review Report adopted by the panel of eminent persons in July 2007. They indicate that the membership included: ‘31 representatives of civil society organisations, 7 private sector and business representatives, 15 representatives of specialised institutions and research centres, 19 Parliamentarians⁶ and technical officers from both houses and 28 representatives of ministries’.⁷

6 The Algerian parliament is bicameral. It is made up of the *Assemblée Populaire Nationale* (APN, or national assembly), which is the lower house, and the *Conseil de la Nation* (national council), which is the upper house. The members of the APN, known as deputies, are elected by universal direct suffrage. Two thirds of the members of the *Conseil de la Nation*, commonly known as senators, are elected by universal direct suffrage. The remaining third of the senators, known as the ‘President’s third’, are appointed by the president of the republic. Country Review Report of the People’s Democratic Republic of Algeria (hereafter Country Review Report).

7 Country Review Report, APRM, July 2007, § 17, pp. 36–37, available on the APRM website: <http://www.aprm-international.org/>.

According to that breakdown, public institutions, belonging either to the executive or the legislative authorities, numbered 47 representatives. In principle, all ministerial departments were represented within the NGC, with at least one representative per ministry.

Parliamentarians represented approximately one third of the governmental group. They were chosen based on the representativeness of the parliamentary group to which they belonged, with a preference for members of permanent parliamentary commissions. They were appointed by their respective parliamentary groups as members of the NGC.

The other two-thirds of the government group comprised civil servants, including 'technical officers' of parliamentary assemblies, i.e. employees of the public institution.

The other 53 members of the Council belonged to 'civil society' in the broad sense.

At first glance, the figures provided by the review report seem to show that a small majority of NGC members could be considered as being made up of people belonging to civil society. It could therefore be deduced that the NGC members were just about equally split between representatives of public institutions and representatives of civil society.

However, a closer look at the numerical data provided by the review report reveals that, in fact, civil society representatives made up less than 40% of the members of the NGC whilst civil servants made up approximately 35%. Elected representatives, i.e. parliamentarians, comprised around 15% of NGC membership. So, civil society representatives formed only a relative majority within the NGC.

The civil society organisations represented within the NGC were registered associations, employers' organisations and workers' unions. It has also been said that there were media representatives within the NGC; however, we were unable to obtain the names of the representatives or of the media in question.

Amongst the associations represented, according to a figure found in the press,⁸ 25 belonged to associations active in a variety of areas. These notably included:

- literacy training, i.e. an Algerian literacy association (IQRAA);
- children's rights, i.e. the NADA network, an Algerian network for the defence of the rights of the child, whose membership includes some one hundred associations

- working in the field and a national association for children in difficulty and in institutions (ANSEDI);
- youth, i.e. the Algerian Association for the Protection of Youth;
- women's rights, i.e. UNFA (the National Union of Algerian Women);
- the rural world, i.e. UNPA (the National Union of Algerian Peasants); and
- the rights of the disabled, with the Algerian Federation of Associations for the Physically Disabled (FAHM).

The labour organisations that participated in the work of the NGC notably included:

- representing workers, the General Union of Algerian Workers (UGTA)
- representing private-sector employers, the Algerian Employers' Confederation (CAP) and *Savoir et Vouloir Entreprendre* (SEVE), an association of women entrepreneurs.

Balance was maintained between men and women, overall. Indeed, particular efforts were made by the Algerian authorities to ensure strong female presence within the NGC, as attested by the makeup of its bureau.

It should be pointed out that no members of the NGC received a salary or any other form of payment for their involvement in the Council. NGC members did receive *per diems* during their travels around the country, for which expenses were fully covered by the government.

The NGC set up a secretariat comprising top-notch staff made available by the administration.

The bureau

A bureau (executive committee) was set up within the NGC to serve both as an executive and steering body and to help rationalise the work of its some hundred members. The bureau acted as an interface with the partners of the NGC and actively developed the working programme of the Council.

The bureau comprised a chairwoman and four deputy chairs, each of whom was responsible for a specific theme. It also included a *rapporteur général*, who acted as a secretary general for the NGC and was a member of the bureau. All of the members of the bureau, including the *rapporteur général*, were elected from amongst the membership of the NGC. The official creation of the bureau only took place one year after

8 Tahar A.O., 'Enquête nationale d'évaluation de la bonne gouvernance. Des ministres refusent de répondre à la Commission Nationale', *La Voix de l'Oranie*, 14 January 2007.

the formation of the NGC, on 26 March 2006⁹ during its first plenary meeting. On that same date, an internal committee was also set up to adopt the Council's rules of procedure.

Fatma-Zohra Karadja was elected chairwoman of the NGC. A clinical psychologist by training, Fatma-Zohra Karadja chairs ANSEDI, an association for children in difficulty and in institutions.¹⁰ ANSEDI is a national association.¹¹ Karadja is also director of the El Biar child shelter in Algiers. She is active in the field of children's rights as well as in the protection of women's rights, and was a past member of the National Observatory on Human Rights in Algeria (*Observatoire national des droits de l'homme en Algérie*).¹² F.-Z. Karadja has also demonstrated her commitment on the continental scale, notably as deputy chair of the Economic and Social Council of the African Union.

Cherifa Aït Benamar acted as deputy chair responsible for the theme of Democracy and Political Governance. C. Aït Benamar was a member of the National Assembly of Algeria (*Assemblée Populaire Nationale*, APN), during the 5th legislature, from 2002 to 2007. She was elected MP in the electoral ward of the wilaya (a wilaya is the equivalent of a *département* in French-speaking African states) of Tizi Ouzou. In the APN, Aït Benamar was a member of the *Groupe des Indépendants*, a group of MPs not affiliated with any political party. A doctor by training, she had been active

within the UGTA before becoming a member of parliament. She represented the UGTA within the women's committee of the International Confederation of Free Trade Unions (ICFTU).

Saïd Cheikh was deputy chair responsible for the theme of 'governance and economic management'. An economist and a researcher at the Algerian institute of global strategic studies (INESG), in April 2005 he was appointed head of the INESG department of research on economic and social development strategies, change in political institutions and transformation of institutional systems.¹³ The INESG was founded in 1985 and placed under the supervision of the office of the president of the republic; it is an active and recognised research centre, particularly in the fields of international relations and international security and on economic issues. The INESG publishes a periodical review called *Confluences internationales*.

Sarah Hassam was deputy chair responsible for the theme of Corporate Governance. Hassam represented the Algerian Employers' Confederation (CAP) within the NGC. Deputy chair of CAP, she has also held numerous representative positions within the organisation. Whilst she participated in the work of the NGC, Hassam also represented CAP on the board of directors of the National Social Insurance Fund.¹⁴ As an organisation representing private sector employers, CAP includes entrepreneurs working in a variety of industries around the country. CAP also develops regional strategies to protect the interests of private entrepreneurs. It participated in the creation of the *Union Maghrébine des Employeurs* (UME, the Maghrebien Employers' Union) on 17 February 2007 in Marrakech, Morocco.¹⁵

Arezki Lahiani was deputy chair responsible for the theme of Socio-economic Development. He represented the UGTA within the NGC. A consultant with UGTA, Lahiani is also an economist and a specialist on labour issues. In the past, he held the position of research officer for the minister of labour. He was also one of the architects of the *Fonds de*

9 See the press statement by the Ministry of Foreign Affairs, dated Monday, 27 March 2006 'La Commission Nationale sur la Gouvernance adopte un plan d'action', available on: http://193.194.78.233/ma_fr/stories.php?story=06/03/27/4944210. See also the article published in the daily evening newspaper *Le Soir d'Algérie* in its edition of 29 August 2006 entitled 'Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007', available on: <http://www.lesoirdalgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2/>.

10 A detailed report on the activities of ANSEDI was provided in the Country Review Report. See Box no. 5, pp. 126–127.

11 In Algeria, associations are either local or national, depending on their operating territory. Law No. 90-31 of 4 December 1990 on associations provides for associations whose 'territorial scope involves one or more communes within a wilaya' and others 'with a national or interwilayal vocation' (Article 10). In principle, a local association may only legally operate within the wilaya where it was formed; a wilaya is the largest administrative unit in Algeria. There are 48 wilayas.

12 In that capacity, Fatma-Zohra Karadja was a member of the Algerian delegation that presented the second regular report of Algeria to the UN Human Rights Committee during its 63rd session in July 1998. See UN document CCPR/C/SR.1382 available at the following address: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.SR.1682.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.SR.1682.En?Opendocument). The National Human Rights Observatory (ONDH) was established by Presidential decree no. 92-77 of 22 February 1992 as an 'independent institution', for the 'observation and evaluation of respect for human rights' and placed under the authority of the office of the president of the republic (Articles 2, 4 and 5). The national advisory committee on the promotion and protection of human rights (CNCPPDH) succeeded the ONDH in 2001 under the terms of Presidential decree no. 01-71 of 25 March 2001.

13 Presidential decree of 2 April 2005 on appointments by the office of the president of the republic, available on the site of the official gazette: www.joradp.dz.

14 Order by the minister of employment, labour and social security of 15 March 2005 on the appointment of the members of the board of directors of the national social insurance fund.

15 See French-language daily newspaper *El Watan*, 11 September 2007. www.elwatan.com.

soutien à l'investissement pour l'emploi (FSIE),¹⁶ a support fund promoting investments for employment.

Abdelouahab Kara Mostefa acted as *rapporteur général* within the bureau. In his role as 'institutional memory' of the NGC, Mostefa was responsible for summing up debates, and he participated actively in the coordination and writing of the self-assessment report. A legal expert by training, Mostefa has taught at university and has served in various public administrations. He is also a consultant for the CNES.

Strict gender parity was observed within the bureau, which was made up of recognised and competent personalities. Similarly, careful attention was paid within the bureau to the balance between registered associations (chair), labour organisations (private sector employers and workers, with one deputy chair each) and elected representatives (one deputy chair). The fact that the position of chair of the NGC was entrusted to a woman from the association community is noteworthy and not without meaning in this respect.

Thematic groups

Each of the other members of the NGC was affiliated with one of the four thematic groups. The members chose a theme according to the area of specialisation of the entity they represented and their own qualifications. The thematic groups covered the four main thrusts of the review. Each deputy chair was in charge of a thematic group. The deputy chairs were appointed by their peers within the NGC.

The thematic groups were as follows:

- Democracy and Political Governance
- Economic Governance and Management
- Corporate Governance
- Socio-economic Development.

Each thematic group was responsible for monitoring the issues and organising debates relating to its focus theme.

Communications unit

A communications unit was set up within the NGC, officially on the same date as the election of the bureau, on 26 March

2006, in order to serve as an interface with the media.¹⁷ Kamel Elaïd, an independent MP elected in the wilaya of Tipasa was a very active member. Forming a separate entity from the bureau, the activities of the communications unit included: creating a logo to identify the NGC, designing and distributing an information folder and setting up a website. The NGC website, www.comnagov.dz, was operative for two years, from July 2005 to August 2007, closing one month after the presentation of the Country Review Report in Accra. It was generally acknowledged that the website provided relatively complete information on the APRM and the work of the NGC. The authorities pled a shortage of funding and the end of the NGC's mission to justify the deactivation of the website,¹⁸ which would have been extremely useful to better understand the running of the NGC and the APRM implementation in Algeria.

In addition to the creation of a website and the distribution of an information folder, the NGC communications unit undertook various media actions including the dissemination of a press book on its activities. A media roundtable was held on 12 May 2006, approximately one year after the NGC was set up.

The communications also facilitated the participation of members of the Council in several radio programmes on Algerian public radio channels, namely, 1 (in Arabic), 2 (in Tamazight or Berber) and 3 (in French). There are no private radio or television stations in Algeria. The communications unit did the same with the local radio stations (Radio Mitidja, Radio El Ouahat, Radio Bouna, Radio Soummam and Radio Tlemcen). The latter played an important role in popularising the self-assessment process and mobilising stakeholders during the NGC's travels around the country.¹⁹

Articles in national newspapers in Arabic and French reported on the work of the NGC in Algiers and in the different regions around the country.

However, the national newspapers gave more coverage to the country review team than the work of the NGC. The chair of the NGC was also invited to the *El Moudjahid*²⁰ Forum of 14 January 2007. The detailed report of this meeting with the press was not published in the daily newspaper *El*

16 Created by the Budget Act of 2005, the articles of association of the FSIE were established by decree No. 06-117 of 12 March 2006 and it was set up in September 2007 by the minister of finance. The FSIE is a capital corporation whose purpose is to finance small and medium enterprises with a view to creating jobs. The FSIE is the product of a joint effort between the public authorities, private entrepreneurs and the UGTA. The UGTA has two representatives in the General Assembly of the FSIE and two more on its board of directors.

17 See the press release by the Ministry of Foreign Affairs dated Monday 27 March 2006 'La Commission Nationale sur la Gouvernance adopte un plan d'action', available at: http://193.194.78.233/ma_fr/stories.php?story=06/03/27/4944210.

18 Interview with A. Merouane, Ministry of Foreign Affairs, 8 November 2008.

19 Interviews with members of the executive and consultation of personal archives of members of the NGC.

20 This was the daily French-language newspaper of the historic FLN during the war for liberation, and became the daily newspaper of the FLN, which was the only party between 1962 and 1989. *El Moudjahid* continues to be a leading newspaper in terms of coverage of institutional news.

Moudjahid due to a lack of space owing to the publication of an unabridged transcript of a lengthy speech by the president of the republic. Although it was announced that it would be published in a later edition, the detailed report was never published and we were unable to obtain a copy from the paper.²¹ The NGC was also invited to appear on a television show (*Sur le vif*) on the public satellite television station, Canal Algérie. In addition to participation in conferences, it should also be noted that the NGC participated in the one-day debate of the national assembly on 13 July 2006, focusing on human development in the framework of NEPAD.

Financing of the process

The NGC did not have an independent budget,²² but was given all of the material and financial resources it requested from the office of the head of government.²³

The NGC was given headquarters in Algiers, where it set up its permanent offices and held meetings. Staff was made available to the NGC to provide support for the bureau in its administrative management mission and for the communications unit. The Council was also given means of transportation, and the travel expenses of its members in the field were fully covered by the government. All NGC logistics resources were transferred to the office of the head of government at the end of its mission.²⁴ The prestigious state residence of Djenane El Mithak in Algiers was temporarily placed at the disposal of the NGC during the assessment process to hold hearings and plenary meetings. It seems that the assessment process was wholly funded using Algerian government funds²⁵ as confirmed by the national focal point in addresses on the APRM before the academic community in March 2009.²⁶

Despite their apparently exemplary behaviour in this respect, the authorities refused to discuss the amounts spent on the assessment exercise, so that it was impossible to make any sort of estimate of the amount. Our telephone contacts in early January 2009 with the office of the head of government's administration and resources branch did not yield results.

- 21 Apparently, no records were kept of the report. Meeting and telephone contacts with Mr Tareb of *El Moudjahid*. Last telephone contact on 13 January 2009.
- 22 Interviews with members of the executive.
- 23 Interview with Fatma-Zohra Karadja, chair of the NGC, Algiers, 8 November 2008.
- 24 Interview with Fatma-Zohra Karadja, chair of the NGC, Algiers, 8 November 2008.
- 25 Interviews with members of the executive.
- 26 See the aforementioned *Conférence de M. Abdelkader Messahel* available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/25/3906353.

APRM secretariat support missions

First visit: July 2005

The first APRM support team visited Algeria from 23 to 25 July 2005, some four months after the establishment of the NGC by the head of government. The chief aim of this mission was to launch the self-assessment process in Algeria.²⁷ The delegation, which was led by Marie-Angélique Savané, also comprised eight other members.²⁸

The team was to sign a technical understanding on the APRM with a view to achieving its main objective. Its mission also included a review of the procedures and mechanisms set in place by the NGC to carry out its self-assessment mission and the preparation of a plan of action. To that end, it was to meet with the NGC and the technical research institutes to explain the process to them and discuss the self-assessment questionnaire in order to establish a roadmap to accelerate the various steps in the process.²⁹

The team signed a memorandum of understanding on the APRM implementation with the Algerian government upon its arrival in the capital on 23 July 2005.³⁰

During this visit, the delegation met with Algeria's highest state authorities, demonstrating their political will to successfully complete the self-assessment process. The delegation was granted a prolonged audience with the president of the republic.³¹ The support team also met with

- 27 The information in this paragraph was mostly drawn from the 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Évaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005 and available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742.
- 28 They comprised: two representatives of the APRM secretariat in the persons of Bernard Kouassi, executive director, and Moïse Nembot, coordinator for Democracy and Good Governance; a representative of the NEPAD secretariat, technical support manager Gaston Bushayija; two representatives of the ECA, the United Nations Economic Commission for Africa in the persons of Hakim Ben Hammouda, director of Commerce and Regional Integration, and Amadou Lamine Gueye, a demographer at the ECA regional office in Tangiers; two representatives of the African Development Bank (AfDB), in the persons of Michael Mah'moud, financial adviser, and Georges Bene-Hoane, division head; one representative of the UNDP Africa regional office, Alioune Sait, executive director of the African Futures Institute.
- 29 This was the objective of the support mission presented in the Country Review Report, § 1.2, p. 1.
- 30 See the press release by the Ministry of Foreign Affairs of 24 July 2005, entitled: 'M. Messahel : une bonne gouvernance est "vitale" pour le développement de l'Afrique', available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/24/7846483.
- 31 See the press release by the Ministry of Foreign Affairs of 26 July 2005, entitled: 'Le Président Bouteflika reçoit la présidente du Panel des éminentes personnalités du MAEP', available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3310256.

the head of government,³² the minister of finance as well as the speaker of the National Assembly and the president of the Council of the Nation.

The APRM delegation held a working session with an Algerian government delegation led by the focal point. On this occasion, talks focused in particular on the timeline for the implementation of the process. They culminated with the setting of a deadline of nine months for the finalisation of the self-assessment report.³³

The team also met with the members of the NGC. During that meeting, which was opened with an address by the focal point, the APRM delegation made a presentation on the APRM based on the reference documents of the mechanism.

The discussions with the NGC also made it possible to define the respective roles of the various actors in the self-assessment and review process. Another working session focused on the terms and conditions for the implementation of the process, drawing inspiration from the experience of APRM processes already begun in other African states.

In the course of these discussions, the support team recognised that the NGC was 'inclusive' in terms of its makeup. It also recommended that the Algerian authorities create an additional theme group, so that there would be four rather than the three that were originally planned. In addition, the APRM delegation took the opportunity to stress that other technical research institutes should be called upon in addition to the CNES.

Mrs Savané in Algiers in October 2005

Mrs Savané spent four days in Algeria during the second week of October 2005.³⁴ Her stay was an 'extension' of the

support mission of July 2005.³⁵ During that time, Savané was able to meet with focal point, Mr Messahel, in the presence of the chair of the NGC, as well as with the minister of finance. Savané also conducted a working session with the members of the NGC and its chair, focusing particularly on the self-assessment timeline. She also met with the chair of the CNES at the headquarters of the institution, as well as with the institutions responsible for providing technical support in the self-assessment process.³⁶

In addition to these various contacts in Algiers, Mrs Savané, accompanied by A. Merouane from the national focal point office and F.-Z. Karadja, chair of the NGC, travelled to Sétif and Oran.³⁷ In each of those cities, Savané introduced the APRM and its objectives during meetings of the walis, representatives of the local authorities and civil society, economic actors and academics.³⁸

During this trip, Savané particularly stressed the need to 'ensure the broadest possible awareness on the subject of the APRM and the participation of representatives of all segments of society in the process'.³⁹ She optimistically expected the peer review to be conducted on the report on Algeria in early 2006.⁴⁰

32 Voir le communiqué de presse du Ministère des Affaires étrangères en date du 25 juillet 2005 intitulé « Ouyahia : l'Algérie disponible à coopérer avec le MAEP », disponible sur http://193.194.78.233/ma_fr/stories.php?story=05/07/25/6859387.

33 According to the press release 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Évaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005 and available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742. However, the deadline was '6 months' according to another source. See the press release by the Ministry of Foreign Affairs entitled 'M. Messahel et Mme Savané animent une conférence de presse à l'issue des travaux de la Mission de soutien du MAEP', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3294143.

34 Unless we are mistaken, this trip is not mentioned in the Country Review Report. The paragraph on the implementation of the APRM review process (pp. 1–4) in Algeria does not mention it.

35 See the press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/10/12/1387478 and Zine Cherfaoui, 'Rapport national d'autoévaluation par les Pairs. L'Algérie et le test de la bonne gouvernance', in *El Watan*, 12 October 2005, available on: <http://www.elwatan.com/Rapport-national-d-autoevaluation>.

36 These were the National Statistics Bureau (*Office National des Statistiques*, ONS), the National Institute of Global Strategic Studies (*Institut National des Etudes de Stratégie Globale*, INESG), the CREAD, the CENEAP, the National Planning and Statistics Institute (*Institut National de la Planification et de la Statistique*, INPS) and the universities of Tlemcen and Oran. See the abovementioned press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané'.

37 On 9 October 2005.

38 See the abovementioned press release of 12 October 2005 entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané' and, on the trip to Oran, Djamel Benachour, 'Bonne gouvernance. Mécanisme africain d'évaluation par les pairs en concertation', in *El Watan*, 10 October 2005, available on: <http://www.elwatan.com/Mecanisme-africain-d-evaluation>.

39 See the abovementioned press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané'.

40 See the press release of 11 October 2005, entitled 'M. Messahel reçoit la Présidente du Panel des personnalités du MAEP', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/10/11/9502112.

The trip ended with a joint press conference by Savané and the focal point, Mr Messahel.⁴¹

Mrs Savané in Algiers in late November and early December 2005

In addition to these contacts at the highest level of government, Savané was invited by the president of the republic to attend the hearing by the NGC of 13 ministers at the Palais des Nations, located near Algiers, on 30 November and 1 December 2005.

Savané was in Algiers to attend the General Assembly of the Union of Economic and Social Councils of Africa (UCESA) which took place at the end of November. The UCESA devoted much of its proceedings to discussions on the APRM implementation, and it invited Savané to present a paper on the APRM at the event.⁴²

Self-assessment: Research methodology and consultations in the field

The country self-assessment report was prepared in three phases; most of the work was based on the questionnaire provided by the APRM continental secretariat.⁴³ The NGC began by preparing the report from the methodological standpoint. As soon as it was set up, in coordination with the focal point, it began preparing a rough draft of the self-assessment report through the thematic groups.

During the first phase of preparation of the report, the National Economic and Social Council (*Conseil National Economique et Social*, CNES) served as the main technical support organisation processing data⁴⁴ provided for the NGC by the National Statistics Board (*Office National des Statistiques*) and various ministerial departments. Although

41 See the press release by the Ministry of Foreign Affairs, entitled 'M. Messahel et Mme Savané animent une conférence de presse à l'issue des travaux de la Mission de soutien du MAEP', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3294143.

42 See *Info Express* of Wednesday 30 November 2005, entitled 'Le NEPAD favorise des systèmes de gouvernance plus efficaces, selon le CNES', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/11/30/1913043.

43 *Autoévaluation des pays pour le Mécanisme africain d'évaluation par les pairs (questionnaire)*, NEPAD/MAEP, 2004.

44 It seems that, from the beginning, the National Institute of Global Strategic Studies (*Institut National des Etudes de Stratégie Globale*, INESG), the CREAD, the CENEAP, the National Planning and Statistics Institute (*Institut National de la Planification et de la Statistique*, INPS) and the universities of Tlemcen and Oran were involved in the technical component of the self-assessment without having been formally qualified as technical research institutes and without there having been any opinion polls or surveys.

data gathering was a bit difficult at the outset due to the tendency of certain administrative departments to retain information, it was properly conducted in the end. Following data gathering and analysis, discussions within the NGC and meetings with several governance stakeholders in Algiers⁴⁵ the NGC was able to programme visits in the field and meetings with local governance stakeholders. After these two phases were completed, the CNES played an active role in the preparation of a preliminary version of the country self-assessment report. It is difficult to precisely define the exact role of the CNES, though it was significant in the opinion of all of the people we spoke to, because we were unable to discuss the subject with a representative of the organisation.

Finally, the preliminary version of the report was enhanced with the addition of research and surveys conducted by technical research institutes that were called on following the intervention of the country review team and its assessment of the preliminary version of the report.

The National Economic and Social Council

Initially, it seemed that the CNES was the principal institute called upon to seek out technical data, and to crosscheck, analyse and interpret it. According to its definition in the presidential decree of 5 October 1993 by which it was created, the CNES was an advisory body for dialogue and cooperation in the economic, social and cultural fields. The CNES took an active role in preparing the preliminary draft of the country self-assessment report.

The three principal mandates given to the CNES by the state are to ensure continuing dialogue and concertation between economic and social partners, to review and study issues of national interest involving economic and cultural development and, finally, to make proposals and recommendations and give advice on issues entering into its sphere of competence. The CNES already acts as a sort of commission on governance in the economic and social spheres.⁴⁶

In theory, the CNES is also representative to the extent that half of its 180 members come from the economic, social and cultural sectors and are mandated by organisations working in those areas, whilst one quarter of its members represent public institutions and the other quarter are appointed on individual merit.

45 During our interviews, we were unable to obtain specific details on those stakeholders, who essentially seem to have been representatives of socio-professional organisations.

46 We were unfortunately unable to obtain an interview with a representative of the CNES, despite repeated requests.

Over the last 15 years, the CNES has built up a strong reputation as a technically competent and credible body that is critical in the scientific sense of the word, particularly under the chairmanship of M. Mentouri. In cooperation with the UN Development Programme (UNDP), the CNES publishes an annual National Human Development Report, which is a benchmark tool in its field in Algeria.

Professor Mohamed Seghir Babès has chaired the CNES since mid-2005. He succeeded Mohamed Salah Mentouri, who resigned, and who was deemed overly critical of the actions of the government.⁴⁷ M. Babès also represents North Africa on the APRM panel of eminent persons.

National consultations

The field visits to the wilayas were an important aspect of the national consultations. These consultations in the field served to gather the opinions of the citizens and various stakeholders in every dimension of governance, at the local level and at the national level.

Due to the size of the country and the diversity of the situations, the NGC chose not to visit all 48 wilayas in the country. It preferred to proceed by sampling, choosing districts on the basis of the following criteria:

- the geographical location of the wilaya (border, coastal, Hauts-Plateaux, South);
- its connection with the national infrastructure network, i.e. its degree of isolation;
- the level of local development;
- its economic vocation (rural, industrial);
- the relationship between the rural and urban habitat.

Thanks to the sampling carried out by the NGC, the visits to the wilayas were able to cover a number of regions in the country that were quite representative of the diversity found in Algeria.

The NGC, to wit the members of the bureau and certain Council members, notably travelled to the following wilayas: Béjaïa (17 June 2006), Jijel (18 June 2006)⁴⁸ Guelma,

47 See, *inter alia*, Mohamed-Salah Mentouri, chair of the CNES, in the French-language daily newspaper *Le Soir d'Algérie*: 'Certains refusent au CNES le rôle de veille stratégique'; interview by Cherif Bennaceur, *Le Soir d'Algérie*, 7 December 2004, available on: <http://www.lesoirdalgerie.com/articles/2004/12/07/article.php?sid=16592&cid=2>; M. Mamart, 'Des rapports suspicieux!', in French-language daily newspaper *El Watan*, 5 May 2005, available on: <http://www.elwatan.com/Des-rapports-suspicieus>; Hassan Moali, 'Le CNES revient aux normes maison', in *El Watan*, edition of 4 January 2006.

48 See the announcement of these visits in the daily newspaper *La Nouvelle République*, 12 June 2006.

Tlemcen (26 July 2006),⁴⁹ Ouargla, Sétif and Oran (exact dates unknown).⁵⁰

Prior to the visits, the NGC always prepared a fact sheet with the help of the authorities concerned, as well as the associations and professional organisations operating in the wilaya. In terms of the public authorities, the Ministry of the Interior, local authorities at the national level, and the walis (the equivalent of prefects in French-speaking African states) in each wilaya played a very important role in preparing for the visits of the NGC by informing elected representatives and members of civil society in advance. Furthermore, the NGC was able to count on publicity by local radios for its work in the wilayas. The local radios systematically broadcast information about the visits beforehand. Non-governmental stakeholders, such as relays and local branches of associations represented on the NGC, also played an important role in mobilising local civil society stakeholders.

Meetings with local governance stakeholders and citizens always took place in the capital of the wilaya. The administration of each wilaya ensured that the questionnaire was distributed to those attending in advance.

Generally speaking, the walis, the heads of the daïras,⁵¹ the various technical agencies of the wilayas and the local elected representatives were present during the visits.

The visits to the wilayas had a threefold purpose:⁵²

- to disseminate the concept of governance and the APRM at the local level with the widest possible coverage of local authorities, elected representatives, associations, unions, journalists and the private sector;
- to lay the groundwork for the Algerian mission of the review team led by Mrs Savané;
- and, of course, to gather the opinions and proposals of local governance stakeholders and citizens to enhance the country self-assessment report.

49 C. Berriah, 'Séminaire sur la bonne gouvernance à Tlemcen. Plus de prérogatives aux élus locaux', in *El Watan*, 27 July 2006, last page.

50 An article in the daily newspaper *Le Soir d'Algérie* published in the edition of 29 August 2006 and entitled 'Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007' provides a different list of these visits which took place in June and July 2006: Jijel, Guelma, Béjaïa, Tlemcen and Ouargla. This article is available at: <http://www.lesoirdalgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2>. Despite using different search engines, we were unable to find reports on the visits. This does not necessarily mean that they were not covered by the press.

51 Each wilaya comprises several daïras, which are the equivalent of sub-prefectures in francophone African states.

52 According to the copies of the NGC papers we were able to access, thanks to the kindness of the members of the Council.

Not all of the members of the NGC travelled at the same time. Each trip almost systematically included all of the members of the bureau, accompanied by a dozen other members on average. These members came from the different thematic groups of the NGC and chose to participate in a visit based on their individual availability and their interest for the wilaya being visited.

The visits, which lasted one or two days, followed a similar pattern:

- Presentation on the wilaya (socio-economic situation, assets, weaknesses) by the wali or one of his representatives;
- Address by the chair of the NGC on the APRM mechanism, its objectives and the aim of the meetings in the framework of self-assessment (drafting of a country self-assessment report and accompanied by a plan of action);
- Presentations by other members of the NGC on the four areas of governance in terms of objectives, standards, criteria and appropriate formulations for the APRM questionnaire, focusing on the notion of local governance;
- Organisation of four thematic workshops whose attendance was open to all those present. Each workshop was systematically led by a person from the wilaya, either an elected representative or a representative of civil society, and included a facilitator who was always a member of the Council, so that the discussions followed the questionnaire;
- At the outcome of the internal proceedings, each thematic workshop had produced responses and an assessment, of which a written summary was made;
- The summaries of each workshop were read in plenary sessions, followed by group discussions focused on delving deeper into the topics;
- An overall synthesis of all of the proceedings and the trip was prepared.

The syntheses were used in the writing of the national self-assessment report, to which they were annexed as information documents.⁵³

Quality of the proceedings during the visits to the wilayas

The proceedings during the visits seem to have been very open, sometimes stormy, and always fruitful. All of the people with whom we met who had attended the proceedings emphasised the interest shown by the local participants in

53 Interview with Cherifa Ait Benamar, deputy chair of the NGC, and Kamel Elaid, an MP and a member of the communications unit, Algiers, 11 January 2009.

the NGC members' presentations, their willingness to enrol in the thematic workshops and their active involvement in the discussions.

The proceedings provided a unique opportunity for various local stakeholders in governance, including both public authorities and representatives of civil society, to meet to discuss the issues at stake. They often asked for permanent local councils to be established along the same lines, in order to maintain a tradition of discussions and create a forum for debate.⁵⁴ This was particularly important since in Algeria, the administration had no previous tradition of dialogue with its constituents. Indeed, a copy of a report which we were able to consult on the early activities of the NGC shows that, during different visits, local participants were acutely aware of the fact that the quality of local governance depended on the quality and dynamics of relationships between the different political, economic and social stakeholders in the wilaya.

Synthesis of data from the visits and inclusion in the self-assessment report

The NGC experienced a flurry of activity in the month of August 2006, which allowed it to make headway in the writing of the self-assessment process. As a mark of the government's interest in the APRM process, an inter-ministerial council meeting was convened on 7 August by the head of government; it included the great majority of the members of the government and provided an opportunity to move forward with the drafting of the self-assessment report and to focus the work more on the quality of the data as opposed to their descriptive aspect. The exercise was validated by a government council⁵⁵ held on 29 August, which also allowed more progress to be achieved in the drafting of the report.

In the interval, the NGC⁵⁶ also held a meeting for its thematic groups on 15 and 16 August to enhance the self-assessment report and organised its second annual plenary meeting at the state residence of Djenane El Mithak in Algiers on 29 August under the chairmanship of F.-Z. Karadja in the presence of the national focal point and the chair of the CNES. The plenary meeting was held behind closed doors. According to the press, it afforded the NGC with an opportunity to review

54 According to several members of the executive of the NGC with whom we met.

55 See '*Communiqué du Conseil de Gouvernement*' dated 30 August 2006 and available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/08/30/3643135.

56 The written source of this paragraph was an article published in *Le Soir d'Algérie* in its edition of 29 August 2006, entitled '*Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007*', available on: <http://www.lesoiralgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2>. It was corroborated by interviews with the members of the executive.

its activities since the first plenary session and sum up the visits to the wilayas. It also served to prepare for the visit of the country review team, particularly by establishing a list of wilayas to be visited.

Country review

The country review mission (CRM) (conducted by the APR country review team) took place in two stages.⁵⁷ The primary stage comprised a visit to Algeria, from 10 November to 5 December 2006, by the international review team led by Mrs Savané. The APR Team returned to Algeria a few months later, in March 2007, for the presentation of the self-assessment report.

Visit by the country review mission (10 November–5 December 2006)

An international review team visited Algeria from 10 November to 5 December 2006. The team was made up of 21 experts from 14 African Union member states. The experts were chosen ‘based on their specialisations in one or more of the four APRM theme areas’.⁵⁸ The experts were members of the APRM secretariat or its strategic partner institutions (African Development Bank (AfDB), UN Economic Council for Africa (ECA), and UNDP).⁵⁹

According to its report on this prolonged mission in Algeria, the CRM felt that it had ‘established the following commitments to be undertaken by the country:

- to carry out consultations as broadly as possible with all of the stakeholders to deepen and broaden the self-assessment report;
- to review the draft Programme of Action submitted by the country and make suitable proposals;
- to ensure in so far as possible that the review process carried out by Algeria was technically satisfactory, credible and free of any political manipulation; and
- to reach a consensus with stakeholders on the remaining issues and challenges and on recommendations to improve governance in the country.’⁶⁰

We propose to highlight certain aspects of the visit and put

them into perspective using the assessment made by the CRM on its own work.

Consultations carried out by the country review mission

The consultations carried out by the CRM were far-reaching. The mission met with the highest authorities of the state, the president of the republic, the head of government and the national focal point, who was also a member of the government. The CRM made contact with various ministers and house speakers as well as with the representatives of a variety of public institutions including the office of the high commissioner on Amazight identity (*Haut-Commissariat a l’Amazighite*) and the High Council on the Arabic Language (*Haut Conseil de la langue arabe*).

The CRM also met with various stakeholders in governance, in Algiers during different events organised for that purpose and, in the field, during its visits to 11 wilayas (departments) around the country.

The CRM carried out broad meetings with economic and social stakeholders including representatives of national bodies, certain of which had not been invited to participate in the NGC proceedings, such as the Algerian Union of Public Entrepreneurs (*Union Nationale des Entrepreneurs Publics*, UNEP), which was satisfied with the quality of its contacts with the CRM.⁶¹ On the other hand, representatives of independent workers’ unions, such as SNAPAP, were not invited.⁶²

As for the political parties, the *Front des Forces Socialistes* – the oldest opposition party in Algeria – refused to participate in the meeting organised by the CRM. It is surprising to note that the response of the FFS to the CRM’s invitation sent by the national focal point, which was rather harsh, went unmentioned in the Country Review Report. And yet this response was revelatory of the general mistrust of certain major stakeholders in Algerian politics for the authorities in power and the events they organised or with which they are associated. In its reply, dated 30 November 2006, the national secretariat of the FFS expressed its ‘surprise at the thoughtlessness of the approach consisting of inviting “all of the parties represented in Parliament” to a single meeting, scheduled to take place in only four days, and aimed at enabling the review team to “glean information on party politics and political trends in general in our country”’. After having deplored what appeared to be a lack of preparation on the part of the team and/or the focal point, the FFS added that ‘apparently nothing serious can be expected from such

57 The Country Review Report provides details of the unfolding of the country review mission on pages 50 *et seq.* This paragraph is based on that information, but also complemented by other references.

58 On the makeup of the international review team, see Country Review Report, §§ 25 *et seq.*, pp. 38 *et seq.*

59 The precise makeup of the team is indicated in the Country Review Report, §§ 26–28, pp. 38–39.

60 Country Review Report, § 29, p. 39.

61 Interview with Ahcène Benyounes and Ali Slimani, respectively president and vice-president of the UNEP, Algiers, 10 January 2009.

62 Various contacts with Rachid Malaoui, president of SNAPAP, in January and March 2009.

a mockery of a meeting'. The opposition party also felt that the APR review team did not devote enough time to political parties or human rights organisations, adding that 'the simple fact that a mission lasting nearly a month and involving a team of some twenty people could devote so little time to our political parties and human rights organisations, is a clear statement of the low priority it sets on party politics and the human rights situation in Algeria. As it already anticipates the conclusions of the proposed review'.⁶³

Finally, it was rather surprising that such an eminent man as Professor Mohand Issad was not heard by the CRM⁶⁴ although he chaired the national justice reform commission (*Commission Nationale sur la Réforme de la Justice*) in 1999 and the national commission of inquiry into the events in Kabylia (*Commission nationale d'enquête sur les évènements de Kabylie*) in 2001.

From a structural viewpoint, the consultations carried out by the CRM were necessarily affected by the problem of the closing down of free association, particularly in relation to organisations considered 'politically sensitive'.⁶⁵ This fact particularly undermined the third CRM 'commitment' quoted in the list above, which was to ensure that 'the review process conducted by Algeria was [*inter alia*] free from political manipulation'. It was also very surprising to see the names of the NGC and the APRM in a press release posted on the site of the Ministry of Foreign Affairs (the supervisory ministry of the national focal point), entitled 'Le mouvement associatif oranais adhère à la démarche du Président Bouteflika. Les réactions au Projet' (The associational movement of Oran supports the approach taken by President Bouteflika. Reactions to the Project).⁶⁶ This suggests that

the NGC and the APRM supported the draft 'Charter for Peace and National Reconciliation' (*Charte pour la Paix et la Réconciliation Nationale*), which is obviously not within their mandate. Such a statement – although it was an isolated incident – was awkward to say the least.

The CRM also carried out sweeping consultations in the field.⁶⁷ During its stay in Algeria, the mission travelled:

- To the Guelma and Annaba⁶⁸ (wilayas in the eastern part of the country (14–16 November);
- To the wilayas of Sétif and Bordj Bou-Arredj⁶⁹, in the Hauts-Plateaux region (18–19 November);
- To the Oran⁷⁰, Mostaganem and Tlemcen⁷¹ wilayas, in the western part of the country (19–21 November);
- To the wilayas of Ghardaïa, Ouargla and Tamanrasset, in the desert region known as Grand Sud (22–25 November);
- To the wilaya of Tizi-Ouzou, in Kabylia (30 November).⁷²

From a geographic, demographic, social and economic standpoint, the CRM took account of the major zones of the country.

During its visits, the mission was always accompanied by the chair of the NGC and sometimes by members of the bureau as well as the national focal point representative. The chair of the CNES, Professor Babès, who was also a member of the panel, was sometimes present, as in Annaba.⁷³

These visits to different regions of the country were of variable quality. For instance, the visit to the wilayas of Bordj

63 See the information statement by the national secretariat of the FFS, dated 30 November 2006, available on the site of the FFS: http://www.ffi-dz.com/spip.php?page=imprimir_articulo&id_article=402. We thank the FFS secretary for Youth and Judicial Affairs, Rachid Chaïbi, for having pointed it out to us.

64 Telephone interview with Professor Mohand Issad, 14 April 2009.

65 On this point, see our developments below.

66 This press release, dated 6 September 2005, is available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/09/18/1914834. It reports statements by Fatma-Zohra Karadja who 'described ... the draft Charter for national peace and reconciliation as a "civilising project" and "proof of good governance" on the part of "a state capable of compassion"'. The problem here is not the position of F.-Z. Karadja, who is free to adopt whatever position she wishes. However, the fact that the press release presents Karadja as chair of the NGC is an issue, since it suggests that the NGC, as an institution created in the framework of APRM implementation, supports the project. An anomaly should also be pointed out: the quote from Karadja was made on 7 September according to the press release ... which, itself, is dated 6 September. A list of the wilayas visited, with no indication of the dates, appears in the Country Review Report in § 36, p. 41, and in the Joint Statement by the APR team and the national focal point dated 20 December, which was published at the end of the mission, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/12/20/8380456.

67 A list of the wilayas visited, with no indication of the dates, appears in the Country Review Report in § 36, p. 41, and in the Joint Statement by the APR team and the national focal point dated 20 December, which was published at the end of the mission, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/12/20/8380456.

68 See A. Djabali, 'Des experts africains à Annaba', in *El Watan*, 20 November 2006, available on: <http://www.elwatan.com/Des-experts-africains-a-Annaba>.

69 See the news brief on the visit, 'Visite d'une délégation du MAEP' in Abdelkader Djerbah, 'Nouvelles de Bordj Bou Arreridj', in *El Watan*, 23 November 2006, available on: <http://www.elwatan.com/Nouvelles-de-Bordj-Boue-Arredj>.

70 See Djamel Benachour, 'Visite du MAEP à Oran. Privilégier les solutions politiques', in *El Watan*, 21 November 2006, available on: <http://www.elwatan.com/Le-MAEP-a-Oran>.

71 See C. Berriah, 'Tlemcen. Algérie sous la loupe', in *El Watan*, 22 November 2006, available on: <http://www.elwatan.com/Tlemcen,54523>.

72 See M.A.T., 'Un panel d'experts africains y séjourne. Tizi Ouzou testée sur la gouvernance locale par le MAEP', in *La Dépêche de Kabylie*, 2 December 2006, available on: <http://www.depechedekabylie.com/popread.php?id=31414&ed=1368>.

73 See the abovementioned article by A. Djabali, 'Des experts africains à Annaba', in *El Watan*, 20 November 2006.

Bou Arreridj only lasted 'a few hours',⁷⁴ during which the CRM toured an electronics business,⁷⁵ leaving little time to listen to local governance stakeholders in all their diversity.

Generally speaking, the mission visited various achievements and institutions listed in the Joint Statement by the CRM and the national focal point of 20 December 2006.⁷⁶

In Annaba, the wali hosted a 'dinner-debate' that was open to the press. During the debate, Mrs Savané presented the APRM and indicated that the members of the CRM were available to listen to the participants⁷⁷. According to one journalist, 'While the members of the executive and the Algerian local elected representative were measured in their speech, the same could not be said of the civil society representatives. Nothing was spared, including their rejection of the current system of governance, the unbridled wheeling and dealing amongst decision-makers, and the reforms undertaken in various socio-economic sectors. The panel members took copious notes.' The same journalist concluded that, 'for once, in Annaba, in the presence of the local authorities, the stage was set for a high level of transparency in governance at all levels of management of the country'.⁷⁸ On the other hand, the opinion of the *El Watan* correspondent on the workshop organised at Abou Bakr Belkaïd University in Tlemcen was severe. The journalist felt that, in terms of the principal aspects of political and economic governance, 'vital issues were left out' such as 'human rights, constitutional democracy (elections), conflicts with neighbours, the separation of powers, the independence of the judiciary [...] the state of corruption and the effectiveness of the fight against corruption, the rights of the underprivileged and the rights of women and children, among others!' In addition to criticising the lack of discussion on those matters, the journalist deplored the makeup of the participants. According to him, 'what we call

civil society was absent'.⁷⁹

Although the consultations had their flaws, it remains that they were broad and diversified and that the work of the CRM did contribute to improving the self-assessment process.

Opinion of the international review team on the self-assessment process

Despite the particularly strong participation of the executive branch of government in promoting the success of the self-assessment process during the summer of 2006, as demonstrated by the organisation of an inter-ministerial council meeting on 7 August and a government council meeting on 29 August, which approved the finalisation of the self-assessment report, at the time of the CRM, the opinion survey issue had still not been completely resolved.

Indeed, the CRM, in its own words, 'having noted the gaps in the national self-assessment report regarding complex situations in such a huge country, felt that opinion surveys should have been conducted to obtain multiple perspectives on the governance situation in the country'.⁸⁰ In other words, the CRM felt that the information and data contained in the self-assessment report were too governmental. Generally speaking, the NGC did not lack for raw data provided by various ministerial departments and public institutions. However, the work of the NGC was undermined by the lack of impact studies⁸¹ on the different socio-economic programmes undertaken by the executive, whose effectiveness and efficiency in terms of improving the quality of life of Algerian citizens were difficult to measure.

The judgement formulated by the CRM in autumn 2006 apparently had a positive impact, since surveys were conducted in January/February 2007 and their findings were included in the self-assessment report submitted to the APRM secretariat in early March 2007.

Technical research institutes and additional surveys

Not until more than one year after the setting up of the NGC were institutions other than the CNES officially called upon to serve as technical research institutes (TRIs) to enhance the report through surveys and field research on the four APRM

74 See the abovementioned news brief on the visit, 'Visite d'une délégation du MAEP' in Abdelkader Djerbah, 'Nouvelles de Bordj Boue Arreridj', in *El Watan*, 23 November 2006.

75 See the abovementioned Joint Statement of 20 December 2006, § 15.

76 See § 15. The APR team visited 'the new Heliopolis University Pole in Guelma, the Ferhat Abbas University Pole in Sétif, the new faculty of medicine at the University of Tlemcen, the University of Ouargla and the University of Tamanrasset, *inter alia*. The Team also visited community development projects such as the new urban zone in Bouhroua and the new village of Boubrik in Ghardaïa; social housing construction sites in the city of Tamanrasset, the industrial zone and the "Condor" electronics business in Bordj Bou-Arreridj, the amusement park and international conference centre in Tlemcen, the Trans-Saharan highway, and a private clinic in Tizi-Ouzou'.

77 See the abovementioned article by A. Djabali, 'Des experts africains à Annaba', in *El Watan*, 20 November 2006.

78 See Leïla Azzouz, 'Le fait du jour. MAEP et transparence', in *El Watan*, 18 November 2006, available on: <http://www.elwatan.com/Le-fait-du-jour,54112>.

79 See the abovementioned article by C. Berriah, 'Tlemcen. L'Algérie sous la loupe', in *El Watan*, 22 November 2006, available on: <http://www.elwatan.com/Tlemcen,54523>.

80 Country Review Report, § 39, p. 41.

81 Interview with Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008. Interviews with various members of the executive.

themes. This was done following a recommendation issued by the CRM during its stay in Algeria from 10 November to 5 December 2006.

On recommendation by the CRM, four TRIs were appointed and each was responsible for one of the four themes. The institutes were:

- The *Centre national d'études et d'analyses pour la population et le développement* (CENEAP, the National Centre for Population and Development Studies), responsible for Democracy and Political Governance;
- The *Centre de recherche en économie appliquée pour le développement* (CREAD, the Centre for Research Applied Economics for Development), in charge of Economic Governance and Management;
- The University of Tlemcen, focusing on Corporate Governance;
- The *Centre de recherche en anthropologie sociale et culturelle* (CRASC, the Centre for Research in Social and Cultural Anthropology), responsible for Socio-economic Development.

The CNES continued to play a role in data processing when the self-assessment report was revised in follow-up to the comments of the CRM. It seems that the CNES had already called upon certain members of the aforementioned institutions to participate in its work in the self-assessment process before the research organisations were officially appointed as TRIs. However, it appears that initial contacts with certain members of the academic community were not always easy.⁸²

From a practical standpoint, the studies conducted by the TRIs were ordered by the focal point from the office of the deputy minister in charge of African and Maghreb affairs.

All of the TRIs had strong experience in the field of study for which they were responsible. The CENEAP was a research institute placed under the supervision of the Ministry of the Interior and Local Authorities, whilst the CRASC and the CREAD were supervised by the Ministry of Higher Education and Scientific Research. All three research centres published periodical journals that were a reference in their field.⁸³ Like the University of Tlemcen, they were very active in the field

of scientific research, including through ties with foreign research institutions in Africa and Europe.

The TRIs conducted field surveys, chiefly during the months of January and February 2007, in order to improve the quality of the self-assessment report. The CRM, in its own words, 'having noted the gaps in the national self-assessment report regarding complex situations in such a huge country, felt that opinion surveys should have been conducted to obtain perspectives on the governance situation in the country'.⁸⁴ This was to say that the CRM found the information and data contained in the self-assessment report too government-oriented and one-sided. Because it was only following a recommendation issued by the CRM – a recommendation that had already been made by the support mission in July 2006⁸⁵ – that other TRIs besides the CNES were called upon to conduct technical research, opinion surveys were undertaken very late in the self-assessment process and had to be done rapidly in January and February 2007 so that the self-assessment report could be submitted to the APRM secretariat in early March 2007.

The CNES seems to have played an important role both upstream and downstream in the development of the research methodology⁸⁶ and in the insertion of the survey findings into the final self-assessment report. Unfortunately, that is all we know on the subject, since our repeated requests for a meeting with the CNES went unanswered.

The opinion surveys on the theme of Democracy and Political Governance were conducted by the CENEAP. The TRI was given scarcely more than a month to conduct the surveys under its responsibility. The CENEAP conducted a stakeholder survey targeting various actors in Democracy and Political Governance, especially elected representatives, members of political parties and lawyers. The survey reached 'several hundred people' across the country.⁸⁷ The survey was based on the APRM questionnaire, which was adapted for the purpose.

The CREAD was responsible for the theme of Economic Governance and Management. The TRI carried out qualitative and quantitative surveys based on the APRM questionnaire, which it also adapted. The CREAD used a

82 At least one researcher appointed by his institution decided not to participate in the process after realising that some of his critical comments were not accepted. This was Professor Benhamou, a human rights specialist at the University of Tlemcen. However, he still viewed the self-assessment exercise as a success. Telephone interview with Professor Benhamou, 6 January 2009.

83 These are: *Revue du CENEAP*, *Cahiers du CREAD* and *Insaniyat*, the journal of the CRASC.

84 Country Review Report, § 39, p. 41.

85 See the 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Évaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742.

86 Interviews with the members of the executive and report on the status of the implementation of the national action plan on governance.

87 Interview with Saïd Benmerad at CENEAP headquarters in Birkhadem, Algiers, 18 January 2009.

sampling technique and a self-administered questionnaire based on the APRM questionnaire, whose questions were reformulated in the framework of semi-structured interviews. The TRI tried to adhere as closely as possible to the APRM questionnaire.⁸⁸

The University of Tlemcen, which conducted the survey on corporate governance, surveyed some 800 Algerian SMEs (small and medium enterprises)⁸⁹.

The survey findings were subsequently integrated into the self-assessment report by a drafting team in which the CNES was an active participant.

Final visit by the CRM (4–16 March 2007) and submission of the self-assessment report

After her visit in autumn 2006, Mrs Savané led one last CRM in Algiers from 4–16 March 2007, in line with the schedule agreed upon with the Algerian authorities. According to the Country Review Report, ‘the aim of the mission was to update its information in light of the latest developments taking place in the country, and to finalise the draft APRM report on Algeria’.⁹⁰

The final version of the self-assessment report was officially submitted to the CRM on 5 March during a ceremony held in the presence of Abdelkader Messahel, the deputy minister in charge of African and Maghrebian affairs; F.-Z. Karadja, chair of the National Governing Council; and Professor Babès, chair of the CNES.⁹¹ The next day, the NGC presented the report to the CRM, in great detail, including explanations on its methodology, behind closed doors. At the same time, a ‘draft 2007–2009 programme of action’ was also presented.⁹²

During its visit, the CRM toured the headquarters of national security (*Direction générale de la sûreté nationale*, DGSN),

88 Telephone interview with Mr Hammouda of the CREAD, 14 January 2009.

89 According to the information in the review report. We were unable to obtain information on the work of the CRASC, which was responsible for the fourth theme.

90 Country Review Report, § 1.14, p. 4.

91 See the press release of 6 March 2006, entitled ‘Le Rapport d’autoévaluation de l’Algérie remis au MAEP’, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/03/05/7176203.

92 See ‘Présentation du Rapport national d’autoévaluation’, in *El Watan*, 7 March 2007, available on: <http://www.elwatan.com/IMG/pdf/elwatan07032007.pdf>, p. 5.

on the occasion of international women’s day.⁹³

Presentation at the APRM forum

The Country Review Report on Algeria was presented in Accra, Ghana, on 1 July 2007, at the 7th APRM forum of heads of state and government. The day before, President Bouteflika met with Mrs Savané to ‘prepare’ for the presentation. The audience took place in the presence of the minister of foreign affairs, Mourad Medelci, of the national focal point, Abdelkader Messahel, and of the chair of the CNES, Professor Babès.

During her presentation of the report,⁹⁴ Savané stressed that ‘the self-assessment report submitted by Algeria met AU standards of professionalism and credibility’. She also pointed out the failings of the self-assessment report, adding that the CRM ‘felt, based on its own analyses and observations, that certain recommendations and the ensuing programmes of action could be strengthened and better targeted’. Savané further emphasised the political support that the review process had enjoyed at the highest levels of government.

‘The political will and the commitment of the leadership to following through on institutional, political and economic reforms’ was in fact the first of 14 Algerian ‘assets’ identified in the synthesis, which the eminent personality listed as follows:

- a progressive return to peace and stability;
- a policy of national reconciliation;
- human resource development thanks to free education and healthcare;
- tremendous natural resources;
- achievement of most of the Millennium Development Goals and the ability to meet the commitments undertaken for 2015;

93 See Farid B., ‘Mme Marie-Angélique Savané l’a affirmé hier après-midi à Alger à l’issue d’une rencontre à la DGSN. “L’expérience de l’Algérie dans la sécurité du citoyen mérite d’être développée dans d’autres pays africains”’, *El Moudjahid*, 8 March 2007, p. 4, available on: www.dgsn.dz/fr/revue_presse/elmoudjahid08.03.2007.pdf.

94 See ‘Synthèse du Rapport sur l’Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra’. Press release dated 2 July 2007 available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374. See also the report by Nadjia Bouaricha, ‘7e Forum du MAEP. L’Algérie épinglée sur la corruption et le chômage’, in *El Watan*, 3 July 2007, available on: <http://www.elwatan.com/7e-Forum-du-Maep> and Mahmoud Mamart, ‘Mécanisme africain d’évaluation par les pairs (MAEP). Un constat clément sur la gouvernance en Algérie’, in *El Watan*, 9 July 2007, available on: <http://www.elwatan.com/Mecanisme-africain-d-evaluation,72180>.

- a high life expectancy;
- strong and cautious management of financial resources;
- the hydrocarbon Revenue Regulation Fund (FRR);
- independent decision-making regarding the choice of financing for development programmes;
- an 'active and perspicacious diplomatic corps';
- a vibrant private press;
- an emerging civil society; and
- a large number of universities.

Mrs Savané also identified 11 'challenges' in her summary. These were:

- reforming and modernising the state;
- gender equality issues and socio-cultural inertia;
- youth unemployment;
- environment and regional imbalances;
- broadening its growth base and diversifying its economic sectors;
- controlling inflation;
- empowerment of social and economic stakeholders;
- consolidation of national reconciliation and peace;
- the fight against corruption;
- accelerating structural reforms;
- proper matching of training to employment.

According to Savané, in order to meet those challenges, Algeria needed to resolve five 'core issues': state reform and modernisation; corruption and money-laundering; gender equality; youth employment and land development.

Mrs Savané and the panel felt that the success of state reform and of reforms in general depended on the 'appropriateness of the procedures implemented' and that it 'is therefore urgent to move beyond issue of "enlightened and visionary leadership" and use a participatory approach to guide the decision-making processes to be implemented'. In the view of the panel, this 'prerequisite' and a 'revolution of mentalities' were necessary for 'the Algerian nation [...] to win the battle of reforming and modernising the state and society'. The synthesis by Savané therefore addressed – in diplomatic terms – the fundamental governance issue in Algeria: that of the low level of participation of citizens in the public life of the nation and especially in decision-making, either directly or indirectly. Although she noted a 'progressive return to peace and stability' in her synthesis, Savané failed to mention the state of emergency in effect for more than 15 years, which constitutes one of the core characteristics of governance in Algeria.

President Bouteflika, in his address to the heads of state and government, described the presentation by Mrs Savané as 'instructive' and the Country Review Report as 'very solid' and

'excellent'. The head of state stressed the 'major processes of change' undertaken by Algeria and the 'tremendous efforts' made by the country. He felt that those efforts 'were reflected in their foundation, scope and purpose by the national self-assessment exercise', which 'objectively highlighted' the challenges faced in the process of modernising the state and society. President Bouteflika felt that 'the most important challenge is, undoubtedly, the consolidation of the return to peace after the long and difficult period of instability and insecurity' that Algeria experienced, and he stated that 'it is that spirit of reconciliation, of dealing with the considerable consequences of our national tragedy, that currently guides government policies and actions in various areas'.⁹⁵

Launching of the review report and plan of action

To the extent of our knowledge, no official ceremony was held to launch the Country Review Report after the six-month deadline that the APRM rules give states under review to publish a report. According to the national focal point, in July 2007 'a synthesis was made public which reported some of the "good practices" in Algeria, particularly in the area of leadership, based on the programme undertaken by President Bouteflika, in matters of national reconciliation, education, healthcare and infrastructure'.⁹⁶

Subsequently, the Country Review Report was placed online on the website of the Ministry of Foreign Affairs, which was the supervisory ministry of the deputy minister in charge of African and Maghreb affairs, who served as the national focal point. In the 18 months following the presentation of the report during the 7th forum of APRM heads of state and government on 1 July 2007, it seems that no steps were taken to present or disseminate the report in the different regions of the country. At the end of 2008, the Arabic version of the Country Review Report, which was already available online in French and English,⁹⁷ was in the process of being finalised. This way of going about things bears witness to the inconsistency of the official language policy in Algeria. Indeed, the authorities constantly and dogmatically proclaim that they wish to promote the Arabic language, which is the only official language in Algeria, and yet they did not provide

95 'Intervention du Président Bouteflika au 7ème Forum des Chefs d'Etat et de Gouvernement du MAEP (Accra, dimanche 1er juillet 2007)'. press release, 2 July 2007, full text available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/02/3151669.

96 See the press release dated 16 July 2007, 'M. Messahel : le rapport d'évaluation sur la gouvernance en Algérie est l'un des "plus transparents"', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837.

97 As at 15 June 2009.

citizens with an Arabic version of the Country Review Report. Between July 2007 and the end of 2008, there were no reports in the press on any initiatives aimed at presenting and disseminating the Country Review Report in Algeria as was done by the national focal point a few weeks prior to the presidential election of April 2009.

In March 2009, the national focal point, A. Messahel, made presentations in three Algerian universities⁹⁸ on the overall APRM implementation process in Algeria, the Country Review Report drafted by the country review mission, and Algerian governance policies. Messahel met with the academic community in Oran on 11 March,⁹⁹ in Constantine on 14 March¹⁰⁰ and in Béjaïa on 15 March.¹⁰¹ There do not seem to have been any other events relating to the APRM since then, and, particularly, none involving the members of the NGC. During his different addresses, Messahel stressed that democracy and political governance were 'undeniably the most important part of the governance review exercise, according to the national focal point. In his view, governance mainly involved four themes in Algeria: national reconciliation, organisation of elections, consolidation of the Rule of Law and the fight against corruption.

The official National Plan of Action was appended to the Country Review Report. According to Mrs Savané, the country review mission considered 'that certain recommendations and the ensuing programmes of action

could be strengthened and better targeted'.¹⁰² This opinion can only be shared after reading the document, and it was confirmed in the report on the implementation status of the national action programme on governance.

The document, which is available on the home page of the website of the Ministry of Foreign Affairs, is dated November 2008. It was written¹⁰³ in conformity with the methodological guidelines of the APRM secretariat and the panel of eminent persons and takes account of the findings of the preparatory workshop organised by the APRM secretariat in Pretoria on 8 and 9 October 2009 on 'the rationalisation and acceleration of the APRM process' and those of the workshop organised jointly by the CNES and the APRM secretariat in Algiers on 8 and 9 November 2007. The national focal point, under the direct authority of the head of government, played a decisive role in the drafting of the report, notably supported by the CNES and 'research institutions, including the CENEAP'¹⁰⁴ as well as by the focal points created in various ministries and public institutions. The latter were mandated to monitor the implementation of the plan of action in their sector of activity and write regular interim reports on the progress achieved. The writers of the report worked in four theme groups. The sector report mechanism was set up in the different public administrative departments in July 2007, and regular meetings were organised with technical partners throughout 2008.

In the view of the national focal point, 'in addition to espousing the philosophy of the African mechanism, over the last two years, the government's Programme of Action and Plan of Action were structured in such a way as to integrate the approach and objectives of the National Programme on Governance'. He added that 'Algeria is the first African country to achieve this symbiosis of the principles and objectives developed in the APRM and national public policies'¹⁰⁵. This 'symbiosis' was illustrated, according to the Report on Implementation, by 'the government programme approved by the National Assembly on 28 June 2007 which explicitly refers to the APRM'.¹⁰⁶ It was also reflected in the Government Plan of Action for the implementation of the

98 The text of the contribution by A. Messahel during the university conference tour is available on the site of the Ministry of Foreign Affairs under the title 'Conférence de M. Abdelkader Messahel', 16 March 2009, available at: http://193.194.78.233/ma_fr/stories.php?story=09/03/25/3906353.

99 See 'Messahel : l'Algérie sollicitée par le MAEP pour ses pratiques de gouvernance exemplaires', press release, 14 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0210942; H. Barti, 'Oran : le plaidoyer de Messahel', *Le Quotidien d'Oran*, 12 March 2009, available at: http://www.lequotidien-oran.com/index.php?news=5117190&archive_date=2009-03-12.

100 'Rapport national d'évaluation du MAEP – Messahel à Constantine : "Démocratie et gouvernance politique, axe édifant pour l'évaluation des avancées de l'Algérie"', press release, 15 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0242361 and *El Moudjahid*, 14 March 2009, available on: <http://www.elmoudjahid.com/accueil/cooperation/28928.html>; Amar Rafa, 'Lors d'une conférence consacrée au rapport de l'Algérie par le MAEP. Messahel souligne les "acquis importants" de l'Algérie ces dix dernières années', *La Tribune*, 15 March 2009, available at: <http://www.latribune-online.com/evenement/13402.html>.

101 See 'M. Messahel expose le rapport du MAEP à l'Université de Béjaïa', press release, 15 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0253089 and *El Moudjahid*, 15 March, available at <http://www.elmoudjahid.com/accueil/cooperation/29083.html>; Arezki Slimani, 'Abdelkader Messahel à Béjaïa : "La Réconciliation est un acquis indéniable"', *L'Expression*, 16 March 2009, p. 4, www.lexpressiondz.com.

102 See 'Synthèse du Rapport sur l'Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra', press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

103 On this issue, see the Country Review Report on the implementation status of the national plan of action on governance, pp. 8–11.

104 The Country Review Report (p. 10) does not specify what other research institutes were involved.

105 See the aforementioned 'Conférence de M. Abdelkader Messahel' (16 March 2009).

106 Report on the implementation of the plan of action, p. 9.

2009 programme of the president of the republic, which strongly resembled the foregoing.¹⁰⁷

¹⁰⁷ See in particular the second chapter; pp. 7 *et seq.* This document is available on the portal of the prime minister: <http://www.premier-ministre.gov.dz/media/PDF/plan2009.pdf>.

Review of the problems and shortcomings of the process

The strong political backing of the president of the republic made the self-assessment and review process a success in a country whose institutions did not have a pluralistic tradition, which was just emerging from a decade of devastating and traumatic violence, and which had been subjected to a state of emergency for more than 15 years. From that standpoint and in the opinion of a great majority of observers, this novel undertaking was a definite success. In this regard, the fact that 13 ministers were heard by the NGC in late 2005, in the presence of M.-A. Savané, was highly symbolic.

The review process was, however, not without flaws and difficulties. These notably included problems of representativeness due to structural political reasons, despite undeniably strong participation by non-governmental bodies; a low level of awareness surrounding the process; difficulties in the administration of the questionnaire, and difficult access to information. Furthermore, the fact that both the review report and the self-assessment report failed to address certain questions was problematic.

The political will of the president of the republic

The strong political will of the president of the republic to make the review process a success was clearly apparent in the NGC inauguration address spoken by the head of government on behalf of the president of the republic. This political will was symbolised by the image of Algeria as a 'transparent house' or 'glass house', and it was further reflected in the president's recommendation to the review participants, urging them to put their fingers on the 'sore spots',¹⁰⁸ which served as a leitmotiv.

¹⁰⁸ For example, see the Country Review Report, pp. 38 and 50.

The APRM Review Report also stressed the personal involvement of the President in having the country reviewed as the first practical example¹⁰⁹. The President's commitment to the process can be illustrated by the audience he granted, lasting more than three hours, to the members of the Support Mission in July 2005 and the five-hour audience he granted to the country review mission on 12 November 2006.

President Bouteflika also granted several other audiences to Mrs Savané, in Abuja on 19 June 2005¹¹⁰, in Algiers on 17 April 2007¹¹¹ and in Accra on 30 June 2007.¹¹²

Savané also met with the head of government, Ahmed Ouyahia, on 25 July 2005¹¹³ and with his successor, Abdelaziz Belkhadem, on 25 November 2006 and 5 December 2006.¹¹⁴

¹⁰⁹ Country Review Report, p. 50.

¹¹⁰ On the sidelines of the 3rd forum of heads of state and government of APRM participant countries. See the press release dated 20 June 2005, entitled 'Le Président Bouteflika regagne Alger après avoir pris part à la 3ème réunion du MAEP à Abuja', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/06/20/0876234.

¹¹¹ See the press release of 18 April 2007 on the site of the Ministry of Foreign Affairs, entitled: 'Le Président Bouteflika reçoit Mme Marie-Angélique Savané', available on: http://193.194.78.233/ma_fr/stories.php?story=07/04/18/1872933.

¹¹² See the press release of 1 July 2007, on the site of the Ministry of Foreign Affairs, entitled: 'Le Président Bouteflika reçoit Mme Savané', available on: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6202969.

¹¹³ See the Ministry of Foreign Affairs press release of 25 July 2005, entitled 'Ouyahia : L'Algérie disponible à coopérer avec le MAEP', available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/25/6859387.

¹¹⁴ See the press releases dated 25 November 2006 and 5 December 2006, on the site of the Ministry of Foreign Affairs, respectively entitled 'M. Belkhadem reçoit Mme Marie Angélique Savané', available on: http://193.194.78.233/ma_fr/stories.php?story=06/11/26/9647867 and 'Le Chef du Gouvernement reçoit Mme Savané', available on: http://193.194.78.233/ma_fr/stories.php?story=06/12/05/8112636.

She was also granted audiences with other members of government and speakers of the various representative assemblies.

This personal involvement on the part of the president of the republic went a long way to facilitating the work of the NGC and its contacts with various public institutions: the ministries in particular, as well as the *walis*, which are the equivalent of prefects, local representatives of the state in each *wilaya*. Instructions were sent out by the office of the president of the republic and the office of the head of government to help the NGC fulfil its mission. President Bouteflika's strong and clear commitment was particularly important, since the process was perceived by the public administration, especially at the outset, as a form of meddling in its affairs by a Council with a high proportion of members from civil society. Thus, relations between the NGC and local authorities were laborious at the start, since the latter thought they were going to be assessed by the Council. After the initial tension was dissipated, relations improved considerably thanks to the endorsement of the president and the explanations provided by the NGC.¹¹⁵

The very need for this type of approach reflects the extent to which the Algerian administration is mistrustful of all outside eyes.¹¹⁶ It also bears witness to a rather vertical power structure in which the initiative must come from the top for the administrative system to react positively to an undertaking of this kind, or indeed to any undertaking at all.

The president's political will was manifested in the provision of the necessary resources to ensure the success of the NGC mission, as was confirmed by all of the members of the NGC bureau with whom we met.

Support by the head of government

The head of government obviously played a role throughout the process. His involvement was even stronger during the formalisation of the draft self-assessment report. It was chiefly reflected by the organisation of an inter-ministerial council meeting on 7 August 2006. The meeting was convened by the head of government upon request by the NGC. It was attended by the chair of the NGC, F.-Z. Karadja, as well as by virtually all of the members of the Government. The inter-ministerial council meeting helped improve the quality of the self-assessment report. The information provided by the different ministerial departments tended to be overly

¹¹⁵ Interview with Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008.

¹¹⁶ This lack of confidence was expressed by the head of government at that time, Ahmed Ouyahia, in his abovementioned address on 12 March 2005, on the occasion of the inauguration of the NGC.

descriptive, and the inter-ministerial council meeting of 7 August 2006 was able to reduce the share of descriptions in the draft report and make it more appraising.

Subsequently, a government council meeting¹¹⁷ held on 29 August 2006 approved the finalisation of the self-assessment report.

Hearing of 13 ministers by the NGC in the presence of Mrs Savané and African experts

On 30 November and 1 December 2005, the NGC heard 13 Algerian government ministers in the framework of the self-assessment process.¹¹⁸ The hearing sessions notably focused on the '2005/2009 five-year recovery plan' and on its ties to the programme of action to follow from the self-assessment process.

The exercise was completely novel in Algeria and appeared to be highly symbolic. Indeed, in Algerian political practice, the executive branch in general and ministers in particular are only exceptionally asked to account for their actions, even before national elected representatives.¹¹⁹ A tenuous tradition of debate before parliamentary bodies has begun to establish itself in recent years, but it remains very hesitant.

The undertaking was initiated by the members of the NGC and it obviously could never have taken place without the approval and support of the president of the republic, who was initially to attend the hearings. They took place scant days before the meeting of the Union of African National Economic and Social Councils on the Millennium Development Goals at the Palais des Nations, thereby facilitating the presence of African observers such as Mrs Savané, who was personally invited by the president of the republic.

The commitment of the head of state also had a spill-over

¹¹⁷ The *Conseil du Gouvernement* (council of government) is presided over by the head of government (who bears the title of prime minister since the constitutional reform of autumn 2008) whereas the *Conseil des ministres* (council of ministers) is presided over by the head of state, i.e. the president of the republic.

¹¹⁸ See 'Début d'une rencontre entre la Commission de gouvernance et des membres du Gouvernement', press release, 5 December 2005, available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/12/03/4564690.

¹¹⁹ *Inter alia*, Article 133 of the Constitution of 1996 provides that 'members of parliament may question the government on topical issues' and that 'parliamentary commissions may hear members of government'. In addition, Article 134 provides that 'members of parliament may address any question to any member of government, in oral or written form'.

impact on government ministers¹²⁰ and overcame the reticence of certain ministers who apparently did not initially intend to participate in the exercise.¹²¹

Despite some lingering reticence,¹²² the hearings were useful. They allowed for real debate between the members of the NGC and the members of the government in attendance during two full days. They allowed concrete progress to be made in the review process, particularly on socio-economic issues. Furthermore, thanks notably to relatively strong media coverage, the hearings were useful if only for their highly symbolic and instructive value. Certain issues that were stressed, such as the fact that an inter-ministerial council meeting had to be organised in August 2006 to make the data supplied to the NGC by the different administrative departments less descriptive and more appreciative, and the fact that the NGC still lacked impact studies on public policies,¹²³ lead us to believe that the hearings were also a communications operation aimed at the members of the CRM.

The APRM assessment reflected in the CNES 2007 National Report on Human Development

It is worthy of note that the National Report on Human Development (*Rapport National sur le Développement Humain*, RNDH) produced by the CNES for the year 2007 took account of the perspectives on human development found in the APRM Review Report. The CNES included a special section in the 2007 RNDH, entitled 'Un regard externe sur le développement humain à travers l'évaluation pays dans le cadre du APRM' (An outside perspective on human development through the APRM country review). The RNDH did not repeat all of the conclusions of the APRM report or make a synthesis of it. The special section was presented as an extract of 'assessments directly linked to human development, with a view to consolidating, or even

comparing findings'¹²⁴ and its aim was to make the RNDH a more thorough and complete report.

This inclusion in the RNDH report, in addition to the fact that it was useful for the RNDH, was also helpful in that it contributed to the dissemination of the findings of the APRM report in expert circles.

Representation of civil society within the NGC

This question encompasses two aspects: representation of associations and representation of labour and employers' organisations.

Lack of representation of so-called 'politically sensitive' organisations

One principle that was followed in the composition of the National Governing Council was only to call upon legally registered associations as representatives of civil society. On first sight, this principle can hardly be criticised. Law No. 90-31 of 4 December 1990 on associations stipulates that associations are properly formed after submitting a declaration of incorporation to the appropriate public authorities.¹²⁵ The latter have 60 days following the submission of the declaration of incorporation to deliver a registration receipt. Furthermore, when the competent authorities consider that the incorporation of an association is contrary to the provisions of law, it has an additional month and a half following the submission of the declaration to seize the administrative chamber of the court with territorial jurisdiction, which then has 30 days to rule. Under the terms of the law, the competent authorities have only two choices: either to deliver a receipt and register the association so that it has legal status, or ask a court of justice to rule on the matter.

However, this principle is not upheld in practice. Often, when a declaration of incorporation is submitted, the competent authorities do not grant a receipt, nor do they seize a court of justice as they are required to do by law. In particular, this fate has befallen certain human rights associations, such as SOS Disparus, a group for families of victims of forced disappearances in the 1990s, which is an extremely sensitive issue. SOS Disparus exists in Algeria and also has a sister

120 Interview with Fatma-Zohra Karadja, Chair of the NGC. Algiers, 8 November 2008.

121 Some 'were unwilling to participate in the question-and-answer period, and were duly admonished' according to F.-Z. Karadja, as quoted in the press.

122 See A.O. Tahar, 'Enquête nationale d'évaluation de la bonne gouvernance. Des ministres refusent de répondre à la Commission Nationale', in *La Voix de l'Oranie*, 14 January 2007.

123 It is totally abnormal that the impact of public policies was never really studied in Algeria, or at least that such studies—when they did exist—were never submitted to the judgement of the citizens and were never publicly debated. In recent years, hearings of ministers by the president of the republic have constituted a sort of serial saga, especially during the month of Ramadan.

124 *Rapport National sur le Développement Humain 2007*, CNES, July 2008, p. 79, available on the CNES website: www.cnes.dz

125 The wali having jurisdiction over the territory in the case of local associations, and the minister of the interior for national or inter-wilayal associations. The law is available on the website of the Gazette: http://www.joradp.dz/J08499/1990/053/F_Pag.htm.

association abroad, in France, known as the collective of families of the disappeared in Algeria (*Collectif des Familles de Disparu(e)s en Algérie*, CFDA). The latter organisation was granted observer status by the African Commission on Human and Peoples' Rights during its 44th ordinary session in November 2008.

As an in-depth study has demonstrated, the Algerian associational landscape is characterised by the 'scarcity of associations involved in protest, human rights, and what are commonly known as "politically sensitive" associations'.¹²⁶ Their scarcity is undoubtedly due in part to the policy of refusing to register certain associations, a policy criticised by the United Nations Human Rights Committee. In its concluding observations of 1 November 2007 on the 3rd Periodic Report by Algeria, covering the period from July 1998 to September 2006, the Human Rights Committee was 'concerned that numerous human rights organisations and advocates were unable to freely exercise their activities' and recommended to the Algerian authorities that they should henceforth 'guarantee the right of all associations to appeal when refused registration'.¹²⁷

Under those conditions, the representation of civil society within the NGC was skewed from the start, because certain civil society groups were prevented from legally incorporating as associations, particularly those dealing with 'politically sensitive' issues, which of course are highly relevant to governance.

In other situations, registration was accepted on condition that the association renounced its national vocation and agreed to be a local association operating only within the territory of a single wilaya. Generally speaking, it was noted in the aforementioned study that 'everything seems [...] to indicate that the state wants to shape the associational landscape to suit its own purposes, giving it a specific function as a natural extension of and servant to the whims of the state'.¹²⁸

Under such conditions, it is hardly surprising that certain associations that were legally registered but were highly critical of the policies of the executive branch in their area of activity were not contacted, such as the Djazaïrouna

association of families of victims of terrorism¹²⁹ or Somoud, an association of families of victims abducted by armed Muslim fundamentalist groups.¹³⁰ These associations, which were legally registered, were not asked to send representatives to the NGC. Neither were they consulted during the hearings organised by the NGC or later by the country review mission.

The fact that such organisations, which are absolutely legal,¹³¹ were not in any way involved in the self-assessment process despite being very active in areas relevant to governance can hardly be seen as an accident. Indeed, their common denominator was that they publicly opposed the policies of the president of the republic on *de facto* amnesty for Muslim fundamentalist activists who committed murder. It should be pointed out that the creation of the NGC in March 2005 coincided with debates on the transition from the 'civil harmony' instituted in 1999 to the next step reflected by the adoption of the 'Charter for peace and national reconciliation'¹³² by referendum in September 2005, following a campaign distinguished by its lack of open forums.¹³³

To all of these issues, we can add the fact that a large number of associations that served as mass organisations of the former single party, such as the UNPA and the UNFA, were represented within the NGC. Without taking away from the quality of their work in the field, these associations tended

126 See the study by Omar Derras, *Le phénomène associatif en Algérie. Etat des lieux : participation sociale et vitalité associative*, Algiers, Friedrich Ebert Stiftung, Algiers Office, January 2007, p. 35.

127 Paragraph 25 of the Concluding Observations of the United Nations Human Rights Committee adopted on 1 November 2007, on the 3rd Periodic Report submitted by Algeria pursuant to Article 40 of the International Covenant on Civil and Political Rights (CCPR/C/DZA/CO/3). Available on: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/457/75/PDF/G0745775.pdf?OpenElement> or <http://www2.ohchr.org/english/bodies/hrc/hrcc91.htm>.

128 Omar Derras, *Le phénomène associatif en Algérie, op. cit.*, p. 35.

129 Interview with Cherifa Kheddar, Chair of Djazaïrouna, 6 March 2009.

130 Interviews with Adnène Bouchaib, vice president of Somoud, 6 and 11 March 2009. Like Djazaïrouna, Somoud is a local association. It is registered in the wilaya of Algiers. In 1996, Somoud submitted an application to the Ministry of the Interior to register as a national association. The application was never answered.

131 Furthermore, if one attempted to justify the situation by the fact that the associations were local in scope, that argument would be debatable to the extent that the country had only 948 national associations and more than 30 million inhabitants and 79023 local associations, which were therefore far more numerous. These figures on associations appear in paragraph 195 (p. 81) of the Country Review Report.

132 'Civil harmony' and 'national reconciliation' were the names given to the process initiated by President Bouteflika in 1999, which was supposed to bring lasting peace. The process involved amnesty (which was partial in legal terms, but very broad in practice) for armed Muslim fundamentalists and the prohibition of legal action against any agents of the state who were suspected of having committed crimes during the violent events of the 1990s, rebaptised as the 'national tragedy'. Impunity and forgetfulness were one of the two major thrusts of the process, along with abstaining from seeking out the political and penal responsibilities of the various actors of that time in the commission of certain crimes. This focus tends to depoliticise the events of the 1990s, which are given the generic label of 'national tragedy', which could very well apply to damage caused by a natural disaster.

133 See, among other references, A. Benchabane, 'La presse étrangère et le référendum. Des doutes sur la véracité des chiffres', in *El Watan*, 2 October 2005, available on: <http://www.elwatan.com/La-presse-etrangere-et-le>.

to be organisations ‘with an allegiance to power’¹³⁴ and not known for their criticism of the executive branch, which can be something of a hindrance if they are supposed to ‘put their fingers on the sore spots’.

Despite the fact that there was no official list made available to the public of the members of the NGC or the associations represented therein, the foregoing information does cast some doubt on the quality of its representation of civil society. Indeed, it appears that the representation of civil society within the NGC was flawed and that the ideas and interests of certain sectors of civil society were not represented during the self-assessment. It should be pointed out that this information is in no way intended to cast doubt on the honourableness or quality of the work of the associations that were represented within the NGC.

Representation of labour and employers’ organisations

This representation involves two components: workers’ unions and employers’ organisations.

Regarding trade unions, note should be taken of the low level of unionisation in the private sector, which necessarily had repercussions in terms of the absence of unions representing private-sector workers within the NGC. Still, there are 75 trade unions in Algeria, operating ‘under unequal conditions’,¹³⁵ chiefly in the public sector. The UGTA seems to have been the only general trade union involved in the work of the NGC.

The UGTA’s main rival union, SNAPAP (*Syndicat National Autonome des personnels de l’Administration Publique*), an independent national union of public administration staff, was not invited to send representatives to the NGC.¹³⁶ This could have been due to the fact that, at the time of the creation of the NGC (as was still the case at the time of the writing of this report), the authorities were opposed to emergence of independent trade unions¹³⁷ that could

134 To use an expression taken from O. Derras, *Le phénomène associatif en Algérie*, op. cit., p. 36. Such bonds of allegiance are pre-eminent in the Algerian associational landscape, as pointed out by Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, Friedrich Ebert Stiftung, Algiers, September 2008, p. 45.

135 Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, op. cit., p. 29.

136 Various contacts with Rachid Malaoui, president of SNAPAP, in January and March 2009.

137 On the obstruction of the emergence of independent labour unions in 2005, see the 2006 annual report on violations of union rights by the International Confederation of Free Trade Unions, p. 16 (the 2006 report covers violations committed in 2005), available on: <http://www.icftu.org/www/pdf/survey06/Survey06-FR.pdf>. On the status of relations between these unions and the executive a few weeks before the establishment of the NGC, see Djamilia Kourta, ‘Discours de Bouteflika sur les libertés – Les syndicats autonomes indignés’, in *El Watan*, 26 February 2005, available on: <http://www.elwatan.com/Les-syndicats-autonomes-indignes>.

challenge the hegemony of the UGTA, which has close ties to the regime in power.¹³⁸ SNAPAP, which is one of the largest of such unions, was a particular target.

The UGTA was the only authorised trade union in the days of the single party and, in a way, the current regime and the UGTA are both descendants of the single-party system that prevailed in Algeria up until 1989. The UGTA supported the candidacy of President Bouteflika in 1999, in 2004 and in 2009. The UGTA also called on the competent authorities in 2008 to revise the Constitution – which limited to two the authorised number of consecutive presidential mandates – in order to enable the president of the republic then in office, Abdelaziz Bouteflika, to run for a third term¹³⁹ The UGTA’s secretary general, Abdelmadjid Sidi-Saïd, began to campaign for Bouteflika even before the electoral campaign was officially launched.¹⁴⁰ Under such conditions, it is hardly surprising that the political authorities have always wanted to deal with only one union, the UGTA¹⁴¹ and that no independent unions were officially contacted in the APRM framework.¹⁴²

The problem affecting trade union representation within the NGC also applied, although less acutely, to employers’ organisations.

Private employers were represented within the NGC by the *Confédération Algérienne du Patronat* (CAP). CAP participated in the tripartite negotiation of the national economic and social pact of 30 September 2006 between the government, employers and the UGTA, and was also a signatory to the agreement. The Algerian Union of Public

138 See Nabila Amir, ‘Clôture hier des travaux du 11ème Congrès de la Centrale syndicale. Quand le Gouvernement s’immisce dans les affaires de l’UGTA...’, in *El Watan*, 1 April 2008, available on: <http://www.elwatan.com/IMG/pdf/elwatan01042008.pdf>.

139 Nabila Amir, ‘L’UGTA demande la révision de la Constitution et un 3ème mandat’, in *El Watan*, 1 April 2008, available on: <http://www.elwatan.com/IMG/pdf/elwatan01042008.pdf>.

140 A. Boukarine, ‘A quatre jours de l’ouverture de la campagne présidentielle : Sidi-Saïd appelle à voter pour Bouteflika’, in *Liberté*, 16 March 2009, available on: <http://www.liberte-algerie.com/edit.php?id=110842>.

141 On this issue, see Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, op. cit., p. 32, who considers that the UGTA enjoys a ‘free ride’ thanks to its former status as the union of the single party, the ensuing ‘presumption of representativeness’ and the ‘closeness it creates with decision-making spheres and power in the framework of “blotting paper unionism” that absorbs basic demands and popular discontent’.

142 Telephone interview on 25 March 2009 with Dr Tahar Besbas, coordinator of the National Committee on Trade Union Freedom (*Comité National des Libertés Syndicales*, CNLS) and former secretary general of the National Union of Public Health Practitioners (*Syndicat National des Praticiens de la Santé Publique*, SNPSP). Dr Besbas is currently a Member of Parliament for Algiers, elected on the list of an opposition party, *Rassemblement pour la Culture et la Démocratie* (RCD).

Entrepreneurs (*Union Nationale des Entrepreneurs Publics*, UNEP), as a representative organisation, participated in the negotiations but did not sign the pact.¹⁴³

The UNEP, which represents public employers—the public sector (excluding administration) still represents a sizeable share of salaried employment in Algeria—was not called upon to send representatives to the NGC or to activate its local branches when the NGC travelled to the wilayas.¹⁴⁴ On the other hand, it was invited to the hearings organised by the country review mission (CRM) and its views were taken into account on that occasion.

Lack of transparency

The very few NGC working papers that we were able to access were transmitted to us by individual members of the NGC, whom we wish to thank. It was not even possible to obtain an official list naming the members of the NGC or the associations represented from the office of the focal point.

In addition, the archives of the NGC were handed over by the latter to the office of the focal point.¹⁴⁵ Despite having made a request, we were unable to consult those archives. As the self-assessment process was an exercise in transparency, it is highly paradoxical that access to the NGC's working papers has been restricted. Similarly, it is surprising that the NGC website was deactivated as soon as its mission was completed. For very little cost, the information on the NGC's activities that appeared on the site could have been made available through the site of a ministry, such as the supervisory ministry of the focal point, for instance.

In this case, it seems that the will of the president of the republic to see Algeria move ahead 'in the utmost transparency with the audit it requested in Africa' and to ensure that the peer review was a 'voluntary, fair and transparent act' was taken literally.¹⁴⁶ Apparently, transparency was only for the authors of the review, and not for others, including the intended ultimate beneficiaries of the APR mechanism, to wit, the people of Algeria to whom the political authorities were never accountable. This lack of transparency may seem surprising in light of the nature and purpose of the APRM, but it was entirely foreseeable for those who shared the opinion of the

former head of government, Ahmed Benbitour, according to whom 'the Algerian state is characterised by authoritarianism and patrimonialism in its exercise of power and by rent-seeking and predation in its resource allocation'.¹⁴⁷

Critical assessment of certain findings of the review

This critical assessment focuses on certain statements contained in the Country Review Report, and in the Country Self-Assessment Report (CSAR) as summarised in the Country Review Report. Our assessment does not aim to be exhaustive. Instead, we will focus on points that are particularly revealing or that are tied in to structural governance issues. As we were unable to obtain an official copy of the CSAR, we have based our evaluation on what was said of it in the Country Review Report, particularly since more than '80% of the data gathered by the Council was included in the review report on governance in Algeria'.¹⁴⁸

It should be noted that, generally speaking, the CSAR seems to have taken a descriptive and formalistic approach to political governance issues. The summary of the CSAR in this area, as it appears in the Country Review Report, looks very much like a catalogue of standards in force and focuses more on descriptions of institutions rather than on in-depth analysis of the conformity of institutional practices with Algerian law and the conformity of Algerian law with the international commitments undertaken by Algeria. Finally, our critical assessment also focuses on certain omissions.

The judgement expressed by Mrs Savané in Accra, according to which the APRM 'felt that certain recommendations and programmes of action [...] ensuing from the [plan of action] could be strengthened and better targeted'¹⁴⁹ is confirmed upon reading the report on the implementation of the plan,¹⁵⁰ especially with regard to the portions on democracy and political governance which are, in the words of the national focal point, 'undeniably the most important part of the governance review exercise, which is in fact a

143 Interview with Ahcène Benyounes and Ali Slimani, respectively president and vice-president of UNEP, Algiers, 10 January 2009.

144 *Ibid.*

145 Interview with Fatma-Zohra Karadja, chair of the NGC, Algiers, 8 November 2008.

146 This political will was expressed in the above terms by the head of government during his address at the inauguration of the NGC, in March 2005.

147 Quoted by Mustapha Benfodil, 'Les excès de la centralisation du pouvoir. L'Etat paralysé', in *El Watan*, 30 August 2009, pp. 1 and 3.

148 See the press release of 16 July 2007, 'M. Messahel : le rapport d'évaluation sur la gouvernance en Algérie est l'un des "plus transparents"', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837.

149 See 'Synthèse du Rapport sur l'Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra', press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

150 Since the implementation of the plan was presented by the national focal point, we will focus on that assessment.

barometer of the exercise of democracy'. Our analysis will particularly focus on the so-called 'national reconciliation' policy, which 'is a condition for a definitive and sustainable return to security, without which any real development initiative would be hazardous, if not to say illusory' according to A. Messahel, before we more briefly address the figures on socio-economic governance.

Theme: Democracy and Political Governance

Certain omissions and affirmations relating to the theme of Democracy and Political Governance leave the reader in a state of perplexity.

The first finding in this area that may be perplexing for the reader involves the state of emergency: since 1992, Algeria has been living under a state of emergency, which remains in effect, even though it was modified in the mid-1990s.

By definition, a state of emergency is an exceptional regime whose purpose is to enable the state to reduce the exercise of certain liberties in order to deal with a public danger. Regarding what was said about it in the CSAR, according to the CRM's summary, the report stressed that 'to deal with terrorist violence, Algeria has implemented provisions of its Constitution, in keeping with its international commitments. Thus, under the terms of Article 84 of the Constitution, a state of emergency was declared' (para. 125, p. 65 of the Country Review Report). First of all, this assessment of the situation contrasts with that of the legal bodies in charge of monitoring international commitments in Algeria.¹⁵¹ Secondly, it does not mention that Article 91 paragraph 2 of the Algerian Constitution of 1996, which is currently in force, stipulates that a state of emergency may only be prolonged following the approval of Parliament sitting in full chamber,¹⁵² which has never taken place to our knowledge.

According to the summary in the review report, the CSAR made no mention of the report of the national commission of inquiry into the events in Kabylia (*Commission nationale d'enquête sur les événements de Kabylie*) set up in 2001, nor did the review report itself. The commission of inquiry was chaired by Professor Mohand Issad, an eminent and widely respected jurist, and was mandated by the president of the republic. In its final report, it challenged the continuation of the state of emergency and the exorbitant powers of the military authorities in practice.¹⁵³

The CRM did not expressly mention the issue of the state of emergency in its recommendations on Objective 1 ('Preventing and reducing intra- and inter-state conflicts'). It did, however, affirm in the body of its conclusions relating to Objective 2 ('Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution') that government 'awareness' should be raised regarding 'the lifting of the state of emergency as soon as circumstances allowed, in order to quell speculation on the "political instrumentalisation of terrorism by the public authorities"' (para. 188).

It is unfortunate that the CRM did not clearly and expressly deal with this issue in its recommendations at least to ask the public authorities to allow open and contradictory debate on whether or not the state of emergency needed to be maintained.

Another point that may perplex the reader is the silence surrounding the events in Kabylia in 2001, in which more than 120 people were killed by the forces of law and order, riots occurred repeatedly for months, and the people of the region disavowed the representatives elected in the local elections of 10 October 2002. The elections were massively boycotted by the population of the region, as were the legislative elections of 30 May 2002, during which records of abstention were observed in the two principal wilayas of Kabylia: 98.24% in Tizi Ouzou and 97.39% in Béjaïa.¹⁵⁴ After addressing the issue of terrorism, paragraph 131 (p. 66 of the Country Review Report) on the 'other conflicts' addressed in the CSAR fails to mention the riots which, in addition to the numerous deaths involved, pointed to a serious issue of political representativeness within national institutions throughout the region of Kabylia.¹⁵⁵ The subject was broached very discreetly and indirectly when the CRM pointed out the absence of the *Front des Forces Socialistes*¹⁵⁶ in parliament, without explaining that this absence was due to its refusal to participate in the legislative elections of 2002 due to the events in Kabylia.

Not only was this political conflict denied in the CSAR, but the political nature and characteristics of the protesters' demands seemed to be reduced to 'a problem of language and socio-cultural diversity' by the CRM (paragraph 147, p. 70 of the Country Review Report). And yet, as has been rightly pointed out, 'although the unrest was concentrated

151 See the Concluding Observations of the Human Rights Committee of 29 July 1998 (CCPR/C/79/Add.95), available on: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.95.Fr?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.95.Fr?Opendocument).

152 Article 86 of the Constitution of 1989 only required the approval of the National Assembly, which was the only house of parliament at the time.

153 See the French-language daily, *Le jeune indépendant*, 30 December 2001.

154 Official figures of the Constitutional Council. Available on the site of the Council: www.conseil-constitutionnel.dz (see *Activités du Conseil, Bilan 2002*).

155 See *Algeria: Unrest and Impasse in Kabylia*, a report by the International Crisis Group, 10 June 2003, available on: www.icg.org.

156 The FFS is traditionally the dominant political party in Kabylia, alongside the *Rassemblement pour la Culture et la Démocratie* (RCD).

in Kabylia, it was not born of identity-based demands, but [was] cause[d] by problems of a largely national scope¹⁵⁷ and was aimed first and foremost at the national gendarmerie and poor governance. Furthermore, it is significant that the president of the republic never made an official visit to the two wilayas of Tizi Ouzou and Béjaïa, which form the heart of Kabylia, during either his first or his second term.¹⁵⁸

The conclusion of the CRM on this point was all the more incomprehensible in that it reproached the CSAR, in its assessment of terrorism, with 'fail[ing] to analyse the internal causes, whose elucidation is required to develop a national strategy of conflict prevention and management' especially 'economic and social inequalities' (paragraphs 135–136, p. 67). The CRM seemed satisfied with the recognition of *Tamazight*, the Berber language, as a national language in the constitutional revision of 2002. Neither the NGC nor the country review mission seemed to wonder how the events took place, what was their impact on the life of the nation or what they meant in terms of governance in Algeria. They apparently also did not wonder how the unrest was quelled or what was done to satisfy the demands of the demonstrators. And yet they both had access to the report of the *Commission nationale d'enquête sur les événements de Kabylie* chaired by Professor of Law Mohand Issad, who also chaired the national justice reform commission (CNRJ) in 1999.¹⁵⁹ However, Professor Issad was never approached to join the NGC, nor was he heard by the NGC or by the CRM.¹⁶⁰

The NGC and the CRM might have wondered about the follow-up given to the observations and recommendations of the Commission and about the handling of the crisis, particularly in terms of what legal sanctions were taken against members of the security forces who shot at demonstrators or of the possible criminal liability of superior officers, not to mention the political responsibility of the government.

These issues were particularly important in light of the fact that, as Professor Issad said in June 2008, 'there was no

157 *Algeria: Unrest and Impasse in Kabylia*, *op. cit.*, p. 3.

158 Mourad Slimani, 'Belkhadem à Béjaïa : "La Kabylie ne doit pas être prise en otage"', in *El Watan*, 19 March 2009, available on: <http://www.elwatan.com/La-Kabylie-ne-doit-pas-etre-prise>. President Bouteflika made an official visit to Béjaïa then to the neighbouring wilaya of Jijel on 25 March and to Tizi Ouzou on 27 March 2009. See Ghania Oukazi, 'Bouteflika à Béjaïa et à Jijel', in *Le Quotidien d'Oran*, 26 March 2009, available on: <http://www.lequotidien-oran.com/index.php?news=5118115>.

159 Professor Issad and other observers of legal issues have been increasingly critical of the Algerian justice situation in the first decade of 2000. See 'Mohand Issad. Président de la CNRJ : "Nous avons appelé à une justice de qualité non de célérité"', interview conducted by Salima Tlemçani, in *El Watan*, 28 March 2005, available on: <http://www.elwatan.com/Mohand-Issad-President-de-la-CNRJ>.

160 Telephone interview with Professor Mohand Issad 14 April 2009.

political explanation or legal response to the fact that they "shot at" a region'.¹⁶¹ In this respect it was quite significant that during his visit to Tizi Ouzou at the end of March 2009 as a candidate for the presidential election of 9 April 2009, the head of state, Abdelaziz Bouteflika, declared that, 'From where I was standing¹⁶² I still do not know today who, on one or the other side, caused this tragedy'.¹⁶³ This revealing statement can be interpreted in either of two ways. Either the president of the republic, to whom the Constitution granted broad powers, and the state departments were unable to elucidate the largely disproportionate use of armed force by the security services, which caused more than 120 civilian deaths, or else there was no political will to identify whether responsibilities were 'on one or the other side'. Whatever the response, the situation raises a serious and unresolved issue regarding political governance and respect for human rights.

Regarding Objective 2 'Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution', it is surprising that the word 'fraud' was never associated with the adjective 'electoral',¹⁶⁴ whereas the authorities are suspected of fraud at every election. In this respect, the CSAR did point to 'the need to reflect on improving and subsequently enhancing the credibility of popular representation, and on the exploration of ways and means of ending suspicions of 'media lockdowns' of which the opposition claims to be a victim' (para. 162 of the Country Review Report).

The Country Review Report did not go as far. It mentioned 'criticisms of arbitrariness and manipulation in the forming of lists of candidates by the party machinery' (para. 180 of the report) and seemed to confine the issue of the representativeness of elected assemblies to a matter of 'representation of complexity and geographic, linguistic and socio-cultural diversity' (para. 181). The issue of the political representativeness of elected officials was limited to that of local elected representatives (para. 181). In addition, in light of its recommendations on Objective 2, the APR Team seemed to consider, through a formalistic approach, that improving the quality of voter representation was purely a matter of 'revising various electoral laws', particularly on voting procedures.

161 Nordine Douici, 'Issad Mohand à Tizi Ouzou', in *El Watan*, 19 June 2008, available on: <http://www.elwatan.com/Issad-Mohand-a-Tizi-Ouzou>. This observation was obviously prior to 2008.

162 Bouteflika was already president of the republic in 2001.

163 Quoted by Ghania Oukazi, in 'Bouteflika à Tizi Ouzou : "Je ne sais pas qui a provoqué cette tragédie"', in *Le Quotidien d'Oran*, 28 March 2009, available on: http://www.lequotidien-oran.com/pdf_version.php?id=5118183.

164 The word was only used in the Country Review Report in reference to tax fraud, corruption and the economy in general (paragraphs 3.43, 564, 742, 749, 758, 768, and 1078).

Thus, the matter of electoral fraud was never addressed clearly or in depth, although recurring accusations of electoral fraud were a major cause of what the APR team discretely referred to as the ‘progressive disaffection of the voters’¹⁶⁵ with elections (para. 181).

On the contrary, the Country Review Report considered that ‘all in all, electoral competitions remain relatively fair and the organisation of elections has improved from one vote to another’ (para. 179) and ‘salute[d] the political pluralism of the elected assemblies’ as one of the ‘emblems of the progress achieved in the area of electoral competition’ (para. 182).

This statement is quite surprising in light of the fact that, in a letter addressed to the president of the republic on 17 May 2007 and signed by its coordinator, Saïd Bouchaïr, the National Supervisory Commission on the Legislative Elections of March 2007 (*Commission nationale politique de surveillance des élections législatives*) reported ‘serious excesses’ during the electoral operation, which were not ‘isolated acts’. The Commission considered that such acts involved ‘all of the regions of the country’ and had a ‘national character’. It concluded that these ‘irresponsible actions were of a nature to compromise the fairness of the election results’. The contents of that letter – which gave rise to controversy between its signatory and the minister of the interior – were confirmed by a report by the same Commission that was described as ‘damning’ by the press.¹⁶⁶ While it is obvious that the contents of that letter could not have been known to the members of the NGC or the APR team when the self-assessment report was submitted in March 2007, the controversy surrounding the letter was, however, widely publicised by the time the CRM wrote its review report, which was submitted to the heads of state and government on 1 July 2007.

These circumstances, which cast doubt on the assessment by the CRM, were not mentioned in its report, although the national supervisory commission on the legislative elections was a body created by presidential decree and the matter

had been reported in the press¹⁶⁷ well before the Country Review Report was submitted to the heads of state and government.

According to the review report, ‘Algeria has [...] regularly organis[ed], free, transparent and fair general elections in peace and stability. Today’s Algeria is also distinguished by the vitality of its political, media and trade-union pluralisms’.¹⁶⁸ However, the comments above, added to the issues surrounding the quality of representation of civil society within the NGC, prompt us to take that affirmation with a grain of salt.

Recent developments in Algerian politics also provide a clear illustration. Article 74 of the Algerian Constitution of 1996 was amended to enable President Bouteflika to run for a third term in office. Paragraph two of Article 74 provided in its original version that the president of the republic, elected for a term of five years, could be re-elected only once. The constitutional revision of 15 November 2008 rewrote paragraph two of Article 74, which now stipulates that the ‘president of the republic may be re-elected’ without placing any limits on the number of terms in office. The revision was adopted by both houses of parliament as allowed by the Constitution, which also offers the option of a referendum, which the president of the republic, who initiated the revision, did not choose. It seems to us that this change – aptly described as a ‘constitutional rape’ – was contrary to the recommendations made by the APR team in Accra on 1 July 2007. In her synthesis, Mrs Savané stressed that the ‘success [of the reforms] will depend on the pertinence of the procedures implemented,’ adding that ‘it is therefore urgent that they transcend the issue of “enlightened and visionary leadership” and that they are grounded in a participatory approach that will guide the decision-making processes to be implemented’¹⁶⁹.

On the presentation of the so-called ‘national reconciliation’ process

The Report on the Implementation of the Plan of Action addresses the vital issue of ‘national reconciliation’ in Chapter I on the theme of Objective 1 ‘Preventing and reducing internal and inter-state conflicts’. The fundamental issue of ‘dealing with the aftermath of the national tragedy’ was covered in just over three pages, and three aspects were addressed:

165 The rate of participation was officially 46.17% for the legislative elections of 2002 and 35.67% for the legislative elections of 2007. See respectively the proclamations of the Constitutional Council, n°1/P/CC/02 du 3 juin 2002 relative aux résultats de l’élection des membres de l’Assemblée Populaire Nationale and n°03/P/CC/07 du 21 mai 2007 portant résultats de l’élection des membres de l’Assemblée Populaire Nationale (www.conseil-constitutionnel.dz). These figures are believed by many observers of Algerian political life to be overestimates.

166 See Salima Tlemçani, ‘Le dernier mot de Bouchaïr’, in *El Watan*, 2 June 2007, available on: <http://www.elwatan.com/Le-dernier-mot-de-Bouchaïr>.

167 And more specifically in the daily newspaper *El Watan*, which was quoted no fewer than nine times in the Country Review Report: Paragraphs 325, 327, 355, 358, 359, 360, and 1028.

168 Paragraph 91 of the Country Review Report.

169 See ‘Synthèse du Rapport sur Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra’, press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

- ‘support measures involved in the policy on the disappeared (Presidential decree no. 06-93 of 28/02/2006 on the compensation of victims of the national tragedy (the disappeared)’;
- ‘procedures relating to state aid for poor families suffering due to the involvement of a relative in terrorism (death as a member of a terrorist group), on grounds of national solidarity, under which they benefit from Government aid based on a certificate delivered by the administrative authorities (Presidential decree no. 06-94 of 28/02/2006 on state aid for such families)’; and
- ‘the application of Presidential decree no. 124-06 of 27/03/2006 establishing the terms of rehiring or compensation of persons having been subjected to administrative dismissal measures due to acts linked to the national tragedy’.

The way in which this issue, which is crucial for the future of the country, was addressed is revelatory of what the authorities considered to be good governance and of the way in which they understood reviews and assessments of public policies. In that regard, the Report gives the impression that the violence that nearly destroyed the nation-state in the 1990s had no political roots and that the resolution of the ‘conflict’ – to use the term contained in the title of Objective 1 of the Political Governance theme – which had torn society apart had no political or legal implications. The criticism of the CSAR by the Country Review Report, according to which the Report ‘fail[ed] to analyse of the internal causes [of terrorism] whose elucidation is required to develop a national strategy of conflict prevention and management’ also applied to the way in which ‘national reconciliation’ was addressed and presented in the Report on the Implementation of the Plan of Action.

The reference text on the ‘national reconciliation’ policy was the ‘Charter for Peace and National Reconciliation’. Order no. 06-01 of 27 February 2006¹⁷⁰ on the implementation of the Charter, which served as a foundation for the texts quoted above, raised numerous problems of conformity with the commitments on human rights sovereignly undertaken by Algeria, as pointed out in late 2007 by the UN Human Rights Committee¹⁷¹ – an independent and impartial body mandated to monitor implementation of the International Covenant on Civil and Political Rights – in its review of the 3rd Periodic Report submitted to it by the Algerian Government.

170 Like the aforementioned decrees, the order may be consulted online on the website of the *Journal officiel*: www.joradp.dz.

171 See the concluding observations of the Human Rights Committee of November 2007, quoted above (CCPR/C/DZA/CO/3), available on: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/457/75/PDF/G0745775.pdf?OpenElement> or <http://www2.ohchr.org/english/bodies/hrc/hrcs91.htm>.

The Order and the related texts have been implemented in the utmost opacity, which was not dissipated by the publication of figures on the amounts of the different types of aid and compensation granted to ‘victims of the national tragedy’ – an expression that actually places victims and aggressors in the same category!¹⁷² Their implementation raises a number of questions.

Regarding members of terrorist groups, the order provided for the termination of all criminal proceedings against persons sought, convicted or held for acts of terrorism or their amnesty; in principle, however, the Order did not grant impunity to persons charged or convicted for collective massacres, rape or bomb attacks in public places, nor to the accomplices or instigators of such acts. The details of the implementation of the Order and related texts, on this point and many others, have not been made known to Algerian public opinion. Therefore, in 2007, the Human Rights Committee asked the Algerian Government to provide it with detailed information on the number of people who had benefitted from the measures stipulated by the Order of February 2006. The Committee also specified that the information should indicate for what offenses and under what conditions the Order was applied to its thousands of beneficiaries. This information – which is extremely important to determine whether the Order itself and international law were upheld – should certainly have appeared in the Report on the Implementation of the Plan of Action as proof of good governance.

Where state employees are concerned, it was not the implementation of the Order that raised issues, but rather the Order itself. Article 45 of the text expressly forbade all criminal proceedings against elements of the security forces, no matter what crime they may have committed. This provision is obviously contrary to international law, as was pointed out by the Human Rights Committee. It has asked the Algerian government to ensure that the article was not applied to the most serious crimes, such as torture, extralegal executions and forced disappearances.

The texts were indeed particularly problematical where they related to forced disappearances. Such disappearances caused by agents of the state – numbering 8023 according to the latest figures¹⁷³ or 1077 more than were declared by the public authorities two years ago – remain unpunished.¹⁷⁴

172 On this matter and on ‘national reconciliation’ in general, see the series of articles by the Arabic-language daily *El Khabar*, 13 June 2009, pp. 2, 3 and 4, available in Arabic on: <http://www.elkhabar.com/pdfkhabar/quotidien/2009/06/12/quotidien.pdf>.

173 See the Report on the Implementation of the Plan of Action (*Rapport sur la mise en œuvre du Plan d’action*), p. 29.

174 Agathe Duparc, ‘Les familles Algériennes de disparus en quête de justice’, in the French daily *Le Monde*, 10 March 2009.

Presidential decree no. 06-93 of 28 February 2006 on the compensation of victims of the national tragedy provides in Article 2 that ‘all persons having disappeared in the context of events described in the Charter and whose disappearance was established by the criminal investigation department following a search, shall be considered victims of the national tragedy’. Article 3 stipulates that ‘a judgement declaring that the victim is deceased due to the national tragedy gives the beneficiaries of the victim the right to compensation under the terms of the present decree’. In other words, victims’ families may benefit from compensation *on condition* that they request a judgement declaring their loved one deceased. The regime treats this issue like a simple financial matter without taking account of its human dimension. It is in the light of the provisions of the Order of February 2006 and the abovementioned decrees, which advocate forgetfulness and enshrine impunity,¹⁷⁵ that we can understand the section of the Report on the Implementation of the Plan of Action regarding the ‘victims of the national tragedy’, which reads very much like an accounting statement.

The compliance of Presidential decree no. 06-93 with the International Covenant on Civil and Political Rights is questionable. Indeed, as was forcefully recalled by the Human Rights Committee in its concluding observations of 2007, the families of the victims are entitled to the fullest possible reparation. This includes the right to compensation *with no counterpart obligations on the part of the families and the right to the truth*, and notably the right to know what happened to their loved one. There again, the Algerian justice system has an obligation under international law to conduct thorough and impartial investigations to clarify each case of forced disappearance. This obligation implies that light must be shed on the circumstances of each disappearance and that all victims must be identified. The political authorities are still a long way from moving in that direction as pointed out, *inter alia*, in the statements of the *Collectif des Familles de Disparu(e)s en Algérie* before the African Commission on Human and Peoples’ Rights in 2009.¹⁷⁶ It should be recalled that the APRM focused particular attention on the treaty engagements subscribed by the states.

175 See Chahreddine Berriah, ‘Rencontre sur la vérité à Barcelone. Témoignages poignants d’Algériens’, in *El Watan*, 7 May 2009, available on: <http://www.elwatan.com/Temoignages-poignants-d-Algeriens>.

176 Interview in March 2009, with Nassera Dutour, mother of a missing person, member of SOS Disparus (an association that is tolerated but not legally recognised) and spokesperson for the organisation of families of missing people in Algeria, *Collectif des Familles des Disparus en Algérie* (CFDA). See also the interventions by the CFDA before the African Commission on Human and Peoples’ Rights on the occasion of the 45th Ordinary Session of the Commission (Banjul, The Gambia, 9–22 May 2009), available on the CFDA website: http://www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=271&Itemid=97. The CFDA has been granted observer status by the African Commission.

Finally, it is quite surprising that the victims of terrorism and their families were not mentioned in the Report on the Implementation of the Plan of Action under Objective 1 on the theme of Political Governance nor, unless we are mistaken, anywhere else in the report. Indeed, the right of families of victims of terrorism to the truth is not always upheld, no matter what fate befalls the terrorists themselves. According to Ali Merabet, President of the association Somoud,¹⁷⁷ it often happens that the authorities refuse to carry out effective investigations, to seek and identify, using techniques such as DNA tests, the bodies of victims of terrorists, even though, in certain situations, the former terrorists themselves inform the families of where to find the bodies of their loved ones.

Theme: Economic and Political Governance

Regarding the themes of economic governance and political governance, the lack of consequences following public attacks by the president against certain ministers, whom he accused of having lied about economic policy, necessarily raised questions regarding governance. These questions, however, were ignored by the Country Review Report.

The hearings of 13 ministers by the NGC in late 2005 should be put into perspective in light of the public accusations of lying made by the president of the republic in April 2006 against certain of his ministers in charge of implementing his economic policies. During an inspection tour in the capital city, the president publicly accused certain ministers of having lied about the implementation of his economic policies. Accusations were specifically levelled at Abdelhamid Temmar and Mourad Medelci, respectively minister of participation and promotion of investments and minister of finance.¹⁷⁸ In other words, the President reproached his ministers for not having been truthful with him, particularly regarding the progress of the major construction and engineering projects launched around the country and on the implementation of the government’s economic policy. The accusations, which focused on issues of vital importance for the country in terms of its economic governance, were not picked up by the Country Review Report. They also had no impact in political terms, since the ministers accused of lying remained in their positions and the liability of the government of the time was not called into question before the national representatives dominated by the presidential alliance. Furthermore, M. Medelci has since

177 Quotes gathered at the meeting jointly organised by the CFDA and the World Organisation Against Torture (OMCT) on ‘La Vérité en Algérie – Bilan et perspectives un an après les recommandations onusiennes’ (Geneva, 5 and 6 March 2009).

178 See Madjid Makedhi, ‘Bouteflika critique publiquement les ministres. “Vous m’avez menti !”’, in *El Watan*, 10 April 2006, available on: <http://www.elwatan.com/Bouteflika-critique-publiquement>.

become minister of foreign affairs, the supervisory minister of the focal point.

Finally, recent developments have underscored the acuteness of such problems in Algeria. During a radio broadcast on 11 March 2009, Prime Minister Ahmed Ouyahia accused his minister of industry and promotion of investments, Abdelhamid Temmar, of 'deceit' regarding the industrial strategy.¹⁷⁹ This strategy was finalised in spring 2007, as indicated by its description in the CSAR¹⁸⁰ summary. These repeated accusations of lying, against one of the chief ministers in charge of implementing the economic policy of the president, occurred one month prior to the presidential elections of April 2009. They confirm the existence of a longstanding problem of consistency in the actions of the public authorities which, we feel, should have been mentioned by the NGC in the CSAR and by the APR team¹⁸¹ in its review, particularly since it clearly reveals the existence of a 'state crisis' according to the analysis of a political science professor of the University of Algiers.¹⁸²

Theme: Socio-economic Development

The Report on the Implementation of the Plan of Action reflected the major strides accomplished by Algeria in terms of socio-economic development. This progress was corroborated by the national reports on human development (*Rapports nationaux sur le développement humain*, RNDH) written by the CNES, which closely collaborated in the writing of the report on implementation. The report contains a wealth of figures demonstrating the impact of certain public policies even though, in general terms, the chair of the CNES, Professor Babès, 'allows (...) that the progress made by Algeria remains insufficient in relation to the colossal investments made by the state'.¹⁸³

It should, however, be pointed out that the figures put forward by the CNES and, consequently, those appearing in the Report on the implementation of the Plan of Action do not seem to be in line with those of UNDP, whereas the CNES

reports are 'built on the UN model'.¹⁸⁴ The UNDP figures on human development, which show lower performances than the CNES figures, are contested by the chair of the Algerian institution.

179 Madjid Makedhi, 'Stratégie industrielle : Ouyahia accuse Temmar de tromperie', in *El Watan*, 12 March 2009, available at: <http://www.elwatan.com/Dossier-lie-a-la-mise-en-place-d>.

180 Country Review Report, paragraph 430, p. 151.

181 According to the chair of the NGC, '80% of the data collected by the Council was included in the report reviewing governance in Algeria'. See the press release by the Ministry of Foreign Affairs of 16 July 2007, 'M. Messahel : le rapport d'évaluation sur la gouvernance en Algérie est l'un des "plus transparents"', available on: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837.

182 See the interview granted to Hacem Ouali by Professor Mohamed Henad, entitled 'Notre pays vit un coma politique', in *El Watan*, 30 August 2009, p. 2.

183 See Sofiane M., 'Développement humain : le CNES critique le PNUD', in *Le Quotidien d'Oran*, 15 June 2009, available on: <http://www.lequotidien-oran.com/index.php?news=5122505>.

184 See the synthesis of the *Résultats globaux du Rapport national sur le développement humain 2008* by the CNES, <http://www.cnes.dz/doc2008/SYNTHESE%20RNDH%202008.pdf>. For a critical report on the abovementioned RNDH 2008, see *El Watan Economie* weekly supplement to *El Watan* daily newspaper, 27 April–3 May 2009, pp. 1, 4 & 5, available on: <http://www.elwatan.com/IMG/pdf/SuppEco27042009.pdf>.

Conclusions and recommendations

It is difficult to give a nuanced opinion on the Algerian self-assessment process in the APRM framework. Its technical success is as undeniable as its substance is questionable. Even though the actual figures remain a mystery, the financial efforts made by the public authorities to ensure the technical success of the mechanism are undeniable. Similarly, the political will to achieve the technical success of the self-assessment has been strong, unwavering and productive. In this sense, Algeria has fulfilled its commitment to the other African states. This technical success can also be credited to the members of the NGC, and the NGC bureau in particular, who committed themselves to the process on a purely volunteer basis. It can also be credited to the CNES and the TRIs, which were obliged to conduct studies in the field in great haste.

The APRM highlighted the progress achieved by Algeria in terms of governance without placing enough emphasis on the structural problems – especially in terms of democracy and political governance – that are an obvious obstacle to better governance in Algeria in terms of the four APRM themes. These problems, which were not sufficiently taken into account in the Country Review Report, were revealed by an attempt to analyse APRM implementation in Algeria. They were visible first of all in the makeup of the NGC. By closing out the associational movement from the outset, no real representation of ‘civil society’ was made possible within the body, which, for instance, did not include ‘politically sensitive’ associations. That decision cannot be put down to the NGC itself, which was not responsible, but rather to the structure of associations and trade unions in Algeria as imposed and controlled by the political authorities. Similarly, Algerian citizens had no access to the final outputs of the assessment: the Country Review Report and the report of the national focal point on the implementation of the plan of action. Access to the self-assessment report, i.e. the CSAR written by the NGC, seems to be impossible, and the different steps of the self-assessment are extremely hard to reconstruct. In other words, the authorities only

featured the institutional outputs, which were questionable in light of certain omissions regarding political governance. Transparency was curiously lacking in a process specifically designed to be an exercise in transparency.

Similarly, little publicity was given to the Country Review Report in Algeria or to the plan of action throughout 2008. The lack of dissemination gave the impression that the process was above all an exercise in diplomacy and that it was not aimed first and foremost at Algerians. It also seemed suspicious that the ‘symbiosis’ between the plan of action for Algeria under the APRM and the government programme based on the programme of the president of the republic was emphasised just weeks before the presidential election of April 2009.

These criticisms form the basis for the recommendations that follow. In order to strengthen the transparency and democratic culture to which the APRM process was supposed to contribute, the Algerian government should:

- Provide the public, and particularly researchers, with access to the archives of the NGC and the whole APRM implementation process in Algeria;
- Publish figures on the amounts spent in the process of APRM implementation in Algeria;
- Publish an official list of the bodies represented within the NGC and a list of the names of the representatives of all bodies represented (associations, trade union organisations, parliament) other than ministries;
- Involve the two houses of parliament on APRM issues to a greater extent;
- More closely involve research institutes and the academic community in reflection on governance issues;
- Raise awareness in the private press and the public media on governance and APRM issues;
- Organise an inclusive, open, multipartite and pluralistic national debate on all governance issues, accessible to the public media of the political parties, including

opposition parties, and all civil society stakeholders, including independent trade unions and so-called 'politically sensitive' associations;

- Form local commissions on governance that represent all civil society stakeholders and that can serve as a forum for regular dialogue with the administration on matters of local interest.

With a view to implementing the foregoing recommendations, it would be desirable, *inter alia*:

- to put an end to the practice of preventing civil society groups from acquiring the status of legally recognised associations and to broaden effective legal recourse to protect the rights of associations and trade unions;
- to liberalise rules on associations, trade unions and the audiovisual media;
- to reinforce respect for individual and civil liberties and allow public, pluralistic and multipartite debate on the state of emergency and its impact on the effective exercise of civil liberties.

Interviews

Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008

Abderrahmane Merouane, Algiers, Ministry of Foreign Affairs, 8 November 2008

Abdelouahab Kara Mostefa, secretary general of the NGC, Algiers, 8 November 2008

Kamel Elaïd, MP, member of the NGC, 5 and 11 January 2009

Professor Benhamou of the University of Tlemcen, 6 January 2009 (by telephone)

Sarah Hassam, deputy chair of the NGC and vice-president of CAP, 7 January 2009

Ahcène Benyounes and Ali Slimani, respectively president and vice-president of the UNEP, Algiers, 10 January 2009

Cherifa Aït Benamara, deputy chair of the NGC, Algiers, 11 January 2009

Mr Arar, NADA network, Algiers, 13 January 2009

Mr Abidet, *Association de sauvegarde de la jeunesse*, 14 January 2009

Mr Hammouda, CREAD, 14 January 2009 (by telephone)

Farouk Ksentini, president of the *Commission Nationale Consultative de Promotion et de Protection des Droits de l'homme* (national advisory commission on the promotion and protection of human rights), 15 January 2009

Aïcha Barki, Association IQRAA, Algiers, 15 January 2009

Saïd Benmerad, CENEAP, Algiers, 18 January 2009

Cherifa Kheddar, president of Djazairouna, 6 March 2009.

Adnène Bouchaïb, vice-president of Somoud, 6 and 11 March 2009

Tahar Besbas, coordinator of the *Comité National des Libertés Syndicales* (CNLS, a national committee on trade union freedom) and former secretary general of the *Syndicat National des Praticiens de la Santé Publique* (SNPSP, a national union of public health practitioners), currently MP, 25 March 2009 (by telephone)

Mohand Issad, 13 April 2009 (by telephone)

Nassera Dutour, *SOS Disparus* – CFDA, March 2009

Meeting and email exchanges with Rachid Chaïbi, national secretary in charge of youth and judicial affairs of the *Front des Forces Socialistes*

Various contacts with Rachid Malaoui of SNAPAP, in January and March 2009