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Prospects for Democracy and Human Rights in Algeria



Proceedings from the HRDC consortium webinars

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Foreword

The present report summarizes key findings from unpublished research papers discussed at a series of closed webinars in the fall of 2020. The webinars brought together researchers, human rights defenders, and human rights and pro-democracy organisations working in Algeria. The seminars were jointly organised by EuroMed Rights, Dignity, the Danish Institute for Human Rights, and the Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF). The report is published by EuroMed Rights in collaboration with the aforementioned organisations.

Executive summary

For two decades following Algeria's painful 1990s civil war, the country has remained remarkably impervious to change in a region characterized by upheaval, revolts and warfare. During these two decades, substantial income from natural gas exports afforded president Abdelaziz Bouteflika (1999-2019) the means to buy social peace and co-opt state actors, civil society organisations and popular movements. In parallel, Bouteflika relied on the military, whose combat and intelligence units had accumulated power and experience during the civil war, to fend off or oppress political and social challengers. Finally, the political elites remained incapable of challenging the president due to internal divisions in the political alliance that had emerged during the civil war. Hence, with persistent and rising popular discontent and unrest throughout Bouteflika's presidency calls for fundamental political change remained rare apart from the political forces fighting for greater autonomy for the Kabyle region from the 1980s. The mass protests that broke out in February 2019 abruptly overturned this pattern. By rallying millions behind the call for radical political change, the *Hirak* movement which emerged in spring 2019, paved the way towards a possible transformation of Algeria's political system.

The key argument of the present report is that 'revolution' is unlikely to bring forth a democratic transition and respect for human rights in Algeria. It develops the argument in four steps.

First, it argues that if the *Hirak*-movement should prevail in bringing about long-term political reform it must adapt its strategy to the political realities and power balances on the ground. The first step in that direction will be to de-radicalize its political agenda and transform itself to a reformist political player. The *Hirak* movement must strike out deals to reform and transform the system together with its key stakeholders rather than engage in a long-term battle with the military to destroy the system. Such a transformation of the *Hirak* movement from a revolutionary movement into a reformist political actor is of course a choice that the movements leaders and cadres must make themselves. If they do so, however, international actors wishing to support democracy and human rights should embrace this process and support the movement. As long as the international community remains unwilling to enforce democracy from abroad, it should continue supporting pro-democracy actors with a rights' driven agenda – such as the ones in the *Hirak*-movement - in becoming powerful civil political actors who through future democratic elections can take the lead in a long-term transition away from authoritarianism and autocracy.

Second, the report calls for domestic actors in Algeria and international supporters of reform to recognize that the power balances in the country imply that a democratization is unlikely to take place without the consent of the military. Furthermore, they should realize that the military is unlikely to provide its consent if a transition is presented as a "revolution" or a total "purification" of the state elites. The most likely way to convince the military that it should decrease its role in politics is to opt for gradual reform, rather than sudden revolution. Denouncing the "military character" of the state as many protesters have done is, indeed, telling the truth about how power and politics are structured in Algeria. But it provides little help to the human rights and pro-democracy activists in the process that lies ahead of them. Instead focus should be on how the military can be persuaded to consent to reform.

Negotiating a genuine withdrawal of the military from politics will inevitably involve painful trade-offs and compromises for all parts.

Third, the report argues that the domestic power balances in Algeria are likely to continue to allow influential regime protagonists to subdue and circumvent constitutional guarantees of rights and freedoms when deemed politically necessary. In such a situation, domestic civil society actors should look for opportunities to gain influence over the country's political institutions and the international community must vigilantly monitor the situation and systematically denounce violations of rights and freedoms. At the same time, it is essential that the international community supports domestic actors in their struggle to integrate and transform the country's political institutions from within. The emergence of good governance and human rights should be seen as long-term goals, which will require a number of political struggles for reforms including, for instance, the legal code, women's rights, freedoms of expression, transparency etc. For these political struggles to be won, Algeria's civil society must get engaged and contribute from within.

Finally, the report argues that reform actors must recognize the deep impact that Algeria's dependence on rent generated from exports of natural gas is likely to have on the country's political future. The negative effects of this type of rentier economy is widely acknowledged. Over the past decades, it has become increasingly clear that the country's rent-based system does not allow sufficient creation of wealth and jobs. Ensuring a stable transition towards a democratic system will require that the country's unemployed youth are provided with access to jobs and that the existing middle class is provided with access to consumer goods and leisure. To do so the system must reform and diversify itself. And it must introduce mechanisms to ensure transparency, fairness and good governance of the economic sector. To initiate such a transformation, the Algerian government must reform its bank systems and its justice system in order to create sufficient clarity, transparency and confidence. It must also ensure a transparent and fair economic system that encourages private companies and attracts foreign investors.

1. The *Hirak* movement

Algeria's current transition hinges to a large extent on the future development of the *Hirak* movement. The peaceful, popular grassroots movement that unexpectedly arose in February 2019, were initially triggered by the announcement, on February 10, 2019, that Bouteflika would run for a fifth term in office. Already in 2014, Bouteflika's candidacy for a fourth term had generated controversy after having suffered a debilitating stroke in 2013. Confined to a wheelchair, incapable of speaking and rarely appearing in public he nevertheless continued to preside over the state for another six years. However, in 2019 a widely shared sense of humiliation, shame, and anger against a system deemed incapable of generating trust and providing opportunities for the majority of the population, sparked mass protests. Hundreds of thousands of Algerians from all walks of life rallied to reject Bouteflika's candidacy. Within days, several of the president's most ardent backers withdrew their support. On March 13, 2019, the president announced that he would not run for a fifth term. Yet, as the initial political goal of blocking Bouteflika's way to a renewed mandate was achieved, supporters quickly added new and increasingly revolutionary demands of systemic transformation. The demands ranged from a complete replacement of ruling elites and the establishment of a civilian state to the dismantling of a corrupt economic system. As Giulia Fabbiano observes:

*"The slogan 'Remove them all' ('yetnahaw ga3') gradually gained traction in mid-March 2019. On the evening of March 11 and following president Abdelaziz Bouteflika's announcement that the presidential election had been postponed indefinitely and that a national conference would be held, a young man from a working-class background was interviewed by an Arabic-speaking television station broadcasting live during a demonstration in central Algiers. The young man pointed out, contradicting the reporter's assertion, that the people in the street were not celebrating victory. Rather, he explained, they were calling for sweeping changes in governance practices and structures, seeing Bouteflika's announcement as nothing but 'one puppet [being] replaced with another puppet'. 'Remove them all' ('yetnahaw ga3'), he cried out several times in the Algerian dialect, despite the reporter's insistence that he should speak in standard Arabic. The video quickly went viral, turning the words into an iconic slogan reproduced in graffiti, badges, T-shirts, mugs and so on. The phrase resembles the 'Leave!'-slogan coined during the Tunisian and Egyptian revolutions, but implies a wider desire for a radical break with the 'system' as a whole rather than merely the persona of the president. It arguably represents one of the basic principles underpinning the *Hirak* movement, which didn't lose momentum after Bouteflika's exit. The latter was announced in a letter on the evening of April 2, 2019 after then Chief of Staff of the Army, Ahmed Gaïd Salah, repeatedly declared himself in favour of invoking Article 102 of the Constitution opening the way for replacing Bouteflika. Yet the *Hirak* movement's broadening demands provided new energy. And in following demonstrations 'remove all regime players' became a key demand of *Hirak**

supporters alongside calls for a complete overhaul of the country's governance system. Protestors started chanting slogans like: 'The people want all of them fired' ('le peuple veut qu'ils soient tous virés') or 'Root out the ruling gang and we'll be fine' ('on enlève la bande au pouvoir et on sera bien'). They began to openly target the army's strongman and de facto ruler of the country, General Ahmed Gaïd Salah, accusing him of attempting to create a 'Sissi-type scenario', with a military-led government managing and ultimately usurping the political transition. The sentiment was reflected in new protest slogans: 'Sorry, Sorry, Gaïd Salah, the people are no fools, we said: remove them all!' ('Sorry, sorry Gaïd Salah, echaâb hada machi djaïeh, goulna yetnahaw ga3!') and 'Gaïd, Ga3 (all) means you too!' ('Gaïd, tu es concerné par le Ga3 (tous)!')."¹

According to Fabbiano the slogans of the *Hirak* movement gradually revealed increased radicalism and pride in opposing the regime:

"By standing in clear opposition to those affiliated with the regime ('the system' or 'the gang'), the protesters drew a sharp dividing line between 'us', the insurgent people ('chaab'), and 'them', those who need to be rooted out in order to achieve a genuine democratic transition. The slogan 'It's either us or you' ('Ya hna, ya ntouma') projected resolve. Other slogans signalled opposition to the regime by collectively reclaiming the country's history of resistance, monopolized by the state after the independence struggle against France. They included: 'This country is our country, the decision is ours' ('Bled bledna, ndirou Rayna') or 'Into the dust bin with the generals, and Algeria will have its independence' ('Les généraux à la poubelle wel djazair teddi el istiklal'), along with many variations on the same theme. The fact that from the outset the uprising clearly retained a patriotic identity helped strengthen a sense of national belonging, which had been undermined by a decade-long civil war and the subsequent instrumentalization of the collective memory of it. On March 1, 2019, a young woman, wearing the tricolour flag over her shoulders, addressed the regime with the following message: 'Our Algeria is greater and more beautiful than yours' ('Notre Algérie est plus grande et plus belle que la vôtre'). One could detect a newly found pride in this constructive Algerian identity in, among other things, the popular re-appropriation of symbols,

¹ Excerpt from Giulia Fabbiano's unpublished paper: « À l'écoute de l'Algérie insurgée ».

such as the flag, the national anthem, and the nationalist narrative, all of which had until then been dismissed or disparaged.”²

By actively drawing on the collective memory and symbols, the *Hirak* movement represents a synthesis of the imaginations of the various protest movements that had arisen before it – from the so-called ‘Berber Spring’ in the 1980s through the Islamist movement in the 1990s. Like these previous movements, the *Hirak* movement has created a revolutionary agenda that clashes with the interests and political agenda of the army.³

The authorities, on their part, decided that henceforth government policy should be centred on a ‘moralization of political life’. This implied a transformation of the state as a way of defusing the ‘revolutionary’ potential of the movement. Much like the reformist government after the upheaval of the October 1988 riots, today’s authorities judge street anger as stemming from the ‘excesses’ of government. In consequence, they propose to rectify the situation by morally reforming the government and state structures, while the top military brass hope that it will not again be forced to step in to correct the ‘inability’ of civilian actors to transform the state and safeguard the military’s interests.

Through 2019, confronted with the revolutionary orientation of the *Hirak* movement, the army high command together with Algeria’s political elites found themselves on the defensive. Attempts to appease the movement by sacrificing individual political dignitaries or by initiating public dialogue initiatives were categorically refused by the *Hirak* movement.

It took a global pandemic to - momentarily - halt the radical revolutionary progression of the *Hirak* movement. In early March 2020, as the Covid-19 pandemic spread through Europe, North Africa and the Middle East, *Hirak* protesters initially refused to demobilize and put their Friday demonstrations on hold. On March 13, 2020, protestors took to the streets for the 56th consecutive Friday, chanting ‘neither Corona nor arrests will stop us’ (*‘ni le corona ni les arrestations ne nous arrêteront’*). A week later however, on March 20, the streets of the capital and other big cities were deserted. The *Hirak* movement decided to halt demonstrations and urged protesters to fight the pandemic by cleaning and disinfecting the streets. The Covid-19 health crisis thus curtailed a movement that neither the arrest of activists nor intimidation tactics had been able to stop. Algerian authorities took advantage of the pause to intensify their crackdown,⁴ and to attempt to restore public confidence in the state and its institutions. As such, the government used the fight against the Covid-19, which by mid-April 2020 had claimed 326 lives in Algeria, as a lever to frame itself as protector of the country’s citizens. Henceforth, law enforcement officers - police and the *gendarmérie* – no longer presented themselves as policing *Hirak* demonstrations. Instead, during protests they framed their actions as attempts to safeguard public health by enforcing compliance with the partial lockdown rules and curfew requirements.

² Excerpt from Giulia Fabbiano’s unpublished paper: « À l’écoute de l’Algérie insurgée ».

³ Martinez, L. (2020, February 18). L’armée algérienne à l’épreuve du mouvement citoyen du Hirak. *The Conversation*. <https://theconversation.com/larmee-algerienne-a-lepreuve-du-mouvement-citoyen-du-hirak-131798>

⁴ For example, journalist and activist Khaled Drareni, the director of the online news site *Casbah Tribune* and a correspondent for Reporters sans frontières, was arrested on 29 March 2020.

In parallel with this transformation of the role of law enforcement personnel, the military emphasized its ability to obtain and import the necessary equipment for healthcare workers through an air bridge between Algeria and China. Such events were widely broadcast on national television and regime-loyal media. In April 2020, for instance, the military journal *El Djeich* wrote that: 'The Algerian state's determination has helped the country avert a genuine tragedy'.⁵ Similar praise for the ability of the state and protestors to 'collaborate' were reported by traditional quality media like the *El Watan* newspaper, writing in an editorial published on April 15, 2020 that: 'The state has risen to the challenge [...]'.⁶ Building on the fight against the Covid-19 outbreak, the authorities managed to improve the image of government planning and policy and to undermine the *Hirak* movement's criticism of the political and military leadership. **This way the COVID-19 pandemic greatly curtailed the *Hirak* movement's ability to mobilize support, giving authorities a pause from responding to the demands of the peaceful and revolutionary grassroots movement.**

There is no doubt that the *Hirak* movement, in spite of its recent set-backs triggered by the Covid-19 pandemic, remains a key player shaping Algeria's future political development. It's crucial, however, that its members and supporters recognize the distinct character of power and politics in Algeria. For starters, it is unlikely that the *Hirak* movement will be able to enforce a trajectory in Algeria that emulates the Tunisian experience of 2011. The prospect of revolutionary regime change triggered by popular revolt as pursued by the incipient *Hirak* movement in the spring of 2019 rests on a false comparison. Power and politics in Algeria differ greatly from neighbouring Tunisia. As time passed, and in the wake of the pandemic-related pause in mobilisation from March 2020 onwards, the *Hirak* movement seems to have come to the bitter realisation that Algeria's military regime is nothing like Ben Ali's police state. Algeria is more like the Maduro regime in Venezuela on the other side of the Atlantic, underpinned by the military and oil rent, than nearby Tunisia. The Maduro regime has successfully fended off the demands from the country's domestic protest movement for democracy, rights and freedoms. So have several other authoritarian governments, including Algeria's regional neighbours, Egypt and Syria, as well as or more distant regimes like that of Belarus. These failed attempts at pursuing democracy by means of domestic revolts are concurrent with the failures of international democratisation drives in Afghanistan, Iraq, Libya and Mali that have sapped international political will to impose democracy by force. If democracy and human rights are to prevail, the *Hirak* movement must adapt its strategy to these political realities. It must de-radicalise its political agenda and transform itself into a reformist political player. It must strike out deals to reform and transform the system together with its key stakeholders rather than engage in a long-term battle with the military to destroy the system itself. Such transformation, from a revolutionary movement into a reformist political actor, is of course a choice that the movement's leaders and cadres must make themselves. If they choose to do so, international actors wishing to support democracy and human rights should embrace this process and support the movement. As long as the international community remains unwilling to enforce democracy abroad, it should support pro-democracy actors with a rights agenda, like the *Hirak* movement, toward becoming powerful civil and political actors who through future democratic elections can take the lead in a long-term transition away from authoritarianism and autocracy.

⁵ El Djeich. (April 2020). Président-ANP : cohérence totale. *El Djeich*, (681).

⁶ Bahmane, A. (2020, April 15). Ce qui nous attend demain. *El Watan*. <https://www.elwatan.com/edito/ce-qui-nous-attend-demain-15-04-2020>

2. The Military

Algeria's political future depends to a high degree on the military. The army high command considers itself as the backbone of the Algerian state, committed to ensuring the country's security and protecting its republican form of government.⁷ In spite of its many internal factions, the military establishment has historically been able to overcome its internal differences and to stand united when confronting the political crises that have marked the history of Algeria since independence.⁸ Relying on its connections and networks in all sectors of society the military furthermore enjoys substantial financial resources with an annual budget of \$12 billion, or 25% of the total state budget.⁹ With hydrocarbon exports accounting for 95% of Algeria's export revenues and 75% of the state budget, and with Sonatrach, the national oil company, arguably serving as the financial wing of the military, rent generated from gas exports remains crucial to the regime. The role of the military in the country's political life may be defined as that of a central regulator determining the place and function of all political parties and movements on the political scene.¹⁰ The Algerian people's attitude toward the military is inherently ambivalent: seen as both a source of pride and frustration.

When protests broke out in 2019, the military high command cleverly used the demands expressed by the *Hirak* movement such as 'Remove them all' or 'They are all thieves', to dismantle the political, administrative, financial and security networks associated with President Bouteflika. The military high command did so primarily because they estimated that these circles of power were both incapable of solving the crisis at hand and because they believed that they had accumulated too much autonomy from the military. The purges led by the military affected prime ministers, government ministers, business leaders, and high-ranking security officers, most of whom were handed jail terms for alleged corruption or high treason. Initially, this attack on close associates of the former president satisfied many Algerians as it was presented as a response to the *Hirak* movement's calls for a removal of state elites. Initial relief gradually gave way to a general sense of concern about the military's motives and game plans. The people's misgivings increased when early on in the transition the military announced that presidential elections, contrary to requests by the *Hirak* movement, would be organised shortly and within the deadline prescribed by the constitution. Despite a historically low voter turnout, the election of Abdelmadjid Tebboune as president on December 19, 2019, was a success for the military, and a clear indication of the pivotal role it planned to continue to play in regulating Algeria's political life.

The military's role as kingmaker and hidden rulers of the state dates back to Algerian independence. From 1962 to 1990, the military relied on the National Liberation Front (FLN) to conduct day-to-day governance, all the while retaining direct control of the state by reserving the presidency for itself via candidates like Colonel Boumédiène (1965-1979) and Colonel Chadli Bendjedid (1980-1991).

⁷ See Cook, S. A. (2007). Ruling but not governing: The military and political development in Egypt, Algeria, and Turkey. *The John Hopkins University Press*.

⁸ Bourrat, F. (2011). L'armée algérienne : un État dans l'État ? *Les Champs de Mars*, (23), 21–37. <https://doi.org/10.3917/lcdm1.023.0021>

⁹ Ouaisa, R. (2019, May 6). Algérie : quel rôle pour l'armée dans la transition démocratique ? *Telos*. <https://www.telos-eu.com/fr/politique-francaise-et-internationale/algerie-quel-role-pour-larmee-dans-la-transition-d.html>

¹⁰ Nemar, R. (2010). Au-delà des casernes. Le rôle de l'armée en Algérie. *Les Cahiers de l'Orient*, (100), 19–32. <https://doi.org/10.3917/lcdlo.100.0019>

It was the military's refusal to allow the candidates of the Islamic Salvation Front (FIS - Front Islamique du Salut) to govern, despite the party's clear victory in the 1991 parliamentary elections, that plunged Algeria into the brutal civil war of the early 1990s. In 1995, after four years of direct military dictatorship, it was the military establishment which organised the election of General Liamine Zéroual to the presidency.

It was also the military establishment that in 1999 organised the election of Abdelaziz Bouteflika to the presidency. However, widely criticized for its mass human rights violations during the civil war (1991-1999), the military was aware that in order for the Algerian government to regain international recognition, the military would have to withdraw from its visible role in governing. Accordingly, the top brass picked Abdelaziz Bouteflika as a civilian candidate to become the country's new head of state when the military was gradually consolidating its military victory over the Islamist militias. In 1999, rigged elections were held to formally instate Bouteflika as president, and a referendum on an amnesty law for all parties in the civil war was organised to help build a presidential image based on national reconciliation.

The military and intelligence services were delighted with Bouteflika's achievements over the 2000-2009 decade: his first (1999-2004) and second (2004-2009) term saw Algeria move on from the civil war and start afresh. Public spending increased, and to some extent the country's improved situation opened up new horizons for the Algerian people. From 2003 to 2014, thanks to rising oil prices, the regime was able to buy social and political peace.¹¹ While the military withdrew from politics, the annual defence budget increased fivefold to around \$11 billion. The military set out to modernise its equipment, professionalise the armed forces, and develop an embryonic military industry.¹² The challenges posed by the 2011 Arab uprisings, the Libyan war, and emerging security threats in the Sahel threw the Army's prevailing defensive and static military doctrine into disarray, resulting in the decision to redefine the country's territorial defence. In terms of political developments, the military establishment and the presidency sought to curtail the power of the security services, and hence to side-line the head of the DRS (Département du Renseignement et de la Sécurité), General Tawfiq, then considered the most powerful man in Algeria. Together, Abdelaziz Bouteflika and the Army Chief of Staff, General Gaïd Salah, ultimately removed Tawfiq from office on 13 September 2015. On May 4th, 2019, the army chief's bid to get rid of the influence of the intelligence services for good culminated in Tawfiq's arrest and sentence to fifteen years in prison by a military court.

However, after his decision to run for a fourth term as president in 2014, the military high command's relation with Bouteflika deteriorated. After a stroke in 2013 left Bouteflika mentally and physically diminished, the presidency had in the eyes of the military become the object of intense lobbying by powerful networks – the Business Leaders Forum (Forum des chefs d'entreprise - FCE), Sonatrach, the General Union of Algerian Workers (Union générale des travailleurs algériens - UGTA), the FLN, the National Rally for Democracy (Rassemblement national démocratique - RND). Given the financial benefits they reaped from the status quo, despite misgivings from the military high command, these actors were keen to see Bouteflika remain in office. Saïd Bouteflika, the President's brother and officially his advisor, was however publicly accused of acting as the de facto ruler of the country.

¹¹ Martinez, L. & Boserup, R. A. (Eds.). (2016). *Algeria modern: From opacity to complexity*. Hurst & Company.

¹² Touchard, L. (2017). L'évolution des forces armées algériennes. *Défense & Sécurité Internationale (DSI)*, (131). <https://www.aren24.news/2018/02/27/levolution-forces-armees-algeriennes/>

However, the military high command did not want to be seen removing Bouteflika by force. At that moment no popular movement was calling for the president's removal and such an intervention would likely be seen internally and internationally as an illegitimate coup. Furthermore, believing to have handled the Arab uprisings in 2011 well, the military was convinced that threats to Algeria's security and stability were external rather than internal. Given Algeria's overwhelming dependence on oil revenues, the 2014 drop in oil prices had a severe economic impact. The 2017 parliamentary elections subsequently revealed deep political and social fissures. In addition, the 'Bouteflika system' did not appear to have a plan for a political transition. The unexpected emergence of the *Hirak* protest movement in February 2019 finally provided the military with an opportunity to move against Bouteflika, his brother, and the networks associated with them. Tactically the military acted as if the *Hirak* movement was an expression of public anger solely directed against the corruption of Bouteflika's presidency. The military's political response therefore consisted of purging the supporters of Bouteflika and replacing them with a government of technocrats with relatively honest, competent, and capable profiles.

Despite the tactical alliance, the military high command continues to view the *Hirak* movement with suspicion, particularly its anti-military slogans like 'A civilian state - not a military state'. There is little indication that the military intends to push for a genuine transformation of the political system. Rather, they seem bent on improving the government's efficiency in order to meet the socio-economic demands that the protestors have put forward. It is unlikely that they have any plans to meet the movement's demands for political reforms, human rights, and democracy. This strategy seems particularly clear when we observe how in 2019 the military steadfastly refused to enter into a meaningful dialogue with the *Hirak* movement, as Siham Beddoubia observes:

"The idea of a dialogue between the regime and Hirak actors gained ground in the public debate. On 17 July 2019, the president of the Civil Forum for Change (Forum civil pour le changement) – an organisation comprising seventy activist associations created on 9 March 2019, at the height of the Hirak protest movement, and led by Abderrahmane Arar, president of the NADA network – put forward a list of thirteen public figures with a view to establishing a dialogue with the regime to end the crisis. It included Karim Younes, Djamila Bouhired, Mokdad Sifi, Mouloud Hamrouche, Mustapha Bouchachi, Ahmed Taleb Ibrahim, Nacer Djabi, Fatiha Benabou, Smaïl Lalmas, Lyes Merabet, Nafissa Lahrèche, Aïcha Zenai, and Islam Benattia.¹³ A week later, on 25 July 2019, the Acting President, Abdelkader Bensalah, announced the creation of a dialogue and mediation commission, chaired by six political and civil society actors.¹⁴ Noteworthy was the fact that ultimately only two of the people suggested

¹³ See Lyes, S. (2019, July 17). Forum civil pour le changement : 13 personnalités pour mener le dialogue et la médiation. TSA. <https://www.tsa-algerie.com/forum-civil-pour-le-changement-treize-personnalites-pour-mener-le-dialogue-et-la-mediation/>

¹⁴ The six members of the Panel were Karim Younes, former minister under Bouteflika and former Speaker of the People's National Assembly; Fatiha Benabou, Professor of Public Law; Smaïl Lalmas, economist and company director; Bouzid Lazhari, Professor of Public Law and former Member of Parliament; Abdelwahab Bendjelloul, trade unionist in the education sector; and Azzedine Benaïssa, academic.

by the Civil Forum were involved in this commission, as the majority of those who were approached refused to take part.”¹⁵

In subsequent weeks the *Hirak* movement and the Military parted ways. The *Hirak* movement set a series of preconditions for engaging in the dialogue (including the release of *Hirak* detainees, respect by law enforcement officials of the right to peaceful protest, reduced police presence during protests, allowing free access to and free media coverage of the protests, etc.¹⁶ However, when Deputy Minister of Defence and Army Chief of Staff in early July 2019 commented on these suggestions it was clear that the military did not intent to engage in a dialogue. As Siham Beddoubia observes, the regime was not prepared to agree to these preconditions:

“This reflected the military’s interference in the process, as it sought to hold presidential elections as quickly as possible, with General Gaïd Salah declaring: ‘There is no question of wasting more time, as elections are the key issue on which the dialogue needs to focus; a dialogue that we very much welcome and that we hope will be a great success and achievement, rather than the method [that consists of] imposing preconditions that amount to diktats’.”¹⁷

The military’s perception of the *Hirak* movement as a threat to its vital interests was further reinforced by the fact that the movement was built in opposition to existing political parties, which it accused of being mere ‘subcontractors’ of the regime. For the military, it is imperative that political parties and the UGTA (Union Générale des Travailleurs Algériens - General Union of Algerian Workers) return to centre stage and start rebuilding alliances and manage the political institutions. The upcoming elections (early parliamentary elections and local elections) will be a moment of negotiation between political actors and the military. A reform of the electoral districts, designed to increase the number of municipalities (from 1,541 to 15,000) and wilayas (from 58 to 80), will generate new political and financial resources, and hence an opportunity for the military’s partners. It should be noted that the Islamist party of the Algerian Muslim Brotherhood, Movement of Society for Peace (MSP), was quick to offer its support to the newly elected president, and that, for the time being, it continues to back him. In return, the MSP expects to make itself indispensable given president Tebboune’s perceived lack of legitimacy after a disastrously low voter-turn out in the 2020 presidential elections.

¹⁵ Excerpt from Siham Beddoubia’s unpublished paper: “Political Parties and Trade Unions in the Hirak Movement in Algeria, or the Difficult Quest for Legitimacy”.

¹⁶ The list of preconditions can be found in TSA. (2019, July 27). “Le respect des engagements ou la rupture” : Karim Younes rappelle les conditions du panel. TSA. <https://www.tsa-algerie.com/le-respect-des-engagements-ou-la-rupture-karim-younes-rappelle-les-conditions-du-panel/>

¹⁷ Excerpt from Siham Beddoubia’s unpublished paper: “Political Parties and Trade Unions in the Hirak Movement in Algeria, or the Difficult Quest for Legitimacy”. Speech transcript available in El Watan (2019, July 30). Gaïd Salah veut un dialogue sans préalables. *El Watan*. <https://www.elwatan.com/edition/actualite/gaid-salah-veut-un-dialogue-sans-prealables-30-07-2019>; and in Echoroukonline (2019, July 30). Gaïd Salah: “Les élections constituent le point essentiel autour duquel doit s’axer le dialogue.” Echoroukonline. <https://www.echoroukonline.com/gaid-salah-les-elections-constituent-le-point-essentiel-autour-duquel-doit-saxer-le-dialogue/>

If the military cannot find other political partners who enjoy popular support and are willing to protect its interests, it may very well form an alliance with the Muslim Brotherhood, thus following the example of the Moroccan monarchy, which has formed an alliance with the party of the Moroccan Muslim Brotherhood, the Justice and Development Party (Parti de la Justice et du Développement - PJD).

Domestic actors and their international supporters should recognise that the current power balance in Algeria makes a democratisation process unlikely without the consent of the military. Furthermore, the military is unlikely to provide its consent if the transition is presented as a 'revolution' or a total 'purging' of state elites. The most likely path toward convincing the military to decrease its role in politics is by espousing gradual reform, as opposed to abrupt revolution. Denouncing the 'military character' of the state, however informative about the structure of power and politics in Algeria, provides little help to human rights and pro-democracy activists on the difficult road that lies ahead. It is up to them to convince the military to consent to reform. Negotiating a genuine withdrawal of the military from politics will inevitably involve painful trade-offs and compromises – a process countries like Turkey, Brazil and Chile have understood and implemented in their recent past. From these experiences we may conclude that convincing the military in Algeria to support increased freedoms, rights and democratisation, will likely require provisions granting the armed forces protections that a system-wide revolution would deny them. Providing such protections should nonetheless be contingent on local and international actors insisting on genuine steps towards allowing civil actors a key role in rebuilding the political system on the basis of human rights and democracy.

3. Fundamental Freedoms and Human Rights

Unfortunately, Algeria's legal and constitutional framework has limited influence on the country's political future. While the constitution guarantees fundamental rights and freedoms for activists like those engaged in the *Hirak* movement, the military, which forms the backbone of the regime, is unlikely to respect the rights of activists if the latter are perceived as a threat. It is in this light that we should see stepped up repression of protestors, critics and civil society actors after the authorities gained the upper hand in the stand-off with the *Hirak* movement during the 2020 Covid-19 crisis. Desirous of normalising political life, Algeria's newly elected president has nonetheless failed to mobilize support for a political solution, becoming increasingly repressive. In a bid to prevent mass protest from erupting again as the Covid-19 crisis wanes, the government has largely criminalised the peaceful exercise of fundamental freedoms of citizens. As Mouloud Boumghar observes, many of the repressive acts blatantly disregard both the constitution and the country's international obligations:

*"This state of affairs [in which the government criminalises its opponents] goes against the current Constitution of Algeria, whose Article 38 affirms that 'fundamental liberties as well as the rights of man and of the citizen [...] constitute the common heritage of all Algerian men and women,' and whose Article 39 states that 'the individual or organised defence of fundamental human rights and of individual or collective liberties shall be guaranteed.' Moreover, this situation goes against Algeria's international human rights obligations. Article 150 of this very same Constitution provides that such international obligations supersede domestic law. This criminalisation process is pursued through vaguely drafted criminal law, applied by a judicial system that is structurally subservient to the executive, reserving particularly severe punishments for Hirak activists. The repressive system is inherent to the current regime."*¹⁸

As Boumghar points out, the existence of a criminal law containing various offences drafted in vague terms opens the door to judicial harassment:

*"This is the case with the offence of unarmed assembly (Penal Code art. 98 and 100) which is applied automatically, given the prevailing legislative regime of prior authorisation as well as the ban on demonstrations that has been in force since 2001 in Algiers and across the country."*¹⁹

Notwithstanding constitutional amendments pertaining to the right to peaceful assembly that have been submitted to a referendum, enforcement of the ban and related criminal offences has not been relaxed. Other similarly vague offences include 'breach of national integrity' (Penal Code

¹⁸ Excerpt from Mouloud Boumghar's unpublished paper: "Constitutional Formalism and Repressive Practices in Algeria, or the Authoritarian Use of Law against Rights"

¹⁹ See *Observations finales du Comité des droits de l'Homme*, CCPR/C/DZA/CO/4, §§ 44-45, 17 August 2018.

art. 79), ‘contempt of constituted bodies’ (Penal Code art. 146 and 144), ‘insult to the President of the Republic’ (Penal Code art. 144 bis), and ‘undermining military morale in peacetime’ (Penal Code art. 75). In addition to such charges, regularly brought against Hirak activists, individuals may also be prosecuted for ‘affront to the dogma and precepts of Islam’ (Penal Code art. 144 bis 2). In April 2020, the Penal Code was revised (Law No. 20-06 of 28 April 2020), making it even more restrictive and particularly detrimental to the exercise of human rights. For instance, the new Penal Code Article 95 bis prescribes a prison sentence of up to seven years for the vague offense of ‘receiving any kind of fund, gift or benefit, regardless of its provenance, whether national or foreign, state or non-state, to commit or incite to commit acts that may threaten the security of the state, the stability and normal operation of institutions, national unity, territorial integrity, the fundamental interests of Algeria, or public security and order’. This law was adopted by the very same Parliament that later approved the proposed constitutional reform to be submitted to referendum. Evidence points to a hardening in the application of these repressive legal provisions.”²⁰

Since the emergence of the *Hirak* movement in 2019, numerous examples indicate that the legal framework remains an instrument for continued political repression, intimidation and control. As Mouloud Boumghar observes:

“The executive does not hesitate to single out people as targets for law enforcement and judicial authorities. Such is the case with proponents of a ‘civilian, not military state,’ who have been labelled as traitors in the aforementioned main publication of the Ministry of Defence. In other instances, the executive fails to maintain the presumption of innocence. For example, in an interview with the daily newspaper El Khabar on 15 April 2020, Mr Amar Belhimer, the Minister of Communication and government spokesman, pointed out that only a court of law was entitled to determine whether those journalists either imprisoned or released on bail (judicial supervision) were being prosecuted on grounds pertaining to the freedom of the press or for other reasons. In reference to the decision to suspend the news websites Maghreb Émergent and Radio M he stated that their ‘director [was] a journalist who [had] slandered, libelled and insulted the head of state, and therefore [had] mistreated him, thereby crossing the line

²⁰ Excerpt from Mouloud Boumghar’s unpublished paper, “Constitutional Formalism and Repressive Practices in Algeria, or the Authoritarian Use of Law against Rights”

of journalism ethics and press freedom.’²¹ The same Minister portrayed reporters critical of the regime as ‘sowers of fitna’ (‘discord’). Hirak activists, whether expressing their opinions on social media or attempting to organise demonstrations, have been consistently prosecuted. Many of them have been remanded in custody, a procedure meant to be exceptional.’²²

The domestic balance of power in Algeria will likely continue to enable influential regime protagonists to subdue and circumvent constitutional guarantees of rights and freedoms when it’s deemed politically expedient. Domestic civil society actors should look for opportunities to gain influence over the country’s political institutions. Their international counterparts should continue to monitor the situation, and systematically denounce rights violations. At the same time, it is essential for the international community to support domestic actors in their struggle to become part of and to transform the country’s political institutions from within. The emergence of good governance and human rights should be seen as long-term goals, necessitating political reform struggles pertaining to the legal code, women’s rights, freedoms of expression, transparency etc. For these political struggles to be won, Algeria’s civil society must engage the political system and contribute from within.

²¹ See Aït Ouarabi, M. (2020, April 16). Il affirme qu’il a été gangrené par la corruption : Belhimer promet d’assainir le secteur de la publicité publique. *El Watan*. <https://www.elwatan.com/edition/actualite/il-affirme-quil-a-ete-gangrene-par-la-corruption-belhimer-promet-dassainir-le-secteur-de-la-publicite-publique-16-04-2020>; Laib, C. (2020, April 15). Amar Belhimer à propos des journalistes incarcérés et des médias suspendus. *Algérie 360°*. <https://www.algerie360.com/20200415-amar-belhimer-seule-lautorite-habilitee-a-juger-journalistes-incarceres/>

²² Excerpt from Mouloud Boumghar’s unpublished paper: “Constitutional Formalism and Repressive Practices in Algeria, or the Authoritarian Use of Law against Rights”

4. The Economy

Algeria's economy, largely based on exports of natural gas and related products, remains a key factor shaping Algeria's political future. This economic model has long provided the government with a massive capital influx enabling it to buy social peace. However, sliding oil prices, from \$60 per barrel in January 2020 to \$20 in April 2020, put the country's current leadership in a precarious situation. The decrease in Brent crude prices started in 2014, shrinking Algeria's oil revenue by half in the ensuing years. The government has drawn on foreign exchange reserves to counterbalance the decline, but the country's reserves are dwindling (from \$180 billion in 2014 to \$50 billion in 2020). By early 2021 it became clear that little would be left to sustain public spending by the end of the year. The budget passed for fiscal year 2020 amounted to \$64 billion, against projected revenues of \$51 billion. With plummeting oil prices in 2020, revenue was not expected to exceed \$30 billion. The government announced a reduction in imports from \$41 billion to \$31 billion. Research and development contracts with foreign consulting firms (\$7 billion per year) would be cut, and Sonatrach, the state-owned oil and gas company, was to cut its operating expenses from \$14 to \$7 billion.

In March 2020, the government presented its Action Plan before the People's National Assembly (Assemblée Populaire Nationale - APN). According to this document, diplomacy would be put "at the service of a comprehensive policy of national renewal and building a new Republic." From an economic standpoint, Algeria's foreign policy would focus on developing a 'win-win' strategy for its relationships with foreign partners. As Algeria was teetering on the brink of financial collapse as a result of the drop in oil prices, President Abdelmadjid Tebboune deemed it "imperative to put a stop to bad practices [that were] instilled during the period of financial abundance, such as wastefulness and an attitude of laziness and overconsumption."²³ The government's Action Plan arguably represents a political response to the *Hirak* movement's demands: it recognises and incorporates the fact that the 'moralisation of public life' is necessary and a prerequisite for financial reforms and an economic revival. The idea that corruption and incompetence are rife in Algeria is longstanding, a situation that has consistently been denounced by every single political party since the 1980s.

Algeria's main European trading partners have long lamented the prevailing dismal business climate and expect far-reaching economic reforms to help make this country of 40 million more attractive to investors. Algeria can rely on the support of three states, with little democratic credentials, to ensure the regime's security: China, Russia, and Turkey. Algeria's primary trading partner is China, which represents \$4.86 billion or nearly 18.7% of Algeria's total imports, followed by France with \$2.51 billion (9.65%), Spain with \$1.93 billion (7.44%), Germany with \$1.933 billion (7.42%), and Italy with \$1.86 billion (7.17%). Russia is Algeria's main supplier of arms, while Turkey aims to sign a free trade agreement with Algeria. From the perspective of the EU, the consolidation of China, Russia, and Turkey as Algeria's top trading partners substantially challenges its ability to influence Algerian authorities.

²³ AFP. (2020, April 11). Pétrole et virus : l'Algérie face au cauchemar d'une multi-crise. *Challenges*. https://www.challenges.fr/economie/petrole-et-virus-l-algerie-face-au-cauchemar-d-une-multi-crise_705670

With every previous oil crisis (1986-1990 and 2000-2003) the need for reforming the country's rentier economy re-emerges. This is again the case today, with no shortage of ideas on how Algeria should transform its economy. The *Hirak* movement's website, Nabni,²⁴ for instance has offered plenty of suggestions – many of which have found their way into the government's Action Plan, including proposals of projects in the education sector, the development of a 'tourism and film industry,' etc.

Ultimately, there are three steps that Algeria must take to stabilise its economy: diversifying production, reducing the share of hydrocarbons in GDP, and increasing the attractiveness of Algeria to foreign investment. Such reforms take time and require public confidence and support. Unfortunately, the current government of president Tebboune seems to have neither. With no time to lose, the government therefore aims to rebuild Algeria's political life – including approving a constitutional reform, organising early general elections, implementing a territorial reform increasing the number of municipalities from 1,500 to 15,000, and holding local elections – as a way of bolstering the government's ability to implement the much-needed Action Plan.

International actors should recognise the likely impact of Algeria's dependence on rent generated from exports of natural gas on the country's political future. The negative effects of this type of rentier economy has been widely acknowledged. It has become increasingly clear in past decades that the country's rent-based system is unable to sufficiently create wealth and jobs. A prerequisite for a stable transition towards a democratic system is the provision of jobs to the country's unemployed youth and access to consumer goods and leisure to the existing middle class. For this the economic sector must be reformed and diversified, introducing mechanisms to ensure transparency, fairness and good governance. Other oil-exporting countries like Indonesia and Malaysia have been able in the past to implement transitions towards becoming more diversified economies capable of attracting foreign investment and increasing growth. To initiate such a transformation, the Algerian government must reform its banking system and its justice system in order to foster transparency, confidence, and a fair economic system that encourages private entrepreneurship and attracts foreign investors.

²⁴ See Nabni's website: <http://www.nabni.org/>

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