J. of Modern African Studies, 43, 3 (2005), pp. 393–415. © 2005 Cambridge University Press
doi:10.1017/S0022278X05001023 Printed in the United Kingdom

Reforming the Algerian electoral system

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ABSTRACT

In October 1988, Algeria began a process of transition from authoritarianism. Political reforms were introduced, on the surface, to facilitate the process of transition, but in reality to ensure the survival of the incumbent regime. The reform of the electoral system played a significant part in this survival strategy. Between 1989 and 1997, Algeria witnessed the adoption of three distinct electoral systems as the authorities sought ways to give a façade of democratisation while manipulating the rules to suit their purposes. This paper looks at the Algerian transition, asks why the Algerian authorities switched from one system to another, and assesses the impact of the three different electoral systems that the country has experienced.

INTRODUCTION

During the late 1980s and early 1990s, significant developments, previously almost unthinkable, took place in the world, including the collapse of the Berlin Wall and with it the end of the former communist dictatorships, the invasion of Kuwait, and the Gulf war. This period also saw a process of transition to democracy in the former communist countries, in what Huntington (1992) has called 'the third wave of democratisation'. One major geographical area still lagging behind in terms of this transition is without doubt the Middle East and North Africa. Despite the doubt cast on whether Middle Eastern countries can ever make the transition to a democratic system of government (Diamond *et al.* 1989), certain 'steps' towards opening up the political space in a number of Middle Eastern countries such as Jordan, Kuwait and Algeria have been taken. Indeed, Algeria is the country in the Middle East and North Africa where these reforms have gone the farthest. Changes since the late 1980s have resulted

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https://doi.org/10.1017/S0022278X05001023 Published online by Cambridge University Press

in the emergence of a civil society with a plethora of political parties, numerous independent newspapers, and thousands of independent groups. Fraud and intimidation notwithstanding, the country also experienced plural elections at the different levels of the state, from local to presidential. The Algerian process of democratisation has also been tarnished with a quasi-civil war in which thousands of innocents lost their lives.

Scholars and close observers of Algerian affairs have assessed the reforms introduced by successive Algerian governments in this painful process of transition, such as the introduction of a constitution and a bicameral parliament, and their implications for the future stability of the country. They have analysed the struggle within the different factions of the regime over the direction that these reforms should take. The roles of the military, President Chadli Bendjedid, the Islamists, political parties and foreign governments have also been addressed (Bouandel 2003; Bouandel & Zoubir 1998a; Quandt 1998; Roberts 1994, 1998; Tahi 1994; Volpi 2003; Willis 1996; Zoubir 1995). Whilst these studies touched upon electoral systems, and Quandt (1998: 131–3) analysed them in some detail, the issue of electoral reforms has not been given the attention it clearly deserves. The debate that preceded the presidential election of April 2004 about reforming aspects of the electoral law (*Le Soir* 11.12.2003) adds credence to the importance of electoral reform in the country in the ongoing process of democratisation and political change.

This paper examines the arguments for reforming the electoral system in Algeria. Since the beginning of the political reforms in Algeria in November 1988, the political map of Algeria has changed almost beyond recognition. Not only have plural elections been held at different levels, but civil society has become more vibrant with the emergence of numerous political parties and thousands of organisations. While these elections have been rigged to favour the government of the day, they have nonetheless raised issues that had been absent from Algeria's politics for decades.

From 1989 to 1997, Algeria experienced three distinctive electoral systems. I argue that these changes were initiated for political gain, and have had disastrous effects on the already traumatic democratic transition in the country. This paper begins with a review of the effects of electoral systems in particular during the democratisation process, then moves on to map out Algeria's political system from independence in 1962 until 1988. The latter date marks the beginning of political reforms. After a preliminary discussion of these reforms, the paper concentrates on the electoral engineering engaged in by the Algerian authorities, starting with the first electoral system adopted in 1989, following the first wave of reforms, under which the first ever multiparty local and regional elections were held in

https://doi.org/10.1017/S0022278X05001023 Published online by Cambridge University Press

June 1990, and overwhelmingly won by the Islamic Salvation Front (FIS). With a national legislative election looming and given this spectacular win for the FIS, the authorities engaged in deliberate electoral engineering in order to prevent another FIS victory. Thus, after long debates, and attempts to change the electoral boundaries, the first electoral system was replaced by a two-ballot system. The paper discusses the build up to the adoption of this system, and its implications for the first-ever free legislative elections held in December 1991. The authorities' reluctance to relinquish power notwithstanding, the two-ballot system, I argue, was to a certain extent responsible for the failure of the first wave of democratic reforms (1989–91), and plunged the country into unprecedented levels of violence. While this system is still being used for presidential elections, it was changed for legislative elections in 1997. In 1996, following further reforms, a party list form of proportional representation was adopted. The paper identifies the limitations of this system, and concludes with general recommendations that would make the transition to democracy less painful.

ELECTORAL SYSTEMS AND THEIR IMPACT

Elections are a feature of democratic governments. One cannot imagine a democratic system without free and competitive elections held at regular intervals. The elections, to be duly democratic, have to be held under certain rules and procedures known in advance and agreed upon by the society as a whole. As such, the results of elections are binding for the country. Elections, in this manner, are held to serve two purposes. Firstly, they change the government of the day if the electorate is not happy with its performance. Secondly, they also serve to confirm the government in office. The two purposes – change and confirmation – confer legitimacy on the government and make its decisions acceptable to the electorate. The electoral system thus takes an important place in the life of any democratic political system. The type of electoral system adopted in a given country has an impact on its party political structure in two obvious and related ways. Firstly, it influences the number of parties able to attain parliamentary representation. The simple plurality system used in the United Kingdom, for instance, tends to favour the representation of larger parties. Consequently, it results in a small number of parties gaining seats in parliament. Various forms of proportional representation, on the other hand, are more likely to result in a higher number of parties being represented, and often lead to coalition governments. It should be pointed out, however, that the more proportional the system is, the more fragmented

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the party system is likely to be (Lijphart 1994). Secondly, when an electoral system and the rules that govern an election are chosen and/or designed, this exercise is conducted with an eye on the environment in which those rules will be applied. The representation of parties in parliament, and with it the extent to which the political system may be perceived as stable or otherwise, depends to a large extent on the type of electoral system that is in place. In other words, it would be naïve to assume that the rules and modalities that govern electoral systems have neutral consequences (Bogdanor & Butler 1993; Lijphart 1990a; Rae 1971).

Sartori (1968: 273) rightly argued that electoral systems are 'the most specific manipulative instrument of politics'. In addition to the two ways in which electoral systems influence party politics – the number of parties and the nature of government – electoral systems may be manipulated to achieve certain purposes, usually those associated in designing it. Taagepera (1998: 79), for instance, argues that experts 'can ask "what results do you want?" and then point out to what extent the rules under consideration may ensure or defeat that purpose'. If the intended outcome is a parliament dominated by a single party and where representation is limited to a few parties, then a plurality system is the best option. Different forms of proportional representation result in different levels of representation for parties. Nonetheless, the level of representation depends on the form of proportional system adopted. The results of an election may vary between, for instance, the Single Transferable Vote and the Party List. Within the latter system, it is customary to introduce a threshold that parties need to surpass if they are to gain parliamentary representation. This threshold is generally used to act as a gatekeeper to ensure that extremist parties do not gain representation. It also differentiates between parties that are genuine contenders for political office and the more superfluous ones. Nonetheless, the extent to which this threshold affects representation depends on how high/low it is set. The threshold can be manipulated so as to produce some intended outcomes. A relatively high threshold, say at 7.5%, is likely to result in fewer parties gaining representation than where the threshold is comparatively lower. Furthermore, even if the threshold is set at the same level in two countries, 5% for instance, the manner in which it is applied may lead to different outcomes. The 5% threshold applied at constituency level is more likely to protect against smaller parties gaining representation than if the requirement is applied nationally. Theoretically, under such a system and a threshold applicable on a constituency level as opposed to nationally, a party's share of the national vote can be more than the minimum requirement of 5%, but the party still fails to gain representation.

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Electoral systems occupy an even more important and sometimes controversial place in a country that is undergoing a process of democratisation. These, in general, are fragile polities. For a country that has, for decades, been living under a non-democratic regime, the reforms which lead to the opening up of the political space to new political actors are not necessarily risk free. The stakes are very high, and new actors try to capitalise on their newly found freedoms. The system that is designed to ensure, in the words of Harold Lasswell, *who gets what, how and when*, has a bearing on the extent to which this transition is successful or not. Taagepera (1998: 68–91) argues that electoral systems do matter for democratisation, and the development of an electoral system is part of developing democracy itself. He correctly observes that a poor electoral system can contribute to the crisis in cases of shaky policies, and offers a number of lessons that countries need to take into account in their process of democratisation. Furthermore, Quandt (1998: 131) argues that 'the value of effective representation, which PR [proportional representation] assures, is high in early stages of democratization. If people are to take voting seriously, they should see that their vote counts.' The remainder of this paper explores these theoretical perspectives further, especially the importance of electoral systems in the democratisation process, taking Algeria as a case study.

CRITICISMS OF PAST PRACTICES

Elections have not been a salient feature of the Algerian political system. They were not the formal way whereby leaders were chosen and did not represent the linkage between the rulers and the ruled. As in other African countries, the multiparty system that existed before independence gave way to one-party rule. Under French rule, not only did Algeria have a multiparty system, but Algerians had some experience of multiparty elections and elected their representatives to the National Assembly in Paris on a restricted list (Ageron 1964: 90–8). However, soon after independence, the situation changed completely. The political scene was divided into two rival camps. The first believed that the time had come for the National Liberation Front (FLN) to be put into a museum. The Front had achieved its goal: to lead the struggle against French rule and achieve independence. Thus its *raison d'être* was no longer there. Historic figures such as Hocine Ait Ahmed and Mohammed Boudiaf created their political parties, the Socialist Forces Front and the Socialist Revolutionary Party (PRS) respectively. The other camp felt that because the FLN had achieved what no other political organisation could do, independence, it became a force that could not be rivalled or equalled.

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One of the main characteristics of newly independent African countries was the domination of the parties of the state. Algeria was no exception. The national movement that led the struggle for independence against the French, the FLN, was established *de facto* as the single party. It assumed that mantle without any tangible political competition. The single party was perceived to be the best-equipped vehicle to ensure broad national development and modernise society. The Algerian regime, closely associated with the FLN, accordingly started a process of what can loosely be termed modernisation that saw the realisation of significant levels of industrialisation; increased access to education; urbanisation; rural exodus; and the consequent rise in the living standards of the average Algerian citizen. These newly experienced living standards owed much to the regime, and it came as no surprise that the middle classes were loyal to the regime. The fact that the Party's constitution (article 120, later 121) prohibited holding high position within the state for non-party members, served only to strengthen this loyalty. It became apparent that promotion and social mobility did not necessarily depend on qualifications, innovation or personal initiatives, but on submission and conformity to the party-regime's directives.

Stephen White (1986) has argued that regardless of the type of government, whether dictatorship or democracy, they all need a basis for legitimation. The Algerian regime's legitimacy initially rested upon two separate and equally strong pillars. The first can be best described in Weberian terms as charismatic legitimacy.[1] It related to what was commonly referred to as *la legitimité revolutionaire* (revolutionary legitimacy): a clear reference to the role the FLN played during the War of Liberation (1954–62). The second was the state's ability to act as the provider. Hence, the regime was able to provide for most, if not all, of the citizens' economic and social needs, or what Leslie Holmes (1997: 44) calls *eudaemonic* legitimation.[2] The Algerian authorities were able to invest in ambitious social and economic programmes, such as free education, free health care and cheap housing for all. These programmes, enabled by healthy revenues from hydrocarbons and a relatively small population, permitted the creation of jobs, and consequently, social harmony. These factors ensured that the populist political discourse was easily accepted and defended by the majority of the population. Undoubtedly these policies achieved some of the regime's ambitious goals, but they also fostered a dependency culture and created a population accustomed to being provided for. The introduction of this welfare state came at a price. Algerians were stripped of their civil rights and political liberties for the realisation of social programmes that would guarantee stability. Hence, the regime, while taking

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significant steps forward in the field of social and economic rights, seriously impeded the promotion of and respect for political rights and civil liberties.

On the surface Algeria seemed to be a one-party state, but in reality and unlike in the former communist countries, the party did not play a leading role in determining the political and economic direction of the country. There was an occult system of power, generally referred to simply as *le pouvoir*, embedded in the *nomenklatura* and particularly the army. The latter has always played centre stage in the politics of the country. Following the crisis in the summer of 1962, the military intervened and placed Ahmed Ben Bella as the first president of independent Algeria. His tenure lasted less than three years (1962–65), in which the FLN held a congress in 1964. On 19 June 1965, the military, headed by the then defence minister, Houari Boumedienne, displaced Ben Bella in a bloodless coup. A Council of the Revolution headed by Boumedienne himself ran the country. The FLN, despite numerous references to it, was reduced to ceremonial duties. No congresses were ever held, and Boumedienne had a free hand in determining the social, economic and political direction of the country. When he died in 1978, it was again the military that placed Colonel Chadli Bendjedid as head of state. During his rule the party was brought back to the surface. It held regular congresses and had official organisational structures, like a Politburo and Central Committee, but remained subordinate to the army and the administration.

Whilst coming to power as a result of a *coup d'état*, Boumedienne initiated and completed a process of institution building. Elected assemblies at different levels of government were introduced. Hence, in 1967, local popular assemblies were established. Two years later, in 1969, regional popular assemblies came into existence. In 1976, Algeria adopted a Constitution and a National Charter. The process of institution building was completed with the National Assembly in 1977. Until the late 1980s, the same patterns continued to exist.

Despite the existence of the elected assemblies, it would be a mistake to assume that the party played a significant role, or to conclude that elections, in the liberal sense, existed in Algeria. The party's role consisted in presenting candidates for election, explaining government' policies and mobilising support for the regime. Elections, while not formally part of a linkage between those who rule and those who are ruled, had nonetheless provided the electorate with a degree of choice, however limited. Unlike in the Soviet elections before 1989, where citizens had to approve the list of candidates already established by the Communist Party (Hill 1980), in Algeria there was a degree of choice. The list of candidates consisted of

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people who were formally members of the FLN, but there were always more candidates than seats contested. In the 1987 legislative election, for instance, 885 candidates contested the 295 seats in the National Assembly (*Le Monde* 26.2.1987). However, while there was a limited choice of candidates for the elected assemblies, Algerians were not given a choice of candidates for the presidency until 1995. Presidential 'elections' were only held for the first time in 1977, when Boumedienne completed the institution building process by submitting himself for 'election' as the only candidate. After his death in 1978, his successor Chadli Bendjedid contested three presidential 'elections'. Needless to say, he won all of them since he was the official and only candidate. It was during these four presidential 'elections' that the notorious pattern of over 80% support for the single candidate became the established norm.

DEMOCRATISING THE ELECTORAL SYSTEM

In order to grasp the attempts at democratising the Algerian political system in the late 1980s, an examination of the policies adopted after the death of Boumedienne provides some key answers. The political reforms introduced in the late 1980s were not the result of Algerian rulers suddenly realising the virtues of Western-style liberal democracy. On the contrary, they still held the belief that a multiparty system was dangerous for national unity and the stability of the country. The reforms were introduced as a result of a combination of factors, the most important of which was the system's loss of legitimacy and the emergence of alternative channels of expression that challenged the official political discourse. In the mid-1980s, signs of the system's decay became apparent. This is evidenced by the new slogan – 'hard work and rigour in order to ensure the future' – under which the Fifth Congress of the FLN was held. This was in sharp contrast to the previous, more optimistic slogan adopted in 1979 that called 'for a better life'. The economic policies adopted by Bendjedid's government in the pursuit of this 'better life' led to disaster at the end of the 1980s. Algeria's new rulers, against the wishes of certain conservative elements of the FLN regime, departed from Boumedienne's project and were helped by healthy oil revenues. Soon after Bendjedid came to power, the Iran–Iraq war started and sent the oil prices soaring to an all time high.[3] The short-term effects of such policies were visible on the streets of Algeria. The market was flooded with imported goods that ranged from exotic fruits to electronic household equipment and cars. Furthermore, the tourist allocation of $50 a year for Algerians who travelled abroad was quadrupled by the post-Boumedienne government. Such policies were aimed at

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portraying Bendjedid's government in the best possible light in order to ensure more legitimacy. They were initiated without taking into account their economic impact, as millions of Algerians took advantage of the newly found privileges. The situation, however, changed gradually by the mid-1980s, and reached its climax in October 1988.

By the mid-1980s, the Bendjedid government faced a deep crisis of legitimacy. Three decades of independence had resulted in a sharp change in the socio-economic and political landscape of Algerian society. For the new generation, the political discourse of the FLN – referred to in Algeria as *la langue du bois* – no longer had an attentive audience. The FLN, and the leadership's formal association with it, no longer provided the legitimacy it once did. Corruption and nepotism at the highest echelon of the Bendjedid government, coupled with the sharp decrease in oil prices, which meant that Algeria's revenues were almost halved in the mid-1980s, exacerbated the socio-economic problems. The party not only lacked any means to attract political support, but was also blamed for everything that was wrong with the country. It became apparent that the popularity that the party-regime had enjoyed hitherto was a myth, and that the party's support depended on manipulation, coercion and exclusion. The emergence of other channels of expression, such as the respected Algerian League for the Defence of Human Rights under the leadership of the eminent lawyer Ali Yahia Abdennour, the Berber Cultural Movement (MBC), the Association of Sons of Martyrs, and the armed Islamic group under the leadership of Mustapha Bouyali,[4] clearly helped in the system's decay and provided alternative forms of political participation.[5] The legitimacy of the system seemed to have reached an all time low as popular discontent came to the forefront with the infamous riots of October 1988. Security forces massacred hundreds of rioting civilians, mainly young people, and this marked, at least on the surface, the beginning of a process of transition from authoritarianism to a democratic order. With the regime's popularity and legitimacy discredited by these events, it sought ways to find a new source of legitimacy. It embarked on a liberalisation programme.

Scholars and close observers of Algeria's politics agree that the tragic events of October 1988 represent a turning point in Algeria's independent history (Boukhobza 1991). They also concur that the thesis that the October 1988 events were a spontaneous reaction is naïve. On the contrary, they were carefully planned to undermine the position of the hard-line conservatives who opposed the president's reforms and to serve his immediate interests (Roberts 1994; Willis 1996). The transition process of 1988–89 can be described as a battle of wills between the president and his reformist group on the one hand, and conservative elements in the FLN on

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the other. Abdelhamid Brahimi, Algeria's prime minister (1984–88), states that there was widespread discontent with the direction that Bendjedid's economic policy was taking. Two senior figures in the government and the party, then Foreign Minister Ahmed Taleb Ibrahimi and the late Mohammed Cherif Messaadia the second in command of the FLN, were possible alternative candidates for the party's nomination for the presidency when Bendjedid's second term in office expired. Messaadia was plotting against the president and canvassing support for his nomination. The president and his entourage initiated the October crisis to get reselected and provide the perfect opportunity to get rid of those who opposed his policies. Ibrahimi and Messaadia were among the first casualties of the post-October 1988 reforms.[6]

In a series of television appearances in September 1988, the president promised Algerians reforms in all fields. However, it would be a mistake to assume that this promise signalled the president's determination to initiate political reforms that would mark the transition from authoritarianism. Those who rioted in October 1988 and attacked symbols of the system did not necessarily call for the opening up of the political space. Bendjedid, like his predecessor Boumedienne, distrusted the multiparty system and saw it as a danger. At the Sixth Congress of the FLN in late November 1988, he told delegates that a multiparty system represented a 'threat to national unity and independence' (*El Moudjahid* 28.11.1988). However, three months later, a constitution that granted the right to establish 'political associations' was adopted on 23 February 1989. A further law on the modalities and application of these associations was introduced in July 1989 (JORA 5.7.1989).

While this constitution did not necessarily introduce a pluralist system – parties were not mentioned – these political associations developed into political parties. A year and a half after the constitution came into being, more than fifty political parties had emerged. It may be argued that this inflation of parties – although it reflected genuine ideological orientations in a few cases – was fostered by the regime in place and by factions of the FLN regime in order to hinder the emergence of strongly organised alternative political poles. The regime's main objective was to atomise the opposition in order to prevent the emergence of a strong opposition pole, which could provide a credible alternative to the regime in place. The regime did not require political parties to make commitments to democratic rules in order to obtain recognition by the authorities, a measure which would undoubtedly have prevented the legal existence of the Islamic Salvation Front (FIS). The regime used ambiguous language in the 1989 constitution, which favoured the legalisation of the FIS, among other

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parties, in violation of the spirit of the very rules that the authorities themselves had enunciated (Roberts 1994; Zoubir 1995). Hence, it can be argued that the opening up of the political space by the president was intended to strengthen his position, through the new constitution, and distract his critics within the FLN. As a close observer of Algerian affairs correctly argues, 'from Abbassi's [leader of the FIS] point of view, the 1989 constitution was an acceptable framework within which to pursue his political ambitions. But from Chadli's point of view, the constitution enabled him to exploit the Islamist movement via the agency of the FIS. As an auxiliary force the FIS denied Chadli's enemies within the FLN access to popular audiences and thus preserved his own position' (Roberts 1994: 469). With the legalisation of parties, the authorities moved to adopt an electoral system that would pave the way for the first-ever plural election in the country's independent history.

ELECTORAL ENGINEERING I: THE FIRST PRACTICE OF COMPETITIVE ELECTIONS

Prior to 1988, candidates were selected by the FLN. Citizens voted for the candidates of their choice. Candidates were ranked according to the number of votes they received. Depending on the size of the elected assembly, the number of candidates winning was determined from the single list. In the age of the multiparty system, this electoral system was clearly inadequate and in need of reform. Consequently, in August 1989, the FLN-dominated National Assembly adopted a new electoral system. According to this system, parties were required to put forward a list of candidates in each electoral constituency, local and regional. If one party received a majority of the votes, it would win control of the Assembly, and the rest of the seats would be distributed on a proportional basis to all parties that surpassed a threshold set at 10%. If, however, this majority was not attained, the party whose list received most votes would get 50% plus one of the seats, while the remaining seats would be apportioned to other parties obtaining more than 10% of the votes (JORA 7.8.1989). Despite the fact that the 'opposition' parties had no say in drafting the constitution or in the design of the new electoral system and the laws that governed it, on balance these new constitutional arrangements did not generate a lot of controversy. The Bendjedid regime, far from initiating an inclusive programme, single-handedly directed these reforms, which the National Assembly then rubber-stamped. The other parties, far from insisting on being party to the drafting of the new rules of the game, were more concerned with capitalising on the newly found freedom. Hence,

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when June 1990 was set for the first-ever plural local and regional elections, most parties participated as they sought to take advantage of the opportunity provided to test their popularity.

The local and regional elections were duly held on 12 June 1990. The FIS, which had been legalised less than eighteen months previously, stunned everybody and won a landslide victory. It won more than half of the local assemblies. The ruling party, the FLN, came second and controlled less than one-third of the assemblies (Iratni & Tahi 1992; Sutton & Aghrout 1992; Sutton *et al.* 1992). The results of the election meant that for the first time in the history of independent Algeria, there was a real and credible alternative to the old guard. It proved that decay of the old regime had reached the point of no return, and that its days in power were numbered. This overwhelming and unexpected success could be ascribed to two principal factors. The first was the people's general disillusionment with the incumbent regime. When Algerians were given the opportunity to choose between parties they seized the chance, not necessarily to vote for the FIS, but also to protest against FLN rule.[7] The second factor was the gradual disengagement of the state from its traditional role of providing welfare. The FIS filled the vacuum and started to provide social services through Mosques and social groups. The provision of relief in the aftermath of the 1989 earthquake, for instance, was an important factor in their success.

Aware of this popularity and most importantly the possibility, not to say certainty, of the FIS repeating the same score in the legislative election, the authorities embarked on a twin process to prevent such a scenario. First, they attempted to reduce the party's popularity by interfering in its activities. The powers that previous mayors enjoyed were seriously impeded, and they became powerless to solve citizens' economic and social problems. They were reduced to nothing more than figureheads and the real power lay elsewhere. 'We were reduced to nothing more than dust-bin collectors', was the expression of a FIS local elected assembly member.[8] This move showed the new elected assemblies, many of which were dominated by the FIS, to be incompetent since they were unable to provide citizens with the level of services that they had enjoyed under the previous FLN assemblies. The second process was related not only to the changes of electoral boundaries but also to the adoption of a new electoral system.

ELECTORAL ENGINEERING II: GERRYMANDERING AND MOVING THE GOALPOSTS

The combination of the FIS's spectacular success in the June 1990 election, stripping the elected mayors of their powers, and the fear that the FIS

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would eclipse all other parties, compelled the regime to change the electoral boundaries and the electoral system in order to remain in power. The authorities, while giving the impression that a 'democratic' system was in place, were adamant that everything had be done to ensure that the FIS, the only credible alternative, was prevented from winning. The FIS, on the other hand, became aware that the authorities would resort to various tactics to ensure its defeat. The stakes were high as the election date, which was set for June 1991, approached and both sides were determined to achieve their objectives.

With the support of the FLN-dominated National Assembly, the authorities proceeded to redesign the electoral map of the country. This process was done on two fronts. The electoral system under which local and regional elections were held was dropped in favour of a new 'more representative' one. Hence, the authorities adopted the second ballot electoral system, similar to that used in France, ignoring calls for a form of proportional representation – a system that has been adopted by the majority of countries experiencing a transition to democracy (Farrell 1997). The adoption of a form of proportional representation that tends to produce a near correlation between the votes cast for a party and the seats gained is significant in the process of transition. It encourages power-sharing and avoids artificial manufactured majorities (Lijphart 1990b). The authorities assumed that few seats would be decided in the first round, where a successful candidate had to receive more votes than all other candidates put together, while the period between the two rounds would be used to create alliances. They sought to create conditions that would be favourable for tactical voting. They calculated that fear of another FIS success would bring 'democratic' parties together in order to ensure its defeat. The second front was what is commonly known as gerrymandering, where electoral boundaries are changed to favour the interests of one party. In this case, this change initially increased the seats of the National Assembly from 295 to 520 (JORA 6.4.1991). This increase was not dictated by a sudden rise in the population, or by a desire to make Algeria one of the countries with most representatives per capita in the world. On the contrary, it was intended to give the semblance of a democratic elected government while preserving the status quo. This is evidenced by the fact that this sudden increase followed partisan calculations. In the new boundary divisions, the level of representation did not necessarily follow the size of population but followed a simple logic: areas where FIS support was strong were underrepresented compared to the areas where support for it was weak. Most of the newly created electoral constituencies were in rural areas, the Berber region and the south. Algiers, by far the most

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populous city in the country, which voted overwhelmingly in favour of the FIS, was awarded just 21 constituencies. The Berber city of Tizi Ouzou, on the other hand, whose population was less than half that of Algiers, was awarded the same number of seats (JORA 6.4.1991).

Taagepera (1998: 80) rightly argues that 'if for whatever reason, right or wrong, these [electoral] rules are perceived as illegitimate, then democracy is in trouble'. This was particularly true in the case of Algeria. The authorities' moves were perceived by the FIS as unjust, illegitimate and a clear attempt to ensure that every means was used to ensure its defeat. Hence, a general peaceful strike to protest against these new rules was called. The Islamists, who set up camps in public squares in Algiers, showed a high degree of organisation and commitment. After they had agreed with then Prime Minister Mouloud Hamrouche, to dismantle their camps and gather their supporters in two public squares only,[9] the army intervened, in the words of the Minister of Defence Khaled Nezzar, to 'defend the democratic process' (*El Watan* 5.6.1991). The intervention to save the democratic process cost the lives of innocent civilians with several hundreds injured.

The fact that the army intervened after the Islamists agreed to leave the public squares points to the existence of a struggle between different factions within the regime. Certain, seemingly powerful, conservative elements within the regime were not happy with the state of play and Hamrouche's economic reforms and style of leadership. The army, according to Quandt (1998: 57), 'saw the strike as a threat to the state. If the apparent vacuum was not filled by the state, the FIS would win the battle by default.' After the military's intervention, Hamrouche was dismissed and his foreign minister, Sid Ahmed Ghozali, was appointed prime minister. The main task of the new administration was to prepare for the legislative election and hand over power to whoever won. The new prime minister turned the Islamists' failure to achieve anything with the strike into a victory. On several occasions he promised that the legislative elections would be 'clean and honest' and that new electoral rules would be enacted. Such statements could be interpreted to mean that the authorities had attempted to rig the legislative election and that the electoral rules, against which the Islamists called for a strike, were unfair. This gave them the moral high ground and the impression that their strike had yielded results. Ghozali, perhaps in order to give the impression that his government was inclusive and open to moderate Islamists, appointed two founder members of the FIS to his cabinet. Ahmed Merani, who was expelled from the party in July 1991 following his live criticism of the FIS's leadership on Algerian television, and Said Guechi, who suspended political activities within the

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FIS following disagreements with the leadership in June 1991, were named minister of religious affairs and minister of labour respectively.

In its quest for an honest and clean election, the Ghozali government reviewed the electoral provisions in order to avoid the consequences of previous arrangements. A compromise was reached whereby the electoral system was kept and the number of constituencies was revised. In October 1991, the number of seats in the National Assembly was brought down from 520 to 430 (JORA 19.10.1991). Such a move seemed to have appeased the FIS, whose temporary leadership under Abdelkader Hachani was still debating whether to take part in the election or not. On the surface, it seemed that Ghozali's government had succeeded in creating the necessary conditions for 'a clean and honest election'. Bringing down the number of constituencies to 430 was perceived to be fairer. Under this new division of electoral boundaries, Algiers increased its seats to 22, whereas Tizi Ouzou was awarded only 16 seats (JORA 19.10.1991). It should be pointed out, however, that despite the perception of fairness, the new boundaries were still meant to favour the FLN. Most of the newly created constituencies, compared with the original 295 seats of the National Assembly, were in rural areas where support for the former ruling party was strong.

The FIS opted to participate in the legislative election, and against all expectations scored another stunning victory. The election proved the total bankruptcy of the regime. It also proved that the FIS was the only credible alternative. However, the results did not necessarily reflect the FIS's popularity as much as they suggested, because of (a) popular obliviousness to what was going on; (b) the loss of the regime's legitimacy and credibility; and (c) massive fraud favouring the FIS. According to Roberts (1994: 476), 'opponents of President Chadli deliberately contrived to ensure that the FIS won the legislative elections. They managed this … by … massively sabotaging the FLN's vote, enabling the FIS candidates to win by default.' Of the 430 seats in the National Assembly, 232 were decided in the first round. Of those, 188 seats went to the FIS. This left the party just 28 seats short of an absolute majority to form a government. Of the remaining 198 seats, which were to be decided in the second round, scheduled for 16 January 1992, the FIS would have been present in 186 and benefiting from the support of other Islamic parties (Bouandel 1993/4). With the results of the first round officially declared, and given the FIS's position in the proposed second round, the FIS was poised not only to form the government, but also to win the majority of at least 75% required to amend the constitution. This amendment of the constitution and the establishment of an 'Islamic' state seemed to be just a matter of time: a formality that depended on taking part in the second round.

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The authorities' decision to allow the legislative election to take place was based on two assumptions. The first was the electoral law. According to this, the period between the two rounds would be an opportunity for the nationalist and 'democratic' parties to get together and prevent a victory by the Islamic party. The second was the result of a survey commissioned by the government that, according to the then Minister of Interior Larbi Belkheir, predicted that the FIS would at best win a third of the seats (*Algerie Actualité* 18–24.6.92). In any event, the authorities tried to hold an election to give the façade of democracy, while ensuring that the desired results occurred. When the results that they hoped for did not occur, the army, with the support of some so-called 'democratic' parties, such as the Rally for Culture and Democracy (RCD), intervened and brought the democratic process to an abrupt halt. The very same reasons used to justify the army's intervention in June 1991 – 'saving democracy' and 'saving the republican character of the state' – were used to justify the abortion of democracy.

I have argued previously that *one* reason for the failure of the democratic transition in Algeria lay with the second-ballot electoral system (Bouandel 1996; Bouandel & Zoubir 1998b), or as a close observer of Algerian affairs succinctly put it, 'not choosing a proportional system of voting was one of the worst decisions made by the government' (Quandt 1998: 60). Furthermore, Taagepera (1998: 82) correctly observes that 'a major crisis for whether electoral rules matter [for democratisation] is whether inadequate rules have demonstrably led to collapse of democracy, or at least to severe crisis. Rarely have electoral rules been the only reason in the past, but they have contributed to the crisis.' The legislative elections under the two-ballot system, far from producing a multiparty National Assembly where several parties had a stake in the survival of the newly elected institution, would have produced an assembly totally dominated by one party whose democratic credentials were, at best, dubious. Furthermore, this electoral system, far from translating the votes that parties received into seats, actually magnified the FIS's popularity. With a relatively low turnout, registered at 59%, it took on average 17,342 votes to elect a FIS candidate, 20,426 to elect an FFS candidate, and a staggering 100,809 votes to elect an FLN candidate.[10] Consequently, the misrepresentation – the overwhelming success of the FIS – that resulted from the adoption of this electoral system and the fear provoked by radical Islamism were enough for a segment of civil society to applaud the military's decision to annul the results of the election.

The adoption of the second-ballot system, despite ensuring a clear mandate for the winner at the constituency level, was disastrous for the

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painful transition to democracy in Algeria. Because not many parties were to be represented in the National Assembly, and most importantly because of its domination by the FIS, few parties had a stake in the survival of the resulting institutions and government. Consequently, not only did the military find it easy to intervene in the political process by nullifying the result of the first round, cancelling the second round scheduled for 16 January and forcing President Chadli Bendjedid to resign;[11] it also found support for its action among the so-called democratic parties who tried to legitimise the military's action.

ELECTORAL ENGINEERING III: NEW REFORMS AND THE QUEST FOR FAIRNESS AND STABILITY

The decision to cancel the electoral process, described by the current President Abdelaziz Bouteflika as an act of terrorism, led to the most unspeakable atrocities being committed in the country. The military's intervention served only to radicalise elements of the Islamic party. To them, the cancellation of the electoral process represented 'a confiscation of the popular will'. The imprisonment of many of its militants and sympathisers in concentration camps in the Sahara added to the already volatile situation, and it reverted to the use of violence as a means of political participation. For its part, the military, in its relentless attempts to eradicate what it termed 'terrorism' and safeguard 'the republic', used heavy-handed tactics, ignoring basic international standards of human rights. Consequently, Algeria saw an unprecedented level of violence in which hundreds of citizens were killed on a regular basis. While this level of violence was escalating, the authorities as well as a number of political parties and organisations were seeking a way to put the political process back on track.

For the following two years (1992–94), the running of the country was entrusted to the High Security Council, a collective leadership headed by Mohammed Boudiaf and then by Ali Kafi (Volpi 2003: 55–72). In January 1994, Liamine Zeroual, a retired general, was appointed president, and began a process of political reforms to achieve stability. Parallel to the army-directed electoral processes, a number of political parties as well as the respected Algerian League for the Defence of Human Rights took the initiative to suggest alternatives to resolving the stalemate. The most significant of these initiatives was undoubtedly the *Saint Egidio* conference in Rome in December 1994 and January 1995 (Bouandel 2003: 12–13; Quandt 1998: 70–2). Because the government was not party to it and criticised it as interference in Algeria's domestic affairs, its recommendations

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were ignored. Consequently, the president introduced reforms directly. The first step was the holding of the first ever multiparty presidential election. As expected, Zeroual won the contest in November 1995, and acquired the legitimacy he had clearly lacked to pursue his political reforms (Bouandel 1997). In November 1996, he amended the constitution which strengthened the presidency. In 1997, the institution-building process was completed with the holding of legislative elections in June, and local and regional elections in October (Bouandel & Zoubir 1998a).

At this juncture, it is important to note that before the election was held, the authorities, apparently having learned from past experiences, adopted a new electoral system (JORA, 6.3.1997). The system adopted was a form of proportional representation that would, at least in theory, satisfy two very important requirements that are central to any electoral system: fairness and stability. An electoral system is a mechanism whereby votes are translated into seats. When votes are not approximately translated into seats, as was demonstrated under the previous two-ballot system, the system is perceived to be unfair. Hence, for a system to be perceived as fair, and indeed legitimate, there must be a demonstrated correlation between the votes won and the seats gained. The stability of the political system is affected and measured by the number of parties forming the government. Too many parties in a coalition government are a recipe for disaster. Equally, one party system dominating the government, especially in new democracies, may lead to corruption and the erosion of democracy (Taagepera 1998: 71–2). To a certain extent, that is what many observers felt after the stunning FIS victory in December 1991. The domination of the government by the Islamic party, especially if it won the three-quarters majority required to change the constitution, would lead to the erosion of democracy. This claim was supported by provocative declarations by the then FIS leadership (Zoubir quoted in Bouandel 2002: 11). Therefore, the authorities adopted the closed party list electoral system, which put a threshold of 5% for parties to gain representation in the National Assembly. The electoral system aimed to better reflect the popularity of parties, avoid manufactured majorities, and produce a parliament where several parties were represented, according to their share of the vote. Under this system two legislative elections were held in June 1997 and May 2002 respectively (Aghrout 2003; Bouandel 2002; Bouandel & Zoubir 1998a).

The controversies that surrounded these elections notwithstanding, as a result of the October 1997 election not only was Algeria equipped with a multiparty National Assembly but also a coalition government, since the election did not produce a clear winner. The second legislative election of

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May 2002 kept the multiparty character of the National Assembly, but produced a clear winner: the FLN. In both instances, it seems that the principles of fairness and stability have been achieved, at least on the surface. Numerous political parties have gained representation, and they all have a stake in the survival of the regime. But the two elections, especially the May 2002 one, were marred by controversy, especially in the Kabilya region where turnout was very low and cast doubt on the legitimacy of representatives (Aghrout 2003; Bouandel 2002). The elections did not necessarily show that democratic principles have taken root in Algeria, as Algerian voters were reduced to conferring legitimacy on decisions made elsewhere. Nonetheless, despite achieving fairness and stability, the electoral system adopted is not without its shortcomings. Nor should criticism of it be interpreted as an argument for its replacement by another completely new system. Taagepera (1998) advises that rules should be kept for at least three elections, and if the need for change occurs, then this change should be incremental to correct specific flaws.

The most contentious aspect of this electoral system is that the lists are fixed and the electorate has no say in the order in which the candidates are selected. This affects the party system in a number of ways. Firstly, the fact that a party's hierarchy decides the order in which the names of candidates appear on their party list in each electoral district reduces the role of the electorate. Candidates whose names are top or near the top of a list are more likely to get elected than those who are near the bottom of the list. Consequently, the elector is not given a choice of candidates – a significant factor for an election to be more democratic – but only a choice of parties. Secondly, the closed list encourages party loyalty, a culture of conformism and submissive politicians. By implication it impedes independence, innovation and personal initiative. Because nomination at or near the top of a list in a given constituency implies better chances of getting elected, and depends on the leadership of the party, leaders tend to place those loyal to them at the top regardless of the wishes of the electorate. Candidates, in certain instances, would be inclined to follow a strict line in order to secure a seat and the consequent social mobility and economic rewards that accompany it. Thirdly, many would-be candidates have resorted to some dubious mean in order to secure a favourable position on the list that would strengthen their chances of winning. Others have switched allegiances to the party that offered them a higher ranking on the electoral list.[12] Finally, according to Quandt (1998: 131), this system weakened the idea of 'individual representatives being responsible before their constituencies'. Hence, making the party list open would afford the

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elector a choice of candidates and would improve the current electoral system.

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By and large, elections are a matter of procedures: they require a set of procedures and conventions to allow candidates, who satisfy certain requirements such as age, to stand in elections, voters to be given the right to choose freely between candidates and parties, and the wishes of the people to be approximately reflected in the resulting elected institution (Harrop & Miller 1987; Urwin 1997). Perhaps the most important of these requirements is that the wishes of the people be respected. This does not necessarily mean a close correlation between the votes cast and the seats gained, but that the party that gains at the ballot box forms a government. This is in sharp contrast with what happened in Algeria in January 1992, when the military, despite the arguments provided to justify its intervention, did not respect the wishes of the people. An election in countries that are experiencing a transition to democracy should confer legitimacy on the office holder, and ensure the rotation of power in a smooth manner so that democratic practices take root. In the case of Algeria, the adoption of three different electoral systems in 1989, 1991 and 1997 suggests that Algerian leaders were searching for a way that would not necessarily lead to democracy, as much as one that gave the façade of a democratic regime. *Le pouvoir* uses electoral processes not only to retain control over the affairs of the country, but also to conceal its operations through pseudo-democratic means. The drastic move to the second-ballot system, and the changes in the electoral boundaries, question the Algerian authorities' commitment to the establishment of a democratic system. The sudden change from one electoral system to another does not provide the authorities with the opportunity to reflect upon past experience, learn from it and make incremental changes to strike a balance. Of more importance, the adoption of a completely new electoral system does not necessarily guarantee that it is better. Furthermore, if the adoption of the second ballot questions the Algerian authorities' commitment to democracy, the events of January 1992 confirm that the Algerian leadership is committed to what I shall call *la democratie à la carte*. In other words, the authorities can pick and choose the rules of the game and if the outcome does not conform to what they expected, then they can end the game and enact new rules. The adoption of the party list electoral system in 1997 is a testimony to constant changes in the rules that govern elections in Algeria. The legalisation of the National Democratic Party (RND), in February 1997 to

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dwarf the FLN, and its success in the legislative election of June 1997, is another example of the authorities' attempts to establish a multiparty system while the centres of power remained the same. Of particular concern is that Algerian elections have not, thus far, succeeded in establishing the set of procedures that need to be followed so that a democratic culture can start taking root in Algeria. To date, the changes in electoral system and rigging of elections suggest that the regime has been playing a game of 'heads I win, tails you lose'. Despite the holding of elections at regular intervals, there is evidence of regular interference with the electoral system as well as the ballot box in order to ensure that the right candidates were elected.

This does not necessarily mean that the Algerian experience has been fruitless. It has been marred by a lot of controversy, and most importantly thousands of innocent people lost their lives. Nonetheless, the fact that the party list was established in 1997, under which two legislative elections were held, regardless of the controversies that surrounded them, is a positive development. It ensured, despite many reservations, that a multiparty parliament exists. The ongoing debate within the National Assembly about revising the laws that govern Algerian elections – not the electoral system – is another positive step. Finally, the declaration by the military hierarchy, prior to the April 2004 presidential election, that it would not have a candidate and would recognise and work with the next elected president even if he was an 'Islamist', is the most significant development in the already painful Algerian process of democratisation. The election nonetheless saw the return of incumbent President Bouteflika in a seemingly open contest with 84.99% (Bouandel 2004), reminiscent of Algerian election results in the 1980s, and suggests that whilst elections are held on a regular basis for the different levels of government, the electoral process remains inherently authoritarian.

NOTES

1. Whenever the issue of legitimacy is discussed, the first name that springs to mind is that of Max Weber, who identifies three modes of legitimacy: traditional, charismatic and legal-rational.

2. The term eudaemonic literarily means 'conducive to happiness' or 'viewed as conducive to happiness'. It refers to attempts by political leaders to legitimise their rule by performance, especially in the economic sphere: leaders claim the right to rule because they are, literally, 'delivering the goods'.

3. The Iranian revolution and the Iran–Iraq war resulted in an increase of oil prices to an all time high of $41 a barrel.

4. The Algerian security forces killed Mustapha Bouyali, leader of an armed Islamist movement, in an ambush near Algiers in January 1987.

5. In this context I use Huntington's (1976: 3) definition of political participation, as 'activity by private citizens designed to influence the government … participation may be individual or collective,

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organized or spontaneous, sustained or sporadic, peaceful or violent, legal or illegal, effective or ineffective'.

6. Interview, Professor Abdelhamid Brahimi, former prime minister of Algeria (1984–88), London 2.12.98. A similar account may be found in Willis 1996: 113.

7. This argument is evidenced by the fact that the FIS won over 4 million votes in the local and regional elections of June 1990, but 18 months later, in the first round of the legislative election of December 1991, the number of votes gained dropped to 3.2 million. For details of the 1990 and 1991 elections, see *El Moudjahid* 15–16.6. 1990 and JORA 4.1.1992 respectively.

8. Interview with an elected member of a FIS dominated local assembly, August 1990.

9. The FIS leadership agreed to gather its supporters in the two main public squares in Algiers, Place des Martyres and Place du 1er Mai. I owe this point to Dr M. R. Bougherira.

10. These figures are arrived at by dividing the number of votes that each party received in the first round of the legislative elections in December 1991 by the number of seats they won.

11. Despite numerous affirmations by top military officers in the Algerian army that the president willingly resigned following the cancellation of the electoral results, statements to the contrary are more credible. The general perception among scholars and observers of Algerian affairs is that he was forced out.

12. There have been reports that candidates have resorted to bribes in order to be named on a party's list. During interviews in Algeria in May/June 2002, this practice was confirmed by a number of respondents.

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