

## The moralization of civil society in Algeria – A look at the National Observatory of Civil Society-

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### Abstract:

The participatory of citizen is a requirement for the moralization of civil society, this type of participation is regarded as a high form of democracy. It has been included in all Algerian constitutions, from 1967 to the constitutional amendment of 2020, which institutionalized this concept through the National Observatory of Civil Society (NOSC), this Observatory oversees civil society actors, moralizes their practices and prevents the corruption in their civils activities.

**Key words:** Moralization;; constitutional amendment of 2020.

### Introduction:

The idea of the interventionist state has evolved in order to respond to the qualitative and quantitative needs of the population over a long period.

However, the interventionist state does not allow for control over all sectors and areas of its territory, particularly at the local level. This requires a shift from the critical role of the interventionist state to that of an incubator state, through better management of contemporary innovations.

This conception of a state that retains control over sensitive domains such as security, health, and education allows all citizens both legal and natural persons the possibility of self-management, particularly within a given region, city, or neighborhood.

In the guardian state, citizens have an additional justified responsibility in determining and enhancing the provision of public services and useful infrastructure, as well as achieving excellence through genuine participation. This participation supports all existing tools that enable them to influence outcomes through civic engagement, in order to promote the development of the democratic collective by strengthening citizens' capacities.

Citizenship is reinforced when authorities give individuals the opportunity to be consulted and to consult on public matters, and to provide input that contributes to the consultative process.

According to Antoine Beaufort, citizenship has become not only a contemporary political concept, but also an active model that is voluntarily adopted in all aspects of life.

Moreover, the community is a measure of progress toward its objectives, and citizens can experiment and reflect on the future of the city.

Specialized entities, referred to as "civil society," must frame and support this civic engagement.

The objective of civil society is to coordinate the actions of the administration and the aspirations of citizens through participation in the established process.

In Algeria, as long as civil society has legal foundations, it still requires constitutional foundations. This is why the National Observatory of Civil Society is concerned with the 2020 constitutional amendment.

Let us consider this observatory as an introduction to trade union movements, civil action, and citizenship.

To properly examine this issue, the following question must be addressed: What is the real contribution of the National Observatory of Civil Society to the ethical regulation of civil action and trade union movements in Algeria?

Answering this problem requires an in-depth analysis of the following points: the conceptual framework of the study, its clarification and precise definition of all key terms, and the efforts made by Algerians to institutionalize civil society.

## **CHAPTER I: The Conceptual Framework of the Study**

In order to understand the influence of moral considerations on associative and civil life, it is first necessary to grasp various concepts such as moralization and its terminological roots, on the one hand, and the structure of civil society.

### **SECTION 1: The Moralization of Civil Society**

Ethics is both a conceptual and practical value of social cohesion, transcending the role of the governing agent and that of the socio-individual and socio-collective leader.

In various sectors of human action, such as civil society, the challenge lies in integrating moral and ethical dimensions into this process and identifying the obstacles to their implementation in reality.

#### **SUBSECTION 1: The Definition of Morality**

Content: A set of guiding principles of conduct, perceived as the most effective method or derived from a fundamental perspective<sup>1</sup>.

Due to the prevalence of negative thinking nowadays, ideas have emerged aiming to incorporate moral values into different sectors and to restore what is referred to as “applied ethics.”

#### **SUBSECTION 2: The Definition of Moralization**

Moralization originates from the Latin word “moralis,” which is associated with and derived from customs. The moralization of a sector simultaneously encompasses a process the alignment of behavior with specific moral standards and a result the purification of the conduct of individuals working within the targeted field<sup>2</sup>.

It is said to be the process of bringing a person or an entity into conformity with morality and ethics, subjecting them to moral principles. Therefore, the learning of moral norms, which distinguish between right and wrong, can be associated with moralization<sup>3</sup>.

In the preamble of the 2020 Algerian constitutional amendment, the framers of the Algerian Constitution emphasized Algeria’s determination to prevent and combat all forms of corruption<sup>4</sup>.

#### **SUBSECTION 3: The Incorporation of Morality into Civil Actions**

It is essential for the government to moralize civil society, as its submission to moral oversight constitutes a fundamental condition for implementing participatory democracy and optimizing the outcomes of civil and associative organizations.

Such moralization requires a code of ethics that strengthens civil and associative actions an aspect that is often overlooked in the legal and organizational framework governing civil society in Algeria.

It is important to stress that moralization should not be limited to politics or economics; the social sphere must also be moralized. Indeed, citizenship involves not only positive responsibilities but also negative ones<sup>5</sup>.

### **SECTION 2: The Definition of Civil Organization**

Many philosophers define civil society as everything that does not belong to formal political society<sup>6</sup>. It is therefore a collection of institutions and voluntary groups that defend the common interests of individuals united within society.

Civil society operates autonomously in relation to public authority, creating a multidisciplinary sphere that exists alongside the governmental sphere to ensure its effectiveness and sustainability<sup>7</sup>.

It is asserted that civil society is a committed partner, capable of assuming its responsibilities and intervening in appropriate initiatives to strengthen institutions and evaluate public services<sup>8</sup>.

It includes two key actors, presented as follows:

### **SUBSECTION 1: Associations**

An association is a gathering of individuals, legal entities, or a combination of both. A contract determines its name, purpose, and the relationships among its members, with a duration that may be limited or unlimited.

These members participate collectively, voluntarily, and without remuneration. They use their financial and intellectual resources to promote and encourage activities across various sectors.

The purpose and objectives of the association must serve the common good of individuals and comply with national principles, as well as existing laws and regulations<sup>9</sup>.

It is important to note that the main obstacles to the moralization of associative activities lie in the following:

The incorporation of religion and politics within these organizations, and their politicization through the use of their services to satisfy the demands of a segment of the public in order to secure political loyalty. This represents a deviation from general interests. For this reason, Algeria has amended its laws and regulations to prohibit associations from engaging in the political sphere<sup>10</sup>.

Affiliation with political parties and, at times, with international entities that are in disagreement with the parent state.

The acceptance of donations from individuals, whether moral or material, which may be manipulated to serve the interests of those donors.

### **SUBSECTION 2: Political Parties**

A political party is a group of citizens distributed across the national territory. They share common ideas and collaborate to establish a coherent and unified political strategy through democratic and peaceful means, with the aim of assuming power and responsibility in managing public affairs<sup>11</sup>.

It is formed for an indefinite period and possesses legal personality, legal capacity, and managerial independence.

The organization of its structures and their functioning are based on democratic principles<sup>12</sup>.

## **CHAPTER II: The Institutionalization of Civil Society**

The 2020 constitutional amendment is seen as a significant advancement in the field of civil and associative activities. According to the preamble, the State and its institutions will be built by involving citizens and civil society in the management of public affairs in a transparent and credible manner.

The content of various constitutional articles, such as Articles 9 and 10, also indicates that participation and management of public affairs by civil society are strengthened by the State.

Furthermore, Article 16 also specifies that the State encourages all forms of participation within local communities and civil society institutions.

However, the Constitution has also reinforced the strengthening of civil society.

## **SECTION 1: The Conceptualization and Structural Framework of the NOCS**

The Observatory defends national, democratic, and civic principles, as well as institutional engagement in shaping the objectives of progress and national development<sup>13</sup>.

It is a space for dialogue, discussion, consultation, analysis, and foresight regarding all challenges of civil society and the promotion of its initiatives. It has financial autonomy and legal personality, with its headquarters located in Algiers<sup>14</sup>.

The establishment of this constitutional body in 2021 aims to promote associations and to enhance patriotism and active citizenship. It also represents a qualitative innovation in this sector, bringing together leaders and various competencies within the country and among the Algerian community abroad<sup>15</sup>.

It is important to note that the President of the Republic determines the members of the NOCS, which consists of 51 members, including its president.

### **SUBSECTION 1: The President**

Currently, Mr. Benbrahem Noredine serves as the President of the NOCS, as a national figure appointed by a decree of the President of the Republic<sup>16</sup>. He directs and coordinates the various activities of the NOCS as its spokesperson and representative before the judiciary.

The President is primarily responsible for managing the activities of the NOCS office, such as meetings and scheduled activity programs, including the appointment of NOCS staff in accordance with applicable laws and regulations. He exercises hierarchical authority over the staff, designs internal regulations, communicates with the office on all urgent matters, and signs agreements, conventions, and contracts related to the activities and functions of the NOCS.

He also ensures the connection between the NOCS and both the Presidency and the Prime Ministry by submitting recommendations, reports, and opinions on the one hand, and by overseeing the proper administrative and financial management of the NOCS its budget, expenditures, and financial strategy on the other<sup>17</sup>.

### **SUBSECTION 2: Members**

According to the principle of equity, members are divided between both genders (men and women), and their number is 50. According to Article 6 of Presidential Decree No. 21-139, they are distributed as follows:

30 members from organizations: at least 10 represent national organizations and 2 represent organizations recognized as being of public interest.

8 national competencies from civil society: including at least 4 representatives from the national community abroad, selected by the President of the Republic.

12 members representing unions, national organizations, and professional bodies related to the civil movement.

They are appointed for a non-renewable term of 4 years by a decision of the President of the NOCS, published in the official journal, with a partial renewal of each category every 2 years<sup>18</sup>.

## **SECTION 2: The Moral Enhancement of Civil Activities**

Following an appropriate period after the establishment of the NOCS, its objective remains to organize, promote, and moralize all civil, associative, and social activities.

### **SUBSECTION 1: The Primary Roles of the NOCS**

As a key actor in the institutional process aimed at purifying public life and, more specifically, moralizing civil society, the NOCS plays several roles in promoting ethical conduct, including:

#### **1: The NOCS as Protector and Regulator**

Its public interest mission consists of defending individuals against inequalities in rights and freedoms, while ensuring a balance between the different spheres of civil society. In addition, it oversees the review of associative projects that attract public interest.

## **2: The NOCS as Participant**

In this regard, the NOCS actively participates in the process of participatory democracy, which is now perceived as involvement in decision-making processes<sup>19</sup>, in order to promote sustainable development and contribute to all initiatives undertaken by the government and entities involved in civil action.

## **3: The NOCS as a Major Partner of Government Sectors**

It is noteworthy that the current state is unable to resolve several major issues, which requires a shift from a single and isolated approach toward a multi-actor engagement involving civil society<sup>20</sup>. This stimulates associative activity to generate social dynamism and beneficial competition among the various components of civil society.

It contributes to the development and preparation of a national strategy aimed at promoting transparency and preventing and combating corruption.

In particular, it proposes solutions and recommendations to fight this phenomenon by establishing carefully analyzed early warning mechanisms<sup>21</sup>.

It is worth noting that three influential figures from civil society have joined the council of the High Authority for Transparency, Prevention, and the Fight Against Corruption<sup>22</sup>.

## **4: The NOCS as a Fighter Against Fraudulent and Corrupt Practices**

It has been authorized by the Algerian legislator to combat corruption by involving civil society in initiatives aimed at achieving this goal, notably through:

Transparency in decision-making processes.

Encouraging citizens' access to public management.

Ensuring real access for the media and the public to information on corruption, while preserving individual privacy, national security, public functioning, and justice<sup>23</sup>.

## **SUBSECTION 2: The Associative Network for Participatory Democracy and the Social and Solidarity Economy**

Content: At the inauguration of this network on April 27, 2024, the President of the NOCS stated that this initiative aims to enhance the role of civil society across various sectors. This includes strengthening the capacities of NOCS members by actively contributing to the development process. Furthermore, it implements the Observatory's specific program based on its strategic vision "2024–2030," initiated by national organizations.

He emphasized that its objective is to promote democratic participation and the social and solidarity economy by mobilizing citizens and strengthening their capacities to take part in socio-economic projects<sup>24</sup>.

It is important to note that the social and solidarity economy represents an advanced form of economic democracy, addressing disparities between social groups and combating corruption. It also embodies a new model for managing local affairs based on consultative training, compatibility, performance monitoring, accountability, reform, institutionalized dialogue, and transparency in public life<sup>25</sup>.

## **Conclusion**

In conclusion, it can be affirmed that despite constitutional changes, the concept of moralizing actions through civil society remained inactive until these measures were constitutionalized,

particularly at the local level. The constitutional founder succeeded in establishing local civic involvement due to its proximity and accessibility to citizens. Consequently, decentralization of this participation was adopted.

In addition to the 2020 constitutional amendment, which institutionalized civil society through the establishment of the National Observatory of Civil Society, a central mechanism for informing on associative movements and citizenship was created.

In practical terms, the NOCS utilizes all its capacities through monitoring and coordination among civil and community actors, in connection with the associative network of participatory democracy and the social and solidarity economy.

Although civil society has been constitutionalized and institutionalized, its current implementation has not succeeded in establishing a true culture of moralization within Algerian practices, due to a lack of civic-mindedness and distrust toward decision-makers, which hinders citizen involvement in public affairs management.

Thus, the difficulty in implementing the moralization of civil society does not lie in the absence of legislation, but rather in a lack of moral awareness among both citizens and authorities.

We suggest:

Revising legislation on associations and political parties to encourage citizens' role in managing public affairs, while enabling these entities to raise awareness and promote active citizenship.

Adopting a sector-based participatory democracy approach by incorporating citizen participation standards into the laws governing each domain.

Promoting the implementation and effectiveness of associations in the fields of participatory democracy and the social and solidarity economy.

It is necessary to achieve participatory democracy and to separate financial resources from corruption in all activities. These should be associations that have no affiliation with any political party.

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