

Parliamentary oversight: Interpellation and parliamentary inquiry as a model

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Abstract---This study aims to evaluate the effectiveness of parliamentary oversight mechanisms, especially parliamentary questioning and investigation, in regulating government performance and safeguarding the public interest within the constitutional and legal framework. The research addresses the concept of parliamentary oversight and its general and specific objectives. It then examines parliamentary questioning in terms of its definition, conditions, and outcomes, revealing its limited impact in effecting real change or holding the government seriously accountable. The study also analyzes parliamentary investigations, the formation of investigative committees, their topics, and results, highlighting that investigations remain important tools but suffer from organizational and legal constraints that hinder their effectiveness. Ultimately, the research concludes that parliamentary oversight in Algeria faces significant challenges limiting its supervisory role, necessitating the development of legal frameworks and strengthening oversight mechanisms to achieve transparency and effective accountability.

Keywords---Parliamentary oversight, parliamentary questioning, parliamentary investigation, government performance.

Introduction

Parliamentary oversight is considered one of the most important constitutional mechanisms through which the legislative authority exercises its role in monitoring and evaluating the actions of the executive authority, in order to ensure the proper functioning of public services, protect the public

How to Cite:

Sebti, R., & Bara, K. R. (2024). Parliamentary oversight: Interpellation and parliamentary inquiry as a model. *The International Tax Journal*, *51*(6), 278–287. Retrieved from https://internationaltaxjournal.online/index.php/itj/article/view/106

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Submitted: 20 August 2023 | Revised: 12 December 2023 | Accepted: 10 January 2024 278

interest, and guarantee the respect of democratic principles and the rule of law. Some scholars have defined parliamentary oversight as: "A specialized form of supervision exercised by constitutionally competent parliamentary bodies over the actions of the executive authority (the government and public administration), using oversight tools established in the constitution and regulated by organic fundamental laws, within the limits of the prescribed and effective constitutional and legal conditions and procedures, in order to safeguard the supreme and vital interests of society and the state, and to protect the rights and freedoms of individuals and citizens from all causes, risks, and manifestations of bureaucracy, political and administrative corruption."

Ensuring governmental performance and monitoring the conduct of public administration represent one of the main features of true democracy. Elected parliaments, through the representatives of the people, are tasked with ensuring transparency in executive work and guiding it in a way that achieves the agreed national, social, and economic objectives.

In order to clarify the concept and meaning of parliamentary oversight, its objectives must be identified. According to Dr. Ammar Aouabdi, the general objective is essentially to preserve the public interest in its broad and comprehensive sense against all causes and risks of bureaucracy, deviations, errors, administrative and political corruption, sabotage, manipulation, abuse of power, embezzlement, disregard for the values and ethics of the rule of law, and public institutions. To achieve this objective, two essential conditions must be met: first, the parliamentarian must have access to sufficient and necessary information and documents regarding the various state institutions, enabling them to be fully informed about the course of affairs; and second, the parliamentarian must possess the technical competence and expertise to evaluate government performance based on objective and established standards.²

As for the specific objectives of parliamentary oversight, they differ according to the type of oversight tool being employed. If it concerns a parliamentary question, the objective is to seek clarification or information about a specific issue. In the case of interpellation, the goal is to question the government or one of its members about a particular policy or decision and to attempt to influence the government as a whole. Meanwhile, the specific objective of a parliamentary inquiry is for parliament itself to investigate and uncover the facts regarding a particular matter, which might involve harm to the public interest or contain suspicions of corruption or administrative violations.

In light of the foregoing, the main problem of this study can be formulated as follows: To what extent are the tools of parliamentary oversight—particularly interpellation and parliamentary inquiry—effective in regulating government performance and preserving the public interest within the constitutional and legal framework?

To analyze this problem, the study has been divided into two sections:

Section One: Parliamentary Interpellation. Section Two: Parliamentary Inquiry. Section One: Parliamentary Interpellation

Dr. Saïd Bouleshaïr defined interpellation as follows: "Interpellation is a constitutional mechanism by which members of parliament can request clarifications on current public issues. It is a tool that enables

¹ Ammar Aouabdi, The Status of Oral and Written Question Mechanisms in the Process of Parliamentary Oversight, Al-Fikr Al-Barlamani Journal, published by the Council of the Nation, Issue No. 13, June 2006, p 114.

Mohamed Bahi Abouyounes, Parliamentary Oversight over Government Actions, Dar Al-Jami'a Al-Jadida, 2012, p 12 and following.

them to influence government actions, as the government is obliged to take into account the position of the parliamentarians regarding every decision it makes."

It is clear from this definition that interpellation aims not only to clarify ambiguous matters but also to exert influence over the government. This is affirmed by Article 160 of the Algerian Constitution, which stipulates that: "Members of Parliament may interpellate the government on any issue of national importance, as well as on the state of implementation of laws. A response must be provided within a maximum period of thirty (30) days."⁴

In the Egyptian Constitution, Dr. Yousry El-Assar defined interpellation as: "An accusation and accountability directed toward an appointed minister or the Prime Minister. This accusation and accountability lead to a discussion in which parliamentarians participate, and the subject concerns internal matters falling within the competence of the minister or the Prime Minister."⁵

Additionally, Dr. Atef El-Banna defined interpellation as: "An instrument carrying the meaning of holding ministers accountable for their actions in public affairs and criticizing their policies in these matters. It may ultimately lead to a motion of no confidence against the minister or the government, and any member of parliament who wishes to may participate in the debate."

Based on the preceding definitions, it can be deduced that interpellation in the Egyptian political system is considered one of the most influential and serious parliamentary oversight mechanisms available to members of parliament. Furthermore, while interpellation in Egypt is typically directed at a specific minister, in Algeria it is generally addressed to the government as a whole, although it remains possible to interpellate a particular minister if necessary.⁷

Subsection One: Conditions for Interpellation

By examining the provisions of the internal regulations of both chambers and Organic Law No. 99-02, it becomes clear that certain conditions must be met when conducting an interpellation.

According to Article 123 of the internal regulations, the text of the interpellation must be signed by at least 30 members of parliament or 30 members of the Council of the Nation.

This number is considered excessive and represents an unjustified restriction. Moreover, achieving this quorum in practice is extremely difficult, and there is no doubt that this requirement weakens the effectiveness of this mechanism and diminishes its deterrent power⁸.

Especially when compared to the 1989 Constitution, which required only five members of parliament to sign an interpellation request.

Furthermore, the Prime Minister must be notified of the interpellation text by the president of either parliamentary chamber within 48 hours of its submission (Article 65 of Law 99-02). This is a remarkably

³ Saïd Bouleshaïr, Constitutional Law and Comparative Political Systems – Part One, Diwan Al-Matbouat Al-Jami'iya, 2008, p. 401.

⁴ Algerian Constitution, published in the Official Gazette, Issue No. 82, dated 15 Jumada Al-Awwal 1442 AH, corresponding to December 30, 2020.

⁵ Yousry El-Assar, "The Purpose, Rules, and Restrictions of Interpellation", Al-Houqouq Journal, Supplement to Issue No. 2, June 2001.

 $^{^{\}rm 6}$ Atef El-Banna, Constitutional Law, Al-Tobgy Press, 2002, Egypt, p. 312.

⁷ Article 130 of the Egyptian Constitution as amended in 2019, provides: "Each member of the House of Representatives may direct an interpellation to the Prime Minister, any of their deputies, ministers, or their deputies, for accountability on matters within their respective competencies. The House shall discuss the interpellation at least seven days after its submission and within a maximum of sixty days, except in urgent cases as determined by the House with government approval."

Yacine Ben Breh, Interpellation as a Means of Parliamentary Oversight over Government Action in the Algerian and Egyptian Systems, Master's Thesis, Institute of Arab Research and Studies, 2007, p. 31.

short time frame when compared to other procedures constitutionally established for interactions between the Parliament and the Government⁹.

The text of the interpellation must then be examined within 15 days following its submission to the office of either chamber, as stipulated by Article 66 of Organic Law No. 99-02.

Subsequently, members of parliament engage in a session where the subject of the interpellation is presented, discussed, and the government responds, in accordance with Article 67 of Organic Law No. 99-02¹⁰.

However, a major obstacle hindering the interpellation process lies in the frequent rejection of interpellations on the grounds of incomplete legal conditions, or their neglect due to the repeated postponement of sessions caused by government opposition. Among the most significant issues deemed of public concern at the time, and on the basis of which an interpellation was conducted, was the one regarding the violations that occurred during the 1997 local elections¹¹.

Interpellation as a Collective Right in the Algerian Constitutional System:

The Algerian Constitution has incorporated interpellation as a collective right, not an individual one, directed at the government as a whole. This is explicitly stated in Article 133 of the Constitution: "Members of Parliament may interpellate the government on any matter of national importance, as well as on the state of implementation of laws. A response must be given within a maximum period of thirty (30) days." However, this does not preclude the possibility of interpellating a specific minister if necessary.

According to our modest understanding, Article 160 of the Constitution ought to have been amended so that interpellation would become a collective right directed at the President of the Republic, particularly since the constitutional amendment of November 2008, after which the President has assumed both the roles of Head of State and Head of Government. Accordingly, interpellations should be addressed to him as the sole representative of the executive authority.

Since the President now combines both positions, he must likewise bear both responsibilities. Therefore, the wording of this article should have been reformulated to replace the term "the government" with "the President of the Republic."

Nevertheless, in practice, interpellations are still directed to the Prime Minister. This raises an important question: In what capacity is the interpellation being addressed to the Prime Minister? Is it in his former role prior to the amendment, as the second party within the executive authority — a status which no longer exists? Or is it as a delegate of the President of the Republic authorized to represent him? If we accept the latter, such a delegation must be formally provided for.

⁹ Ahmed Tartare, The Role of Interpellation and Accountability in the Parliamentary Oversight of Government Performance, Al-Fikr Al-Arabi Journal, published by the Council of the Nation, Issue No. 15, February 2007, p. 66

¹⁰ Article 66 of Organic Law No. 99-02 provides: "The Bureau of the People's National Assembly or the Bureau of the Council of the Nation, in consultation with the government, shall set the session in which the interpellation is to be examined".

¹¹ The text of the interpellation indicated that the number of violations recorded during the electoral process amounted to thirty-one (31), including: the staffing of polling stations by relatives of candidates on the National Democratic Rally (RND) party lists; citizens being surprised to find that voter lists had been pre-signed upon arriving at polling stations; firearms being brandished in the faces of candidates and their representatives, along with threats during voting and vote-counting hours; and the inflation of voter turnout rates to facilitate electoral fraud.

See: Abbas Ammar, Parliamentary Oversight of Government Action in the Algerian Constitutional System, Dar El Khaldounia, 2006, p. 178.

In any case, even in the event of delegation, the ultimate responsibility remains with the President of the Republic. At this level of analysis, we can conclude that Article 160 of the Constitution is not in harmony with the constitutional amendment. To properly establish a presidential system, it is not enough to limit amendments to the executive authority alone — the legislative authority must also be revised accordingly.

Subsection Two: The Outcomes of Interpellation

Interpellation in the Algerian constitutional system does not entail consequences that could directly affect the government. Members of Parliament are not entitled to submit a motion of censure, nor does interpellation result in parliamentary interference in the government's response. Broad debates on the raised issues are not permitted, and typically, the government's representative limits responses to the interventions of MPs, often failing to address all interventions comprehensively. When answers are provided, they tend to be general and superficial¹².

It appears that the ineffectiveness of interpellation stems from the fact that the Constitution does not provide, alongside interpellation, for any legal consequence such as a motion of censure or a vote of no confidence. As such, interpellation in the Algerian Constitution remains merely a tool for inquiry and clarification, rendering it effectively indistinguishable from the mechanism of parliamentary questions.

In contrast, interpellation under the Egyptian Constitution can result in one of three outcomes:

- A) It may become evident from the discussion that the government has properly fulfilled its duties and therefore deserves commendation rather than criticism. In such cases, Parliament concludes the process by formally expressing its gratitude, in one form or another.
- B) It might be found that the government has not committed a serious fault or that any error committed is minor and forgivable. In this case, Parliament typically decides to move on to the next item on the agenda. It is doctrinally accepted that such a decision does not equate to either a reproach or a withdrawal of confidence from the government.
- C) The final potential outcome of interpellation is the issuance of a resolution condemning the government as a whole or certain of its members. Here, interpellation may culminate in a vote of no confidence directed either at the Cabinet collectively or at the minister concerned¹³, thus engaging both individual and collective ministerial responsibility.

If the Parliament resolves to hold the government accountable, it forwards a report to the President of the Republic containing the matter's elements, the Parliament's conclusion, and the reasons behind it. The President then has the option either to accept the Cabinet's resignation or to return the report to Parliament within ten days. If Parliament reaffirms its position by a two-thirds majority, the President is then obliged to accept the government's resignation. Furthermore, if a no-confidence motion against the Prime Minister is rejected, its proponents may not resubmit it within the same parliamentary session.

¹² Saïd Bouleshaïr, opp cit, p. 335.

¹³ Suleiman Al-Tamawi, The Three Powers in Contemporary Constitutions in Islamic Thought, Dar Al-Fikr Al-Arabi, 6th edition, 1996, p. 491.

Section Two: Parliamentary Inquiry

Parliamentary inquiry is considered one of the means of parliamentary oversight¹⁴, but it differs from other tools in terms of its objective, as it aims for the parliament itself to investigate the facts. Dr. Suleiman Al-Tamawi defined parliamentary inquiry as follows:

"This right enables parliament to ascertain the facts it seeks to know by itself. If an issue arises within the council's jurisdiction and it wishes to make a decision regarding it, it has two options:

A- Either to be satisfied with the information provided by the government through its competent agencies.

B- Or to attempt to ascertain the truth by itself if it has any doubts for any reason whatsoever. There are no restrictions on the scope of the inquiry; the council may investigate cases of corruption in certain administrations, services, institutions, public sector companies, etc."¹⁵.

The reason for resorting to inquiry committees is the weakness of other parliamentary oversight mechanisms in the Algerian political system. Article 159 of the Constitution provides for the establishment of inquiry committees, stating:

"Each chamber of Parliament, within the framework of its competencies, may establish inquiry committees at any time on issues of public interest."

Thus, according to the provisions of Article 159 of the Constitution, both the National People's Assembly and the Council of the Nation may, within their respective competencies, establish inquiry committees at any time on issues of public interest¹⁶.

Section One: The Establishment of Inquiry Committees Based on a Proposal Motion

An inquiry committee is established by the National People's Assembly or the Council of the Nation through a vote on a proposal motion, which is submitted to the Bureau of either chamber. The motion must be signed by at least twenty (20) deputies or twenty (20) members of the Council of the Nation¹⁷.

Article 103 of the Rules of Procedure of the National People's Assembly stipulates that:

"The required quorum for proposing a motion to establish an inquiry committee is at least twenty (20) deputies in the National People's Assembly and fifteen (15) members in the Council of the Nation."

Some deputies considered that raising the number of signatories for the motion to twenty deputies was intended to silence dissenting voices and prevent the opposition from exercising its oversight function. It is deemed illogical to expect the parliamentary majority to investigate the conduct of its own government. Consequently, it has been suggested that each parliamentary group should be granted the right, at least once a year, to propose the formation of an inquiry committee in a field of its choosing or through a group of deputies.

The National People's Assembly and the Council of the Nation appoint members of inquiry committees from among their own members, according to the same procedures outlined by each chamber's internal rules for the formation of standing committees 18.

¹⁴ England was the first country to implement inquiry as a means of parliamentary oversight. In 1689, a committee was formed to monitor government bodies.

¹⁵ Suleiman Al-Tamawi, opp cit, p. 479- 480.

¹⁶ As stipulated by Article 76 of Organic Law No. 99-02: "In accordance with the provisions of Article 161 of the Constitution, both the National People's Assembly and the Council of the Nation may, within their respective competencies and at any time, establish inquiry committees on matters of public interest".

¹⁷ Article 77 of Organic Law No. 99-02, as well as Article 161 of the Constitution, stipulate that: "Each chamber of Parliament may, within the framework of its competencies, establish at any time inquiry committees into matters of public interest".

¹⁸ Article 78 of Organic Law No. 99-02.

Despite the ambiguity of the text, this appointment process implies that each chamber must approve the composition of the inquiry committee, which must be formed from among its own members¹⁹.

As for the Egyptian system, according to Article 219 of the Rules of Procedure of the People's Assembly, an inquiry or fact-finding committee is formed by decision of the Assembly based on a request from the General Committee, one of its other committees, or a written proposal submitted to the Speaker of the Assembly by at least twenty members. The number of members in the fact-finding committee must not be fewer than seven and not exceed twenty-five, selected by the Assembly upon the recommendation of the Speaker²⁰.

Section Two: The Subject of Parliamentary Inquiry

The inquiry is subject to a set of conditions that must be met, as follows:

The inquiry must target administrative bodies, public services, institutions, and public establishments. It may also concern acts carried out by these entities falling within the scope of Parliament's oversight function, even if these acts were committed by a previous ministry or administrative body, or occurred during the tenure of a former parliamentary assembly, distinct from the one conducting the inquiry. ²¹

The subject of the inquiry does not require a violation of the state's applicable legal rules, as is the case in judicial investigations. The inquiry may simply aim to provide Parliament with the necessary information regarding the issue under investigation. ²²

It is not permissible to establish inquiry committees when the facts in question have already led to ongoing proceedings before the judicial authorities, provided that these proceedings concern the same reasons, the same subject matter, and the same parties involved²³.

An inquiry may not be conducted on a matter that has already been investigated. This ensures that Parliament is not distracted from other pressing issues requiring investigation — as stipulated in Article 80 of Organic Law No. 99-02. ²⁴

However, in some instances, a second inquiry request may be justifiable if new facts or evidence have emerged that were not previously considered, warranting a new investigation²⁵.

The inquiry must not target subjects of a classified nature, considered vital to the state's national security, defense, foreign affairs, or economic interests. In this context, MP Ali Karbouaa noted that "it is clearly evident that the government seeks to place various obstacles before Parliament and hinder its oversight function. It appears that inquiry committees are barred from investigating matters relating to

¹⁹ Abbas Ammar, opp cit, p. 110.

²⁰ Mohamed Bahi Abou Younes, Parliamentary Oversight of Government Action in the Egyptian and Kuwaiti Systems, 2001, p. 116.

²¹ Mohamed Bahi Abou Younes, opp cit, p. 117

²² Abbas Ammar, opp cit, p. 119.

²³ Article 79 of Organic Law No. 99-02.

In the events of Berriane, which were the subject of judicial proceedings, the head of the parliamentary bloc of the National Liberation Front Party, Mr. El Ayachi Daadoue, criticized on 27/05/2009 the request made by some deputies to establish a parliamentary inquiry committee, stating: "The request contradicts the content of Article 79 of the organic law governing the organization of both houses of Parliament, as this article explicitly prohibits the formation of a parliamentary inquiry committee in such cases".

Source: www.sawt-ahrar.com

²⁴ Article 80 of Organic Law No. 99-02 states: "Inquiry committees are of a temporary nature and their mission ends upon submission of their report or, at the latest, six (6) months from the date of approval of their establishment proposal, renewable once. They cannot be re-established for the same subject before a period of twelve (12) months has elapsed from the date of completion of their previous mission".

²⁵ Mohamed Bahi Abou Younes, opp cit, p. 119.

national defense, foreign affairs, state security, and the national economy." He further questioned: "What, then, remains for inquiry committees to investigate?" ²⁶

Subsection Three: The Results of Parliamentary Inquiry Reports

- Reports of Inquiry Committees: Parliamentary inquiry committees are of a temporary nature, and their mission concludes either upon the submission of their report or, at the latest, after a period of six (6) months from the date of approval of their establishment proposal, renewable once. The same committee may not be re-established for the same subject before a period of twelve (12) months has elapsed from the date of the conclusion of its previous mission²⁷.

The work of these committees is conducted in strict confidentiality, from the beginning of investigations until the deliberation session, according to Article 82 of Organic Law No. 99-02²⁸. This contrasts with the French system, where confidentiality applies only during the initial investigations, while the deliberation sessions are held publicly.

Once the committee finalizes its report, it must be approved by its members. In the event of a tie in votes, the chairman holds the deciding vote, as stipulated by Article 32²⁹. The subsequent step involves printing the report and distributing it to the members of the concerned parliamentary chamber, enabling them to examine it in preparation for deliberation.

The report is not published automatically; it requires the approval of the chamber in question, despite the internal regulations of the National People's Assembly (APN) expressly authorizing, based on a proposal by its Bureau, the possibility of deciding to publish the report either in full or in part. Moreover, the assembly is prohibited from debating the issue of publication except in a closed session, and the government must be consulted beforehand regarding the appropriateness of such publication³⁰.

- Effects of Parliamentary Inquiries: A parliamentary inquiry may result in the recommendation to address gaps in existing legislation or to reveal the ineffectiveness of a particular law, thereby calling for the drafting of a new bill that better aligns with prevailing circumstances.

Since parliamentary oversight inherently holds a political nature, the parliament itself can only transmit the report and the recommendations it contains to the government, which may decide to impose disciplinary measures on the violators or negligent officials if it deems such action necessary. To this end, the assembly may support the committee's report by voting on a motion requesting the government to initiate legal proceedings against illegal actions detected by the parliamentary investigators, a practice rooted in parliamentary tradition³¹.

Ultimately, a parliamentary inquiry may conclude either by condemning the government, renewing confidence in it, or merely drawing attention to a particular neglected issue.

Conclusion

Parliamentary oversight is one of the fundamental pillars of the modern democratic system, representing the means by which the parliament ensures monitoring of government performance, compliance with laws, and protection of the public interest. This study addressed the mechanisms of parliamentary questioning and investigation as two of the most important oversight tools exercised by parliament over the executive authority. It reviewed the legal, constitutional, and regulatory frameworks

²⁶ Abbas Ammar, opp cit, p. 120

²⁷ Article 80 of Organic Law No. 99-02.

²⁸ Article 82 of Organic Law No. 99-02: "Members of inquiry committees must comply with the confidentiality of their investigations, inspections, and deliberations".

²⁹ Article 32 of Organic Law No. 80-04.

³⁰ Article 143 of the Rules of Procedure of the National People's Assembly.

³¹ Abbas Ammar, Opp. cit., pp. 140-141.

governing their work, as well as identifying the shortcomings and outcomes resulting from the application of these mechanisms.

Findings:

- Parliamentary oversight, particularly through questioning and investigation, is an important constitutional means to monitor government performance, but it suffers from practical shortcomings in implementation and results.
- Parliamentary questioning in the Algerian system is considered a collective right directed at the government as a whole, unlike the Egyptian system where it is usually directed at a specific minister, forming an advanced political pressure tool.
- The presence of onerous conditions in the organic law, such as the requirement for a large number of deputies to sign the questioning text, weakens the effectiveness of this mechanism and limits its practical use.
- Questioning in the Algerian system does not result in significant legal consequences or serious accountability measures such as a motion of censure or vote of no confidence, which reduces its oversight role and makes it more of an informational tool than an accountability one.
- Parliamentary investigation committees have broad powers to collect information and investigate matters of public interest, but they often face procedural restrictions and weak enforcement.
- The topics of parliamentary investigations are subject to multiple restrictions, including the inability to investigate ongoing judicial cases and prohibition of investigation in some security or strategic fields, limiting the scope of oversight.
- Investigation committee reports are often limited to non-binding recommendations, and the parliament's role is restricted to referring the report to the government without ensuring real action or serious follow-up.
- The lack of harmony between constitutional and legal texts, especially with recent constitutional amendments, leads to a decline in the effectiveness of parliamentary oversight and reflects an unequal balance of power between the legislative and executive authorities.

Recommendations:

- The necessity to introduce clear and strict legal provisions obliging the government to respond practically to the results of questioning and investigation committees, including imposing sanctions in cases of evasion or negligence.
- Reviewing and amending Organic Law No. 99-02 to align with recent constitutional amendments and facilitate oversight procedures, especially by reducing the number of signatories required to propose questioning or form investigation committees.
- Enhancing the independence of investigation committees and enabling them with broader capabilities to collect information and summon officials, ensuring the publicity of some investigation stages to strengthen transparency and accountability.
- Working to develop a parliamentary political culture that encourages deputies to effectively perform their oversight role by providing training and technical support, and adopting better communication mechanisms between parliament and the public to enhance societal oversight.

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