

نجاعة المقاربة التشاركية في ترقية الاستثمار السياحي بين الجماعات الإقليمية والفواعل المهتمة بالشأن
السياحي "دراسة مقارنة"

**The effectiveness of the participatory approach in the promotion of tourism investment
between territorial collectivises and actors interested in tourism affairs
"A comparative study"**

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Date of submission:19/05/2023 Date of final acceptance:07/12/2024 Date of publication :December2024

Abstract :

The aim of this paper is to shed light on the Algerian legal system for the participatory approach between the territorial collectivities and actors interested in tourism " A comparative study"

Between the Algerian, Tunisian, and Egyptian legislators, by demonstrating the effectiveness of this approach, as the reality imposed by territorial collectivities aimed at involving all actors in the conduct of local affairs in general, and in the promotion of tourism investment in particular, has necessitated the territorial collectivities to embody new directions in involving the civil society and citizens as partners in the promotion of tourism investment, since they represent one of the main factors, on the one hand, and to expand on the other hand the field of application of the participatory approach to tourism associations together with the public and private sectors in terms of reality in promotion of tourism investment.

Keywords : Investment; Approach; Tourism; Tourism associations; Civil society.

ملخص:

يهدف هذا المقال إلى تسليط الضوء على المنظومة القانونية الخاصة بالمقاربة التشاركية بين الجماعات الإقليمية والفواعل المهتمة بالشأن السياحي "دراسة مقارنة" بين المشرع الجزائري والتونسي والمصري من خلال تبين نجاعة هذه المقاربة، ذلك أن الواقع الذي فرضته الجماعات الإقليمية الرامي إلى إشراك كل الفواعل في تسيير الشؤون المحلية عموماً، وفي ترقية الاستثمار السياحي خصوصاً، مما حتم على الجماعات الإقليمية إلى تجسيد توجهات جديدة في تشريك المجتمع المدني والمواطنين كشركاء في ترقية الاستثمار السياحي، حيث يمثل هؤلاء من ناحية أحد الفواعل الأساسية، ومن ناحية أخرى لتوسع بذلك مجال تطبيق المقاربة التشاركية إلى الجمعيات السياحية وكذا القطاع العام والخاص من حيث الواقع في ترقية الاستثمار السياحي.

الكلمات المفتاحية: استثمار ؛ مقارنة ؛ جمعيات سياحية ؛ مجتمع مدني

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. Introduction:

In fact, the importance of territorial collectivities has increased, particularly in recent years, due to the major transformations that the State has undergone, mainly with regards to the financial crisis, which led to a decline in the State's role, together with the adoption of many new approaches, which aimed in their entirety at structuring the economic field and encouraging the investment sector, as this situation placed new burdens, responsibilities and tasks on the shoulders of the local people's assemblies, and the increasing means of economic and social demands addressed to them, which compelled such territorial collectivities to keep pace with such transformations and contribute effectively to the embodiment of new approaches in local affairs, first and foremost in the field of tourism.

Notwithstanding the fundamental role that territorial collectivities play in promoting tourism investment, they are increasingly resorting to tourism participation amongst all actors interested in tourism affairs that do carry out a large part of tourism investments and participate in attaining the traced goals of tourism promotion, the fact of which symbolizes the effectiveness of the participatory approach throughout national programs in which all territorial collectivities, civil society, citizens, tourism associations and the private sector contribute; as consequence, their role has become largely complementary to the work of decentralized bodies.

In the light of the facts set out above, we can then crystallize the following problem: Has the participatory approach proved its effectiveness in promoting tourism investment between territorial collectivities and the rest of the actors interested in the tourism affairs?

Methodology of the study:

The nature of this subject matter together with its variables (civil society – citizens – tourism associations – territorial collectivities) has imposed reliance on the content analysis approach for analysis purpose of the legal texts related to the subject of this study; in addition to relying on the comparative approach.

Importance of the study:

Indeed, the importance of this research paper lies in the objectives it aims to attain, at the same time as it sheds light on the effectiveness of the participatory approach in promoting the tourism investment between territorial collectivities and the rest of the actors interested in the tourism affairs, mostly subsequent to the intention of the Algerian legislator that has become clear in recent years and progressively more in the direction of promoting tourism investment, together with its interests that mainly focus on the participatory approach, this openness was accompanied, albeit modestly.

Objectives of the study:

In virtue of the evidences highlighted above, this paper aims to analyze the policy of the Algerian legislator with regards to the effectiveness of the participatory approach all the way through involving all actors interested in the tourism issue, through highlighting the territorial collectivities by involving citizens and civil society as they symbolize the main partner and actor through consultation and giving the right to tourist information, along with demonstrating the extent of the effectiveness of involving tourism associations alongside the public and private sectors and their contributions to the promotion of tourism investment.

In accordance to such basis, we came to a decision of dividing the study into two chapters, as we dealt in the first Chapter with rooting the participatory approach in promoting the tourism

investment; as for the second Chapter, we have been dealing with the involvement of the rest of the actors in promoting the tourism investment.

First Chapter: Rooting of the participatory approach in promoting the tourism investment

Definitely, the participatory approach means finding a set of means and mechanisms that enable activating the role of territorial collectivities, i.e. local communities, in addition to improving their productivity and rationalizing their behaviour. In the matter of promoting tourism investment, whereat the participatory approach here is based on the multiplicity of actors in projects related to the promotion of tourism investment, as the objectives and actions of cooperation with territorial collectivities are based on the consolidation of an effective participatory approach through the involvement of civil society in the promotion of tourism investment (first topic), on the one hand; as well as on the involvement of citizens as a guarantee for the efficiency of promoting the tourism investment on the other hand (second topic), as follows:

The First Topic: Consolidation of the participatory approach of civil society in promoting the tourism investment

In fact, the Algerian legislator supervised the local people's assemblies and introduced several changes to their legal system, chiefly in terms of their management and the size of their powers. Furthermore, the Algerian legislator has alike adopted lots of modern principles and approaches in line with the economic and social transformations that the country and the whole world are experiencing, foremost of which the integration of the participatory approach in the management of local public affairs, all the way through creating the necessary means to involve the civil society and citizens in local decision-making, given the positive results it may attain that would constitute a real addition to the principle of representative democracy, this is what was actually approved by the constitution of 2016 and 2020.¹

Within this context, the territorial collectivities have in fact given an important place to the participatory approach, as they embodied new directions in the involvement of civil society (Section One), and to expand, on the other hand, the field of application of the participatory approach in terms of reality throughout inviting civil society in the tourism decision-making (Section Two).

Section One: Involvement of civil society in the promotion of tourism investment

The participatory approach is a mechanism to enable civil society to contribute to the promotion of tourism investment, and an essential element. However, with regards to the tourism participatory work, it improves the quality of promoting the tourism investment and strengthening the capabilities of territorial collectivities all the way through linking ties between them and renewing democracy. As consequence, the involvement of local actors in the participatory approach to tourism with the aim of promoting the tourism investment can collect a set of advantages that will strengthen the competitiveness of tourism and enhance the attractiveness thereof, in addition to qualifying the main factors for the establishment of tourism promotion projects in consultation, negotiation and coordination amongst the various actors of different orientations and specializations, the fact of which constitutes an ideal model for the participatory approach to tourism².

Nevertheless, the civil society is definitely considered as an important actor within the path of its involvement, whether at the local, regional or national levels. According to our belief that the considerations of the Algerian legislator at the level of new laws for civil society, particularly the civil society observatory and opening the dialogue, stand for a real gateway to cut with the deficiencies that were marred by the approved texts being negatively affected the application level.

For a society that facilitates political and social interaction through providing motivation and assistance for the population to participate in tourism activities and develop a tourism culture based on the gains of the original civilization, in addition to contribute to the final formation of tourism projects specified in various poles by respecting the way of escalating efforts³

Subsequent to which, the Municipal Assembly stands for the municipal investment program within the limits of its own capabilities together with the capabilities placed on its custody and through the adoption of the participatory democracy mechanisms. In addition, the Municipal Assembly undertakes the entire necessary and possible measures to advance the municipality development and attract investment, in particular by completing and developing the collective structures and equipment⁴.

Section Two: Invitation of civil society in the tourism decision-making

In fact, the Algerian legislator gave an extremely importance to involve the civil society in promoting tourism investment, whether the constitution or in the municipality law through its contribution to the tourism decision-making, more than ever at the local level, by taking all the measures by the Municipal People's Assembly to make citizens acquitted with their affairs and consultations about the options and priorities of preparation alongside the economic and cultural upbringing according to the specific conditions set by this law.⁵

Unquestionably, the involvement of the citizen and civil society in everything related to local development and the promotion of the tourism investment will surely bring these areas together. Nonetheless, the participation of civil society should mandatorily be activated in the development projects and the promotion of tourism investment in direct manner.

Additionally, the Tunisian Local Communities Magazine issued on 2019 has identified the mandatory fields in adopting the participatory approach to development and land-use planning programs, the participatory approach in: Development and Land-Use Planning Programs in Chapter 29, the Local Development Plan in Chapter 105 and the Municipal Investment Programs in Chapter 238.⁶

More to the point, for devotion purpose of the committees' participatory approach, the Tunisian Decentralized Cooperation Committee can be approved in pursuance with the provisions of Chapter 212 of the Tunisian Local Communities Magazine issued on 2019, which can alike call for participation in its work government officials, institutions or public facilities with strong experience. Further, it also has to invite the residents, the components of civil society or all the people who can serve through their opinion due to their activity or experience⁷.

The Second Topic: Involvement of citizens in the promotion of tourism investment

The territorial collectivities' system stands for one of the basic pillars of modern societies aimed at attaining embodiment and achievement of the tourism investment promotion, as this has made several countries, particularly the advanced ones, pursue the idea of dividing powers and authorities between the central authority and the territorial collectivities with the aim of combining governmental and popular efforts in order to improve the level of services provided, through enhancing the participation of citizens in managing their local affairs through the elected assemblies as a guarantee to reach the desired promotion of tourism investment,⁸ all the way through expressing opinion and changing decisions in terms of tourism (the first subsection), together with consulting and ensuring access to tourist information (the second subsection).

The First Subsection: Expressing opinion and changing decisions in terms of tourism

Nowadays, citizenship requires the participation of citizens in the promotion of tourism investment at various local levels in tourism affairs, and intervene at any time to express his opinion and change decisions, in addition to enabling territorial collectivises to observe the desires and aspirations for amendment purpose of programs and choices in accordance with a specific process that guarantees the inclusion of all actors in the process of promoting tourism. Consequently, the Municipal People's Assembly initiates every process and undertakes every measure that would stimulate and encourage the development of economic activities that are in line with the municipality's energies and the development plan thereof. Moreover, the Municipal People's Assembly undertakes all measures to encourage and promote investment. However, the municipality undertakes, in accordance with the prevailing legislation and regulation, all the available measures in order to undertake every measure aimed at expanding its tourism capabilities and encouraging the concerned dealers to endeavour the exploitation thereof⁹.

The Second Subsection: Consulting and ensuring access to tourist information

Indeed, for the purpose of attaining the objectives traced for the participatory approach within the scope of neighbourhood management together with motivating and urging citizens to decide on the participation stipulated in Article 11 above, the Municipal People's¹⁰ Assembly is keen to establish an appropriate scope for local initiatives aimed at motivating citizens and urging them to participate in resolving their problems and improving their living conditions¹¹ More to the point, it has alike shown to be possible to seek the assistance from experts and associations and whatever they can serve in the domain of tourism investment, as Article 13 stipulates that "the President of the Municipal People's Assembly may, whenever required by municipal affairs, seek the assistance of every local person, every expert and/or every representative of a legally accredited local association in an advisory capacity, who would provide any useful contribution to the work of the assembly or its committees by virtue of their qualifications or the nature of their activity"¹². Most importantly, we find among the tourism committees, the thermal water committee, the committee for tourism exploitation of the beaches...etc. In this respect, the Municipal and Provincial People's Assembly shall form permanent committees from among its members for issues related to its field of competence, in particular those related to investment and tourism¹³. Nonetheless, in pursuance with Article 36, the committees shall meet based on a summons from their president after notifying the President of the Municipal People's Assembly. Likewise, they can resort to consultation in pursuance with the provisions of Article 13. More and more, the participatory approach can alike take the form of a public referendum prior to the establishment of any investment project.

Within the scope of ensuring the access of civil society and citizens to tourist information, in pursuance with Article 14 of Municipal Law No.11-10¹⁴, each person can have access to the extracts of the Municipal People's Assembly deliberations as well as the decisions made by the municipality, and every interested person can obtain a copy thereof. In addition, the Municipal People's Assembly may also proffer a demonstration on its annual activities to the citizens.¹⁵

In fact of matter, the participatory approach means dialogue between the overall local actors, mainly the population, whereby their involvement can be granted through a set of paths through which they contribute to making decisions and taking into account their suggestions, needs and preoccupations that concern them.¹⁶ As for the Tunisian Local Collectivities Law, the municipality is compelled to inform their residents of all developments pertaining to the development projects they are intending to complete or even those being under process, through including draft ordinal decisions within the portal dedicated to the group, decisions, announcements, opinions and

communications, before being presented for circulation 15 days before holding the session by all available means, in addition to publishing the ordinal decisions of the local collectivities in the Official Gazette of the Local Collectivities; moreover, it alike publishes the decisions and draft ordinal decisions prior to presenting them for circulation on the website to local collectivities, and through all other available means¹⁷.

Subsequent to which, the legislator did well in his devotion of the participatory approach in the issue of promoting the tourism investment, and had been working with transparency and credibility throughout the access of civil society and the citizens to tourism information; however, light is shed on the problem of access to tourism information in the issue of tourism investment, which remains amongst the mechanisms being still plagued by some difficulties, mainly the extent to which municipalities respect the implementation of this right in terms of procedures and deadlines. Although, the Algerian legislator stipulated the right to obtain investment information, particularly in the investment issue of the investor through the Law No.22-18 pertaining to tourism investment¹⁸, he considers the official dealing with the demands of obtaining tourist information is still below the desired aspirations, as confirmed by the civil society organizations, as the municipalities were unable to activate this right, for the reason that some local officials lack of awareness in terms of the importance of this right.

As a consequence, activating citizens and civil society as a partner, with territorial collectivities in promoting tourism investment, varies according to society and the extent of readiness of the territorial collectivities for their intention to prepare for the promotion of tourism, in developing the mechanisms of the participatory approach to tourism through granting broader participation to civil society and tourism associations in managing local public affairs¹⁹, particularly in the field of tourism, as this can be done through strengthening the aspiration of society, civil society and citizens to promote tourism investment as a partner and ally of the territorial collectivities, since we are betting on their roles and interaction at the municipal and provincial levels through partnership, possessing information and adding the necessary transparency to the tasks of territorial collectivities. Further, this type of permanent consultation serves civil society and tourism associations, together with serving the efficiency of territorial collectivities as well.

In virtue of which, the endeavour of the participatory approach in promoting tourism investment must be strengthened towards consultation and partnership throughout legal, regulatory and administrative mechanisms, all the way through holding training workshops, exchanging experiences and training specialized in legal and regulatory issues for the benefit of associations and civil society.

Second Chapter: Involvement of the rest of the territorial collectivities as an effective mechanism in promoting the tourism investment

The involvement of other actors in the promotion of tourism investment and the implementation of cooperation projects has shown not to be a merely form of openness of territorial collectivities to all actors within the scope of the participatory approach, but alike as an effective mechanism for promotion of tourism investment in the implementation of such tourism and development projects. Besides, the involvement of the rest of the actors takes basic forms: Strengthening the involvement of tourism associations (the first topic) and the involvement of the private and public sectors (the second topic).

The First Topic: Enhancement of the role of tourism associations as a partner with territorial collectivities in promoting tourism investment

In fact, the issue of promoting the tourism investment has become one of the issues that have shown not to be exclusive to the local or central administration only; however, there exists an effective partner with territorial collectivities, which is tourism societies²⁰. Above and beyond, the involvement of associations as a component of civil society is one of the most important mechanisms of the effective participatory approach in the promotion of tourism investment, whereat they have the role of mediator between territorial collectivities and citizens, in which their role in participating with the territorial collectivities lies in a consultative role in the tourism decision-making (the first section), and plays alike an effective role in the domain of tourism awareness through tourism promotion (the second section).

Section One: Tourism consultation

In fact, various national legislations have initiated the embodiment of the consulting mechanism, whether within the scope of tourism laws and municipal and provincial laws, or within the scope of texts pertaining to the embodiment of this means, in compliance with the principles and references defined by the texts and legal scopes for the promotion of tourism investment, as a declaration that reaches the level of recognition or constitutional devotion, such as the case in the Algerian constitutional²¹, the right to create constitutional associations in Algeria, from the Constitution of 1963 to the last Constitution of 2020, that the right to create associations is guaranteed, and the State is endeavouring to ensure the prosperity of the associative movement. In this regards, As article 53 of the constitution stipulates 2020 that the right to create associations is guaranteed, and can be practiced as soon as it is authorized. Besides, the State encourages associations of public benefit²², as the Algerian legislator has approved and recognized tourism associations as a partner for territorial collectivities in promoting the tourism investment through his recognition of the role of tourism associations in the seeking assistance and counselling²³, in the laws of the municipality and the province, whereat experts and associations can be used and in everything that they can benefit from the issue of investment in pursuance with the provisions of Article 13 thereof, as the President of the Municipal People's Assembly may, whenever required by municipal affairs, seek the assistance of every local person, every expert and/or every representative of a legally accredited local association in an advisory capacity, who would provide any useful contribution to the work of the assembly or its committees by virtue of their qualifications or the nature of their activity.²⁴

Nonetheless, within the scope of the involvement of the province and tourism associations in the tourism decision-making pertaining to the protection of cultural heritage, Article 98 of the Province Law stipulates that: the Provincial People's Assembly contributes to protecting the cultural, artistic and historical tourism heritage and preserving the same with the contribution of qualified technical departments and in coordination with the municipalities and the overall concerned body and association. Every action aimed at promoting cultural, artistic and historical heritage is developing in connection with the institutions and associations concerned, together with proposing all the necessary measures to ensure valuation and preservation thereto.²⁵

More to the point, the tourist participatory planning represents a legal mechanism for managing tourism affairs and attaining local development stipulated in all tourism laws and legislation, in which the tourism promoting businesses are determined to be completed in the group's territory on the horizon of permanent development²⁶, in accordance with an approach that takes into account the type approach, and depends on a participatory approach that seeks to push the locals to trace the goals of the investment process to be achieved, in addition to filling in the financial resources firstly and the resources of partners in second position. Hence, the participatory tourism planning is considered as strategic for the reason that the traced goals stem from the local tourism decision that takes choices of a structural nature.²⁷

Additionally, the mechanisms of the participatory approach stipulated in the municipal and provincial law, inclusive of counselling, consultation and information, which are adopted particularly in the preparation of investment, development and land-planning programs, stand for the question of the extent to which the territorial collectivities are committed to the decisions and opinions proposed by citizens from the private and public sectors and civil society, as the field of local development and the promotion of tourism investment, in which the adoption of participatory tourism mechanisms is applied, does not stipulate the extent to which the municipality and the province are compelled to respect and take into account the opinions that are written down or suggested, the fact of which can limit the citizen participation. As consequence, these mechanisms remain formal and not mandatory, since the law imposes them in the process of preparation and evaluation, but does not give them a mandatory character in its results, particularly at the time of implementation.²⁸

More and more, the limits of practicing the participatory approach in promoting the tourism investment may be basically restricted by legislative and legal obstacles, notwithstanding the provisions of the Algerian constitution on the adoption of participatory democracy in territorial collectivities and despite the mechanisms that are set up, the practical reality has proved the inability on many occasions to work, since some municipalities are facing a financial deficit that cannot even allocate funds for the participatory budget and investment programs, as this requires the necessity of strengthening the financial resources of such municipalities.

Section Two: Granting them the role of tourism promotion

Indeed, tourism promotion is considered the physical evidence of the tourism industry throughout its basic function, whereat its essence has shown to be introducing the country's tourist attractions, whether they are natural, historical, archaeological, hotel or any other aspect or field of tourist attractions, all the way through using all media and communication means capable of attracting tourists, whether foreigners or citizens of the country.²⁹

Certainly, the participatory role of territorial collectivities with civil society and tourism associations lies in making the process of promoting tourism investment successful in promoting the province or municipality that has tourist areas, together with introducing them as they attract tourists thereto, all the way through using all media and communication means, whereat the municipality can use all media and means available in order to endeavour to promote local investment; further, tourism associations work in close cooperation with territorial collectivities, as they constitute indispensable partners having a great weight in promoting tourism in the region, envisage and prepare promotional supports with the aim of promoting tourism, in addition to developing and implementing an action plan aimed at promoting tourism.³⁰ On the other hand, we can find, among the tourism associations in Algeria, the National Association of Travel and Tourism Agents, as it is considered amongst the most promising newly accredited associations in the domain of promoting tourist destinations, which mainly focus its activities on revitalizing the tourism market in order to improve the tourism market so as to promote the Algerian tourism in such a manner that meets the customer's desires, whether it is internal or external tourism.³¹

Similarly, the "Al Amel" Association for youth tourism activities in the Province of Medea organizes the process of youth roaming within the scope of the mountain tourism by promoting, such as introducing the region so as to encourage tourism investment in the various regions of the province, which alike works to publish its business and promotional activities in the region, in respect such as advertising through social networking sites³²

More to the point, within the scope of promoting the digitization of tourism associations, the Ministry of the Interior, Local Collectivities and Urban Planning has created a digital platform for the registration of municipal associations and neighbourhood committees via the Ministry of

Interior's electronic link <https://www.interieur.gov.dz>, or approaching the municipality's bureaus to obtain the association's registration receipt in a deadline not exceeding 10 days; in addition to the creation of a registered office placed at the disposal of the association based on an honorary declaration of its owner only, along with placing a meeting rule by the municipality at the disposal of the founding members for the purpose of holding their general assembly³³

Likewise, the Algerian legislator provided legal guarantees in the Associations Law No.12-06 to be resorted by the tourism associations in the defence of tourism environment through resorting to the judiciary in instituting proceedings when violating the tourist environment as one of the basic guarantees through the provisions of Article 36 of the Law No.03-10 pertaining to the protection of the environment within the scope of sustainable development, or the constitution as a civil party to repair the damage affected it, as per stipulated by the provisions of Articles 37 and 38 of the Law No.03-10³⁴.

In this respect, it is noted that there exist obstacles to the practice of tourism associations to perform their duties as a partner with territorial collectivities in the promotion of tourism investment, together with the embodiment of the tourism partnership established by the law thereto on the ground, because the tourism associations have equally been affected as the other associations in the absence of a legal framework that controls their tourism activity in general and efficiency in coordination, as this has led to its failure and weakness of associative participation, despite the existence of many legal texts providing regulation thereof; however, the actual implementation is characterized by deficiency, and has alike shown to be considered as one of the main reasons for its deficiency or the financing system for tourism associations.³⁵

The Second Topic: Involvement of the private and public sectors in promoting tourism investment

As a fact of matter, the private and public sectors play a fundamental role in making the process of promoting tourism investment successful, as they are considered the active partner in the wheel of tourism promotion with the territorial collectivities, together with their significant contributions in all economic and cultural aspects, the State's tourism environment in general and the territorial collectivities particularly in attaining the tourism promotion traced objectives.

The First Subsection: The role of private sector in making the tourism investment promotion successful

Certainly, the term of partnership with the private sector refers to the investment tourism activities in which the private sector realizes projects and provides services in the field of infrastructure and major projects, in which territorial collectivities have usually invested unilaterally. Above and beyond, partnership with the private sector in its general meaning refers to all forms of cooperation between administration and the private sector in order to complete the financing or exploitation of public utilities.³⁶ Furthermore, this role is carried out with the participation of the private sector, which has recently become working alongside the municipality as the most important local actor in development within the scope of the governance and values of the participatory approach that imposes the expansion of the circle of actors in this field within a true partnership based on harmony and mutual coordination.³⁷

In reality, each country has its material, natural and human potentials, together with its different environment, legislations and laws that provide the investment climate for the private sector and motivate the same to promote tourism investment in tourism promotion projects. However, the main role of the private sector has shown to be ensuring promotion of the tourism investment throughout the establishment of investment tourism facilities, which include the services and facilities necessary for the establishment of the tourism industry (hotels – restaurants – parks – tourist resorts); in addition to distributing the tourism investment projects in such a way that

contributes to the development of different regions in the country, with a specific focus on tourist attractions, with the aim of ensuring the success of the tourism investment process so as to attain the desired goals.³⁸ Likewise, the Egyptian government has undertaken a set of methods to privatize the tourism sector, inclusive of:

The management method by contract: Through the State contracting with special departments for all state-owned hotels by permitting tourism facilities with long-term contracts. In this respect, the experience has proved a unique success, as the private departments have endeavoured to rationalize expenditures and raise the work efficiency, which led to the possibility of offering competitive prices and significantly improving the level of hotel services. Besides, the growth of international tourism demand in Egypt during the second half of the eighties can undoubtedly only be explained through this framework.³⁹

As for the territorial collectivities in Algeria, they have followed the Egyptian approach through granting concession contracts for tourism exploitation by contracting with the private sector in granting the tourism real estate, with the aim of building hotel institutions with 05 stars and 04 stars whose investment is ensured by the private tourism sector, together with the thermal water and seawater treatment being concluded by a concession and exploitation contract entered into by the territorial collectivities and the private tourism investor in accordance with a predetermined Specifications.⁴⁰

In addition, the tourism exploitation of beaches with long-term contracts, being extended to 30 years and of renewable character. Besides, these contracts have proven their effectiveness through providing high-quality services and creating international competitiveness, whereat Algeria has become a tourist pole par excellence.

Consequently, the private sector plays an important role at all levels of the tourism chain, mainly in the field of investment, for achievement purpose of the necessary tourist centres for accommodation, entertainment and recreation to meet the needs of international markets for travel, both on internal and external levels.

The Second Subsection: The extent of the public sector's contribution to the promotion of tourism investment

The Municipal People's Assembly takes the initiative in every process and undertakes every action that stimulates and encourages the development of economic activities that are in line with the municipality's energies and the development plan thereof. For this purpose, the Municipal People's Assembly shall take the entire measures to encourage and promote investment. Likewise, modalities for the application of this Article shall be determined by regulation.⁴¹ More to the point, the Provincial People's Assembly has also developed cooperation and communication between economic operators, training and scientific research institutions and local administrations in order to promote innovation in the economic sectors, and endeavours to promote consultation with economic operators in order to ensure a suitable environment for investment.⁴² Nevertheless, coordination is based on considering the State as an actor in the midst of actors in the promotion of tourism investment, as the territorial collectivities owner of the investment project can request involvement or consultation therefrom, in respect such as the Ministry of Tourism and Handicrafts, the tourism offices, the National Office for Promotion, Development and Information in the Field of Tourism⁴³, the National Office for Tourism (ONT),⁴⁴ the National Agency for Tourism Development (ANDT),⁴⁵ the tourism directorates and tourism associations, in addition to the National Agency for Investment Promotion.

As consequence, in order for the participatory approach in promoting tourism investment to be effective and efficient in the midst of all interveners and actors, conjunction and integration must be created among departments, sectors and territorial collectivities, as the participatory approach process stands for an effective means to control the process of promoting the tourism investment in the overall dimensions thereof, since the process aims, through coordination between all sectors involved, to promote sustainable tourism investment in: Avoiding conflicts in the efforts and roles of the territorial collectivities, either at the level of tourism planning and implementation of the tourism promotion scheme at the national or local level, or at the level of preserving public money and rationalizing expenditures.

Conclusion:

In the light of the facts set out above, this study allowed us to highlight the legislator's policy in the effectiveness of the participatory approach in promoting the tourism investment with territorial collectivities and the rest of the actors interested in the tourism affairs with a set of results, such as:

- The participatory approach in the tourism affairs has already proven its effectiveness, together with becoming based in particular on the principles of transparency and open governance throughout the effectiveness of the participatory approach mechanisms at the local level that ensures the devotion of the effective participation of citizens with the exclusion of no party. Besides, the citizen, civil society, associations and the public and private sectors have played a major role in promoting the culture of tourism participation and the integration of individuals in tourism affairs, all the way through devoting a set of legal and institutional procedures that enable the actual involvement of actors in all stages of crystallization, implementation and evaluation of decisions pertaining to the promotion of tourism investment, whether at the local or national levels, the fact of which has shown to be evident in the tourism participatory approach bets;
- Nonetheless, any problem related to the citizen's right to access tourist information in terms of tourism investment, which remains among the mechanisms that are still experiencing some difficulties, in particular the extent to which municipalities respect the implementation of this right in terms of procedures and deadlines. Although the text of the Algerian legislature pertaining to the right to obtain investment information, mainly in the investment issue of the investor, as per the Law No.22-18 pertaining to the tourism investment, it is considered that the official dealing with the demands of obtaining tourist information is still below the desired aspirations, as per confirmed by the civil society organizations, for the reason that municipalities could not activate this right, due to the lack of acquaintance of some local officials of the importance of such right;
- More to the point, the mechanisms of the participatory approach stipulated in the municipal and provincial law, inclusive of counselling, consultation and information, which are adopted particularly in the preparation of investment, development and land-planning programs, stand for the question of the extent to which the territorial collectivities are committed to the decisions and opinions proposed by citizens from the private and public sectors and civil society, as the field of local development and the promotion of tourism investment, in which the adoption of participatory tourism mechanisms is applied, does not stipulate the extent to which the municipality and the province are compelled to respect and take into account the opinions that are written down or suggested, the fact of which can limit the citizen participation. As consequence, these mechanisms remain formal and not mandatory, since the law imposes them in the process of preparation and evaluation, but does not give them a mandatory character in its results, particularly at the time of implementation.

Likewise, the organizational culture of the territorial collectivities, since it constitutes another obstacle, as it testifies that there are many municipalities that still deal with their perspectives with some discretion and authoritarianism, because they have yet to turn out to be accustomed to the new framework of the participatory approach to open tourism.

In light of such results, we hereby solicit from the legislator to adopt recommendations that would contribute to addressing the shortcomings of the participatory approach in promoting the tourism investment between territorial collectivities and other actors interested in tourism, in respect such as:

- Promoting the culture of tourism participation and the integration of individuals into tourism affairs by devoting a set of legal and institutional procedures that enable the effective involvement of all actors interested in tourism affairs in all stages of formulating the preparation implementation, and evaluation of decisions related to the promotion of tourism investment.
- The right of the citizen to obtain tourist information regarding the promotion of tourism investment.
- Obligatory regional groups to respect and take into account the opinions that are written down or proposed by all actors to participate in the process of promotion tourism investment.
- The need to strengthen the financial resources of regional groups and tourism associations in promoting tourism investment through allocating funds allocated to the participatory budget and investment programs.

Footnotes:-

¹ - Fares Mazouzi, "The Legal Centre for Local People's Assemblies in Algerian Legislation", PhD thesis in legal sciences (unpublished), p. 02.

² - Mourad Orabi, "The Territorial Project is a Bet on Integrated and Sustainable human Development", Journal of Political Geography and Geostrategy Intelligence, Volume 03, Issue 03, 2021, p. 160.

³ - Fouad Bin Ghadban, "Sustainable Ecotourism between Theory and Practice", Dar Safa for Publishing & Distribution, Amman, 2018, p. 273.

⁴ - Article 238 of the Tunisian Local Communities Law issued on 2019.

⁵ - Mabrouk Bouguerra and Ali Bousnobra, "The Problem of Territorial Collectivities in Attaining Sustainable Local Development in Light of the Reality of the Local Investment Climate", Alpha Document Publications, Algeria, 2022, p. 11

⁶ - A government order date May 6, 2019 fixing the conditions and procedures for implementing the participatory democracy mechanisms stipulated in Article 29, Article 105 and Article 238 of the Tunisian Local Communities Code. The Tunisian official flagship. Issue No. 39 Issued on May 14, 2019.

⁷ - Chapter 212 of the Tunisian Local Communities Code for the year 2019.

⁸ - Mabrouk Bouguerra and Ali Bousnobra, previous reference, p. 13.

⁹ - Sawsan Al -Hadidi, The Developmental Role of Local Communities, Master's Thesis (unpublished), Faculty of law and Political Science in Sousse, University of Sousse in Tunisia, academic season 2018-2019, p. 12.

¹⁰ - Article 111 and Article 112 of the Municipal Law No.11-10 dated 22nd June 2011, pertaining to the Municipality, Official Gazette, No.37, issued on 02nd July 2011.

¹¹ - Article 12 of the Law No.10-11, pertaining to the Municipality.

¹² - Article 03 of the Law No.10-11, pertaining to the Municipality.

¹³ - Article 31 of the Municipal Law No.11-10 and Article 33 of the Law No.12-07, issued on 21st February 2012, pertaining to the Province, Official Gazette, Issue 12, dated 29th February 2012.

- ¹⁴ - Article 14 of the Law No.10-11, pertaining to the Municipality.
- ¹⁵ - Houda Nouioua, “The Role of Territorial Collectivities in Promoting Local Investment in Algeria”, in a collective author, “The Role of Territorial Collectivities and Systems Contributing to Supporting and Promoting Investment in Algeria”, prepared and supervised by Houda Nouioua, Alf for Documents, Algeria, 2022, p. 88.
- ¹⁶ - Mourad Orabi, previous reference, p. 160.
- ¹⁷ - Article 30 of the Tunisian Local Communities Law issued on 2019.
- ¹⁸ - The Law No.18-22, dated 25th Dhu al-Hijjah 1443, corresponding to the 24th of July 2022, pertaining to investment, Official Gazette, Issue No.20, issued on 28th July 2022.
- ¹⁹ - Ensaf Ashour, Participatory Democracy(The Reality of Lamta as a Model), Masters Thesis (unpublished), Faculty of Law and Political Science, University of Sousse, Tunisia, academic season 2020-2021, p.76.
- ²⁰ - Hadjer Aroudj, “The Role of Territorial Collectivities in Environmental Protection”, PhD thesis (unpublished), p. 136.
- ²¹ - Latifa Bahaa and Abdelaali Haha, “Environmental Consultation is a Mechanism for Partnership between Environmental Societies and Territorial Collectivities in Promoting Local Environmental Decision”, Journal of Research and Studies, University of Martyr Hama Lakhdar, Volume 16, Issue 01, 2019, p. 51
- ²² - Article 53 of the Presidential Decree No.20-442, issued on the 15th of Joumada Al Oula 1442, corresponding to the 30th of December 2020, pertaining to the issuance of the constitutional amendment, approved in the referendum of the 01st November 2020, Official Gazette of the People’s Democratic Republic of Algeria, Issue 82, p. 14.
- ²³ - Vide the previous reference of Hadjer Aroudj, 145.
- ²⁴ - Article 03 of the Law No.10-11, pertaining to the Municipality.
- ²⁵ - Article 98 of the Law No.12-07, pertaining to the Province.
- ²⁶ - Mourad Orabi, previous reference, p. 165.
- ²⁷ -Sawsan Al Hadidi, Previous reference, p. .12
- ²⁸ - Ensaf Ashour, Previous reference, p. 78.
- ²⁹ - Samar Rifki Al Rahbi, “Modern Tourism Management, Academics for Publishing and Distribution”, 01st Edition, Amman – Jordan, 2018, p. 91
- ³⁰ - Promotional - Directorate of Tourism and Handicrafts of the Province of Tlemcen, available at the link: <https://dta-tlemcen.dz/>, date of access: 10th February 2023, at 14:00 pm.
- ³¹ - The National Association of Travel and Tourism Agents, available at the link: <https://tahwaspresse.dz/>, date of access: 10th February 2023, at 14:00 pm.
- ³² -“Al Amel” Association for youth tourism activities in the Province of Medea, available at the link: <https://amel2013.site123.me/>, date of access: 10th February 2023, at 14:20 pm.
- ³³ - Registration of municipal associations and neighbourhood committees, available at the link: <https://www.interieur.gov.dz>, date of access: 10th February 2023, at: 13:40.
- ³⁴ - Law No. 03/10, dated 19 Jumada al- Awwal 1424, corresponding to June 19, 2003, relating to environmental protection within the framework of sustainable development, Issue No. 43, issued in July 2003.
- ³⁵ - Hadjer Aroudj, previous reference, p. 150.
- ³⁶ - Elham Khudair Abbas Shubbar and Nisreen Ghali Qassem, “Privatization and Tourism Development (Analysis, Evaluation and Strategic Vision)”, Dar Al-Ayyam, 01st Edition, Amman – Jordan, 2017, p. 70.
- ³⁷ - Al Alwani Nadir, “The Legal Aspects Established to Enable the Municipality to Encourage Local Investment and Contribute to the Promotion of the National Economy”, within the book “The Role of Local Collectivities and Systems Contributing to Supporting and Upgrading Investment in

Algeria”, prepared and supervised by Houda Nouira, Alpha Document Publications, Algeria, 2022, p. 41.

³⁸ - Mustapha Youssef Kafi and Djalal Badr Khadra, “Feasibility Study of Tourism Projects”, Alpha Document Publications, 01st Edition, Algeria, 2018, p. 50.

³⁹ - Elham Khudair Abbas Shubbar and Nisreen Ghali Qassem,

⁴⁰ - Mustapha Youssef Kafi and Djalal Badr Khadra, previous reference, p.51

⁴¹ - Article 111 of the Law No.10-11, pertaining to the Municipality.

⁴² - Article 83 of the Law No.12-07, pertaining to the Province.

⁴³ - The National Office for Promotion, Development and Information in the Field of Tourism was established as per the Decree No.77-80 dated 15th March 1980, which includes the creation of the National Office for Promotion, Development and Information in the Field of Tourism, as amended and supplemented by the Decree No.83-208 dated 26th March 1983.

⁴⁴ -It was created by the Executive Decree No.88-214 in addition to an Intergovernmental Decision dated 20th Ramadan 1423, corresponding to the 25th of November 2002, that includes the internal organization of the National Tourism Office, Official Gazette No.78 dated 27th November 2002; the Ministerial Decision dated 22nd Safar 1432, corresponding to the 27th of January 2011, that includes the appointment of members of the Board of Directors of the National Office of Tourism, Official Gazette No.10-22 issued in April 2011, and the Decision dated 15th Joumada Al Oula 1442, corresponding to the 30th of December 2020, that includes the appointment of members of the Board of Directors of the National Office of Tourism, Official Gazette No.10-10 issued in February 2021; in addition to the Decision dated 21st Rajab 1443, corresponding to the 22nd of February 2022, as amending the Decision dated 15th Joumada Al Oula 1442, corresponding to the 30th of December 2020, which includes the appointment of members of the Board of Directors of the National Office of Tourism

⁴⁵ - As it was organized as per the Executive Decree No.98-70 dated 21st February 1980, which includes the creation of the National Agency for Tourism Development and Defining its Statutes, Official Gazette No.11, 01st March 1998; the Decision dated 25th Rajab 1442, corresponding to the 09th of March 2021, which includes the appointment of the members of the board of directors of the National Agency for Tourism Development, Official Gazette No.14-28, issued in April 2021; and the Decision dated 06th Chaabane 1443, corresponding to the 09th March 2022, as amending the Decision issued in the 09th of March 2021, which includes the appointment of members of the board of directors of the National Agency for Tourism Development, Official Gazette No.29, issued on the 24th of April 2021.

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