



THE LEGISLATIVE ENSHRINEMENT OF PARTICIPATORY DEMOCRACY IN LOCAL AUTHORITIES IN ALGERIA AND THE CHALLENGES OF ITS IMPLEMENTATION

DR. FETNACI ABDERRAHMANE¹, PR. CHAOUCH HAMID²

¹Laboratory for Environmental Legal Studies, University of 8 May 1945 - Guelma (Algeria). ORCID: <https://orcid.org/0000-0001-7927-9048>

²Laboratory for Environmental Legal Studies, University of 8 May 1945 - Guelma (Algeria). ORCID: <https://orcid.org/0000-0002-7143-3335>

The Author's E-mail: Fetnaci.abderrahmane@univ-guelma.dz¹, chaouch.hamid@univ-guelma.dz²

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Abstract

Participatory democracy is a set of mechanisms and procedures designed to involve civil society actors and ordinary citizens in formulating public policy, whether at the local or national level, and in making decisions that serve the public interest. Successive Algerian constitutions and legislation governing local authorities have sought to emphasise participatory democracy, recognising its crucial role as a complement to, rather than a substitute for, representative democracy. The participatory model emphasises broadening the scope of involvement and fostering a consultative approach, with the ultimate goal of achieving the practical realisation of participatory democracy across institutions and at all levels of governance. This is aimed at promoting rational and accountable management of public affairs, reinforced by the active engagement of citizens in decision-making processes. However, implementing participatory democracy at the local level faces numerous legal obstacles, others rooted in political considerations and additional challenges that have hindered its full realisation. Overcoming these impediments necessitates the adoption of various mechanisms to enable participatory democracy to fulfil its pioneering role in this domain. These mechanisms pertain both to public authorities and civil society actors.

Keywords: Participatory democracy, local authorities, civil society, representative democracy

INTRODUCTION

Many contemporary political systems have sought to modernise administrative practices within local governance to enhance the performance of local authorities and respond to the evolving demands of the modern era. This has been done, particularly by promoting transparency in administrative governance, enabling citizens to manage their affairs actively, and contributing to decision-making at the local level. Central to these reforms has been the adoption of participatory democracy as a strategic mechanism to bring public administration closer to citizens. As a novel administrative management approach, participatory democracy has attracted significant interest among scholars and political systems alike. Its importance has been recognised and entrenched in the constitutions of numerous countries worldwide, where it is viewed as a complementary instrument to representative democracy rather than a replacement. However, the legislative enshrinement of this mechanism has not been sufficient to ensure its practical implementation. Numerous diverse obstacles continue to hinder its activation and the achievement of its intended objectives. Therefore, the study of this subject is highly important, as it seeks to identify these challenges and explore potential solutions. This raises the central research question: What obstacles impede the implementation of participatory democracy within local councils, and how might they be overcome?

To address this issue, the study is structured around the following axes:

- **Section one:** The conceptual framework of participatory democracy and the extent of its enshrinement in Algerian legislation
- **Section Two:** Challenges in implementing participatory democracy in local councils and strategies for overcoming them

Section One: The Conceptual Framework of Participatory Democracy and Its Enshrinement in Algerian Legislation

Democracy is no longer confined to the principle of majority rule. An alternative form of democracy has emerged, participatory democracy, which complements representative democracy with added value, particularly at the local governance level. This approach seeks to address representative democracies' shortcomings in meeting the needs of local populations and delivering essential public services.

Given its constructive role in managing local authorities, many countries, including Algeria, have sought to incorporate participatory democracy into their legal frameworks. To examine this issue in detail, this section first outlines the definition of participatory democracy and then assesses the extent to which it has been legally enshrined in Algerian legislation, as follows:

Section 1.1: Concept of Participatory Democracy

Significant ambiguity surrounds the definition of participatory democracy, with divergent views and interpretations prevailing across academic and legal discourse. This diversity of opinion necessitates a more detailed exploration of the concept, which begins by clarifying its meaning through a comprehensive definition and outlining its principal characteristics, as follows:

Subsection A: Meaning of Participatory Democracy

Given the multitude of definitions proposed for participatory democracy, one may adopt a comprehensive definition that holds that participatory democracy refers to the following:

A set of procedures and mechanisms that enable the involvement of civil society and individual citizens in formulating public policies and decision-making processes that serve the general interest. In addition, it encompasses the monitoring and evaluation of local project implementation through interaction with public authorities to broaden the scope of participation and provide citizens, particularly with the opportunity to express their views during the decision-making process or the implementation of projects, whether at the national or local level.¹

Subsection B: Key characteristics of participatory democracy

Participatory democracy is distinguished from other related concepts by a set of defining features, the most significant of which are summarised as follows:

- Participatory democracy functions as a mechanism for safeguarding the political system by fostering a collective sense of inclusion, wherein all actors perceive themselves as integral parts of the system. In this context, collaborative efforts are strengthened, leading to the realisation of shared interests.
- One of the defining features of participatory democracy is its emphasis on promoting cooperation and consultation among political elites. It provides a framework conducive to converging efforts and cultivating a spirit of collaborative engagement within society. This contrasts with representative democracy, where political elites often conflict or compete.

¹ Hassani Hejjaz, *The Role of Participatory Democracy in Consolidating Local Development in Algeria* (Master's thesis, Faculty of Law and Political Science, Mohamed Khider University, Biskra, Algeria, 2020), 14.



- Participatory democracy reinforces the principle of legitimacy by embracing inclusive, participatory practices. Through this model, no individual or group feels marginalised or excluded; instead, every actor recognises their essential role in the construction of society.
- Participatory democracy is marked by its effectiveness, which is regarded as a cornerstone of the success of any system or project. It is a critical pathway towards building a genuine and sustainable democratic order.
- Participatory democracy contributes to consolidating the concept of bottom-up democracy, as it seeks to involve citizens directly in the decision-making process and enables them to exert direct influence over public policy.
- It is characterised by active and direct interaction between citizens and public officials and is considered a complementary instrument to representative democracy rather than a substitute for it.²

Section 1.2: The Legislative Enshrinement of Participatory Democracy in Local Authorities in Algeria

The issue of participatory democracy at the local administration level has received considerable attention in Algerian legislation. It has been enshrined by constitutional framers in successive Algerian constitutions and further reflected in laws governing local authorities. To explore this matter in more depth, the following points will be addressed:

Subsection A: Constitutional Manifestations of Participatory Democracy in Local Councils

An examination of the content of Algeria's successive constitutions since independence reveals that the country has sought to establish the principle of participatory democracy within local councils, both directly and indirectly. This commitment is evident across the constitutional texts issued during single-party rule and political pluralism.

In this context, the 1963 Constitution, as the first constitution of the Algerian state, laid the foundation for the principle of participation. This is reflected in Paragraph 9 of its preamble: "... to accelerate the promotion of women in order to involve them in the management of public affairs...". Similarly, Articles 19 and 20 of the Constitution affirmed the principle of citizen participation. Article 19 recognised "the right and freedom of citizens to form associations and to assemble." Meanwhile, Article 20 explicitly affirmed the right to unionise and the right of workers to participate in the management of institutions, provided that such participation does not compromise national independence, territorial integrity, national unity, or the single-party system.³ The constitutional legislature further affirmed the enshrinement of participatory democracy in the 1976 Constitution⁴, in which Paragraph 4 of the Preamble declares the following:

"The participation of the popular masses in the management of public affairs is one of the foundations of the Algerian state, which has regained full sovereignty."

This commitment was reinforced in Articles 27 and 34. Article 27 stipulates that:

"The active participation of the people in the economic, social, and cultural management, as well as in the administration and oversight of the state, is a principle imposed by the state." Similarly, Article 34 affirms that "the organisation of the state is based on the principle of decentralisation, founded upon institutional democracy and the effective participation of the popular masses in the

² Nabil Driss, *Participatory Democracy: Approaches to Political Participation* (Amman: Academic Book Centre, 2017), 61.

³ *Constitution of the People's Democratic Republic of Algeria (1963)*, *Official Gazette*, no. 64, issued 10 September 1963.

⁴ Ordinance No. 76–97 of 22 November 1976, concerning promulgating the Constitution of the People's Democratic Republic of Algeria, *Official Gazette*, no. 94, issued 24 November 1976.



management of public affairs.” The promulgation of the 1989 Constitution⁵ marked a significant transformation and qualitative shift in Algeria’s system of governance. It introduced a multiparty system in place of the previously dominant single-party regime, and it indeed reinforced the commitment to participatory democracy more effectively than it did during the one-party era. This was achieved through the constitution’s explicit recognition of the commune (municipality) and the wilaya (province) as the fundamental units of administrative organisation in the state and as appropriate spaces for citizens to participate directly in managing their local affairs. This orientation is clearly articulated in Article 14, which provides that:

“The state is founded on the principles of democratic organisation and social justice. The elected assembly is the framework through which the people express their will and exercise oversight over public authorities.”

In the same context, Article 15 of the 1989 Constitution states:

“The territorial collectivities of the state are the commune and the wilaya. The commune is the basic administrative unit.” Furthermore, Article 16 stipulates that “The elected assembly constitutes the foundation of decentralisation and serves as the venue for citizen participation in the management of public affairs.”

For the 1996 Constitution⁶, the constitutional legislature reaffirmed the key justifications underpinning its adoption, as highlighted in the preamble, which explicitly references the principle of “The participation of Algerian citizens in the management of public affairs in the pursuit of justice and equality.” In addition, the constitution once again emphasised the need for the practical realisation of participatory democracy, thereby establishing a constitutional foundation for citizen involvement in managing local affairs and administering state functions. This is reflected in the same substantive provisions in the 1989 Constitution, albeit with revised article numbering.

The 2016 Constitution⁷ Article 15 explicitly reaffirmed the promotion of participatory democracy at the local level. This was clearly articulated: “The state shall promote participatory democracy at the level of local authorities.”

The same provision also affirms that “The elected assembly is the framework through which the people express their will and oversee the actions of public authorities.”

Furthermore, Article 16 designates the commune as the basic administrative unit, establishing it as the foundation of the decentralisation system. Article 17 adds the following:

“The elected assembly is the foundation of decentralisation and serves as the venue for citizen participation in the management of public affairs.”

In the same vein, the provisions of the 2020 constitutional amendment⁸ explicitly reaffirmed the very same principles established by the 2016 Constitution, particularly those concerning participatory democracy at the level of local councils. The only substantive change involved renumbering the relevant provisions, with these principles now enshrined in Articles 16, 17, and 19 of the amended text.

Therefore, it may be concluded that the Algerian constitutional legislature, through successive constitutions since independence, both during the era of single-party rule and that of political

⁵ Presidential Decree No. 89–18 of 28 February 1989, concerning the publication of the constitutional amendment approved by referendum on 23 February 1989, *Official Gazette*, no. 09, issued 1 March 1989.

⁶ Presidential Decree No. 96–438 of 7 December 1996, concerning the promulgation of the constitutional amendment approved by referendum on 28 November 1996, *Official Gazette*, no. 76, issued 8 December 1996.

⁷ Law No. 16–01 of 6 March 2016, concerning the constitutional amendment, *Official Gazette*, no. 14, issued 7 March 2016.

⁸ Presidential Decree No. 20–442 of 30 December 2020, concerning the promulgation of the constitutional amendment approved by referendum on 1 November 2020, *Official Gazette*, no. 82, issued 30 December 2020.



pluralism, has consistently worked to establish participatory democracy as a fundamental principle grounded in the involvement of citizens in the governance process. This orientation was particularly reinforced by the 2016 Constitution, which marked a significant turning point. It introduced a qualitative shift by expressly encouraging the state to promote the practical realisation of participatory democracy at the level of local authorities. This approach has allowed for an expanded scope of participation in managing local affairs, encompassing political parties, citizens, and various components of civil society. In doing so, it contributes to the actualisation of genuine democracy and the advancement of local development.

Subsection B: The Implementation of Participatory Democracy in Local Government Legislation

This subsection addresses the extent to which participatory democracy has been enshrined in both the Wilaya Law and the Municipal Law, as outlined below:

1. Enshrining Participatory Democracy under Municipal Law

As the commune (municipality) represents one of the key local authorities within Algeria's decentralised governance structure and as it provides an appropriate and functional framework for the implementation of participatory democracy, the Algerian legislature has sought to activate the role of citizens in managing local affairs themselves in coordination with the elected councils governing these bodies. This legislative commitment reflects the principle of participatory democracy at the level of local authorities and is formally expressed in Law Nos. 11-10 on Municipalities,⁹ mainly through several provisions, most notably Articles 11-14.

The Algerian legislature has underscored one of the principal manifestations of participatory democracy by obligating municipal councils to inform and consult citizens regarding priorities related to spatial planning and economic, social, and cultural development. In doing so, the law emphasises the use of all available means of communication, whether traditional or electronic, to ensure that relevant information effectively reaches the concerned population.

To reinforce the principle of public information, the legislation goes even further by granting municipal councils the possibility of presenting their annual activity reports directly to citizens. This provision is set out in Article 11, paragraph 2 of Law No. 11-10, which states the following:

“The municipal council shall take all necessary measures to inform citizens about their affairs and consult them on options and priorities concerning spatial planning and economic, social, and cultural development, in accordance with conditions set by law. In this context, the use of available media and communication channels is particularly encouraged. The municipal people's council may also present its annual activity report to the public.”¹

In the same context, the Algerian legislature reinforced the principles of engaging associations, civil society representatives, and individuals with relevant expertise and experience through consultative participation in the management of municipal councils. This principle is codified in Article 13 of Law No. 11-10 on Municipalities, which states the following:

“The President of the Municipal People's Council may, whenever required by municipal affairs, seek the advisory assistance of any local figure, expert, and/or legally recognised representative of a local association, who may be capable of making a useful contribution to the work of the council or its committees, by virtue of their qualifications or the nature of their activities.”¹

Recognising the impact of information access on the principles of participation and administrative governance more broadly, the Algerian legislature, through municipal law, has taken measures to protect citizens' right to information to guard against potential abuses by the administration under the pretext of information confidentiality. In this context, the law enshrines one of the core principles of participatory democracy: open sessions. This is aimed at ensuring transparency in

⁹ Law No. 11-10 of 22 June 2011, concerning the Municipality, *Official Gazette*, no. 37, issued 3 July 2011.

administrative practices, whether in terms of granting citizens access to the proceedings of local councils or through the annual public presentation of administrative activity reports by local councils.¹⁰

In this context, one legal scholar argued that to activate the principle of participation effectively, the legislator should have obliged the Municipal People's Council President to widely disseminate the council's meeting agenda. This would create space for various components of civil society to propose the inclusion of additional priority items, thereby allowing them, at the very least in an advisory capacity, to address issues of significance that may have been initially overlooked.¹¹

In the implementation of the principle of participatory democracy within local councils, the Algerian legislature, through Articles 14 and 30 of the Municipal Law,¹² has guaranteed the right of any interested party to access council deliberation records and obtain copies thereof. Furthermore, municipal councils must post the minutes of their deliberations in designated public spaces within eight days following the council session.

These procedures enable citizens and civil society actors to exercise oversight over the decisions issued by local councils, whether individual or regulatory. This is an essential manifestation of participatory democracy at this level.

2. Implementation of Participatory Democracy under the Wilaya Law

The Algerian legislature has affirmed the principle of participatory democracy through Law No. 07-12¹³ on the Wilaya, recognising the significant role of the Wilaya People's Assembly (Assemblée Populaire de Wilaya). This institution is regarded as a foundation of administrative decentralisation and the second-tier framework through which the people express their will via their elected representatives.

The Algerian legislature has enshrined the principle of participation through several provisions of Law Nos. 07-12, particularly in Articles 18, 32, and 36.¹⁴ These provisions emphasise the importance of

¹⁰ In this context:

-Article 26 of Law No. 11–10 states: “The sessions of the Municipal People's Council are public and shall be open to the citizens of the municipality and to any citizen concerned with the subject of deliberation. However, the Municipal People's Council shall deliberate in closed sessions in order to examine disciplinary cases involving elected officials and matters related to the maintenance of public order.”

-Article 22(1) of Law No. 11–10 states: “The draft agenda of the meetings shall be posted at the entrance of the deliberation hall in spaces designated for public information. The summons for the members of the Municipal People's Council shall be recorded. The Municipal People's Council shall approve the items listed in the meeting's agenda and may add additional items.”

¹¹ Ammar Boudiaf, *Explanation of the Municipal Law* (Algiers: Jusour for Publishing and Distribution, 2012), 190.

¹² - Article 14 of Law No. 11–10 states: “Any person may consult extracts from the deliberations of the Municipal People's Council as well as municipal decisions. Any person with a legitimate interest may obtain a full or partial copy thereof at their own expense, in accordance with the provisions of Article 56 below.”

- Article 30 of Law No. 11–10 states: “The deliberations, with the exception of those relating to public order and disciplinary cases, shall be posted under the supervision of the President of the Municipal People's Council in spaces designated for posters and public information. They shall also be published by any other means of communication within eight (8) days following their entry into force in accordance with the provisions of this law.”

¹³ Law No. 12–07 of 21 February 2012, concerning the Wilaya, *Official Gazette*, no. 12, issued 29 February 2012.

¹⁴ Article 18 of Law No. 12–07 states: “The agenda of the session shall be posted as soon as the members of the Wilaya People's Council are summoned, at the entrance to the deliberation hall, in spaces designated for public posting particularly electronic spaces and at the headquarters of the Wilaya and its subordinate municipalities.”



transparency in governance and underline the obligation to inform the public by publishing official notices.

The law also grants any interested party the right to access the minutes of the Wilaya People's Assembly deliberations and obtain a complete copy thereof. Moreover, it allows citizens to attend council sessions via a formal invitation, which serves as a permit and permits the invitation of any individual who is deemed capable of assisting the council by their qualifications or expertise.

In conclusion, the legislative amendments made to local government laws have marked a significant turning point in Algeria's efforts to entrench and activate participatory democracy at the level of local councils. These reforms aim to promote the involvement of citizens and civil society actors in managing local affairs, with the broader objective of expanding the scope of participation and dialogue. Ultimately, this approach seeks to accelerate local development, improve living standards, and support the advancement of diverse development projects across the country.

This transformation has been reflected in various aspects incorporated into local government legislation, namely, the Municipal and Wilaya Laws, through the adoption of the principle of citizen and civil society association participation in local governance and decision-making processes. Several mechanisms have been implemented to support this framework, including consultation, dialogue, transparency, and the right to information, notably through the enshrinement of open council sessions. Additionally, citizens have been guaranteed the right to access council deliberations. Moreover, mechanisms for public oversight have been strengthened by obliging local councils to present annual activity reports directly to the public.

Section Two: Challenges in Implementing Participatory Democracy in Local Councils and Strategies for Overcoming Them

Despite the critical importance of participatory democracy, particularly at the local level, where it is intended to complement rather than replace representative democracy, its genuine and effective implementation continues to face numerous obstacles. This reality necessitates the exploration of practical and effective strategies to overcome such challenges. The present section elaborates on these issues as follows:

1. The Importance of Participatory Democracy and the Conditions for Its Activation in Local Councils

In the contemporary context, representative democracy alone is no longer sufficient to manage local affairs or adequately address citizens' essential needs. This limitation has led to the emergence of what is now referred to as participatory democracy.

What, then, is the significance of this model of democracy, and what challenges hinder its implementation? These are the questions to be addressed in the following analysis.

Subsection A: Importance of Participatory Democracy

Participatory democracy plays a critical role in the governance of local councils. It is regarded as a complement to representative democracy rather than a substitute, as the participatory model focuses on broadening the scope of involvement and promoting a culture of consultation and

- Article 32 of Law No. 12-07 states: "Subject to legislative and regulatory provisions requiring respect for citizens' private lives, information confidentiality, and public order, any person with a legitimate interest has the right to consult, on-site, the minutes of the deliberations of the Wilaya People's Council and to obtain a full or partial copy thereof at their own expense.

The procedures for implementing this article shall be determined by regulation."

-Article 36 of Law No. 12-07 states: "The committees of the Wilaya People's Council may invite any person who may provide useful information for the work of the committee, by virtue of their qualifications or expertise."



dialogue. This is achieved by engaging citizens and all components of civil society in decision-making processes that address the population's essential needs.

The practical realisation of participatory democracy requires its principles to be reflected across all institutions and levels of governance. The ultimate aim is to achieve sound and rational management of public services underpinned by strong and meaningful citizen engagement. This, in turn, helps ensure the efficiency of public service delivery, strengthens trust between citizens and local officials, and is vital in improving citizens' living conditions, enhancing service quality, and meeting public needs more effectively. Additionally, it contributes significantly to accelerating local development.¹⁵

The importance of participatory democracy is particularly evident at the local level, as it contributes to the following:

- Facilitating the adoption and implementation of decisions since the individuals concerned are directly involved in the decision-making process fosters greater understanding, acceptance, and execution of decisions. Moreover, citizen involvement promotes the rationalisation of local administrative governance, enabling decision-makers to identify and correct potential errors early in policy formulation.
- Improving access to and identification of local community needs and priorities while helping to overcome the challenges that local authorities often face in achieving developmental objectives.
- Shared goals between the administration and the public can be achieved by assisting citizens in recognising their real problems and working collaboratively toward consensus-based solutions.
- The government should strengthen trust between the administration and the public at the local level by ensuring that citizens have access to information and the ability to exercise oversight over the work of local authorities. Participatory democracy thus serves as an appropriate framework through which citizens can express their will and monitor the performance of local governance structures.¹⁶

Subsection B: Conditions for Activating Participatory Democracy

Despite the recognised importance of participatory democracy, it cannot fulfil its fundamental role or achieve its intended objectives unless certain key conditions are met. These conditions may be summarised as follows:

- The existence of a conscious, organised, and independent civil society structured into legally recognised associations and sociocultural or economic institutions capable of mobilising, guiding, and accurately representing citizens. These institutions must remain independent from the political establishment to preserve their credibility and effectiveness.
- A sufficiently pluralistic and diverse media landscape enables citizens to access local public affairs and develop informed opinions and consensual positions on public issues under debate.
- Accessible communication and information technologies, in addition to traditional written media, such as the public disclosure of council deliberations and decisions, allow citizens to review, respond to, and engage with such outputs, ultimately reinforcing the right to access information.
- A comprehensive legal framework is designed to facilitate and institutionalise citizen participation in the governance of local affairs in general and across specific sectors.

¹⁵ Abdelmajid Ramadan, "Digital Democracy as a Mechanism to Activate Participatory Democracy," *Dafatir al-Siyasa wa al-Qanun* [Journal of Politics and Law Notebooks], University of Ouargla, no. 16 (January 2017): 77.

¹⁶ Kaddour Boudiaf, "Citizen Participation in the Management of Local Affairs," *Al-Fikr al-Barlamani* [Parliamentary Thought Journal], no. 34, Algiers, 2018, 82.



- The guarantee of the right to initiate legal action before the courts for any person with legitimate interest empowers citizens to exercise oversight over the implementation of decisions.

In this sense, a participatory democratic approach represents a practical embodiment of active citizenship and a concrete affirmation of the citizen's right to political participation.¹⁷

2. Challenges in Implementing Participatory Democracy in Local Councils and Strategies for Addressing Them

Despite the considerable importance of participatory democracy, as highlighted above, its implementation at the level of local councils is far from straightforward. It is hindered by several obstacles that prevent its effective development and advancement at the local level. This necessitates the identification of appropriate strategies to address and overcome these barriers. The following section explores these issues in detail:

Subsection A: Challenges in Implementing Participatory Democracy in Local Councils

The practical realisation of participatory democracy in local councils faces several key challenges, the most prominent of which include the following:

- Political actors often perceive local participatory democracy primarily as a tool for reinforcing their legitimacy, which can result in misapplication and distortion of its intended purpose. Participatory mechanisms are frequently denounced for being exploited by local public authorities to serve questionable objectives. Elected officials may treat public consultation, mobilisation, oversight, and participatory sessions merely as instruments to legitimise premade decisions. In some cases, elected representatives may even dominate these participatory tools to exclude certain civil society activists, aiming to prevent protests or opposition to local authorities.
- The selection of civil society representatives by politicians, who are then implicitly recognised by elected officials as legitimate intermediaries between local authorities and civil society, can create further complications. This practice may trigger competition among social actors seeking recognition as official interlocutors, resulting in the fragmentation and weakening of civil society.¹⁸

I. Political Obstacles

- There is a lack of political awareness and participatory culture among the general population, particularly among civil society actors. Many fail to recognise the value of political engagement in realising democratic governance and advancing the public interest.
- There is weak trust between voters and elected representatives in local councils. This distrust is rooted in several factors, including excessive campaign promises that authorities often cannot fulfil and a lack of transparency between officials and citizens regarding the actual state of affairs.
- There is a widespread belief that political participation may pose risks to one's private life. Some individuals fear that civic engagement might negatively impact their relationships with friends and neighbours or view political activity as a potential threat to their professional standing or career advancement.
- Lax enforcement of the law, despite the legislature's explicit enshrinement of the principle of participatory democracy in various local government statutes. This is compounded by a persistent

¹⁷ El-Amin Chérif, "Participatory Democracy: Foundations and Prospects," *Al-Wasit Journal*, no. 6 (Algiers: National Office of Communication, Publishing, and Advertising, 2008), 29–30.

¹⁸ International Institute for Democracy Reporting, *Report on Participatory Democracy at the Local Level*, 13.



lack of trust between citizens and authorities, driven by unfulfilled promises and a lack of transparency in official communication.¹⁹

- The emergence of politically regressive currents that endorse only the principle of consultation, in theory, is coupled with ineffective communication between civil society and elected councils. These dynamics are often accompanied by the exclusion of marginalised groups and the dominance of wealthy elites and influential figures over political processes.
- There is a lack of genuine political will among ruling authorities to implement participatory democracy meaningfully, which is further aggravated by the absence of effective political opposition and the widespread subordination of political parties to the ruling power.
- Citizens frequently delegate power to elected representatives on the basis of tribal, regional, or financial incentives rather than political programmes or performance. This practice undermines the essence of participatory democracy and depletes its substantive democratic value.
- There has been a decline in civic initiative within civil society, a growing reliance on the state across all domains, and a lack of transparency in decision-making processes.
- The administration's excessive use of confidentiality makes it difficult to access local government institutions, reach public officials, and obtain information. Additionally, there is often a lack of seriousness in considering citizens' opinions and proposals, further preventing public participation.²⁰

II. Legal Obstacles

- The ambiguity surrounding most legislative provisions is related to the principle of participation, particularly the lack of clarity in how the Algerian legislature defines this principle and the absence of concrete mechanisms for its genuine implementation on the ground.²¹

A clear example is the failure to specify procedures and tools that enable citizens to access information, as such matters are often deferred to subordinate regulations and administrative decrees. Similarly, the administration's position on whether to respond to requests for information remains inadequately defined. When an administrative authority refuses a request, it is obliged to provide the applicant with a written and reasoned decision, explaining the grounds for refusal and outlining possible avenues for appeal. However, in practice, public authorities frequently resort to vague or opaque justifications, with administrative secrecy often invoked as a pretext to withhold information, effectively concealing data that should, in principle, be accessible to the public.²²

- The Algerian legislature's failure to adopt a fundamental and essential procedure of administrative referenda represents a missed opportunity to legitimise citizens' effective participation in the exercise of local authority. This mechanism reinforces the constitutional principle that the people are the source of all authority.²³

¹⁹ Abd al-Nour Naji, *The Developmental Role of Local Councils within the Framework of Governance* (Annaba, Algeria: University of Badji Mokhtar Publications, 2010), 110.

²⁰ Mohamed Lamine Ajal, "The Problematic of Political Participation and the Culture of Peace," *Journal of Human Sciences*, no. 12 (Biskra, 2007), 246.

²¹ Abdelhafid Harhouz, *Participatory Democracy at the Level of Local Communities in Algeria: A Case Study of M'sila Province* (PhD diss., Faculty of Law and Political Science, Mouloud Mammeri University, Tizi Ouzou, Algeria, 2019/2020), 156.

²² Karim Barakat, "The Right to Access Environmental Information as a Fundamental Tool for Individual Participation in Environmental Protection," *Academic Journal for Legal Research*, no. 1, University of Abderrahmane Mira, Béjaïa, 2011, 41–45.

²³ Layla Ziyad, *Citizen Participation in Environmental Protection* (Master's thesis, Faculty of Law, Mouloud Mammeri University, Tizi Ouzou, Specialisation: International Human Rights Law, 2010), 86.



- Insufficient institutional support and capacity building for civil society actors, including associations, trade unions, political parties, and others, have also hindered their ability to play a meaningful and structured role in managing local affairs.

III. Other Obstacles

- The novelty of the participatory democracy experience remains in its early stages of development.
- The negative perception held by elected councils toward citizens, often viewed as lacking the technical, scientific, or legal expertise required to contribute meaningfully, reduces citizen participation to a formal exercise, limited to endorsing top-down decisions.
- The selective inclusion of individuals and associations in public consultations, where participation is often based on loyalty to the administration or council rather than on an open and inclusive dialogue about societal needs.
- The weak organisational structure and low engagement of citizens within civil society organisations.
- There is a lack of a culture of dialogue in broader society and an absence of awareness-raising initiatives to promote civic responsibility.
- The poor development of communication and media channels between citizens and local authorities impedes transparency and mutual understanding.

Subsection B: Strategies for Addressing the Challenges of Implementing Participatory Democracy in Local Councils

Given the current state of participatory democracy within local councils in Algeria and considering both its importance in the effective governance of these institutions and in meeting citizens' essential needs, as well as the numerous obstacles hindering its genuine implementation, it becomes necessary to reassess the reforms undertaken by Algeria in this field. This requires establishing effective mechanisms and robust legal frameworks to overcome existing challenges and realise the full potential of participatory democracy at the local level. The key strategies may be summarised as follows:

- The generation of political will on the part of the state and local elected officials is needed to activate and promote participatory practices. This includes a comprehensive review of the municipal, wilaya, and association laws to address current deficiencies. Such reform efforts should involve adopting more explicit legal provisions and expediting the enactment of dedicated participatory democracy laws to structure and regulate all legal and procedural mechanisms for effective implementation.
- To develop new mechanisms and modern methods to strengthen the role of citizens and civil society organisations in local-level decision-making.²⁴
- Establish associations composed of qualified individuals with strong administrative capabilities and the courage to engage constructively with public authorities.
- A specific law on participatory democracy that includes explicit legal provisions and procedures outlining how citizens and civil society can manage local affairs should be enacted.
- Scientific and cultural events (conferences, symposia, and seminars) should be organised to promote participatory awareness among the general public and civil society associations at the local level and to clarify how participatory democratic practices can be exercised.

²⁴ Mohamed Hammoudi, "Participatory Democracy as a Mechanism for Achieving Local Development at the Level of Local Authorities in Algeria," *Journal of Law and Political Science*, University of Khenchla, no. 12 (June 2019): 129.

- Introduce innovative tools to realise participatory democracy locally, such as institutionalising public debates, local administrative referenda, and electronic participation, and enshrine these practices in law.
- **Municipal** and wilaya-level consultative councils should be established as mechanisms to ensure the genuine involvement of citizens in local governance.
- A precise and unambiguous legal definition of administrative secrecy is mandated to prevent confusion between actions that fall under this principle and those conducted by local councils that should remain publicly accessible.
- Mandatory enforcement and sanctions must be imposed on the procedural mechanisms designed to implement participatory democracy, ensuring their actual application in practice.
- Promote the digitalisation of local council governance to align with international standards and enable civil society to express its views and proposals regarding matters of local interest within their respective communities.²⁵

CONCLUSION

In conclusion, participatory democracy may be defined as a set of mechanisms that enable civil society and citizens to manage local affairs. This form of democracy contributes, in particular, to preserving public order while fostering a culture of cooperation and direct interaction between various civil society actors and representatives of governing authorities.

Participatory democracy is particularly significant at the level of local councils, where it plays a crucial role in promoting more rational and efficient management of local administration and facilitating the fulfilment of citizens' essential needs. Moreover, it enables the realisation of shared objectives between the administration and the citizenry, reinforcing public engagement and democratic legitimacy at the grassroots level.

On this basis, the constitutional legislature has worked to enshrine the principle of participatory democracy across Algeria's successive constitutions, from the first postindependence constitution to the most recent amendment in 2020, explicitly affirming this principle at the level of local authorities. The same approach has been adopted in local government legislation, where participatory democracy has been affirmed in the latest amendments to the Municipal and Wilaya Laws.

However, despite the critical importance of participatory democracy at the local level and its constitutional and legislative enshrinement, its genuine implementation remains complex and challenging. Several persistent obstacles continue to hinder its realisation. This reality calls for intervention on multiple levels by adopting effective measures to overcome these challenges and have a practical effect on the concept of participatory democracy within local councils.

FINDINGS

This study has led to several key findings, summarised as follows:

- The principle of participatory democracy, particularly at the level of local authorities, has received significant attention from both the constitutional legislature and the Algerian legislature. This is reflected in its enshrinement within successive Algerian constitutions and local government laws.
- Participatory democracy is crucial in managing and administering local affairs, as it enhances citizen involvement and improves governance outcomes.

²⁵ Ratiba Gharid, *Participatory Democracy in Algeria Between Legal Texts and Practical Reality* (Master's thesis, Faculty of Law and Political Science, Mohamed Boudiaf University, M'sila, Algeria, 2020), 79–80.



- Numerous obstacles, including political and legal barriers, as well as other structural and institutional challenges
- This prevents the practical realisation of participatory democracy at the local level.
- The practical implementation of participatory democracy requires fulfilling several essential conditions, without which its objectives cannot be fully achieved.

Recommendations

On the basis of the findings of this study, the following recommendations are proposed:

- Genuine political will is needed from both official authorities and civil society to activate participatory democracy at the local level.
- A comprehensive review of local government and association laws aims to establish modern mechanisms to strengthen citizens' and civil society organisations' active involvement in local decision-making processes.
- Efforts should be made to promote a participatory culture among the general public and civil society actors by organising relevant events and initiatives. Particular emphasis should be placed on digital tools to expand communication channels and ensure access to participation for all segments of society, regardless of their geographic location.

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