



The Algerian Law of Association

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Introduction

WHY the Associations?

- NGO's are indispensable to the very survival of societal progress
- Local, National or International NGO's are the guardians of fundamental liberties,
- NGO's constitute the only framework through which minorities population can ensure their rights
- The degree of effective use of freedom of association constitutes an important barometer for judging the factual situation as regards human rights and civil participation in a country.



WHY the need of Associations in Algeria?

- Because Algeria is gifted by a very active citizen
- Hence, citizens are in need of a legal framework/background allowing them to achieve their rights/freedom
- The Algerian Law of Association requires a deep revision to: (i) comply with the International standards ratified by Algerian government (ii) be able to fulfill the Algerian need



How could we manage the change?

- The change can be reached at first level throughout the legal background. Hence the change of the unique Algerian Law which constitute an important step on itself, tool to act.
- The change has to come throughout the Algerian citizens/CSO's for the interest of an entire society



HOW?

- First tentative of Law amendment, draft proposal for a new “law of Association”, build up after a workshop held in Algiers in December 25th, 2006.
- ICNL project/MEPI funds



Proposed amendments

- **The following articles should be either vanished or modified from the existent law:**
- **Article 3:** Should be deleted, there is no need to add more specificities' on the NGO's
- **Article 4:** This article raise the idea of foreign NGO's and exclude them from the Algerian scene
- **Article 6:** Reduce the number from 15 to 3, give wider right to Associate; i.e. Clubs,
- **Article 7:** Bind the local authorities to deliver the deposit receipt in order to do the proper follow-up ()



Proposed amendments

- **Article 8:** Should be deleted, since this article put an emphasize on the over control power of the government over the CSO's
- **Article 10** - to be deleted and replaced by article 7. this article does not need to be, in case we amend the Article 7. Since the current article 10 is putting a higher level control, while in an open society citizen could apply at lower lever
- **Article 12** - to be retained.
- **Article 14** - to be retained.



Proposed amendments

- **Article 18** - to be deleted.
- **Article 20** - to be retained.
- **Article 22 - 25:** to be retained.
- **Article 27:** to be retained.
- **Article 31** – this article has to be deleted in order to reduce the over control used by the different level authorities so far
- **Article 34** - to be deleted and replaced by Article 32.



Proposed amendments

- **Article 37** - to be retained, partially replaced by article 32.
- **Article 38** - to be deleted, as unnecessary since the armed conflicts and wars are ruled under specific regulations (i.e. Vienna convention)
- **Article 39** - to be retained.
- **Articles 42, 43, and 44** should be deleted and replaced by article 40. Make sure that current laws and regulations apply on the foreign NGO's as well as the local one.

Conclusion

- The proposed law was *drafted* in 2006 with the cooperation of Algerian CSO's representative, by emphasizing the negative aspects of the Algerian Law of Association, and aims to help improve the capacity of both civil society and the authorities to construct a shared vision of how to promote freedom of association
- Improve the current law, makes it; (i) Comply with the International treaties ratified by the Algerian Government (ii) Strengthen the dialogue between civil society and government (iii) contribute to fostering the inclusion of civil society hence promote the Algerian society in itself.
- With this end in mind, the project hopes to propose constructive legal and policy reforms that contribute to advancing citizen participation in national political debates on freedom of association, and, more broadly, on democratic reform.



THANK YOU

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