

## Governance of an Algerian local rural community: Case of the municipality of Barbacha

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### Abstract:

This article is based on a personal experience of governance of a rural municipality that allowed us to measure the gap between our initial ambitions (or illusions) and the reality on the ground. Believing that it is enough that a CPA and its executive are motivated by a sincere desire to serve its commune well that the rest of the actors of its governance will go in synergy in the same direction. In the facts that we have given, guided by our theoretical and methodological investigations, we have concluded that the reality is different: it is much more the informal mechanisms which govern the governance of a local authority and which, consequently, constitute the causes of its complexity and its failures.

**Keywords:** Governance - Territory - State - Actors

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### 1. INTRODUCTION

The issue of governance is structured around three essential questions that are dialectically linked: what is governance? what to govern? and finally, how to govern?

Thus, a successful scientific study of the governance of a municipality, here: Algerian and specifically rural, illustrated by that of Barbacha - Béjaïa (object of our present work), requires a rich theoretical knowledge (based on multidisciplinary) and an adequate approach methodology (mobilizing economic epistemology, in general, and that of governance, in particular). Similarly, the political economy approach allows us not to omit history, socio-economic changes, conflicts of interest, etc., which characterize it.

However, the critical analysis of the governance of this commune, which we will develop as a researcher and actor at the same time<sup>1</sup>, is more empirical than theoretical. Thus, the bulk of our work will be devoted to the restitution of some important facts marking this governance, framed by the communal code in force in Algeria where the main actor, of the commune, is its Communal People's Assembly (PCA).

In our view, the commune (like any local or territorial authority) is a geopolitical, institutional and administrative concept, representing one or more communities of people occupying a territory subject to governance. It constitutes a micro or meso society, with its space of life, work and power. Similarly, as an institution in the public domain, the municipality, specifically, poses a problem of governance of a territory, with its

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geographical limits, its identity, its history and its population with its material and intangible resources. The whole is to be taken with its strengths, constraints and challenges. Finally, without its representation materialized by an Administrative Headquarters of the APC (called the Town Hall), meeting place of governors and governed, this concept will remain unclear. Therefore, his study requires a macroscopic: multidisciplinary approach with a methodological holism.

Consequently, the study of this infinitely complex field can only be possible by adopting a macroscopic approach armed with a methodological holism capable of grasping all the synergy that multidisciplinary allows (sociology, statistics, budgetary management, accounting, spatial planning, communication and administrative drafting, etc.). And this, alongside the economic epistemology that analyzes the foundations, the values, the objective scope, but also the principles, the hypotheses and the results, of this study.

However, like any article, this is limited by the number of pages and other substantive and editorial standards of journals, we will respond with a summary of the reading journal, which is limited to both forms, institutional and territorial, defining governance and a brief history of Algerian municipalities in general and Barbacha in particular.

As a result, this work will be structured into three axes, namely: "Definitions and history of the municipality and its governance"; "Genesis and evolution of Algerian communes and their governance before and after independence" and "The governance of the rural commune of Barbacha under the municipal code in force."

## **2. Definitions and history of the municipality and its governance**

The genesis of the commune dates back well before the historic "Commune de Paris" or the centers of the nascent bourgeoisie, post-mercantilism and physiocracy. Its first forms appeared in feudalism of the Middle Ages.

Likewise for governance, since the scientific thought of antiquity, especially Greek through the "Republic" of Plato, the metaphor "hold the rudder"; borrowed from marine activity (holding the rudder of a boat, ship, etc., to achieve the objective); notes the genesis of the concept of governance and this borrowing continues to be topical.

Indeed, in the book written collectively by some forty mayors of the "Association des Maires des Grandes Villes de France" (prefaced by: BERKOFF André) (BERKOFF, 1994), one of them did not escape this metaphor. He notes that "*we want to return to the term political the meaning of its root - polite, the city - the art of governing the city.*" However, during the feudalism of the Middle Ages, this term was replaced by that of "government," and later fell into disuse.

It is in England that the concept of "governance" is explored and reused by economist (COASE, 1937). Then, several currents of the 1960s and 1970s, including "institutionalists" and "territorialists," used this concept and again, it is not on a large scale. It was from the 1980s (Thatcherism and obligatory reactionism) that the definitions of governance multiplied, before becoming plethora from the 2000s. However, we will confine ourselves to both forms of governance definitions.

### **2.1. Institutional definitions of governance**

Institutionalists agree (SORIANO, Paul, 2007) on placing their definitions of governance in the somewhat Ricardian framework of the liberal economy, with state intervention, in the case of market destabilization (lack of pure and perfect Smithian competition) and on the

"mixed and partnered" approach of supporters of mesoeconomic institutions (GUESNIER, 2007/22), because it synergizes the efforts of the public (with its regulatory power of control) and private (business and civil society) and by integrating all spatial scales into a two-pronged bottom-up and bottom-up consultation and intervening in a systemic apprehension as much about supply (services) that at the request of (citizens), do we want to extrapolate for the case of the municipality.

In this context, it is (Le GALES Patrick et al, 1998) who, in our opinion, formulates a consolidated definition of institutional governance, as a process of synergy of the efforts of the actors of all institutions - public and private - to achieve objectives discussed and defined collectively. However, this trend has not addressed the inevitable conflicts. This justifies our recourse to the political economy approach.

What about this mixed governance, called consensual, for supporters of territorial governance?

## **2.2. Definitions of territorial governance**

To seize territorial governance is to know that the territory is first of all a space that is not a mere receptacle, but a geophysical, social, economic and cultural construct, with its specificities, its rules and its values, its franchises, its geographical extent, its demographic structure and the quality of its population, to be taken into account in its governance.

However, today, where the planet has become a large village, despite all the specificities of each territory, there is only one space that structures all the others, it is the global and/or globalized space. Thus, all levels of governance: local, national, regional or global, are crossed by a single dialectic, that of the market. So, within this framework, what is the appropriate definition of territorial governance?

First, this form of governance finds its genesis in the adjournment of classical downward territorial steps (LELOUP & al, 2005) and research of new modes of organization and of territorial management, alternative, which go to the sense of a new form of democratic innovation of the Town and country planning, including politics, the economic, the social and the cultural. This refers to local development, decentralization, public management and the rationalization of power sharing between the various actors.

Then, in the same logic of questioning traditional top-down territorial approaches, there is a need to move towards greater transparency; non-hierarchical coordination (i.e. transversalisation) of collective actions; more open forms of rationality (reflection, procedural...); and transfer of powers to civil society, decentralized communities. In addition, proponents of territorial governance see the methodological approach - macroscopic and holistic - as the best tool for dealing with territorial governance, capitalizing on the knowledge that the multidisciplinary approach to be conducted by researchers allows. (in political science, sociology, management sciences, institutional economics, epistemology, information sciences and, knowledge economy for learning processes), responding to the wide variety of situations and challenges related to this concept (Eduardo Chia & al, 2008). The main issue is the conflicts that constitute another convergence for this stream of researchers who note that no process of territorial development resembles a long quiet river and that any process

of governance feeds, indeed, of these two tendencies, conflicts and cooperation, at the same time, the synthesis of which leads to the search for an alternative dynamic of development. Indeed, we consider that conflicts are dialectically inherent in governance processes and, therefore, there is no need to seek to eradicate them. We must anticipate them in order to better manage them, as in a single home where there are moments of peace and cooperation and moments of conflict and conflict.

It is through all these questions, problems, methods and results of the various research works devoted to it, whereas it is possible to achieve a mode of territorial governance, which is therefore not a simple road map, or a supreme guide, which it is sufficient to apply in a standardized way in order to achieve coherent local development, especially for a rural municipality where elected representatives are confronted with an infinitely complex reality, that the researcher and the government must seize to produce a governance mode that is a management tool (coordinated, transparent and effective) of its human, material and intangible resources and which paves the way for the search for solutions in accordance with the specificity of its problems.

All these theoretical aspects are certainly indispensable, but insufficient, for the purposes of this study. Thus, they will be complemented by some other elements inherent in the genesis and history of Algerian municipalities and their governance.

### **3. History and evolution of Algerian municipalities and their governance before and after independence**

The overall historical context of the evolution of Algerian municipalities ranges from the process of their creation by the colonial administration to the context of independent Algeria.

#### **3.1. The genesis and mode of governance of Algerian municipalities before independence**

The colonial administration began in 1842 with the creation of "Arab offices" in Algeria, but also in Tunisia and Morocco, in order to better control the defeated and "pacified" indigenous populations in Algiers and elsewhere. Then, as a colonization of settlement, each time it gains a territory militarily, it brings French populations (blackfoot) to live there and exploit its wealth. It is in this logic that after the defeat of the resistance of Emir Abdelkader in 1847, she created in 1848 three prefectures: Algiers, Oran and Constantine with their sub-prefectures (remained at the same number until 1955) and instituted two forms of commune: "full exercise" whose inhabitants are mostly, if not exclusively, settlers and "mixed" communes depending on whether they are home to both the indigenous and a minority of the French population. This operation intensified after the defeat of the rebellion of Sheikh AHEDDAD and El-MOKRANI in 1871. In 1902, it already had, in Algeria "useful," 379 communes, of which 300 "full exercise" and 79 "mixed" (Battaillon, 2009). This "useful" Algeria designates its sedentary North, rich in fertile land and raw materials that benefit the colonization. But it was not until the centenary of its colonization (05 July 1930) that it began its modernization by transforming douars into municipal centers, with an elected municipal council, but an appointed mayor, increasing the number of mixed communes from 79 to 255 in 1950. Similarly, it was during this period (1830s) that Saharan Algeria

was gradually transformed into mixed communes, reaching 89 in 1950. This gives a total of 644 municipalities.

Throughout this journey, the indigenous people who have not stopped revolting, have known that murder, repression, misery and poverty, humiliation, illiteracy, forced or voluntary exodus, deportations (including French and French, anti-capitalists and anti-colonialists, such as Louise MICHEL) to overseas territories (French Guiana, New Caledonia, ...), imprisonment and mobilization during the two world wars (with the criminal treason of May 8, 1945). In short, the so-called "indigenous" natives were subhumans and a canon chair for colonization. On the other hand, the blackfoot enjoyed all the amenities of life, work, education and leisure.

This situation worsened after the outbreak of the independence revolution on <sup>1</sup> November 1954 and especially after its generalization following the operations of 20 August 1955 and the Congress of Soummam on 20 August 1956. Thus, in order to break and prevent symbiosis between the NLA/FLN and the people, the colonization and its army have multiplied the forced displacement of rural populations to regroupment camps in the vicinity of the military, or slums and other inappropriate places, far from their foster lands. To this end, they also accelerated the creation, in 1957, of new communes reinforced by "*some 700 SAS [Specialized Administrative Sections] operating as mixed communes under military administration,...*" (Battaillon & Claude, 2020). The 900 grouping camps are often administered by these SAS, forming new "villages" that geographer (PLANHOL & Xavier, 1961) considers "*a new conquest, extending the colonization villages of the nineteenth century,*" thus enlightening the ideology of these groupings.

These regroupment camps, which continued to get worse until independence, went under a total blackout of the media, until they were denounced by Michel ROCARD in February 1959. The number of clusters is estimated at 3525000 (CORNATON, 1998). This author also denounced the French authorities and historians, but also Algerians, with the exception of some, such as the co-authors (BOURDIEU & SAYAD, 1964), as to their guilty silence about these camps, which they have, moreover, studied much less than other aspects of this war, such as torture in the search for military intelligence against the guerrilla. Indeed, this subject is classified as "taboo" by these two parties, Algerian and French, in the margins of the Evian agreements. Also, after independence, the fate of these rural populations, having experienced this trauma, was only a minor concern for the new Algerian authorities and left out of most development actions, what requires a specific work on this theme, like the thesis of (SACRISTE, 2014).

Here, then, is a brief overview of the 1485 municipalities inherited from colonization, especially the rural communities that have suffered more from this trauma, which, for some, continues to this day.

### **3.2. The mode of Governance of the Algerian Communes after independence**

The governance of these municipalities will be dialectically affected by the global governance of independent Algeria.

### **3.2.1. Global Governance of Independent Algeria**

Like some newly independent countries, Algeria has opted for governance characterized by war unionism, centralism, totalitarianism and standardization. The seizure of power by the border army in the aftermath of independence (September 1962) and the coup d'état of 19 June 1965 confirmed the undemocratic management of the country's public affairs.

Moreover, the Front de Libération National (FLN), which honourably and successfully fulfilled its original mission, which it set itself for itself on 1 November 1954, namely the independence of the country, unfortunately chose to reign, as a single party (called the Party-State), over the destiny of independent Algeria. Apart from him and his subjugated organizations, any dissenting voice is considered counter-revolutionary and repressed.

Moreover, paradoxically, the multiparty system based on the events of October 1988, enshrined in the Constitution of 23 February 1989, has not changed this logic. Worse, it has atomized political action and generated a partisan, familialist, tribal, clientelist culture, etc. Algeria has gone from one single party (FLN) to more than 60 single parties, whose chauvinistic sectarianism has depoliticized Algerian-born. This has had a profound impact on the governance of local communities and their environment, both internal and external. To illustrate, in June 2008, the Barbacha APC invited the remaining 51 municipalities of the wilaya of Béjaïa to a discussion on the intercommunality and the creation of an association of elected officials, to no avail.

### **3.2.2. Governance of the municipalities of independent Algeria**

Independent Algeria inherited a colonial administrative division which left it 15 Wilayas (prefectures), 76 Daïras (sub-prefectures) and 1484 communes (Master/COG, 1960). However, under the 1963 reform, the Algerian State reduced the number of municipalities to 676, each resulting from the absorption of a few neighbouring municipalities, while keeping the same number of Wilayas and Daïras until the 1974 division. This first architecture of the territorial communities of independent Algeria can be explained by its historical, political-economic, socio-cultural and security context, in particular its low financial and managerial capacity to assure these communities.

The first Communal Assemblies were created in the same year, 1963, with an administrative staff which continues to operate according to the French system (language of work, management mode, ...) and an executive from elected officials composed, in general, of former mujahedin, insufficiently educated and not experienced for this purpose. However, the whole acts with the self-management spirit adopted spontaneously and naturally by workers in the economic sectors (particularly agriculture) since the cease-fire of 19 March 1962, which, unfortunately, the decrees of March 1963 ended, to give way to bureaucratic management.

The first communal code is established by Ordinance No. 67-24 of 18 July 1967, that of the wilaya follows by Ordinance<sup>No.</sup> 68-38 28 May 1969 and the first APW (Wilaya People's Assemblies) held their elections in the same year 1969, obviously within the framework of the single party, the FLN, and with a single list. But, it is there, as, as begins the wrong decentralization of the total governance of Algeria: elected APW and indicated wali. Thus, the APC and the APW are placed under the injunction of their hierarchical guardians: Wilaya, Daïra and other centers of formal and informal power.

In addition, the Algerian Development Strategy (SAD), which has polarized productive investments that create jobs in large urban centers, has accentuated the exodus of rural populations to these centres, thus emptying rural communes of their labor force, especially young people, and the Keynesian program that creates some rural jobs, called DRS (Development and Restoration of the Soil) inherent in the Agrarian Revolution, could not stop this bleeding.

With the opening up of the economy in 1980, the public authorities carried out the third and final administrative division in 1985, through Act <sup>No.</sup> 84-09 of 4 February 1984 on the territorial organization of the country (with the exception of the one currently under way in southern Algeria). Under this law, the Algerian territory is structured into 48 wilayas, 198 Daïras and 1541 communes. However, the mode of governance remains unchanged in practice, until the municipal code of 22 June 2011, which theoretically opened loopholes on participatory democracy, but with no possibility of application on the ground. The elected representatives and their municipalities continue to be subcontractors of the wilaya company. This will be illustrated by our case study. Indeed, while multiplying the feedbacks between the above and this practical case, we will examine the impact of this overall historical process on that experienced individually by a rural municipality. Does it have room for manoeuvre to avoid the disadvantages of this legacy it inherited?

#### **4. The governance of the rural municipality of Barbacha under the communal code in force**

In the previous section, we have reviewed the historical process of the different contexts that have marked the evolution of Algerian communes in general and rural communes in particular. In the following, as noted above, we will move on to the restitution of the real facts that characterized our governance of the commune of Barbacha, throughout our P/PA mandate, but not only. Indeed, after the presentation of this municipality, we will try to evaluate the quality of the intervention of each of the actors involved in the governance of this municipality. This will allow us to measure the weight of the global governance of Algeria and its communes on a rural commune and, by doing so, to see what lessons to learn from this experience to improve the governance of Algerian local authorities.

##### **4.1. Presentation**

The municipality of Barbacha is located 42 km south of the wilaya of Bejaia. It is one of the mixed communes created in 1957 by French colonization. Currently, it is surrounded by five communes: Amizour in the north, Feraoun in the west, Ait Mouhli and Boussellam (wilaya de Sétif) in the south and Kendira in the south-east. As a mountainous commune, it covers an area of 87 km<sup>2</sup> and has 16,901 inhabitants in the 2008 census, reduced to 15,178 inhabitants in 2018, due to the exodus of its young and younger population and the decline in births.

Its economic activity is reduced to almost food farming, namely arboriculture (olive tree, fig tree, carob tree and a few other fruit trees), market gardening (seasonal vegetables), livestock farming (poultry, cattle, sheep, goats), cuniculture, beekeeping and other small family agricultural activities. The rest are commercial activities and other private services (five medical practices, three pharmacies, two nurseries, three holiday halls, two gyms and a

few small artisans). And even if the commune is crossed by RN 75 and houses the capital of Daira, a weekly market, two high schools, four EMCs, a post with three agencies, a polyclinic and six treatment rooms, a cultural center, a stadium and a CSP, an agency CNAS and a gendarmerie brigade, etc., these activities do not attract a large clientele and therefore do not generate significant taxation for the municipality.

However, the municipality of Barbacha has two iron mines. The first is that of Bouâmrane which contains iron and limestone, the second is in the village Ibelluten which has only iron. Both were exploited by settlers from 1926 to 1957, before being driven out by the NLA. Upon independence, the Algerian authorities abandoned them.

That of Bouâmrane should resume in September 2012, following our representations to ANAM (Agence Nationale des Activités Minières), where the selected company has reached the exploitation phase and is beginning to recruit workers to start, but, like 28 other small mines at the national level, it has its mining title withdrawn. (by collateral effect,), following the scandal concerning the Amizour-Tala Hamza mine whose market is fraudulently entrusted to an Australian company. Finally, in 2018, ANAM reinstated it for a possible award.

Let us now see how each actor intervenes in the governance of such a local authority.

#### **4.2. The actors of the governance of the municipality of Barbacha**

Like any Algerian commune, these actors are the State and its dismemberment; PCA and its components; APW; civil society and business.

##### **4.2.1. The State**

At the central level, it intervenes through its Communal Code, its central institutions such as the Ministry of the Interior, Local Authorities and Spatial Planning (MICIAT); the Ministry of Finance and Budget (MFB); the General Directorate of Public Service (DGFP), the Court (or the Council of State), etc. At the local level, it is present through its decentralized bodies, namely Wilaya (the Wali), Daïra (Head of Daïra) and the Directorates of Wilaya, which are of two categories: administrative and technical, constituting the Services Decentralized to the State. The specific case of the Cadastre will be presented in a particular way.

- The Administrative Directorates of wilaya (about ten), like that of the Local Administration (DAL), are most involved in the vertical governance of the affairs of the commune, which does not lack bureaucratic actions, negatively affecting its interests.

- About thirty Technical Directorates, such as Public Works (DTP), where some projects are under an overlapping responsibility between three Directorates, for example school equipment whose management depends on those of Education, Public Equipment and Wilaya Budget. Also, it should be added that each project must go through several institutions of Control: Financial (CF), Technical (DCT), etc. in addition to the institutions of the services of order and security (Gendarmerie, police, army) and those of the Justice.

This whole range of public structures does not facilitate, each in its missions, the democratic and fluid management of communal projects. It is often the cause of delays in their achievements. However, these institutions play a crucial role in monitoring and correcting errors made by the municipal administration in the preparation and preparation of its documents. This helps the municipality to mature its projects to be more likely to be approved by the wilaya and/or Daïra authorities.

- The communal territory and the cadaster (the land registry) : Articles 6, 7, 8, 9 and 10 of the Municipal Code in force deal with the name, territory and capital of the municipality. Article 8, for example, stipulates that *"The municipality shall establish the boundaries of its territory by implementing all the technical and material measures relating thereto."* In this context and as an illustration, the territory of the municipality of Barbacha has not been registered to date, which creates many problems, particularly since the last administrative division in 1984.

First, it is the municipalities that take the initiative, at their own expense, to use a surveyor to formalize the delimitation of its territory. Then and often, the mass plans of the territory and its delimitation, are neither clear nor legible and involve overlaps with the neighbouring municipalities. This is the case of its boundaries with its neighbors: AMIZOUR (at the level of the so-called places Capra Djermoune and Tawarzegnit), AIT MOUHILI (whose capital is 300 m from its border), BOUSSELLAM (Igil Larbâa) and KENDIRA (Afroun Chikh and Gammath), creating disputes between these communes, concerning settlement development or other projects. Finally, the inhabitants of these localities, who are in the territory of Barbacha and have their Certificates of Possession (Certificates of Possession) drawn up there, are identified by these respective neighbouring communes, which give rise to difficulties in taking charge of their socio-economic, educational and cultural development. Even at the family level, for example, two brothers whose homes are separated by a wilaya road (in this case the CW 35), find themselves in two different communes (Barbacha and Ait Mouhli or Boussellam), thus two different wilayas (Bejaia and Setif), with all the social, administrative and other consequences that follow.

After Article 1, which places the municipality as the basic territorial unit of the State, with legal personality and financial autonomy, it is Article 15 which announces the bodies and structures of *the* municipality: the PCA as a deliberative body; the P/APC and its executive body, which it chairs, and the SG, which, under the authority of the P/APC, animates the municipal administration and its ATS staff. Each of these actors will be treated separately and in relation to the practical reality on the ground, as will be the case for Civil Society and Business.

#### **4.2.2.1. The place of the PCA in the communal code**

The APC, as the institution that emerged from the local elections, is the backbone of the governance of the commune. But what is its application on the ground? Admittedly, it is the basic unit of the institutional architecture of the State, but cannot, in the sense of decision-making power, exercise its legal personality or its financial autonomy in effect.

As far as its legal personality is concerned, it can be respected only if it has the means to constitute a source of security (moral, social and political-economic) for its population. As for its financial autonomy, which is "the nerve of war," a commune which is totally dependent on the State budget cannot ensure its autonomy. In addition, it is subject to supervision by the supervisory authorities, particularly in financial matters where *"this control is sometimes excessive to such an extent that this severity inhibits any financial freedom of the municipalities"* (MAHERZI, 2013). Indeed, since local taxation, particularly in rural municipalities, is derisory and dependent on the central State throughout its process:

from the taxation decision to its collection, they can only lose their autonomy in any decision-making. Moreover, each year, to prepare its initial budget, the municipality must wait for the levy calculated by the services of the wilaya tax directorate, where only they have the secret. A real exit that is, often delivered late.

For the municipality of Barbacha, its own resources (its levy from taxation) have never reached 7 million dinars (7,000,000 DA). It has always relied on state subsidies, through its various budgets (CSGCL, PÉRÉQUATION, PCD, PSD, BW) to conduct its development. Articles 4 and 5 confirm the State's intervention in this context. Furthermore, apart from these own resources and PCD, the rest of the other financial resources allocated by the State are earmarked.

Indeed, the legislator of this communal code opens breaches allowing the injunctions of the state administration in the actions of the APC. The latter necessarily cooperates with the State in the exercise of its prerogatives (paradoxical article 3). Other articles contain evidences, such as 53 which requires that "*The deliberations and proceedings of the communal people's assembly shall take place and be written in Arabic,*" except for the writing, is absurd, since the debates in all the official institutions of the country, take place in the popular languages (Tamazight and Algerian Arabic) and even in French.

Similarly, for the rest of the actors that follow, we cannot give an exhaustive account of all the problems that arise in the case of an article.

#### **4.2.2.2. PCA Internal Issues**

During the period of preparation for the elections already, animosities arise from an unfair, mediocre and even sometimes violent electoral campaign between the parties (and parties) in competition. This animosity is transposed within the APC, which complicates its operation, especially when there is no absolute majority. Indeed, during the deliberations only a minority participates in the debates and again, with a lack of knowledge of the rules and principles of effective communication. As a result, instead of arguing that the interest of the commune should be given priority, pours into sterile polemics in order to achieve a personal, tribal or partisan interest. And those who do not intervene in the debate wait until the time of adoption (of the vote) to follow the position of their group leader.

For more illustrations, here are two examples of the Barbacha APC:

- During the 2007-2012 term of office, elected members of a minority party in the Assembly shall, at each deliberation, refrain from adopting any proposal, including their own, while the rest of the Assembly considers it appropriate and adopts it. Also, outside, they constantly discredit the assembly and try to bring the population against it;
- More seriously, those who come to serve themselves and not to serve discredit the institution and disturb its cohesion. And the municipal code does not provide anything for these cases, except its dissolution in the case of its total blocking (articles 46 to 51).

#### **4.2.2.3. The P/PCA**

By virtue of his position as Chief Executive, he is most exposed to governance difficulties, both internally (executive, SG and other personnel) and externally (State and population). Let us first consider what the communal code says about the P/PA.

This code requires 40 articles as follows: two articles (62 and 63) specify its quality; 13 articles (64-76) deal with his special status; 08 articles (77 to 84) structure its

responsibilities for the representation of the municipality; 16 articles (85 to 95) give what falls within its remit as State representation and, finally, 02 articles (96 and 97) determine the content of the acts it may establish. Here again, we will comment on only a few articles that do not correspond to the reality on the ground.

According to article 62, the P/APC has two statutes (two caps), that of representative of the people before the State and that of representative of the State before the people. A logical attribution, but often, for political reasons, lack of effective communication, informal or clientelist relations and others, the P/PA is put out of the transmission belt it must be, especially with the APW and the decentralized services of the State. On the other hand, in conflict situations, it acts as an intermediary between the population and the State.

To illustrate, we cite two cases:

- The first case concerns a bulldozer assigned in 2009 by the APW to a neighbouring municipality, although classified as urban, to the detriment of the municipality of Barbacha, which is classified as rural. And since then, all our representations to the public authorities (Wali, Minister of the Interior) have been in vain, which has led to serious disputes between our PCA and these authorities. Thus, to date, neither this commune has benefited from a bulldozer, nor its capital of Daira and Commune has been developed (for similar reasons);
- The second, concerns a communal property (a villa, dating from the colonial period) illegally purchased by a private individual. While one of our functions as a P/PA, listed in Article 82, grants us the *"right of pre-emption,"* we have not been able to claim this right from the domains in order to recover this property, for occult reasons. Worse, we brought the case to court, the verdict of the latter, endorsed the act of the domains. Moreover, article 92 stipulates that the P/APC is *"a judicial police officer,"* which gives him, in the legal and administrative jargon, the status of "first magistrate of the commune." However, now, a simple regularization of marriage registration that was not recorded during the colonization, or a correction of a surname or a given name that was incorrectly recorded by the civil registry services, it is necessary to go through the competent prosecutor to do so and this lasts several months and in the positive case. Also, regarding the choice of the SG (Article 127 below), in practice it is proposed by the P/APC, but this requires the approval of the wali, after the opinion of the head of Daira and investigation of the security services. So the last word is not up to the P/APC. So who is the first magistrate of the commune?

#### **4.2.3. SG and other A.T.S personnel**

Let us first examine the case of the General Secretary of the commune.

##### **4.2.3.1. The SG**

The place and role of the Secretary General in the administration of an institution (public or private) are vital. It is its animator and, therefore, its beating heart since it is at the crossroads of all the information and data, descending and ascending, which circulate there, as it is the first responsible (link) for the quality and the results of the application (effective or not) of the decisions and instructions of its hierarchy.

At the commune level, the communal code devotes six articles to it: the 15 introduces its place in the commune, the 125 entrusts it, under the authority of the P/APC, to animate the communal administration; the 126, without mentioning it explicitly, defines the organization

of the communal administration and the volume of tasks incumbent on it. Article 127 concerns the manner and conditions of his appointment and Article 128, his rights and obligations, but the latter two articles do not detail anything, they simply state that they "are determined by regulation." It is necessary to wait until the 129 to announce five tasks incumbent on it, alongside those implicit in the 128.

Admittedly, we understand, by that, that the SG of the municipality is the real pivot (actor) of communal governance, because the elected official (including the P/APC) is transient, while he is permanent and in particular if he has seniority in this post, he has management experience, which makes him aware of the regulations and information. He thus has direct power over the rest of the commune's staff. However, in practice, the results of this power depend on its will, depending on whether it adheres to the initiatives and decisions of the communal executive. For illustration, we will give an example concerning the GS of the municipality of Barbacha:

- This is the case of a project to close a cemetery offered by a donor, some of whose heirs wanted to take over this land base after his death. While the PCA voted unanimously on this draft in deliberation, it did not refer to the current session of deliberation or to the programme sent to the wali for approval. The executive only realized by going to launch the execution of the operation and, the S.G justified its act by a simple omission, forgetting that during the deliberation he put forward a revealing lapse, saying: "we must think of the living, not of the dead." Now, in this case, three deceased (the donor and two other citizens) are already buried there and, it is the living who experience the problem of burying their dead and only in accordance with Art. 167 *'The municipality shall acquire, reserve and maintain the land necessary for burial. These lands are inalienable. The procedures for their establishment, extension and decommissioning shall be laid down by regulation.'* After that, we had to collaborate, by the materials and materials available to the municipality, with one of the sons of the deceased donor, to build a section of the cemetery fence and install a gate. In the case of this SG and our governance, to severely sanction it is to ignore and deny the other aspect of his qualities and skills that he did not spare for the proper functioning of the administration of our commune during our first term of office in 2007-2012 and especially during the APC's vacation during the 2012-2017 term, where he is appointed, by the wali of Bejaia, as "manager of the affairs of the commune" with the approval of the people of Barbacha who, in a self-management movement, collaborated from outside.

This type of discrepancy occurs in several municipalities and affects their governance, in particular by having a direct impact on the management of the remaining ATS staff.

#### **4.2.3.2. Remaining TTY Personnel**

This staff, who are the true working-class ankle of the commune, is completely ignored by the municipal code in force. Only two articles are dedicated to him, and again. The first, (art. 130), is devoted to the most fragile and precarious segment, *"Staff of communal services and establishments not governed by the general civil service regulations... shall have a special status,"* namely the status of contract workers who are paid only on the basis of five (05) hours of work per day and do more. The second (art. 131), which states that *"the staff of communal services and establishments shall receive training and further training in accordance with the legislation and regulations in force..."*, is the basis for two observations.

The first is that it excludes contractors from this benefit and thus further marginalizes them; and the second remark is that even the category benefiting from this training only sees its implementation once every three or four years and it is a tiny minority. During the mandate 2017-2021, only a biologist of the BHC (Office of Communal Hygiene) benefited from this action which took place at the CFPA of Sidi-Âich, at a cost of 90000 DA taken from the municipal budget.

This situation negatively affects the profitability of these staff, who react by multiplying absences (often by using medical certificates of convenience), delays, sabotage of the work tool, etc. Similarly, in order to "round off" their end of months, they perform, informally, one or more other functions outside the commune. They return to the town already tired, like a night guard who raised his colleague to 16 H 30, time of closure of the town hall. Once the staff are out, they put a layer on a bench and dive into sleep. Seen leaving our office towards 17 H 30, he justified his act as follows: "*I have just returned from work, I am tired.*" This work is the one he did at home (breeding, gardening, etc.). Sanctioned, he is assigned to the position of cleaner. He considered himself injured.

The attitude of the latter, and he is not the only one, is that of someone who has no awareness of the working relationship he has with his employer organization.

#### **4.2.4. Civil Society**

Article 2 of the Municipal Code states that "*The municipality is the territorial basis for decentralization and the place where citizenship is exercised. It constitutes the framework for citizen participation in the management of public affairs*" and, in principle, articles 11; 12; 13; 14 and 103, "*the participation of citizens in the management of the affairs of the municipality,*" but the commune struggles to apply them on the ground, without effective decentralization, which should help it in its quest to build synergy with its population, which will be able to successfully participate in the management of its commune's affairs. In practice, the organization of a simple volunteerism, which nevertheless constitutes an ancestral value (tiwizi - twiza) among Algerians in particular and North Africans in general, requires the approval of the Head of Daïra, except that of Wali.

The causes of these constraints range from the confusion of the texts themselves, to the limits of the PCAs and their elected representatives, to the lack of effective adherence by both public authorities and civil society (individuals or organizations) to this participatory management (by unconsciousness, individualism, tribalism, partisanship, conservatism, etc.) yet so much claimed as a democratic right by progressive and self-managing sections of society.

Civil society, as a socio-political and legal concept, has been defined in several ways, all of which agree that it is a major player in the governance of any community. All over the world, regardless of electoral forms, it is voters who affect the choice of elected officials. And, to build a symbiosis between rulers and governed, the whole must know that the commune is like a boat, if it sinks, it is everyone present who sinks with, to resume the metaphor of the rudder. Also, these electors should know that they "*are co-owners of the intramural boat and the captain holds the helm, avoids icebergs and reefs and has a good navigational plan*" (André BERKOFF 1994). This author also recalls that in their election

campaign, the elected representatives told their voters, about the construction of the city, it *"will also be, what you will do with it"* and about household waste *"the future is the recovery and conversion of waste. This begins with the selective garbage bins and the education of the inhabitants, who are primarily concerned with the fight against pollution..."*

In the latter case, the example of Barbacha is edifying, which we illustrate by these facts, while using an objective comparison, referring not to the experience of Switzerland, but to that of the villages of the commune of Bouzguen - Tizi-Ouzou, which have succeeded in this field. We have done everything possible to make citizens aware of the importance of selective sorting at the base (meetings, conferences, excursions to these villages of Bouzguen, provision of all the villages with garbage cans of four different colors at a cost of 5000000 DA), but to no avail. Worse, when we decided to do this work by the workers of our commune, by promoting our communal discharge as a controlled discharge, our opponents, including among the elected, proceeded to its total closure and this, of February 04, 2018 (49 days after the installation of the APC) to date, causing all the villages of the commune a real nightmare.

To continue corroborating other such facts, here are two:

- The first concerns an opposition by a citizen to the passage of a sewerage network to benefit four of his neighbours. After many negotiations, he agreed on condition that only three of these neighbours be connected to this network and it turns out that the fourth he excludes from this benefit is his own brother.

- The second case concerns the inhabitants of a village, who, once connected to the sewerage system, block the continuity of the project, which should also benefit a neighbouring village above their own, on the pretext that during distant times (1940s), the latter's ancestors have driven one of their own from their fountain and denied them access, ever since. The paradox is that, two months later, the inhabitants of these two villages, together, came together in solidarity with one of their own who took hostage the communal school pick-up bus on the pretext of his late arrival in the morning.

This kind of action negatively affects the functioning of the municipality: makes it difficult to communicate, the quality of which determines that of governance, prevents cohesion and symbiosis between the various actors, creates a delay in the implementation of projects, etc. Worse, the culture of violence, blindness, archaism, etc., does not build a true culture of citizenship.

Moreover, any attempt to develop cultural, sports and leisure activities for the benefit of young and old alike, despite the first brilliant results, such as the Barbacha junior basketball players who reached the final of the Algerian Cup in 2018 and the semi-final in 2019, is sabotaged by the conservatives of this municipality.

These are the same actions that the municipality encounters when carrying out its development projects by the selected companies.

#### **4.2.5. BUSINESSES**

Businesses are important and indispensable partners in the implementation of the municipality's development projects. With the disappearance of municipal enterprises at the beginning of the 1980s, following the policy of economic openness and its accentuation

after the application of the debt rescheduling and its corollary the Structural Adjustment Programme, in 1994, until their dissolution and privatization, private enterprises took over. Similarly, it is almost impossible to carry out these projects within the framework of municipal authorities. The municipality of Barbacha has tried an experiment with a project to connect a group of inhabitants to the drinking water network, an endowment of one million dinars (1000000 DA) taken from the PCD, it has suffered a total failure, following the lack of conscious adherence of its workers and an opposition from a citizen.

Thus, the private companies selected, in accordance with the public procurement code: tender notice to be published in two newspapers authorised for projects exceeding the 8000000 DA (becoming a contract), simple tender for those whose allocation is less than this amount, opening of the tenders - financial and technical. And if the submission is successful<sup>2</sup>, will follow: control by the subdivision concerned, opinion of the municipal treasurer then that of the financial controller, and last it is the services of the wilaya to give their approval.

In the positive case, the municipality will publish in a newspaper a provisional award notice giving a period of ten days for any appeal (coming from competing companies). Finally, the selected company will be notified for the installation of the project and then for its start-up. As a result, it should be noted here that this cumbersome and slow procedure becomes more complicated in the case of the unsuccessful operation. This delays the completion of the project in question.

Let us see, therefore, the positive and negative aspects of these private companies, as an actor who participates in the governance of the municipality through the realization of its capital projects.

#### **4.2.5.1. benefits**

As mentioned above, in the absence of public enterprises and communal authorities, it is these private enterprises that make it possible to carry out communal projects. Thus, in the case of several tenderers for a project, the lowest bidder who also fulfils the technical conditions gives the municipality the opportunity to carry out all the quantities provided for in that project. And when the communal and decentralized services of the State carry out their monitoring and follow-up tasks and assist the enterprise in its difficulties, the latter redouble its efforts to carry out the project in question as soon as possible and with the best qualities.

#### **4.2.5.2. Disadvantages**

Companies sometimes form cartels and agree on the distribution of the different projects and share them in the submission phase according to their respective interests. In this case, the amounts of tenders are generally equal to or greater than the envelopes of the respective projects contained in the calls for tenders, in particular when the contractors are nominees of public officials exercising in the workings of the municipality, subdivisions or wilaya. Similarly, when an undertaking dumping its financial offers and succeeds in taking on

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<sup>2</sup> Successful submission: number of folds is  $\geq 2$  folds; offered sum is  $\geq$  going up of market or submission; technical criteria met.

several projects, it relies on subcontractors and procures lower quality materials and thus complicates the monitoring and follow-up of the services concerned. As a result, with formal notice and work stoppages, it creates enormous delays in the implementation of these projects. Often this behaviour leads to the amicable or wrongly exclusive termination of this company and in both cases the relaunching of the project is difficult to succeed, with the increase in input prices or when the case is referred to the courts.

In all these cases, whether for the advantages or the disadvantages, this is a governance problem where one of the actors fails to meet its obligations or the rules of good communication. Even if there is regulation, the sociology of the rural world, the complicity of those responsible, at whatever link in the chain of responsibility, prevents its effective implementation or the resolution of the conflict.

## 5. CONCLUSION

This work first taught us that governing a commune is not only governing this basic entity (cell) of the State, but it is a mini-State in question. Indeed, at the local level (micro), the commune has the same institutional fabric as that of the State and, through its APC and its executive, the same prerogatives that are limited to the governance of a population and its territory. Therefore, in order to deal with the complexity of the problem of this study we opted, at the confluence of **general epistemology** and **economic epistemology**, for the **macroscopic method**, dear to the physical sciences and chemistry, but also borrowed by **macro-sociology** and **macro-economics**, in particular in the analysis of public policies which makes use of **methodological holism**. This allows the treatment of **the infinitely complex in a systemic** way. Thus, in a need for complementarity dictated by **the historical approach**, we combined the two methods, deductive and inductive, and gave meaning to the feedback noting the causes and effects dialectically linking the different periods of the history of modern Algeria (before and after independence).

However, we faced two challenges. **The first** is that in dealing with the governance of a local rural community, we are immersed in an ocean of multidisciplinary readings whose readings have taken us a lot of time and hesitation before opting for the framework of this governance through its two **approaches, institutional and territorial**.

**The second**, particularly, is that which concerns the originality, of this study, inherent in our status as researcher and actor, in the faith (note 1), namely: what method of "narration" allows a restitution of our experience, far from any subjectivity related to this status? To do this, we relied, on the one hand, on E. Chia et al., (note 10), which advocates a better articulation between theory and practice (research-training-intervention) and, on the other hand, on the work of the mayors of the major cities of France (note 3).

**Then**, from this work, structured in three axes, we note some results and remarks.

### ✓ Results

- The first axis devoted to the definitions and history of the municipality and its governance, informs us about their genesis and their importance in the life of the populations. The quality of governance depends on the quality of governance. And the latter is the product of the relations of power between the governors and the governed, within the institutions and the territory.

- The second axis has shown us that the governance of Algerian communes, in general, and rural, in particular, remains marked both by the legacy of colonial governance (genocidal, discriminatory, oppressive, militarist,...) and by that of independent Algeria (authoritarian, centralized, regionalist sometimes, clanist, leader, opaque,...).

- The third axis, which examines the specificity of the rural municipality of Barbacha as a practical case, clearly illustrates the difficulty of creating the conditions for good governance. The gap between the legislation (communal code, presidential decrees, ministerial circulars, wali decrees,...) and their practice on the ground is huge. The example of the municipal code in force in Algeria, which we have taken as a basic reference in this study, is edifying: despite its limitations, the majority of its articles militate for good governance, but the conditions for their application do not follow. The municipality is neither autonomous nor sovereign in its decisions, nor in the collection of its taxation and other resources, nor in its expenditure, nor in its initiatives. Centralization of decision is necessary and decentralization remains a hollow slogan. In addition, urban/rural segmentation negatively affects rural municipalities.

- Finally, the standardisation that characterises the vision and action of the Algerian public authorities in their approach to territoriality affects the governance of local authorities, in particular (for example, the construction of public infrastructure: same plan, same budget, etc., for the two urban and rural municipalities, whose economies of scale are in favour of urban space, in terms of earth-moving costs, transport of building materials, etc.). Thus, it is a static and non-dynamic thought, which is itself the most complete expression of their unicist philosophy. Its impact on the governed is manifested in their production of a territory, also standard and uniform, which is neither urban nor rural, but "rural" to quote P. BOURDIEU and A. SAYAD. -

#### ✓ **Remarks**

- Can the ongoing reform of the municipal code and that of wilaya exceed their limits?

Officially, the limits of these two codes seem to be a concern of the Algerian State, since the meeting "May- walis" under the theme "**Decentralized Governance: for a Resilient, Innovative and Entrepreneurial Territorial Community**", held at the "Palais des Nations - Club des Pins" - Algiers, on 28 and 29 November 2018, to its revival in 2022, by the current public authorities. But this concern is already affected by the continuity of the old methods of appointing members of the commission set up for this purpose. However, as with the constitution which must frame a project of society for centuries, we do not change a code à la carte with each electoral mandate. Decisions must be made on a scientific and non-political basis.

Also, the liberal orientation announced in this meeting wants to make the municipality a company that can even subcontract school canteens and other social services. Such a choice must be the subject of public debate. Either, even if we do not share it, this liberal choice, which currently swears only by the knowledge economy, will it ensure that even the Algerian rural commune can think of establishing on its territory technopolies which capitalize in synergy the usefulness of its economic institutions (companies, banks,...), science and technology (with their research and training centres), socio-cultural, sports and leisure? Good governance will allow this.

- In the meantime and in order not to fall into chimera, it is urgent, at the very least, to opt for an electoral code that establishes universal suffrage in two rounds in order to have PCAs and APW with a majority and to end their blockages. Indeed, the electoral method in force is in turn. Thus, in the case of the absence of a list having obtained an absolute majority (50% of the votes or more), the scope is open for all lists having a relative majority (less than 50% of the votes) to pour into unnatural alliances, subject to the merchandising of votes and elected representatives. This generally leads to the blocking of these Assemblies, which took place in the aftermath of the elections of 29 November 2012 and during this mandate of 2012-2017 and continues to this day, even if the 2017 instruction entitles the list having

more votes to take the post of P/PA. On the other hand, an electoral mode with two rounds makes it possible to avoid these blockages, because if the first round did not give an absolute majority, the second round will do so, since only the first two lists having obtained a relative majority can go to the second round and thus one of them will have the absolute majority.

- as long as the majority of actors are driven solely by their individual interests, there will be no good governance. And it goes from the simple governance of a family, a city, a community, a country, to the institutions created to govern the world (like the United Nations and its institutions), only a collective, sincere and selfless will of the actors can manage conflicts. And again, in this capitalist globalization, governance is an extremely complex objective and task.

- Finally, in Algeria, where governments at all levels and institutions (public or private, elected or appointed) betray the trust they have placed in them and, consequently, find themselves, as mafia "Aissaba," in prison, we are tempted to believe that wanting to succeed in good governance of a territorial community is a chimera. But nothing is impossible when science governs and the collective consciousness unleashes and breaks the chains and gives free rein to human emancipation.

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