



**Statement of the
International Pre-Election Assessment Delegation to
Algeria's 2012 Parliamentary Elections**

Algiers, 5 April 2012

At the invitation of the Algerian government, the National Democratic Institute (NDI) organized a pre-election assessment delegation from March 31 to April 5 as part of an international election observation mission to Algeria's May 10 parliamentary elections. The purposes of NDI's mission are to express the international community's support for democratic governance and the conduct of competitive multiparty elections in Algeria, and to provide an impartial and accurate report on the electoral process to the Algerian people and the international community.

The delegation included: Carole James, member of the legislative assembly in British Columbia (Canada); Irena Hadziabdic, president of the European Association of Election Officials (Bosnia and Herzegovina); Anis Ghodbane, vice president of communications for *l'Association Tunisienne pour l'Eveil Démocratique* (Tunisia); Sarah Johnson, assistant director of the democracy program at The Carter Center (U.S.); and Jeffrey England, NDI resident director in Morocco (U.S.).

During the course of the mission, members of the delegation met in Algiers with representatives of political parties and independent candidates; officials of the Ministry of Interior and the Ministry of Foreign Affairs; special commissions composed of magistrates and party representatives charged by law with election supervision and monitoring, respectively; leaders from human rights groups, women's organizations, and other civic organizations; academics; bloggers and media representatives; and representatives of the international community. Delegation members also traveled to the provinces of Chlef and Tizi Ouzou to meet with election supervision commission members, candidates, political party leaders, and other activists.

This pre-election assessment is part of NDI's overall international election observation mission. In mid-April, NDI intends to field a team of seven long-term observers who will continue to observe the pre-electoral period and campaigning, polling day, and the immediate post-election period across the country, including the announcement of results and the processing of any electoral complaints.

This delegation neither seeks to interfere in the election process, nor to render a final assessment of the election process. All aspects of the assessment were conducted in accordance with Algerian law and international standards for election observation set forth in the *Declaration of Principles for International Election Observation*. All recommendations are offered in the hope of supporting and strengthening Algeria's democratic processes and institutions.

NDI and the pre-election delegation appreciate the hospitality, openness, and frankness of all those who participated in the assessment. The delegation is grateful to the government and the people of Algeria for the invitation to observe this important process.

Executive Summary

On May 10, Algerians will elect a new lower house of parliament in elections that some in the country characterize as a critical early step in a longer-term political reform process. President Abdelaziz Bouteflika has stated that the new parliament will play an important role in shaping a planned constitutional reform process in the coming year—a process in which the legislature has previously not participated. Cognizant of the new pressures and increased expectations posed by recent events in the region, the Algerian government introduced several new measures to promote greater transparency in these elections. Citizens, however, have for years placed little faith in the ballot box or in elected officials' ability to produce real change. Algerians desire genuine reform, yet seem skeptical that the new measures will increase the transparency of the contest or produce a more credible body capable of significantly influencing the reform process. Some five weeks before the elections, the delegation believes that a number of steps can be taken to address shortcomings, promote openness, and increase public faith in these elections and in Algeria's broader political process.

In preparing for these elections, the Algerian government revised several elements of the electoral legal framework and made other changes that have the potential to improve the transparency of the process. While overall these changes are positive and bring Algeria's electoral framework more in line with international best practices, the ultimate impact of these changes will be determined in their implementation. In January, a new electoral law created a National Commission for Election Monitoring, composed of political party representatives mandated to observe the electoral process and report infractions to a newly established National Commission for Election Supervision, made up of judges tasked with enforcing the electoral framework. The law requires that vote counting occur within the polling station and be public, that the vote count be posted at the station, and that copies of results be shared with candidate agents. Invitations for international observers and quotas for women's representation on party candidate lists and in seat allocations can be seen as indicators of increased political will to organize more open and competitive elections. In this environment, parties are preparing for the upcoming campaign period with renewed energy, and expressed to the delegation a near-universal belief in the importance of these elections for the advancement of Algeria's democratic reform process. A number of party representatives noted the role of political parties in developing more meaningful electoral programs that could inspire higher participation and further deter fraud.

At the same time, other aspects of the electoral process as they currently stand appear to fall short of citizen aspirations for a fundamentally more transparent process that could produce more credible results. Political actors noted that a number of regulations and procedures remain vague or undetermined, and election authorities have been slow to respond to requests for clarification. In numerous discussions, the delegation heard complaints about the efficacy of the political party commission and about the independence of the judges on the supervisory commission. Though somewhat similar to previous institutions, both bodies were established recently and face significant organizational challenges as they seek to quickly define their role in the electoral process. The delegation also heard of irregularities in the voter registration process, and numerous complaints from voters and parties of difficulties in accessing the voters' register for purposes of verification. Significantly, no provisions currently exist for the accreditation of nonpartisan domestic observers from Algerian civil society despite their requests, even as the Algerian government has extended to international observers. An area where the presence of observers could be particularly useful is in the vote tabulation process, which at this time is not open to observation by either partisan or nonpartisan monitors.

While tied to larger structural issues, many of the immediate challenges to the credibility of these elections result from confusion surrounding electoral framework revisions—in particular newly added provisions and institutions. Such challenges are not unexpected given that the legal revisions were passed less than three months ago, and can be mitigated through a series of relatively simple measures. Even at this late stage, Algerian authorities and other actors can take several steps to increase transparency, which could encourage greater public participation and promote confidence in these elections. Such measures include the following:

1. Authorities should open the entire vote tabulation process to all types of observers, including domestic observers, political party agents, and international observers, to dissuade broad concerns that this step of the process is susceptible to manipulation.
2. Electoral authorities should permit Algerian civil society to organize observation initiatives, should clarify the accreditation process, and should disseminate the information widely and in a timely manner.
3. Political parties and citizens should take advantage of opportunities to maximize transparency, for example by attending the counting of ballots and the publication of results at polling stations.
4. Outstanding regulations should be published and procedural ambiguities clarified as quickly as possible by the election authorities, in open partnership with the National Commissions for Election Supervision and Election Monitoring.
5. Election authorities should clarify how the allocation of seats will be made for women in order to ensure that the proportional results intended by the law are achieved in an equitable manner.
6. Political parties should strive to earn the trust of voters through responsive platforms and voter outreach efforts, and maximize participation of youth and women in campaigns.

The Electoral Context

A comprehensive assessment of any election must consider all aspects of the electoral process, including information from the pre-election period, election day, and the immediate post-election period. The political context in which the upcoming parliamentary elections will be held is as important in determining their outcome as are electoral preparations or even the events of election day. From beyond Algeria's borders, the popular movements of the Arab Spring have raised Algerians' expectations of their political leaders. From within the country, Algeria's colonial struggle and the civil strife of the 1990s, as well as its political structures and decision-making processes, also influence the electoral process and its outcomes. A comprehensive assessment must also take into account these factors in order to evaluate the degree to which the election process will be able to respond to—and will be perceived to respond to—Algerians' expectations and aspirations. Viewed in this way, this electoral process can be seen as one of the most important tests yet of the Algerian government's willingness to permit genuine political pluralism, and of its broader intentions as the country heads toward promised constitutional reforms.

While Algeria's historical experience sets it apart from its neighbors in many ways, the country is not immune to the demands for greater transparency, accountability, and political freedom that have characterized the past year and a half in North Africa and the Middle East. Responding to new pressures and popular expectations, in April 2011 long-serving President Bouteflika

promised new constitutional revisions and sweeping reforms. Coupled with economic concessions and security crackdowns, the launch of an as-yet-incomplete reform process succeeded in curbing three months of nationwide political protests but largely failed to address popular desires for increased political space and economic security. Participation in the upcoming parliamentary elections will provide an important indication of Algerians' views on the intended reforms, as well as on the degree to which citizens are engaged in the electoral and broader political processes.

These elections, through regularly scheduled, have taken on new importance in the context of the Arab Spring and Algeria's new reform effort. President Bouteflika has said that the next parliament—which will expand to 462 members from the current 389—will play a key role in shaping an anticipated constitutional revision process. Recognizing the higher stakes, the government is also taking new measures—including invitations to international observers, registration of new political parties, and a revised legal framework—intended to demonstrate its commitment to organizing transparent and competitive elections. In a December 2011 speech, Bouteflika stated that the elections “will be held amid unprecedented plurality,” with participation by new political parties and efforts to engage citizens through a government-led voter education drive. Multilateral organizations invited to send observers include the African Union, Arab League, European Union, United Nations, and Organization of the Islamic Conference. NDI and the Carter Center are the only non-governmental organizations to have received invitations. In contrast, while Algerian civil society groups have voiced an interest in observing the elections, no local organizations have yet received accreditation.

Also of note is the fact that the May elections will take place under a revised regulatory framework. The new electoral law, promulgated in January, includes the creation of new institutions, the National Commissions for Election Supervision and Election Monitoring, designed to increase public trust in the integrity of the process, though similar institutions have existed in the past. It also maintains provisions requiring that ballots be counted at the polling station and in front of both party agents and voters in attendance, and that results be posted publicly at the polling station. A revised party law codifies political party registration procedures, and a new law on women's participation defines quotas for women in party candidate lists. Provisions of each law were the subject of considerable debate in parliament and in the press in the months preceding passage, though perhaps none was as harshly criticized as the revised associations law, which imposes significant constraints on independent groups who could otherwise play an important role in supporting the credibility of the elections.

The upcoming elections will be a major test of both the government's recent reform measures and of its ability to instill confidence in the electorate. Algeria's recent history includes numerous elections plagued by fraud, and citizens appear hesitant to embrace the ballot box as an effective means of creating political change. As one Algerian political analyst told the delegation, however, “citizens are still waiting” for broad changes that would lend elections legitimacy. In the last decade, participation rates have consistently been low, with over 50 percent of registered voters reportedly abstaining in the last two parliamentary polls, in 2002 and 2007. The frequency of boycotts and high invalid ballot rates (at least 10 percent in both 2002 and 2007) also point to considerable popular disenchantment. The Rally for Culture and Democracy (RCD) already announced its decision to boycott the 2012 polls, and last month a prominent coalition of Islamist parties stated that it would encourage supporters to boycott the elections if it sees significant indications of fraud in the pre-election period. Unsuccessful calls by some parties in recent months to install a neutral interim administration to administer the elections point to low expectations for the polls' integrity. While the Front of Socialist Forces (FFS)—a secular opposition party that has boycotted every national election for the last 15 years—has begun

preparations for participation in May, it too has mentioned the possibility of a renewed boycott as recently as this week.

Some of the specific aspects of the electoral context leading into the 2012 parliamentary elections are discussed below.

Electoral Framework: Revisions to the electoral law and other relevant legislation in January 2012 left the electoral system relatively unchanged. The revised electoral law maintains the proportional representation, largest remainder system with multi-member districts.¹ It also keeps the minimum threshold for earning seats in the parliament at five percent of the district lists. The delegation heard no criticisms or major concerns regarding the type of electoral system or threshold from the political parties or other actors with whom it met. Several parties did point to the fact that, in combination with the large number of competing political parties (numbering 44 for this election), this system naturally leads to a splintered legislature, contributing to the weakness of the parliament. The complexity of the allocation of votes and the fact that it inherently produces outcomes other than those expected could also contribute to misunderstandings and suspicions among citizens.

Virtually all of the actors with whom NDI met noted that the revised election-related laws as written were not generally problematic, though they remain ambiguous in many regards. Rather, in the view of most, it is the application of elements within the law that seem to regularly fall short. Several political parties noted that a large number of regulations or guidelines referenced in the law have yet to be promulgated or clarified. If more confidence is to be given to the system, such regulations need to be quickly finalized and disseminated broadly. Civil society and many political parties expressed regret that neither the legal revisions nor the development of supporting regulations has taken place through an open, inclusive process of consultation. The choice to forego a collaborative approach raises concerns and reinforces public perceptions that decision-making processes are proceeding as before rather than in a new spirit of reform.

Candidate Lists: According to election officials, by the March 26 deadline more than 25,800 candidates registered on over 2,050 lists, approximately twice as many as in 2007. Of these, approximately 7,500 are women, conforming to a new law that sets minimum numbers of female candidates based on constituency size without specifying any requirement for where they must be placed on the lists.² Although in theory the law could oblige parties to automatically advance women on the lists, the delegation was unable to determine how authorities would apply this provision, particularly within a proportional representation, largest remainder system. The views of various actors interviewed, ranging from political parties to women's organizations, demonstrated conflicting interpretations and highlighted their own confusion over the ambiguities.

According to some officials, only 58 of over 2,000 candidate lists were rejected. However, the delegation heard of numerous cases of independent candidates experiencing difficulties with registration, often due to the large number of signatures and level of supporting documentation

¹ Under the *method of largest remainder*, seats are effectively distributed in two rounds: first, seats are awarded to parties who have achieved the electoral quota, which is defined according to the Hare method as total votes divided by total seats. The quota is then subtracted from those parties' vote totals. Next, all parties with votes above the legal threshold are awarded seats according to who has the greatest number of votes (or "largest remainder") until all seats are allocated. The Algerian system is a closed-list system, meaning each party fixes the order in which the candidates are listed.

² According to Article 2 of Organic Law No 12-03, these are: 20 percent for constituencies with four seats; 30 percent for five or more seats; 35 percent for 14 or more seats; 40 percent for 32 or more seats; 50 percent for seats for the national community abroad.

required. Lacking a party structure on which to lean, many were unable to overcome the considerable bureaucratic challenges and, in several cases, suggested that authorities were creating additional obstacles to the successful submission of their lists.

Election Administration: Virtually all of the actors with whom the delegation spoke noted that they expect the material preparations for the elections will be technically sound and professional. While the Ministry of the Interior remains the body responsible for the overall administration of the elections, the electoral law's establishment of several commissions has, on the surface, distanced the Ministry from many of the day-to-day functions of administrative oversight, though they remain somewhat similar to previous institutions. The National Commission for Election Monitoring includes representatives from all political parties and candidates participating in the elections, and has responsibility for identifying legal violations and reporting them to the National Commission for Election Supervision. This second body, composed of 316 magistrates, is mandated to oversee the electoral process and enforce compliance with the electoral law. Magistrates at both the national and regional levels interpreted their commission's role as being purely technical, and limited to simply enforcing electoral regulations written by the ministry. The establishment of these key commissions so late in the electoral process—after the close of the voter registration period—has prevented them from overseeing key stages of the process, such as voter and candidate registration, and left both with considerable organizational challenges even as they seek to define their roles.

Many of those with whom NDI met expressed doubts that the administration of the elections would remain neutral. In particular, many actors questioned the independence of polling station presidents and of the magistrates within the National Commission for Election Supervision and associated administrative commissions at the regional and local levels. Some party leaders have voiced skepticism about the ability of this small number of magistrates to oversee some 45,000 polling stations across Algeria, even with logistical support from local officials. While not feasible before the upcoming May elections, the future establishment of an independent election commission empowered to interpret and regulate the electoral legal framework could alleviate popular concerns about the neutrality of the electoral administration, increasing public confidence in the integrity of elections.

Voters' List: The voters' list for the 2012 elections is based on a registry that is updated annually. Under the new law, which takes the positive step of limiting the direct role of the ministry, local commissions overseen by an appointed judge and consisting of the elected local council president and several private citizens is responsible for the revision process. The Ministry of Interior opened an extraordinary voter registration process for a 10-day period in February. Some political parties and the Algerian authorities reportedly made efforts to encourage voter registration.

The voters' list remains one of the most significant areas of concern for most political parties and civic groups with whom the delegation met. In separate discussions, a number of actors noted that the number of people registered nationwide increased without explanation by a dramatic four million people over the number in 2009. Similarly, these same actors highlighted concerns over registration of security forces, noting that some soldiers were registered in their home districts as well as in multiple deployment sites. Although some parties noted that they had received copies of the revised voters' list to allow them to review and verify it, others indicated that they had not yet received these, just five weeks before the election. Some parties with whom the delegation met noted that the lists they received contained only limited information, such as just the first and last names of voters. In the past, they said, such lists had been disaggregated only to the *wilaya* level and in a read-only electronic format—containing hundreds of thousands of names and making it virtually useless at the level of electoral districts.

Transparency of Vote Counting: Many political actors noted that the counting of votes at the level of the polling station and polling center is a transparent and open process. The law requires that the vote count take place within the polling station and be open to the public. Authorities with whom the delegation met said that this means that registered voters can attend counting at the polling station where they are registered, and that a limited number of political party agents can also attend at the discretion of the station's president. The NDI delegation heard mixed messages about the rights of political parties and citizens to observe the tabulation of results at the municipal and *wilaya* levels and their transfer to the national level. While election authorities described it as a purely technical process of transcribing numbers, several civil society and opposition groups contend that this is the stage at which most manipulation of results occurs. Many actors interpreted the new electoral law as barring any observation of this stage by party agents, citizens, or members of the various oversight commissions. Yet in some cases, magistrates suggested that this process, like those at the polling station and polling center, would be public.

Clarifying procedures to eliminate such confusion remains imperative. More importantly, opening the process to observation at every level would be a relatively simple and effective way of increasing transparency and building confidence in the election results. If authorities fail to take such measures, however, enforcement of the legal provision requiring vote counts to be publicly posted, and vigilance by parties and citizen groups to access that information, could help ensure a minimum of accuracy in the subsequent tabulation process.

Political Parties: Forty-four parties are competing in the May 10 elections, with over 20 of them having been registered in January and February. A number of opposition parties are participating, including one—the FFS—that has boycotted the past two legislative elections, while at least one opposition party—the RCD—has called for a boycott. Ahead of the April 15 campaign period launch, the delegation saw evidence of many parties planning their campaigns in earnest, particularly at the local level.

The new electoral law ostensibly gives political parties a channel for communicating and resolving concerns in the form of the National Commission for Election Monitoring, composed of representatives of all of competing political parties and independent candidate lists. The commission, which maintains parallel structures at the national, *wilaya*, and municipal levels, is charged with monitoring various actors' compliance with the electoral law and regulations. It also coordinates a variety of elements involving political parties, such as the allocation of equitable access to public media, the allocation of designated public spaces for campaigning, and the coordination of party agents in polling stations and polling centers.

Although a potentially constructive mechanism for representing political parties in discussions on electoral issues and defending the rights of political parties as a whole, the commission has had little time to organize itself and, given the large number of parties represented, coordination and decision-making seem to prove challenging. Further, the commission has no executive authority over electoral procedures and can merely refer such matters to the magistrates and the Ministry of Interior. During the delegation's visit, strained relations between these bodies were highlighted by the question of whether Algeria would use a single ballot paper or multiple ones. A single ballot was used for several decades after independence, and is favored by the party commission, which felt it would minimize fraud. More recent elections employed multiple ballot papers, and the Ministry of Interior had chosen to maintain this system despite concerns that it promotes vote-buying. The party commission temporarily suspended its work multiple times in recent weeks out of frustration with the Ministry of Interior's refusal to respond to its recommendation. This week the ministry formally declined the commission's recommendation on the ballot, further

accentuating parties' feelings that electoral authorities are not responsive to their demands. Members of the monitoring commission noted that of some 20 issues they had raised on procedural clarifications, only three had been addressed.

Voter Participation: With several notable exceptions, those with whom the delegation met acknowledged Algerians' low confidence and general apathy toward elections. Many speculated that despite efforts to improve the process, there would be a low turnout. Algeria's recent history suggests this may be likely; official turnout in the last legislative elections, in 2007, was officially reported at only 35.6 percent, with a high invalid ballot rate of over 14 percent. Few of those the delegation met expect to see significant turnout among young Algerians, who make up an overwhelming majority of the country. The last time youth played a major role in determining an electoral outcome was during Algeria's 1988-91 political opening, when youth came out in force to cast protest votes against the ruling party, precipitating a political fallout that Algeria's leaders are loathe to repeat. Today, as one young activist told the delegation, youth see only "old faces" on candidate lists—even those of newly registered parties. Others who spoke to the delegation said that the existing parties and candidates did not have the ability to address their concerns, particularly economic ones.

Amid vague promises of a more meaningful role in a promised constitutional revision process, it remains unclear to voters whether the new parliament will truly hold more power than its relatively subdued predecessors. These questions, paired with profound doubts about the transparency and credibility of the electoral process itself, are reinforcing popular apathy. Political parties have an opportunity to regain at least some support through effective outreach to voters and present programs more directly addressing public concerns and aspirations for reform during the campaign period, but a fundamental shift in public perceptions of elections will require that authorities swiftly take measures to increase the transparency of the process.

Election Observation: The delegation commends the Algerian government for inviting a wider profile of international observers than it has in the past, such as international non-governmental organizations, which has become a common practice internationally and in the North African region. A number of citizens, civic organizations, and political parties with whom NDI spoke believe the presence of foreign observers will help to discourage some of the substantial fraud that they feel have characterized previous elections in Algeria. Although the authorities have indicated that they anticipate over 500 international observers, criteria and processes for accreditation have not yet been made available.

Paradoxically, though the government has encouraged international observation, monitoring by Algerian civil society organizations is discouraged even though it could inspire greater public confidence in the electoral process. As a number of legal experts involved in the process noted to the delegation, while authorities have not granted authorization for civil society observation initiatives, the law does not expressly forbid such important action. Observation by domestic organizations has become a relatively widespread and common practice around the world. The elections in Algeria will follow just over one month after the launch at the United Nations of the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*.³ This declaration establishes international standards for citizen election observation and was developed by the Global Network of Domestic Election Monitors (GNDEM), which includes 150 member groups from 65 countries on five continents.

While the Algerian government seems to hope to build confidence in the electoral process through the establishment of the National Commissions for Election Supervision and Election

³ The declaration is available at www.gndem.org/declaration-of-global-principles.

Monitoring, these bodies face fundamental questions about their independence and limitations in their mandates. Such questions prevent them from fulfilling the role of genuinely independent citizen monitors in verifying the credibility and integrity of any electoral process.

Recommendations

In the spirit of international cooperation and of the democratic values we share, the delegation respectfully offers the following recommendations:

1. Authorities should open the entire vote tabulation process to all types of observers, including domestic observers, political party agents, and international observers, including the tabulation processes at the municipal, *wilaya*, and national levels. Even if these are considered merely administrative or procedural steps by election authorities, a public perception exists that they provide an opportunity for manipulation.
2. Electoral authorities should permit Algerian civil society to organize observation initiatives as an important balance to party and state oversight mechanisms. The government should move quickly to clarify the accreditation process and should disseminate the information widely and in a timely manner. As they do so, authorities should demonstrate flexibility as domestic observers tackle practical challenges in deploying within such a short timeframe and with limited experience and resources.
3. Political parties and citizens should take advantage of opportunities to maximize transparency, for example by attending the counting of ballots and the publication of results at polling stations.
4. Outstanding regulations should be published and procedural ambiguities clarified as quickly as possible by the election authorities, in open partnership with the National Commissions for Election Supervision and Election Monitoring. The decisions should be disseminated widely to political parties, local election authorities, and other actors. It should be made freely available and explained to the voting public through the Internet, print media, television, and radio.
5. Election authorities should clarify how the allocation of seats will be made for women as quickly as possible and prior to voting in order to ensure that the proportional results intended by the law are achieved in an equitable manner.
6. Political parties should strive to earn the trust of voters through responsive platforms and voter outreach efforts, and maximize participation of youth and women in campaigns.

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