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The National Observatory for Civil Society, established under the 2020 Constitution (between independence and dependence)

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Abstract

In order to establish and consolidate the advisory function in all areas to promote participatory democracy and sound decision-making, the constitutional founder added two new advisory bodies under the 2020 constitutional amendment: the National Observatory for Civil Society and the Algerian Academy of Sciences and Technologies. This study aims to: clarify the legal system of the National Observatory of Civil Society and the manifestations of its organic and functional independence.

The Observatory was established as an advisory body under Article 213 of the 2020 constitutional amendment, and Presidential Decree No. 21-139, as amended and supplemented, defined its organization, composition, functioning, and tasks.

Keywords: 2020 Constitution, advisory bodies, National Observatory, independence, civil society.

Résumé:

Afin d'instaurer et de consolider la fonction consultative dans tous les domaines en vue de promouvoir la démocratie participative et la prise de décision éclairée, le constituant a ajouté deux nouveaux organes consultatifs dans le cadre de la révision constitutionnelle de 2020: l'Observatoire national de la société civile et l'Académie algérienne des sciences et des technologies. Cette étude vise à clarifier le régime juridique de l'Observatoire national de la société civile ainsi que les manifestations de son indépendance organique et fonctionnelle.

L'Observatoire a été institué en tant qu'organe consultatif en vertu de l'article 213 de la révision constitutionnelle de 2020, et le décret présidentiel n° 21-139, modifié et complété, en a défini l'organisation, la composition, le fonctionnement et les missions.

Mots-clés: Constitution de 2020, organes consultatifs, Observatoire national, indépendance, société civile.

Introduction:

In this day and age, consultation is one of the most important indicators of a country's progress in the field of foresight and reliance on strategy in governance. This is due to the contribution of consultative institutions in shaping decisions taken in various fields, whether in the governance and administration of the state and its institutions at the domestic level or in the management of its relations abroad.

In Algeria, we find that from the 1963 Constitution to the 2020 constitutional amendment, Algerian constitutional legislators have attached great importance to the issue of consultation, devoting significant space to consultative institutions specializing in various fields, including religious, economic, and social.

This highlights the importance of consultation and consultative institutions and what they offer to the authorities and constitutional institutions in terms of decision-making in accordance with the state's strategy, objectives, and interests. Therefore, in this research, we will attempt to shed light on the National Observatory of Civil Society, which was established by the legislature under the 2020 Constitution, to highlight the most important developments in it. Accordingly, we can pose the following question:

Does the constitutional recognition of the National Observatory for Civil Society enshrine its organic and functional independence in the exercise of its advisory functions?

Therefore, through this study, we will attempt to review the legal system of the National Observatory for Civil Society **as a** new advisory **body** and the manifestations of its organic and functional independence.

To answer this question, we have divided the study into the following two sections:

Section I: The legal framework of the National Observatory for Civil Society.

Section II: Manifestations of the organic and functional independence of the National Observatory for Civil Society.

Section I: The legal framework of the National Observatory of Civil Society

With the aim of promoting participatory democracy in decision-making in all fields, the constitutional founder established an advisory body whose purpose is to contribute to supporting and developing ways of involving citizens in all matters relating to the aspirations of civil society, and an advisory body whose purpose is to promote science and technology by involving all actors.

Pursuant to the 2020 constitutional amendment, the constitutional founder considered the National Observatory for Civil Society to be an advisory body to the President of the Republic, providing opinions and recommendations on civil society concerns, contributing to the promotion of national values, democratic practice, and citizenship.(1) It provides a framework for dialogue, consultation, proposals, analysis, and foresight on all issues related to civil society and the promotion of its performance. (2)

Presidential Decree No. 21-139 defined the organization, functioning, and tasks of the Observatory. Pursuant to Article 28 thereof, Presidential Decree No. 22-37 defined the administrative structure of the Observatory (3), followed by the joint ministerial decision defining the organization of the Observatory's sub-directorates into offices, which was issued in accordance with the provisions of Article 11 of Presidential Decree 22-37. Then, in 2023, the legislator intervened (4), amending the aforementioned Presidential Decree relating to the Observatory for 2021. From this perspective, we will address in this section the organization of the Observatory (**first section) and** the tasks of the Observatory (**second section).**

First requirement: Organization of the National Observatory for Civil Society

The National Observatory for Civil Society was established, as previously mentioned, by the 2020 constitutional amendment as an advisory body to the President of the Republic, with the aim of strengthening the role of civil society in national development.

The Observatory consists of a board of directors chaired by the President of the Republic and comprising representatives of various civil society actors, as well as experts in the fields of law, politics, economics, and sociology. We will therefore address the composition of the Observatory (section one) and its structures (section two).

Section I: Composition of the National Observatory for Civil Society

The National Observatory for Civil Society has a diverse composition, including representatives of various civil society actors, as well as experts in the fields of law, politics, economics, and sociology.

First: The president and members of the observatory

01 - President of the Observatory: The President of the Observatory is appointed from among national figures by presidential decree, and his or her term of office ends in the same manner. (5)

It is clear that the President of the Republic has exclusive and inherent authority to appoint the President of the Observatory, and this right to appoint to the highest positions of the state is enshrined and guaranteed by the Constitution, as the President of the Republic cannot delegate it.

02 - Members of the Observatory[6]**:** The number of members of the Observatory was increased by an amendment to the presidential decree relating to the Observatory for the year 2023, so that it now consists of 86 members, equally divided between men and women, whereas previously there were 50 members, equally divided between men and women.

The Observatory's composition is diverse, including various active parties in civil society, and we can divide the human composition into four categories as follows:[7] .

- First category: Fifty-eight (58) members representing the states of the country and belonging to municipal and state associations and civil society activists.
- Category II: Ten (10) members representing national associations, including two (2) members from national associations recognized as being of public interest.
- Category III: Eight (8) members from among national civil society experts, four of whom are national experts and four of whom are members of the national community abroad.
- Category 4: Ten (10) members representing trade unions, national organizations, professional organizations, and other civil institutions.

The legislator has entrusted the task of selecting the members of the third category to the President of the Republic. A special committee chaired by the President of the Observatory (8)selects the first, second, and fourth categories.

03- Term of membership: The legislature has set the term of office at four (04) non-renewable years, pursuant to a decision by the president of the Observatory (9), provided that half of the Observatory's composition for each category is renewed every two years in accordance with the conditions and procedures specified in the Observatory's internal regulations, taking into account the selection criteria set out in Articles 6 and 7 of Presidential Decree No. 21-139, as amended and supplemented.

04- Cases of loss of membership: The legislator has recognized normal cases in which a member loses his or her membership in the observatory, namely death or the end of the term of office, and exceptional cases, which are as follows:

- Resignation, or loss of the status for which the member was appointed to the Observatory.
- Conviction for a felony or intentional misdemeanor that is incompatible with the Observatory's duties.

- Exclusion due to unjustified absence from more than three (3) consecutive meetings of the Observatory and five (5) consecutive meetings of the committees.
- Engaging in any serious act or behavior that is incompatible with the obligations of membership in the Observatory. (10)

Contrary to Presidential Decree No. 21-139 (11), the decision to revoke membership in the latter three cases shall be issued by the Disciplinary Committee, which shall in turn inform both the Observatory's Bureau and Council at their first meeting after the Committee's deliberations, in accordance with the provisions of Article 9 of Presidential Decree No. 23-349.

In accordance with the provisions of Article 11 of the aforementioned Presidential Decree No. 21-139, in the event that a member loses his or her status as a member of the Observatory, he or she shall be replaced for the remainder of the term of office, in accordance with the same forms and conditions under which he or she was appointed.

05- Cases of incompatibility: In Article 10 of the amended and supplemented decree relating to the Observatory for the year 2021, the legislator has listed the positions that are incompatible with membership of the Observatory, namely:

- Holding a position in the government.
- Holding a position in the leadership of a political party.
- Membership in elected municipal, provincial, and national councils.

Section II: Structures of the National Observatory for Civil Society

In accordance with the provisions of Article 25 of Presidential Decree 21-139, as amended and supplemented, the Observatory shall be composed of the following structures: the Council and the Bureau. The Observatory may also set up standing committees or thematic committees in accordance with its internal regulations (12).

In accordance with the provisions of Article 28 of the same decree, the Observatory is provided with administrative services under the authority of its president, and the Observatory is managed by a secretary-general appointed by presidential decree.

The administrative services of the Observatory include the Secretary General, the Chief of Staff, and the following structures: the Directorate of External Relations and Conferences, the Directorate of Communication and Documentation, the Directorate of Information Systems, and the Directorate of General Administration.[13]

First: The Observatory Council[14]**:** The legislator considers the Council to be the deliberative body of the Observatory. It includes all members of the Observatory and meets normally in two regular sessions per year, at the request of its President. It may meet in extraordinary sessions at the request of its chair or two-thirds (2/3) of its members. Its sessions are only valid if half of its members are present. If a quorum is not reached, a new session shall be held no later than fifteen (15) days after the postponed meeting. In this case, the deliberations shall be valid regardless of the number of members present. (15)The Council shall take its decisions by majority vote. In the event of a tie, the chair shall have the casting vote.(16)

Second: The Observatory's Office: In accordance with the provisions of Article 33 of the Presidential Decree relating to the Observatory for the year 2023,the Observatory's Office shall consist of the President of the Observatory as chair and six (06) members elected by the Council in accordance with the conditions specified in the Observatory's internal regulations .[17].

Third: Administrative departments of the National Observatory for Civil Society: The administrative departments of the Observatory include the Secretary General, the Chief of Staff, and the following structures: Directorate of External Relations and Conferences, Directorate of Communication and Documentation, Directorate of Information Systems, and Directorate of General Administration (18).In turn, the directorates are divided into sub-directorates, which were organized into offices by the joint ministerial decision dated May 12, 2022.

Second requirement: Tasks of the National Observatory for Civil Society

We can divide the tasks performed by the Observatory into purely administrative tasks performed by the President, the Secretary General, and the Office; deliberative tasks performed by the Observatory Council; and advisory tasks performed by the Observatory as an advisory body to the President of the Republic.

Section I: Administrative tasks

Administrative tasks, decision-making powers, and deliberations vary between tasks assigned to the president of the Observatory, those assigned to the secretary-general of the Observatory, those assigned to the Observatory's office, and those assigned by the Council.

First - Functions of the President of the Observatory:

The legislator has entrusted the President with the fundamental task of managing the Observatory and coordinating the work of its structures. The President is considered the official spokesperson for the Observatory and its representative at the national and international levels. In this capacity, he or she is responsible for:

- Representing the Observatory before the courts and in all civil matters.

- Managing the work of the Observatory's office, setting and managing the agenda for office meetings, appointing employees who have not been appointed by other means,

- Preparing various reports on the Office's activities, including the draft budget, the Observatory's work program, and the draft internal regulations.

- Exercising disciplinary authority over all Observatory employees, notifying the Observatory's office of any issues it deems necessary,

- Submitting opinions, recommendations, and reports to the President of the Republic and the Prime Minister or Head of Government, as appropriate. - Concluding agreements and contracts related to the Observatory's tasks, which is the case for the Observatory's budget. (19)

- With a view to strengthening and promoting civil society, the legislator requires the president of the Observatory to submit an annual report to the President of the Republic containing the annual results of the Observatory's activities, an assessment of the situation of civil society, and suggestions and recommendations for the advancement and promotion of civil society.[20]

The president is also required to establish a national information system in coordination with various civil society actors and relevant administrations and bodies, focusing in particular on the status and activities of civil society and its various areas of intervention. This has been implemented in practice with the creation of the Observatory's digital platform (civil society)[21].

Second: Duties of the Secretary-General

The Secretary-General manages and coordinates the administrative affairs of the Observatory and is assisted in this task by two research directors.(22) These interests are tasked with assisting and supporting the activities of the Observatory's structures, which contribute to promoting national values, democratic practice, citizenship, and participation with other institutions in achieving national development goals, and providing opinions, recommendations, and suggestions on the status of civil society, its concerns, and mechanisms to strengthen its role in public life.

In this capacity, it is responsible for preparing files relating to recommendations, opinions, reports, and studies, as well as documentary research and administrative and technical support.(23) In this regard, the directorates (Directorate of External Relations and Conferences, Directorate of Communication and Documentation, Directorate of Information Systems, and Directorate of General Administration) are responsible for carrying out the tasks assigned to them. (24)

Third: Tasks of the Office: The legislator has authorized the Office to perform the following tasks:

- Coordinating the activities of the committees and monitoring their work.

- Evaluating the Observatory's activities, preparing reports and recommendations, and establishing appropriate frameworks and mechanisms to improve its work. - Studying the Observatory's draft budget and internal regulations, as well as any issues submitted to it by the Observatory's president.

- Approving the conclusion of contracts, agreements, and conventions related to the Observatory's tasks.

- Setting the draft agenda for the Council's meetings.

- Implementing the decisions of the Council.

IV. Functions of the Council: Within the framework of its deliberative role as assigned to it by the legislature, the Council shall approve the following:

- The Observatory's opinions and recommendations.

-The Observatory's internal regulations.

-Periodic reports prepared by the Office and the President of the Observatory.

-The Observatory's work program and activity report.

- The annual financial and literary report submitted by the Observatory to the President of the Republic.

-Establishment of committees or thematic committees and their reports.

-Acceptance of donations and bequests, the Observatory's draft budget, and all matters submitted to it by the head of the Observatory.

Section II: Advisory functions of the Observatory

The legislator has defined the Observatory's functions in accordance with Article 4 of Presidential Decree 21-139, as amended and supplemented, as follows:

- Expressing opinions, recommendations, and suggestions in the area of promoting civil society participation in the development and implementation of public policies at all levels, in accordance with a participatory democratic approach, while providing advice to various civil society actors with a view to supporting their own capacities in the field.
- Expressing opinions on draft legislative and regulatory texts related to its tasks and on which its opinion is sought.
- Promote consultation and cooperation with foreign bodies in coordination with the interests of the Minister of Foreign Affairs.
- Contributing to laying the foundations for consultation between all civil society actors and public authorities, with a view to making civil society an effective contributor to sustainable national development, and participating in all activities initiated by public bodies and institutions related to civil society activity.

- Study ways to involve and develop the contribution of the national community abroad in various programs and activities related to civil society at the national level, and integrate it into the national development process, develop information and communication with it, and carry out all initiatives that promote and activate the role of various civil society actors in all fields.
- Organizing conferences, study days, training courses, seminars, and national and local sessions for civil society and any media or awareness-raising activities related to its tasks.
- Evaluating the performance of civil society and developing it in light of the needs of society and the available possibilities.
- Proposing a general vision for the role of the Observatory in sustainable national development.
- Monitoring imbalances that prevent its effective participation in public life, notifying the competent authorities thereof, and undertaking all actions that would promote its activities.

In order to broaden the scope of consultation and involve various stakeholders, Article 15 of Presidential Decree 21-139, as amended and supplemented, stipulates that the representatives of the relevant ministries, upon the recommendation of their respective administrations, from among persons of experience and known for their interest in civil society, to attend the Observatory's meetings in order to provide advice to the Observatory on matters within their respective areas of expertise, without having any voting rights.

In the same context, the Observatory may call upon individuals to serve as advisors or observers, based on an invitation to attend its work, from various civil society actors or representatives of any public administration or public or private institution, and any qualified individual who can assist it in performing its tasks. (25)

In the exercise of its functions, the Observatory may conduct opinion polls on any matter falling within its remit.(26) It may also request any public or private body or institution to provide information or any useful clarifications, which must respond to its correspondence within a maximum period of sixty (60) days. However, the information requested may not be used for purposes other than those for which it was requested. (27) .

The legislator has emphasized the need to provide all facilities to the president and members of the observatory to express their opinions freely during the observatory's work and within its structures.

Given that membership of the Observatory is free of charge, the Observatory shall cover the costs of accommodation, meals, and transportation during the sessions and/or committee work and working meetings to which they are summoned. In addition, members of the Observatory shall receive compensation for the tasks in which they participate on behalf of the president of the Observatory, in accordance with the regulations in force.(28).

They also enjoy the protection of the state from any form of pressure, threats, slander, or attacks that they may encounter during or in connection with the performance of their duties.(29) . In return, the legislator requires Observatory members to exercise discipline and rigor in performing their duties by refraining from taking any position or action that is incompatible or contrary to their duties and by adhering to the duty of discretion and confidentiality of deliberations. (30)

Section II: Manifestations of the independence of the National Observatory for Civil Society

The constitutional founder explicitly recognized that the Observatory and the Academy enjoy legal personality and independence under the laws established for the latter, as the organic and functional independence of the newly created advisory bodies is considered one of the fundamental pillars that guarantee their effective and objective performance of their duties. We will therefore address the manifestations of the Observatory's organic independence (first requirement) and its functional independence (second requirement).

First requirement: Aspects of the organic independence of the National Observatory for Civil Society

The organic independence of the Observatory can be examined through what we glean from the provisions of Presidential Decree 21-139 on the amended and supplemented National Observatory of Civil Society.

Section I: Collective and mixed composition

The Observatory's mixed and diverse composition guarantees its independence, as it includes three different categories: members of national associations, members of national civil society organizations, and members of the national community abroad who are experts in the Observatory's field of work, as well as a category representing national and professional unions and organizations and other civil organizations and institutions, with equal representation of women and men.

The method of selecting members, which is shared between the President of the Republic and a special committee established for this purpose, ensures that the Observatory enjoys independence in carrying out its tasks without restrictions or pressure.

Section II: Conditions for membership in the National Observatory for Civil Society

The Observatory's independence is evident in its membership requirements, as the legislator stipulates that candidates for membership must be national figures from civil society and the national community appointed by the President of the Republic. The remaining members are selected by a special committee, which takes into account various fields of activity and fieldwork, coverage of the entire national territory, and parity with young people in each of the categories that make up the Observatory and membership deliberations. No more than one person from the same association, union, organization, or institution may be selected. New members may be selected for two consecutive terms from among associations, unions, organizations, or

institutions whose representatives' terms on the Observatory have ended. Additional selection criteria may be adopted by the committee. We differ from Decree 21-139 on this point.

Section III: Term of office and incompatibility

The Observatory has a deliberative body represented by the National Observatory Council for Civil Society, which is composed of all members of the Observatory and has a single term of four (4) years that is not renewable. This is important because a single term of office, whose duration is determined in advance, frees the incumbent from the issue of renewal and the possibility of it being used as a means of pressure, thereby supporting the independence of the Observatory's members.

Full-time commitment of Observatory members to perform their duties, as membership in the Observatory is incompatible with holding a senior position in the government or a position in the leadership of a political party, or membership in **elected** popular councils**.**The legislator also requires Observatory members to maintain confidentiality and secrecy during their deliberations and to refrain from taking any position or action that conflicts with their duties.

Indicators of the Observatory's independence include the facilities available to its president and other members to carry out their duties and express their opinions freely while participating in the Observatory's work, as well as the protection provided by the state to the president and members of the observatory from all forms of pressure, threats, insults, slander, or attacks of any kind to which they may be exposed during the exercise of their duties or in connection with them.

Second requirement: Functional independence of the National Observatory for Civil Society

The functional independence of the Observatory can be examined through the powers and advisory functions assigned to it by the legislator, which are mainly focused on promoting civil society participation in the development and implementation of public policies in accordance with a participatory democratic approach, by contributing to the establishment of a framework for consultation between all civil society actors and public authorities, The aim is to make civil society an effective contributor to sustainable national development through the functional mechanisms (Section I) provided by the legislature, namely: the notification mechanism, the self-initiative mechanism, and the annual report mechanism.

Section I: Functional mechanisms

The functional mechanisms provided by the legislator to the National Observatory of Civil Society are: the notification mechanism, the self-initiative mechanism, and the annual report mechanism.

First: Notification mechanism

The National Observatory for Civil Society is notified by the highest administrative authority in the state, represented by the head of state or the prime minister, depending on the case, to exercise its advisory functions. This confirms the Observatory's status in the state as a framework for dialogue, consultation, proposals, analysis, and foresight on all issues related to civil society and the promotion of its performance.

The legislator has made it mandatory for the Observatory to submit its opinions and recommendations to the notifying authority within the time limits specified in the notification request, which shall not exceed thirty (30) days, taking into account the urgent cases referred to in the request.[31]

Second: Self-initiative mechanism

The law grants the National Observatory for Civil Society the possibility of taking the initiative to submit proposals, recommendations, or studies that fall within its remit, whereby the Observatory receives the concerns of various civil society actors and their proposals on activating the role of civil society,particularly in the areas of promoting national values, democratic practice, citizenship, and achieving sustainable national development.

As part of the expansion of the consultation process, representatives of various ministries may attend the Observatory's meetings in an advisory capacity only, without having a vote. The Observatory may also invite civil society actors and representatives of any public administration, public or private institution, or any qualified person who can assist it in performing its tasks to attend the Observatory's work in an advisory capacity or as an observer.

Third: Annual reporting mechanism

Given that the Observatory is an advisory body established by the President of the Republic, the legislature requires it to submit an annual report summarizing its activities and assessing the state of civil society, including its proposals and recommendations for strengthening and promoting civil society.

The National Observatory of Algerian Civil Society is independent, active, and supportive of the state's development projects, and is capable to propose alternatives and good ideas in various sectors. The advantage of contemporary societies is that they unleash community will and initiatives to develop collective creativity and contribute to detailed development projects that the state cannot absorb and undertake.

A strong civil society is a vital supporter and a fundamental element in the success of public policy and the effective exercise of popular oversight, as it contributes to guiding public opinion and creating social awareness of the need to protect vulnerable segments of society and defend disadvantaged and marginalized groups and young people in the paths of development and the

organization of various professions. monitoring the performance and work of official bodies when implementing public policy, which requires the adoption of the principle of transparency in all areas of intervention.

This is what can transform these civil organizations into the future model to be built within the framework of good governance principles. This can be achieved through the participation of all actors in drafting an agreement to reduce the amount of bureaucratic procedures and negativity that affect the development process and hinder the development and advancement of society. (32)

Section II: The Observatory enjoys legal personality and administrative and financial independence

Presidential Decree No. 21-139, Chapter I, entitled "General Provisions," states that the Observatory enjoys legal personality and financial independence. These are the most prominent guarantees and one of the most important manifestations of independence, which give any institution a strong impetus to carry out its tasks free from any pressure or influence.

Therefore, as an entity with legal personality, the Observatory is one of the institutions to which the legislator has granted the right to perform all types of legal acts in dealing with and acquiring rights and assuming obligations. We note here that the president of the Observatory is the official spokesperson for the Observatory and, in this capacity, represents it at the national and international levels, as well as in all civil matters and before the courts.

The Observatory enjoys financial independence, as the state provides it with the human resources and financial and material means necessary for its operation. Its president is responsible for its budget and has independent financial authority, just like a natural person, which helps it act independently and rely on its own resources, whether to provide for its members' needs and protect them from temptations,or material resources that allow it to intervene at the right time and place to perform its role independently and impartially.

The independence of the Observatory is reflected in its administrative organization and the administrative tasks performed by its president, the most important of which are appointing employees and exercising peaceful authority over them, managing the Observatory's work, submitting reports to the president of the republic, and concluding agreements and contracts related to the Observatory.

Conclusion:

In conclusion, and in response to the question posed, we can appreciate the role of the constitutional founder in strengthening the position of the National Observatory for Civil Society by explicitly recognizing its legal personality and financial and administrative independence.

Despite constitutional and legal provisions stipulating the independence of the Observatory, this independence remains relative due to its organic and functional subordination to the President of the Republic, who represents the executive authority.µ

The study reached a number of conclusions, followed by a set of recommendations:

First: Findings

1. The Observatory's composition is diverse, including various civil society groups and equal participation of women and men. The President of the Republic has exclusive authority to appoint the Observatory's president, based solely on the criterion of national competence.
2. The legislator entrusted a special committee with the task of selecting 42 members based on a set of criteria approved by Presidential Decree No. 21-139.
3. The legislature did well to enshrine the principle of rotation in the membership of the Observatory and to specify cases of incompatibility and loss of membership.
4. The legislature stipulated that the Observatory should prepare its internal regulations, approve them, and publish them in the official gazette, but to date, the Observatory's internal regulations have not been issued.
5. Requiring the Observatory to prepare an annual report and submit it to the President of the Republic is tantamount to subjecting its work to the oversight of the executive branch, which undermines its functional independence.
6. The legislator has entrusted the Observatory with an advisory role, through which it expresses opinions, recommendations, and suggestions to contribute to the advancement of civil society and the improvement of its status.

Second: Suggestion

1. Adopting an election process for the president of the Observatory instead of an appointment process.
2. Adopt a mechanism for candidacy for membership of the Observatory.
3. The need to implement Article 24 of Presidential Decree No. 21-139, which stipulates that the Observatory's internal regulations must be prepared, approved, and published in the Official Gazette.
4. The need for the legislator to intervene by amending the text of Article 09 of Law No. 22-02 to specify the session in which the president is elected, so that permanent members are required to expedite the election of the president.

5. It would be desirable for the legislator to intervene to establish the mandatory nature of opinions, proposals, and reports in order to strengthen the advisory role guaranteed to it by the Constitution, thereby ensuring its functional independence.

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- Law No. 22-02 dated 25/04/2022 defining the organization, composition, functioning, and missions of the Algerian Academy of Sciences and Technologies, Official Gazette No. 30 dated 27/04/2022.

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Notes

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[3] - Presidential Decree No. 22-37 issued on January 5, 2022, defining the administrative organization of the National Observatory of Civil Society, J.R., No. 02 of 2022.

[4] -Presidential Decree No. 23-349 of October 4, 2023, amending and supplementing Presidential Decree No. 21-139 of April 12, 2021, relating to the National Observatory of Civil Society, Official Gazette No. 65 of 2023.

[5] – Article 5 of Presidential Decree No. 21-139, as amended and supplemented, same source.

[6] – Article 6 of Presidential Decree No. 21-139, same source.

[7] – Article 6 of Presidential Decree No. 23-349, previous source.

[8] – Article 7 of Presidential Decree No. 23-349, same source.

[9] – Article 8 of Presidential Decree No. 21-139, amended and supplemented, previous source.

[10] -Article 9 of Presidential Decree No. 21-139, amended and supplemented, same source.

[11] -The decision to lose status was issued by the Observatory Council by an absolute majority of its members.

[12] –Article 26 of Presidential Decree No. 23-349, same source.

[13] – Article 2 of Presidential Decree No. 22-37, op. cit.

[14] –Article 30 of Presidential Decree No. 23-349, previous source.

[15] –Article 31 of the same source.

[16] –Article 32 of the same source.

[17] –There were four (04) members before the amendment to the decree.

[18] –Article 2 of Presidential Decree No. 22-37, previous source.

[19] –Article 29 of Presidential Decree No. 21-139, previous source.

[20] –Article 21 of Presidential Decree No. 21-139, previous source.

[21] –Article 22 of the same source.

[22] () –Article 4 of the same source.

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[24] () –See Articles 9, 8, 7, and 6 of the same source.

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[27] () –Article 17 of Presidential Decree 21-139, previous source.

[28] () –Article 20 of the same source.

[29] () –Article 19 of the same source.

[30] () –Article 18 of the same source.

[31] () –Last paragraph of Article 12 of Presidential Decree 21-139, previous source.

[32] () –Said Jekid, Slimane Chelbak, The Algerian National Observatory for Civil Society and its Role in Activating Participatory Democracy in Local Administration, Journal of Legal and Social Sciences, Ziane Achour University, Djelfa, Algeria, Issue 02, Volume 02, 2023, p. 773.