



Algerian NGOs: The need for a comprehensive change

Conference paper by Prof. Salah Ziani

In my position paper, I will address how Algeria as a case study manifests some particular patterns such as the vague legal framework and the lack of clear guarantees concerning the activities of Algerian NGO's.

Non-government organizations in Algeria operate in a politically complex environment, influenced by attempts at manipulation by different political forces. Most important, the legal framework within which Algerian NGOs are working tends to suffer from over-breadth. The laws are often vague and unclear, especially the sections specifying the circumstances under which the government can dissolve or ban NGOs. Many of the laws do not reflect a modern understanding of the importance of NGOs as partners for the development of society.

And generally speaking, the NGO laws tend to reflect government's desire to control rather than regulate the NGO sector. Many NGOs are not actually NGOs. They are what observers are now calling GO-NGOs – government organized non-governmental organizations. They are funded, staffed, and otherwise supported by governments. The idea is not to instigate or inspire change, but rather to control and manage it.

For over two decades, NGOs were governed by the highly restrictive Law on Associations (Law 90-31 of 1990) which was adopted shortly before a military coup and a prolonged period of violence and terrorism in Algeria. Following the pro-reform uprisings in other Arab countries in early 2011, President Bouteflika pledged that he would enact major political and legislative reforms to address popular discontent, including a number of new laws to enhance individual rights and freedoms.

However, the new Law on Associations (Law 12-06 of 2012), adopted in 2012, created additional restrictions on the freedom of association, and generally fails to protect the right in line with Algeria's international obligations. The 2012 Law gives the government broad discretion to refuse to register associations, and fails to provide them with an adequate remedy to appeal a rejection of their registration request.

The law also allows the government to suspend an association's activities or dissolve it on vague grounds, places restrictions on associations' founders, makes it difficult for the NGO's to receive foreign funds, and imposes heavy fines and criminal penalties for members or leaders of informal associations. Since the Law's adoption, a number of associations have faced new obstacles in carrying out their activities, with some organizations opting to close down voluntarily rather than confront administrative and legal hurdles.

As Algeria modernizes, there is a reason to believe that the NGOs legal framework will be among the first to change. Once the laws changed, the Algerian NGOs will be able to focus more their energies on governments and inter-governmental processes. With the retreat of the state from a number of public functions and regulatory activities, due to societal pressures and globalization processes, change becomes more than necessary. An enterprise in which developed countries, especially the G7, could bring crucial help via accompaniment and capacity-building.

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