

Introducing Algeria's President-for-Life

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Across nearly the breadth of North Africa, the head of state enjoys a lifetime appointment. Morocco has a king. In Tunisia, Zine El Abidine Ben Ali, president since 1987, pushed for a constitutional amendment removing term limits and has now announced a bid for a fifth term in office. President Husni Mubarak of Egypt, who assumed office in 1981, is already serving his fifth term. Libyan strongman Mu'ammarr Qaddafi, in power since September 1969, has never permitted a meaningful election. In March, during a visit to Niamey, Niger, where President Mamadou Tandja is also seeking to rescind term limits, Qaddafi denied that such measures are "anti-democratic," declaring: "I am for freedom of popular will; the people must choose who should govern, even if it is for eternity."^[1]

Until recently, Algeria was the North African exception—Article 74 of its 1996 constitution set two five-year terms as the limit on the mandate of a given president. On November 12, 2008, however, the parliament voted overwhelmingly to approve several constitutional amendments, the most important of which removed the stipulations of Article 74. This far-reaching amendment opened the way for President Abdelaziz Bouteflika to run for a third successive term, as he will do on April 9, despite his poor health and controversial performance. Algerians are convinced that, as in Tunisia or Egypt, the result of this election is a foregone conclusion.

Like Qaddafi, Bouteflika and his supporters have grounded their campaign for constitutional revision in notions of popular sovereignty. Because Algerians have elected Bouteflika twice, the regime's story goes, they should not be hindered by a mere piece of paper like the constitution from keeping him around for life. Like its North African counterparts, the Algerian regime claims that it has jump-started economic development so remarkable that the people insist they remain in office to complete the task. Meanwhile, the removal of term limits has ended any semblance of constitutional checks and balances in Algeria.

A Tale of Four Constitutions

Since achieving independence in 1962, Algeria has adopted four constitutions. The 1963 constitution had little support among the political class and, not surprisingly, it was suspended in the aftermath of Col. Houari Boumedienne's *coup d'état* in June 1965. The country operated without a constitution—the laws being enacted by the 26-member Council of the Revolution, dominated by the military. It was not until 1976 that a second constitution was promulgated and elected institutions of nominal legitimacy restored. Boumedienne was elected president in December and a national assembly elected in February 1977. The 1976 constitution asserted the state's commitment to socialism and designated the National Liberation Front (FLN) as the one

and only political party, though real power remained in the hands of the military, the backbone of the Algerian state.

Boumedienne's death in 1978 provided an opportunity for a number of modifications. The most important revision, triggered by October 1988 riots fueled by severe socio-economic discontent, culminated in a national referendum in 1989 on a new charter. This document introduced sweeping reforms, including the abandonment of socialism, the end of the FLN's monopoly and recognition of the right to form political parties. Twenty-seven years of single-party rule was to yield to pluralism.

Things did not turn out that way. The state canceled legislative elections when it became clear that the Islamic Salvation Front was headed toward winning a majority of seats in Algeria's first multi-party parliament. In 1992, the army declared a state of emergency and suspended the constitution—the state of emergency remains in place to this day. Under Liamine Zeroual, elected president in November 1995, new amendments to the constitution were introduced, establishing a bicameral legislature, revising the legislation on political parties and elections, and strengthening presidential powers.[\[2\]](#)

Before 2008, the country's last wave of constitutional reforms took place in April 2002, in response to a key demand of the movement growing out of the protests of the "Berber spring" the preceding year.[\[3\]](#) Without resort to a referendum, Tamazight, the spoken language of the Berber population, was made a national language, along with Arabic.

Obliging the President

In a speech marking Independence Day in July 2006, Bouteflika formally revealed his plan to amend the constitution yet again, replacing the document adopted in 1996 under Zeroual. The regime's contention, repeated many times beforehand and afterward, was simple: Since the civil war of the 1990s was over, the charter that was promulgated while it was raging was out of date. "The nation is witness," Bouteflika said in 2008, that he had long called "for a profound revision of the constitution to adapt it to the evolution of our country and above all to the reality of the changes facing it." Regime figures also argued that other forces in formal politics and civil society, as well as the population at large, had demanded that the constitution be altered. In reality, only a handful of pro-regime political parties and mass organizations had expressed such concerns. The Algerian media, if anything, was skeptical of Bouteflika's motivations, suggesting that he had been inspired by other Arab leaders to prolong his tenure by changing the constitution.[\[4\]](#)

Already before the speech, the president had been making moves that fed the suspicions of the press, for instance, appointing Abdelaziz Belkhadem to replace Ahmed Ouyahia in May 2006. At the time, some saw this appointment as "a preparation for constitutional changes," because Ouyahia, said to be close to the military establishment, was "known to have opposed a constitutional amendment."[\[5\]](#) Heavyweights within the military hierarchy, particularly the chief of staff, had opposed a second term for Bouteflika in 2004, and Ouyahia's ouster looked like a continuation of the president's success in neutralizing these political foes. Ouyahia and his party, the Rally for National Democracy, are part of the three-party "presidential alliance" that has held

a parliamentary majority since 2002. The other partners are the FLN and the Islamist Movement of Society for Peace. After Ouyahia's dismissal, the parties of the "presidential alliance" threw all their weight behind the constitutional amendments. Mass organizations affiliated with the "presidential alliance" parties, such as the General Union of Algerian Workers, the National Union of Algerian Peasants, the powerful National Organization of War Veterans and youth groups, also stepped up their rhetoric in favor of the amendments.[\[6\]](#)

In June 2008, Ouyahia returned to the premiership, and his subsequent statements pointed to the conclusion of a compromise between the military and the president's office. Addressing a party gathering on September 18, Ouyahia said that his party "is in favor of the upcoming revision of the constitution and supports the candidacy of Bouteflika for a third term." He also promised that his party's "electoral machine" would be put at Bouteflika's disposal.[\[7\]](#) Clearly, the security services have now given the green light to Bouteflika for a third mandate, likely as part of a tradeoff whose terms are unknown. One can only surmise that the deal sets limits upon presidential prerogatives in certain areas, "red lines" that Bouteflika cannot cross, but what these are can only be induced from the course of events in the future.

Supporters of a third mandate said it would enable Bouteflika to consolidate the country's restored stability, peace and national reconciliation following the decade of horrendous violence in the 1990s.[\[8\]](#) Emphasis is also laid on the \$150 billion invested in the economic recovery plans of 2001-2003 and 2004-2009. Bouteflika's critical assessment in July 2008 of certain aspects of economic policy may be interpreted as a solemn pledge to get things right in the future.[\[9\]](#) Economic reality is rather bleak, despite the state's considerable financial reserves, accumulated during the years of high oil prices in 2006-2008. The economy remains dependent on hydrocarbon revenues—exports outside this sector represent a paltry 2 percent of the total. The official rate of unemployment is close to 15 percent, which explains why candidate Bouteflika has promised the creation of 3 million jobs within five years if he is reelected. He claims to have brought unemployment down from more than 30 percent in 1999 to 12 percent in 2008, but no one outside the regime considers this figure credible, and true unemployment is certainly much more widespread than the state says. Domestic and foreign investment faces tall hurdles, while the banking sector remains quasi-archaic. Most of the infrastructure projects of which Bouteflika boasts have been plagued by delays as well as waste.

Despite this patchy record, there was little genuine public debate about the constitutional changes, though the parties of the "presidential alliance" acted as if there were, for a time. The Algerian National Front, the third-largest bloc in Parliament after the 2007 elections, sent mixed messages, declining to oppose the amendments or the prospect of Bouteflika's candidacy, though its leader Moussa Touati will also be a presidential candidate. The Front merely registered objections to the idea, floated by the heads of the two houses of Parliament, that the constitution be amended by simple parliamentary vote, that is, without a referendum.[\[10\]](#)

Among the few parties to express forthright opposition to the president's plan was the Berber-identified Rally for Culture and Democracy, whose spokesperson clearly said the party is "against the constitutional revision and against a third mandate for Bouteflika."[\[11\]](#) Its leader, Said Sadi, had pressed during his early 2008 tour of Europe and North America for international observers for the presidential election, a move that reflected the party's conviction that

Bouteflika would seek a third mandate by hook or by crook. The formal introduction of the amendments, however, confronted the party with the choice of participating in the election or boycotting it. Internal debate almost split the party, but in the end the decision was to boycott. Meanwhile, the Socialist Forces Front, one of the oldest parties in opposition, raised no objection to constitutional reform, provided that this exercise would lead to a fundamental change of the country's political system. This maximalist and completely unrealistic position is of a piece with the Front's long-standing disenchantment with Algerian formal politics, confirmed by its subsequent call for a boycott of the election.

Other opposition came from a group of intellectuals, journalists, artists, lawyers and trade unionists known as the Civic Initiative for Respect of the Constitution. Their slogan, "It is time for the constitution to be applied, not revised," reflected their strong belief that the whole process was aimed only at protecting the incumbency of the president.

The return of the FLN to domination of the political landscape, especially after 2002, is a crucial backdrop to Bouteflika's success in controlling the debate over the constitution. Elections are discredited as a vehicle of political change—officially, only 35 percent (15 percent, according to the opposition) of voters participated in the 2007 legislative elections, the lowest turnout since independence—but also any talk about a democratic process. This general malaise explains why the population remained oblivious to the "debate" on the revision of the constitution and why Bouteflika, who usually likes to legitimize his rule through referendums, did not initiate one this time.

In the end, all the parties of the "presidential alliance," with the rallying of the Algerian National Front to the regime's position, favored approving the changes without a referendum. It surely did not hurt Bouteflika's position that, in September 2008, parliamentary deputies, and later governors and high government officials, received a 300 percent salary increase, despite the fact that their salaries and benefits were already considerable compared to those of the average citizen.^[12] And so it was that on October 29, 2008, two days before the fifty-fifth anniversary of the beginning of the war of independence from France, Bouteflika announced that the constitution would be revised. Thirteen days later, Parliament obliged.

Toward Authoritarianism

The framers of the 1996 constitution had already strengthened the executive. The charter established a second chamber of Parliament, a third of whose members would be appointed by the president. This body was in itself a means through which the president could veto legislation passed by the lower chamber of which he disapproved. In fact, legislation adopted by the lower chamber requires the approval of three fourths of the higher chamber to become law. Article 124 enables the president to enact legislation by decree while Parliament is out of session or in exceptional circumstances. Article 78 is even more explicit about the president's prerogatives. He appoints all military and high-ranking civilian officials, magistrates, the head of the Bank of Algeria, the head of the security services, the secretary-general of the government and the head of the State Council—all prerogatives that were not previously allocated to him. As one scholar observed about the 1996 document, "The main thrust of the 'reform' was to concentrate much

greater power in the office of the presidency.”[\[13\]](#) In practice, Liamine Zeroual’s reforms had established a system whereby the president, *de facto*, could rule nearly by fiat.

Yet the Bouteflika regime was not content. The 1996 constitution still defined Algeria’s system of government as a hybrid of parliamentary and presidential systems and spelled out a power relationship between the executive and the legislative branches that gave too many prerogatives, for the president’s taste, to the legislature. Parliament had the constitutional power to supervise the work of the government, for example (though this power was rarely exercised effectively). Parliament could also bring a motion of no confidence in the cabinet—though this has never been done.

Bouteflika and his backers believed that the cabinet should not only be appointed by the president but also be responsible and subordinate to him and him alone. The government’s mission, in this view, is the implementation of the president’s program. The president was unequivocal, asserting that, “The people as the sovereign elects a president of the republic on the basis of his political and economic program. So why should his prime minister be responsible to Parliament and not the head of state?”[\[14\]](#)

In early November 2008, the Council of Ministers unveiled the constitutional reforms, confirming what everyone had anticipated, that is, that the limitation of presidential mandates to two five-year terms would be rescinded. This measure was justified on the grounds that the people had somehow “democratically” expressed their wish to see the president that they had elected in 1999 and again in 2004 remain in power for additional terms. From a constitutional perspective, the revision of Article 74 was not a violation of the law. But the refusal of the authorities to submit it to a referendum proved that citizens, in fact, have no say in the matter. Bouteflika himself stated he chose the parliamentary path because his achievements have won the tacit approval of the people for his policies.

In order to consolidate the president’s power even further, the prime minister will be nominated and can be dismissed by the president. Though the prime minister will present the president’s program to the parliament, which may reject it, it is doubtful that the deputies would buck Bouteflika, given the pro-regime nature of the legislature. The peculiarity of this revision is that the prime minister will not be chosen from the ranks of the political party that wins a majority in legislative elections but rather at the sole discretion of the president. According to the new text, the president’s program should prevail since it has obtained support directly from the majority of the people. The revision “fully consecrates the sovereign right of the people to choose its leaders freely.” Bouteflika reiterated this point when he formally announced his candidacy, stating that, “From the four corners of the country and from all layers of the population, appeals were addressed to me to carry on my mission. . . . Everyone understands that I cannot remain oblivious to such pressing calls.” Refusing to run, said Bouteflika, “would be painful for me, and not moral vis-à-vis the people, who gave me their trust and support in four universal suffrages, the presidential elections of 1999 and 2004, and the referendums on civil concord [1999] and national reconciliation [2005].” Such claims to be heeding *vox populi* are identical to those emanating from Tunisia’s Ben Ali, not to speak of Qaddafi.

In sum, by the terms of the revised constitution, the government remains solely and exclusively accountable to the president, who “derives his authority from the people through the electoral process.” With the president acting as both head of state and head of government, the cabinet that he appoints will be entrusted with the task of carrying out his program. The prime minister or “coordinating minister” that the president chooses will ensure coordination of activities across ministerial departments. The president can also nominate one or several vice prime ministers to assist the prime minister in the implementation of the president’s program. Nominated by the president, they will be answerable to him as well. The prerogative of dismissing them likewise belongs to the president.

Specter of Boycott

The legislative branch definitely emerges weaker from Algeria’s latest round of constitutional amendments. What is more serious, however, is the fact that the balance within the executive branch has also been upset. Indeed, the elimination of the constitutional dualism within the executive (president and head of government) means that an all-powerful president can now decide the future of the country without serious opposition. Given that the prime minister does not emerge out of the party that won the majority in the election, this new reality is yet another setback for the prospects of a genuinely democratic order in Algeria, especially since the other presidential candidates, some of whom are unknown to the public, are no match for Bouteflika. The more credible potential contenders abstained from running knowing full well that the regime will choose the winner.

The regime’s biggest fear heading into April 9 is that disdainful Algerians will vote with their feet, so much so that the contenders are running on an anti-boycott platform. Louisa Hanoune, head of the Trotskyite Workers’ Party, and the only woman candidate, called on voters to turn out en masse on April 9 and shouted, “May the partisans of the boycott be damned!”^[15] All the candidates, including Bouteflika, have relentlessly called for a massive turnout at the polls. Bouteflika told voters that even if they decide not to vote for him, they should nonetheless vote. The imams in state-controlled mosques have highlighted the virtues of voting in the presidential election, and special envoys have been sent to France to encourage the more than 4 million Algerians resident there to cast ballots in their home country. Bouteflika, who is known for saying that a president is not a real president unless he has been elected by an overwhelming majority, has every reason to be concerned by the turnout at the polls. Such concern explains the generous distribution of rents to various segments of Algerian society, and the cancellation of the debts of farmers and small entrepreneurs, before the election. It has also led to suspicions that the regime will inflate the results, especially after the president’s campaign director, Abdelmalek Sellal, declared that Bouteflika will not accept a low rate of participation on April 9 and predicted that he will win by a margin of at least 70 percent. Other members of the president’s entourage speak of an 85 percent margin, one that would surpass that of 2004.

The electoral campaign is taking place in the midst of popular discontent; poverty, unemployment and insecurity have created a level of social unrest reminiscent of the period before the fateful riots of October 1988. The state’s financial reserves have not been used to alleviate socio-economic problems. If anything, as with the dispensation of patronage in advance of the balloting, they have been used to help the regime strengthen its authoritarian rule. Yet the

regime's dominance is now being challenged by society through the specter of boycott. Many of those experiencing hardship, after all, will see no benefit in going to the polls. And it is this specter of low turnout that haunts the regime the most.

Endnotes

Liberté, March 17, 2009.

For details, see *Journal Officiel de la République Algérienne* 12/6 (March 1997).

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For instance, *al-Watan* (Algiers), May 30 and June 17, 2006.

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