

Local participatory democracy as a mechanism to promote citizenship values

الديمقراطية التشاركية المحلية كآلية لتعزيز قيم المواطنة

Lebachiche Souhila

Faculty of Law, University of Algiers 1

Laboratory of Mechanisms for global development in Algeria

s.lebachiche@univ-alger.dz

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Abstract

Alongside a representative democracy seeking a new breath to reaffirm its legitimacy, a new form of democracy has emerged at the local level in recent period: participatory democracy, the latter can be an important complement to representative democracy, but cannot replace it; participatory democracy reflects citizens' de facto inclusion in the public affairs conducting process. In its wake, new actors find their place alongside local elected officials, such as civil society; however, this form of democracy needs some improvements to become more effective and should include such mechanisms as the people's initiative, petition submitting and participatory budget. In the Algerian experience, most of the participatory democracy mechanisms are ineffective are inefficient due to many reasons, which affect the role of citizens as a key actor public affairs managing process.

This research paper seeks to address local participatory democracy, its mechanisms, their shortcomings and ways to their remedies.

Keywords: citizenship- participatory democracy- consultation- civil society-participatory budget.

ملخص

إلى جانب الديمقراطية التمثيلية التي تبحث عن نفس جديد لإعادة تأكيد شرعيتها، ظهر شكل جديد من الديمقراطية على الصعيد المحلي خلال الفترة الأخيرة: الديمقراطية التشاركية، هذه الأخيرة يمكن أن تكون مكملاً هاماً للديمقراطية التمثيلية، لكن لا يمكن أن تحل محلها؛ وتجسد الديمقراطية التشاركية الإقحام الفعلي للمواطنين في عملية إدارة الشؤون العامة. وفي أعقاب ذلك، تجد الجهات الفاعلة الجديدة مكانها إلى جانب المسؤولين المحليين المنتخبين، مثل المجتمع المدني؛ غير أن هذا الشكل من أشكال الديمقراطية يحتاج إلى بعض التحسينات لكي يصبح أكثر فعالية، وينبغي أن يتضمن بعض الآليات مثل: المبادرة الشعبية، تقديم العرائض، والميزانية التشاركية. في التجربة الجزائرية، فإن معظم آليات الديمقراطية التشاركية غير فعالة لأسباب عديدة، الأمر الذي يؤثر على دور المواطن كفاعل رئيسي في تسيير الشؤون العامة.

تسعى هذه الورقة البحثية إلى معالجة الديمقراطية التشاركية المحلية وآلياتها وأوجه قصورها وسبل

علاجها.

الكلمات المفتاحية: المواطنة- الديمقراطية التشاركية- الاستشارة- المجتمع المدني- الميزانية التشاركية.

Auteur correspondant: Lebachiche Souhila

Introduction

The concept of citizenship is one of the outdated notions known in Greek and Roman era as "Citizenship of the city State", but this was based on the political participation and equality among citizens values, which concerned free men and thus excluded women, children and slaves, then, the concept of citizenship in the Middle Ages was totally different, it was associated with the citizen's belief in the State, then the independent cities citizenship towards the contractual citizenship that has prevailed since the renaissance, it was also based on the social contract thought that involve the citizen as sovereign rather than a subsidiary, where he has the faculty to nominate, sack and esteem the governors, however, the concept of contractual citizenship is perceived as depriving women from their citizenship right.

This concept has continued to evolve with the democratic practices historical evolution; therefore, it is hard to establish an overarching definition, among the definitions contained therein. Citizenship is a legal and historical concept; the first is linked to a citizen as a social entity with rights and duties imposed by the nature of his country membership, with the obligation to comply with public duties, it is the individual's relationship with the State determined by the Constitution and its legal system; citizenship is referred as a legal concept to two main conditions:

- The State and the modern society instituted on the overseeing of co-existence between the citizens.
- The democratic system and its fundamental pillars of the equilibrium between public rights and duties.

Citizenship is also a historical concept with its historical and social roots; this concept has acquired different connotations as a result of its association with the political group in the Arab world, it has been essentially linked to the freedom, equality and political participation values throw its evolution¹.

Through this definition whether legal or historical, citizenship is the pillar of democratic construction², citizenship mechanisms are therefore based on participatory democracy so as to give citizens the chance to contribute in decision-making process.

Participatory democracy issue is therefore of great prominence at present. It has emerged in contemporary societies as a modern form of democracy after the deficits and shortcomings demonstrated by representative democracy based on the existence of local collectivities represented on assemblies in order of conducting public affairs.

Participatory democracy means: *"all mechanisms, policies and approaches aimed at engaging citizens in political decision-making, where such participation can be fairly direct, or somewhat inclusive and structured, but aimed at the legitimacy of action"*³.

It is also defined as: *"citizens' participation in decisions and policies that have a direct impact on their lives rather than their total dependence on those elected, therefore, this participation by citizens is direct and active, it takes place within small communities so that more opportunities for communication among the public"*⁴.

Through previous definitions, it is clear that the citizen's role in participatory democracy is not only to choose his representatives, but also its involvement in decisions making that concern his life and affairs either directly or through institutions such as civil society.

Given the significance of the participatory democracy, notably at the local level, Algeria has adopted a series of political and administrative reforms enshrined in the Constitution and the legislations through the Constitutional amendment of 2016 and 2020, as well as in the Municipal Code of 2011. We therefore wonder about the participatory democracy legal framework as well as its operationalization mechanisms at the local level?

In order to treat this problem, we relied on the analytical approach by analyzing the legal and regulatory texts, also, the comparative approach regarding to what some countries have adopted concerning the subject matter of the study. We are going to treat the topic in two main axes: the first relation to the legal framework for participatory democracy, the second is devoted to the operationalization appliances of participatory democracy.

1. Participatory Democracy's Legal Framework

Participatory democracy is a recent concept in which citizens can contribute in their affairs conducting in a consistent manner; we are going to address first its definition then its constitutional and legal framework as follow:

1.2. Definition of participatory democracy

The expression participatory democracy comprises two terms, the first is an adjective derived from participation (*noun*) and to participate (*verb*), the second one is a noun, democracy which is originally a Greek term (*Demos-Cratos*), which means governance of people; the expression thus means people or citizen's participation at the democratic process, to conduct their public affairs in a democratic manner.

The term participatory democracy refers to something somewhere in between: the people elect leaders but also play a role in forming policies⁵.

Participatory democracy means granting people opportunities for participation in political decision making will not only enable them to grasp the working of the political process but will also help in inculcating their interest in politics⁶.

Participatory democracy is a category of democracy where citizens can express their will and contribute in the decision making process, it accentuates a large contribution of people; it can be used as a means to treat matters that affect citizens lives⁷, it focuses on the implication of citizens as real actors with the capacity of impacting the State policies, and the decision making for the purpose of enhancing their situations and to address all the issues that concern them, all those actions require a regulatory process.

Through this element we will address the legal foundation of the participatory democracy concept on the basis of the Constitution⁸ to the Municipal Law n° 11-10⁹.

Citizen participation means to express citizenship through the practice of public, social and electoral participations¹⁰.

Social participation¹¹ refers to the voluntary involvement of individuals in collective activities. That is, participating in an activity by which an individual contributes, by giving free time to the community. Participation in political activities such as signing a petition or activism and supporting a political party is included.

1.3– The constitutional framework for participatory democracy

Since independence, the Algerian constituent has established the local participation principle by allowing citizens to participate in the public affairs conducting process. The preamble to the

Constitution of 1963 stipulates that every citizen has the right to contribute in a holistic and effective manner to the country's construction¹².

The 1976 Constitution¹³ also provides, in paragraph 04, for the citizens participation in conducting public affairs. This is affirmed in article 07, paragraph 2, which stipulates that the Municipal People's Assembly is the basis for decentralization, where and through which citizens participate in public affairs conducting at all levels.

It should be noted that the 1976 Constitution linked participation in the public affairs conducting to the revolution and socialism principles, which led to limiting its impact.

With the promulgation of the 1989 Constitution¹⁴ with a new political and economic system that enshrined multiparty pluralism, it expanded the principle of participation. This is reflected in the preamble, which states in paragraph 08 that the building of constitutional institutions is based primarily on the participation of citizens in their affairs conducting. In addition to article 14, which mentioned the principles of democratic organization character of the State, also, people express their will through the elected assembly; which is confirmed by article 16.

In addition, the constituent didn't explicitly stipulate participatory democracy, but only citizens' participation in public affairs monitoring, it may express representative democracy.

The constituent emphasized the same articles in the 1996 amended Constitution in 2008¹⁵ and in 2016 under Law No. 16-01, where, for the first time, participatory democracy was explicitly stipulated in article 15, where the State's principles of separation of powers; Social justice and the principles of democratic organization are determined.

By extrapolating this article, we note that the constituent used the phrase "Contributing Democracy" translated from French: "Democratie participative", there are also a several meanings such as deliberative democracy, contributing democracy..etc.

Second observation, the constituent restricts participatory democracy to only local communities excluding the central level.

Third observation is that the constituent didn't mention the civil society, which is considered an essential actor in participatory democracy process, also, one of the most important mechanisms for its operationalization, this issue has been remedied by the constitutional amendment of 2020¹⁶, paragraph 11 of its preamble, which states that: "... The basis of which is the participation of all citizens and civil society, including the Algerian community abroad, in the conduct of public affairs..."

Also, article 16, paragraph 3, stipulates that the State shall encourage participatory democracy locally through civil society actors, while article 19 addresses the decentralization basis is the elected assembly which is deemed as the suitable place of citizens' participation to monitor their affairs.

It should be noted that the Algerian constituent has enshrined the civil society as a key factor to promote the citizen' participation, the National Observatory for Civil Society -as an advisory body attached to the President of the Republic- is founded under article 213, for purpose of the enhancing of national values, democratic practice, citizenship, and participates with other institutions to achieve national development.

1.4- Participatory Democracy under the Municipal Law

The municipal code of 1967¹⁷ enshrined the right of citizens to information and access to administrative documents as well as in the law of 1990¹⁸, which hasn't enshrine neither participatory democracy nor citizens' participation. It refers to the legal system of the Municipal People's Assembly and its President, unlike the Municipal Law n° 11_10, which devotes a full section 3 of article 11 to article 14, entitled "Participation of citizens in the conduct of public affairs".

Article 11, paragraph 1, mentioned that the municipality is the local organ through which democracy and neighborhood monitoring are exercised.

Consequently, the legislator didn't explicitly mention the term participatory democracy, but only local democracy and neighboring governance. So, after the 2020 constitutional amendment, the same terms must be maintained.

Article 11, paragraph 2, deals with the exercise of participatory democracy mechanisms, this is what we will address in the second part of this paper, namely, information, consultation and a presentation on the annual activity of the Municipal People's Assembly.

In addition to article 11 and 12, which set the term local democracy, expressing the need to motivate citizens to participate to promote their living conditions and resolve all their issues.

Articles 13 and 14 contain the consultation mechanism as well as enabling interested citizens to access to the Municipal People's Assembly deliberations records.

After addressing the legal framework for participatory democracy, we refer to its operationalization mechanisms in the next part.

2/ The participatory democracy operationalization appliances

As mentioned earlier, Title III of the 11-10 Municipal law addresses these mechanisms, namely:

2.1. Mechanisms relating to citizens as an individual

A citizen is an individual considered as a legal member of a nation its appurtenance to a country is conditioned by his respect of laws and regulations. A citizen is one of the dominant pillars of the country, in order to play its roles, citizens should juice some rights, we are going to set some of them as follow:

A. Right of information

Citizens need access to information to choose the most viable mechanism to address the problem. For this reason, most modern democracies have institutionalized mechanisms related to specific ways of accessing information¹⁹.

The effectiveness of public participation is directly related to the information available. In many cases, public officials have deliberately neglected to engage the public by not informing them of the decision-making process. Lack of information or misinformation can badly influence the public participation quality. Means for public participation and citizen surveillance is not enough, citizens inquire about issues related to a problem to be solved, a project or a policy²⁰.

In general, this right is based on access to information controlled by the state. Access to information indicates the right to choose document from the moment it exists as part of a

registration²¹. That is, it allows anyone to select the document without any prior justification. A request is enough to receive the information.

In Algeria, Article 11 of the Municipal law n° 11-10 stipulates that citizens should be informed about their public affairs, in compliance with the transparency principle; also, the opportunity to attend meetings the Assembly should be granted to citizens, as article 26 of the aforementioned Municipal law stipulates. The President of the Municipal People's Assembly must therefore, in accordance with article 22, display the draft agenda in places reserved for the public as soon as the members are summoned.

Informing citizens of the convening meeting aims at enable them to attend the deliberations, also, to learn about all matters relating to their public affairs. However, that doesn't mean a participatory democracy exercise, because citizen has no role at the audience, but all is up to their representatives who are members of the Assembly, he can't give an opinion or participate in the discussion, this is confirmed in article 15, paragraph 02, of the Executive Decree n° 13_105²² cited that no one along the public can, in any case to participate in, disturb or make any indication that would prejudice the smooth functioning of the Assembly, under expulsion from the deliberations room and the surrounding spaces.

B. Consultation

Indeed, the population must be consulted effectively on decisions affecting its living conditions. This consultation is one of the means of the municipal budget preparation, setting the allocations of expenditure. The elected assemblies must be the spontaneous place of social dialogue, citizen participation and political action²³.

Article 11, paragraph 2, of the Municipal law stipulates that the Municipal People's Assembly shall take the necessary measures, as appropriate, to consult citizens on options and priorities for initialization , economic, social and cultural development.

We wonder here about the nature of the consultation if it is binding, absolute or optional? To extrapolate the aforementioned article 11/2 stipulates that The Municipal People's Assembly shall inform citizens about their interest matters and refer them on alternatives and priorities for initialization and economic, social and cultural development, but while reviewing the article, there is no sign to what extend is the consultation compulsory, so most likely that it seems to be optional not mandatory, if it's done If it is done, the opinion is considered as an apprehension, also, the article didn't mention the consultation' mechanism.

In addition to article 11, article 13 provides that the President of the Municipal shall refer, as appropriate, a specific category, namely, any local personality, expert or representative of a legally adopted local association in any municipal matter.

By reviewing this article we note that consultation is not compulsory, it's up to the discretion of the Assembly' President, this may limits the consultations effectiveness, thereby limiting the strengthening of this mechanism.

C- Empowering citizens with a copy of the deliberations' extracts

Article 14 of the aforementioned Municipal law stipulates that any person with an interest shall be able to obtain a full or partial copy at his or her expense.

This article's disposition is ambiguous, it restricts the possibility to obtain a copy of a deliberation' extracts to anyone, even though the deliberation is local, but rather confined to a

stakeholder, we wonder to know who is this stakeholder? Also; the President of the Municipal People's Assembly can grant a copy as he can abstain.

This is confirmed by the executive decree' 16-190²⁴ provisions (arts. 3, 9 and 10). This is contrary to article 55 paragraphs 1 & 2 of the 2020 amended constitution, which provides that citizen have the right to access, acquire, and transmit information, documents and statistics, without infringing on the private life of others, the legitimate interests of institutions, or the requirements of national security.

D. Presentation by local people's assemblies of their annual activity to citizens

This mechanism is stated by article 11, paragraph 4, of the Municipal law, The Municipal People's Assembly may also make a presentation on its yearly activities before the citizens, which means that the implementation of this mechanism is an optional matter, that what's justified by the expression "*The People's Assembly may...*", which limits its effectiveness towards enshrining the constitutionally guaranteed transparency principle.

2-2 .The civil society normative promotion as a collective mechanism for activating participatory democracy

Civil society is an important feature of democracy. It includes organizations engaging in lobbying, advocacy, labor organizations, strong and independent media, engaged and politically aware citizenry²⁵. It is significant that civil society has been a key factor in a democratic State, regarding its great role in public affairs management as a strong partner.

Civil society can be defined as all movements, associations or ordinary citizens, independent of the State or the commercial framework, which act in the country, whose purpose is to respond to a need or to express a collective will, or to transform policies, norms or social structures through joint efforts, in order to make them more in line with their interests or values²⁶.

Civil society plays a major role, it is one of the many ways to enhance participatory democracy, with the aim of suggesting ideas and solutions to problems related to local development and accompanying local authorities in their efforts to meet the challenges and address the concerns of citizens, establishing an effective means of communication between the administration and citizens. The whole of civil society remains a lever for change in democratic practices and constitutes an important breeding ground in this direction.

The Algerian constituent pays a great attention to civil society; this is reflected in the promotion of its normative status under the 2016 Constitutional amendment through articles 54 and 194. This importance has risen after the establishment of the National Observatory of Civil Society (article 213), civil society through its organizations and institutions is responsible for organizing and activating individual's participation, by influencing the direction of public policy, thus formulating development plans in a consistent manner with the municipality's public interest.

Civil society constitutes a link between society and the State; it contributes to educate citizens and solves their problems by conveying their concerns to decision makers. Civil society consists of associations, local associations, human rights organizations, student organizations, employers' organizations...etc.

However, in reality, civil society has not yet lived up to the desired level, perhaps due to a number of reasons, including:

- Citizens' awareness lack about the importance of this mechanism, which limits their involvement in civil society institutions, although the Observatory seeks to sensitize citizens through the establishment of civil society forums for dialogue, citizenship and local development, which ensure both citizens and civil society contribution in the public affairs conducting in order to foster participatory democracy²⁷.
- The absence of a regulatory framework, which determines the civil society' activity and its participation manner in decision-making process besides local communities, this requires the necessity of reformulating of elected assemblies and the establishment of bodies that grant civil society with more prerogatives.
- The fickle rapport between the State and the civil society²⁸, perhaps perceived as cooperators; every so often, there is a conflict between them because of the common space, civil society plays a great role in achieving sustainable development and regulating people's transactions, also, satisfying their basic needs. The relationship between the State & the civil society is governed by is democracy availability, when the state interferes more in civil society' affairs, the gap between them become wider, which leads the civil society to become only a tool submitted to the State²⁹.
- The activity weakness of associations, which is often limited to volunteerism, in addition to shortage of persistence due to the weak financial resources, bureaucracy and the dependence to the funder, which limits their autonomy³⁰.

Finally, we note that the mechanisms provided for by law for the participatory democracy operationalization are limited and don't serve the purpose if we exclude civil society, which must be more efficient, also sensitize citizens about its effective role, so other more effective mechanisms must be adopted.

2-3. The most effective mechanisms for activating participatory democracy

Comparative experiences in many countries have demonstrated the existence of more effective mechanisms through which citizens directly participate in decision-making process with local organs, thereby promoting the citizenship values, mainly as follows:

a- Local referendum

The referendum is an atypical procedure of local participation; it is the only procedure which associates, the function of participation and decision making. The participation in question does not concern objectives of consultation, socialization, communication but rather of decision. There is participation and decision in the referendum³¹.

A referendum is a widespread form of semi-direct democracy. Citizens vote for or against a proposal to establish a new standard or to amend or revoke an existing standard. It is important to distinguish this type of participation from those that are not binding, such as public hearings³².

Originally, the Municipal People's Assembly exercises its attributions through deliberations, which means the outcome of a particular matter of municipal affairs examination and discussion, by the Assembly' members. However, the Assembly may- exceptionally before submitting the issue for deliberation- present it to the municipality citizens to express their opinion before reaching a decision, provided that broad participation of the citizens is guaranteed³³.

b. Popular initiatives

The peoples' initiative comprise a formalized and binding mechanism, either under the indirect initiative (draft law submitted to the vote of an assembly), or direct (via an initiative triggering an abrogative, legislative, evocative or constitutional referendum)³⁴.

It is a mechanism to enshrine direct democracy through which citizens can propose an issue that may not be of interest to the elected assembly members, provided a set of signatures collected by citizens supporting the proposal, which may be submitted to a referendum. *Switzerland* is considered as one of the leading countries in this field, where citizens can initiate bills after some formal conditions, which constitute as perfect democracy practices.

In this regard, we note that the Algerian legislator has addressed this mechanism under the name of local initiative, which urged the Municipal People's Assembly to ensure the set of an appropriate framework for local initiative in order to induce and solicit citizens to foster their lives by seeking to resolve their issues.

This article is a little bit ambiguous, because it doesn't determine the meaning of the local initiative or how to recourse to it; there is no a specific provision about it, even though the text exists, but it is ineffective.

C. Petitions submission

The right of petition can be considered as a pure political right, the right to call directly on decision-makers in the form of a protest text, carried by one or more citizens and signed by others, in order to influence their action³⁵.

This mechanism means enabling citizens to submit petitions in order to add issues to the Municipal People's Assembly' agenda, by presenting a written request to the competent authority, through this mechanism, citizens are directly involved in conducting their public affairs, which embodies the real democracy, despite the introduction of this mechanism, which dates back to the *British Magna Charta* 1215, it has evolved since then, in 1787 it has even become more important, it deals with public interest' matters. In the Algerian legislation, this mechanism was not adopted through the municipal law, unlike some States such as France and Morocco, which is deemed as a constitutional right³⁶.

D. Participatory budget

One of the revolutionary processes of public participation is its participatory budget, which guarantees a public accountability instrument allowing citizens to participate in the state budget development and monitoring. Normally, in town halls of municipalities, authorities and the public meet to reach an agreement on how to transfer public priorities into public policy agendas³⁷.

First appeared in Brazil where it was claimed by the Brazilian Workers' Party, first operated by "*Porto Alegre*" City in 1988, then generalized to other Brazilian municipal assemblies. The participatory budget is based on the citizen's contribution in the budget project about expenditure, equipment and investment through dialogue and consultation, which leads to allow citizens to propose new ideas and discuss the most important public affairs and allocate a budget. The participatory budget is very important; it is devoted to transparency, in a way that citizens can assess their municipality's financial matters, bolster responsibility sense among each other and spur the dialogue culture and opinion expression to reflect democracy³⁸.

Despite this mechanism' importance, the legislator didn't explicitly stipulated it via the municipal Law n° 11-10, but by recourse to the Minister of Interior, local collectivities and Urban Development's instruction N° 21 of October 10th, 2019, relating to the preparation and financing of

the municipalities initial budgets for the fiscal year 2020, it is explicitly stipulated that citizens should be involved in the budget preparation process, in which the Minister noted the necessity to encourage participatory approach by giving the citizen an opportunity to choose local development programs to reflect participatory democracy³⁹.

Conclusion

From what previously cited in this paper, we note that Algeria has endeavored to enshrine the participatory democracy principles in order to promote citizenship values, which is endorsed by the constitutional texts, through the 2016 constitutional amendment expressly stipulated in article 15 thereof, participatory democracy was further strengthened under the 2020 constitutional amendment. The latter approached civil society as a crucial apparatus for its effectiveness.

However, these texts remain inadequate and ineffective, due to the ambiguity of their dispositions, and the deficiency of legal texts, as well as the oscillation usage of the participatory democracy' legal jargon between the constitutional text and the legislative one.

At the end of this study, we concluded that despite the series of mechanisms adopted by the legislator to activate participatory democracy, including informing citizens and allowing them to attend sessions of the Municipal People's Assembly, but those are so limited given that they can't really participate while attending only, as is the case for consultation which remains optional under the Municipal People's Assembly President discretion, even civil society mechanism hasn't yet lived up to its entrusted role, this is due, inter alia, to many different reasons .

Based on the results, we address some suggestions as follow:

- The promulgation of legislative texts, particularly regulatory ones, that establish frameworks for the participatory democracy exercise, should be accelerated.
- The necessity for amending local collectivities legislative texts, especially those relating to for the participatory democracy operationalization mechanisms, with more effectiveness, such as stipulating the mandatory consultation in addition to specific bodies establishment inside the assemblies granting civil society an important role.
- In order to promote the citizenship values and to enshrine participatory democracy, legislator must adopt efficient mechanisms with successful experiences in comparative countries, such as allowing citizens to submit petitions, local popular initiatives, and finally codifying the participatory budget mechanism in municipal law instead of relying on ministerial instructions.

¹ Mohamed Maameri- Abdelkader Ratni, "The concept of citizenship, democracy and the polemics of their relationship", Journal *Turath* , Univeristy of Ziane Achour- Djelfa- Algeria, N° 1, 2015, p 114. (in Arabic).

² Kaci Faouzia, Democratic Citizenship in Arab Countries Reality and Challenges, Journal of Law, society & power, Laboratory of Law, society & power, Faculty of law Univeristy of Oran, Algeria, Vol 5, N° 1, 2016, p 129-144. (in Arabic).

³ Mailka Djermouni, Journal of Legal and Political sciences, Critique Journal of Legal and Political sciences, p 546 (in Arabic).

⁴ Akoubi Mouloud, Participatory democracy in Algeria's local elected assemblies, Journal of law, Vol 5, N° 1, 2016, p 204. (in Arabic).

- ⁵ The linguistic meaning of participatory democracy, on the link : <https://www.dictionary.com/browse/participatory-democracy>, seen on: February 11th, 2024 at 19:24.
- ⁶ Ekta Singh, Participatory Democracy: A Conceptual Engagement, International Research Journal of Social Sciences, Vol. 4(9), 5-8, September (2015), p 5, on the link: <https://www.isca.me/IJSS/Archive/v4/i9/2.ISCA-IRJSS-2015-191.pdf>
Seen: February 15th, 2024, at: 23:49.
- ⁷ Laura Trappett, The Benefits of Participatory Democracy, on the link: <https://www.socialpinpoint.com/benefits-of-participatory-democracy/>, seen on: March 4th, 2024 at 22:09.
- ⁸ We shall examine the various constitutions of the Algerian Republic, 1963, 1976, 1989 and 1996 to the last constitutional amendment of 2020.
- ⁹ Law N° 11-10 of 20 Rajab 1432, corresponding to June 22nd, 2011, relating to the municipality, Official Gazette n° 37 dated of July 3rd, 2011.
- ¹⁰ Commission des transports et de l'environnement Assemblée National du Québec, Pas de développement durable sans participation citoyenne, Mémoire sur le projet de stratégie gouvernementale de développement durable révisée 2015- 2020, Institut du nouveau monde 02 Février 2015, p 10.
- ¹¹ Julie Fortier, la participation citoyenne : ses types et ses niveaux, UQTR, 03- 11-2014, sur le lien : https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=44&cad=rja&uact=8&ved=2ahUKEwja__fbuNrAhUS6KQKHVEDCzc4KBAWMAN6BAgEEAI&url=http%3A%2F%2Fwww.consortiummauricie.org%2Ffile%2Fparticipation-citoyenne-types-et-pouvoir--julie-fortier--uqtr.pdf&usq=AOvVaw1kzxE0nRwrWxnEjca0g8K, seen : January 07th, 2024, at 18 :03
- ¹² The Algerian Constitution of 1963, official gazette n° 64 dated of September 10, 1963.
- ¹³ The Algerian Constitution of 1976, official gazette n°94 dated of November 24th, 1976.
- ¹⁴ The Algerian Constitution of 1989, official gazette n°09 dated of March 01st, 1989.
- ¹⁵ The Algerian Constitution of 1996, official gazette n°82 dated of December 30th, 1996.
- ¹⁶ The Algerian constitution amended in 2020.
- ¹⁷ Ordinance n° 67-24 corresponding to January 18th, 1967, relating to the municipality, Official Gazette n° 6.
- ¹⁸ Law n° 90-08 corresponding to April 07th, 1990, relating to the municipality, Official Gazette n° 15.
- ¹⁹ Improving public participation in the sustainable development of mineral resources in Africa, Economic Commission for Africa, Addis Ababa, Ethiopia, 2004, p 15-16.
- ²⁰ La participation citoyenne un principe clé du développement durable, publiée le 20 mai 2016, sur le lien : <https://gerardmag.wordpress.com/2016/05/20/la-participation-citoyenne-un-principe-cle-de-developpement-durable/> consulté le : 19-09-2023, consulté le : 07-01-2024, à 15 :27.
- ²¹ Alicia Bárcena, Accord régional sur l'accès à l'information, la participation publique et l'accès à la justice à propos des questions environnementales en Amérique latine et dans les Caraïbes, Nations Unies, 2018, p 18.
- ²² Executive Decree No 13-105 of 5 Joumada El Oula 1434 corresponding to 17 March 2013 on the model rules of procedure of the communal people's assembly, official gazette n° 5, dated of March 17th, 2013.
- ²³ Démocratie participative, développement concerté et citoyenneté, sur le lien : <https://elwatan-dz.com/democratie-participative-developpement-concerte-et-citoyennete>, consulté le : 14-02-2024, à 22 :37.
- ²⁴ Executive Decree No 16-190 of 25 Ramadhan 1437 corresponding to 30 June 2016 setting the modalities of consultation of extracts from the deliberations of the Municipal People's Assembly and the Municipal Decrees, Official gazette n° 41, dated of July 12th, 2016.
- ²⁵ International Academy Initiative in education & lifelong learning, International perspectives on citizenship, democracy and accountability, Participatory Democracy And Governance, on the link:

https://pria-academy.org/pluginfile.php/3848/block_html/content/IPCDA_U-3_Participatory%20Democracy%20and%20Governance.pdf, seen: March 24th, 2024, at 13:28.

²⁶ Société civile, sur le lien : https://www.ritimo.org/Societe-civile-6750?var_zajax=content, consulté le : 29-01-2024, à 19 :09.

²⁷ See the activities of the National Civil Society Observatory published on its website.

²⁸ Laurence Bherer, La démocratie participative et la qualification citoyenne à la frontière de la société civile et de l'État, *Revue Nouvelles pratiques sociales*, Volume 18, numéro 2, printemps 2006, sur le lien : <https://www.erudit.org/fr/revues/nps/2006-v18-n2-nps1292/013285ar/>. consulté le : 09-01-2024, à 11 :08

²⁹ Nahed Azzedine, *Civil Society, Youth Political Encyclopedia Series*, Centre for Strategic Studies, Al-Ahram, n° 5, Egypt, 2000, p 53. (in Arabic).

³⁰ Ladrem Ahmed, *Civil society organizations in Algeria and their role in development*, (in Arabic), on the link:

ww.univ-chlef.dz/eds/wp-content/uploads/2016/06/article-9-N1.pdf. seen : January 03th, 2024, at 23 :25.

³¹ Marion Paoletti, *La pratique politique du référendum local : une exception banalisée*, C RAPP/CRAPS, *La démocratie locale. Représentation, Participation et espace public*, PUF, 1999, p 219.

³² *Public Participation and Sustainable Development On-Line Module*, International Institute for Sustainable Development (IISD) Canada, 2014, working paper, p 4, in the link : <https://farn.org.ar/wpcontent/uploads/2014/06/ppmodule.pdf>, seen: 13-09-2019, at 01 :12.

³³ See:

- Christophe Premat, *la pratique du référendum local en France et en Allemagne .le moment référendaire dans la temporalité démocratique*, thèse de doctorat, science politique université Montisquieu- Bordeaux IV, Institut d'études politiques de Bordeaux , 2008 p 186.

- Raul Magni –Berton, *Référendum local, d'initiative populaire récit d'une première expérience en France*, revue participations, de Boeck Supérieur, n° 20, 2018/1.p85_110.

³⁴ Antoine Gonthier, *Droit de pétition*, sur le lien : <https://www.dicopart.fr/droit-de-petition-2022>, consulté le : 28-02-2024, à 19 :33.

³⁵ Idem.

³⁶ Article 15 of the Constitution of Morocco of 2011, The French Constitution enshrined it in article 72, paragraph 1, of the Constitutional Amendment of 2003.

³⁷ Manuel Goehrs *Budgets participatifs : S'approprier la dialectique de la gouvernance participative locale*, in : *l'Année du Maghreb*, N° 16, 2017, p 225.

³⁸ Souilem Mohamed, *Legal framework for applying the approach of local participatory democracy in the Maghreb countries- Comparative study between Algeria, Tunisia, Morocco*, *Oasis Journal of Research and Studies*, vol. 14, No. 2, 2012, p. 345. (in Arabic).

³⁹ *Instruction of the Minister of Interior, Communities and Urbanization No. 21 dated 10 October 2019 containing the preparation and financing of the initial budgets of municipalities and states for the fiscal year 2020*, p. 5.(in Arabic).

Bibliography

A- Books

1- Marion Paoletti, *La pratique politique du référendum local : une exception banalisée*, C RAPP/CRAPS, *La démocratie locale. Représentation, Participation et espace public*, PUF, 1999

2- *Improving public participation in the sustainable development of mineral resources in Africa*, Economic Commission for Africa, Addis Ababa, Ethiopia, 2004.

B- Legal texts

1- Constitution

- The Algerian Constitution of 1963, official gazette n° 64 dated of September 10, 1963.

- The Algerian Constitution of 1976, official gazette n°94 dated of November 24th, 1976.
- The Algerian Constitution of 1989, official gazette n°09 dated of March 01st, 1989.
- The Algerian Constitution of 1996, official gazette n°82 dated of December 30th, 1996.
- The Algerian constitution amended in 2020.

2- Laws

- Ordinance n° 67-24 corresponding to January 18th, 1967, relating to the municipality, Official Gazette n° 6.
- Law n° 90-08 corresponding to April 07th, 1990, relating to the municipality, Official Gazette n° 15.
- Law N° 11-10 of 20 Rajab 1432, corresponding to June 22nd, 2011, relating to the municipality, Official Gazette n° 37 dated of July 3rd, 2011.

3- Regulations

- Executive Decree No 13-105 of 17 March 2013 on the model rules of procedure of the communal people's assembly, official gazette n° 5, dated of March 17th, 2013.
- Executive Decree No 16-190 of 25 Ramadhan 1437 corresponding to 30 June 2016 setting the modalities of consultation of extracts from the deliberations of the Municipal People's Assembly and the Municipal Decrees, Official gazette n° 41, dated of July 12th, 2016.
- Instruction of the Minister of Interior, Communities and Urbanization No. 21 dated 10 October 2019 containing the preparation and financing of the initial budgets of municipalities and states for the fiscal year 2020, p. 5.(in Arabic).

C- Thesis

- 1- Christophe Premat, la pratique du référendum local en France et en Allemagne .le moment référendaire dans la temporalité démocratique, thèse de doctorat, science politique université Montisquieu- Bordeaux IV, Institut d'études politiques de Bordeaux, 2008.

D- Articles

- 1- Mohamed Maameri- Abdelkader Ratni, "The concept of citizenship, democracy and the polemics of their relationship", Journal Turath , Univeristy of Ziane Achour- Djelfa- Algeria, N° 1, 2015, (in Arabic).
- 2- Kaci Faouzia, Democratic Citizenship in Arab Countries Reality and Challenges, Journal of Law, society & power, Laboratory of Law, society & power, Faculty of law Univeristy of Oran, Algeria, V 5, N° 1, 2016, (in Arabic).
- 3- Mailka Djermouni, Journal of Legal and Political sciences, Critique Journal of Legal and Political sciences, (in Arabic).
- 4- Akoubi Mouloud, Participatory democracy in Algeria's local elected assemblies, Journal of law, Vol 5, N° 1, 2016, (in Arabic).
- 5- Alicia Bárcena, Accord régional sur l'accès à l'information, la participation publique et l'accès à la justice à propos des questions environnementales en Amérique latine et dans les Caraïbes, Nations Unies, 2018.
- 6- Nahed Azzedine, Civil Society, Youth Political Encyclopedia Series, Centre for Strategic Studies, Al-Ahram, n° 5, Egypt, 2000, (in Arabic).
- 7- Raul Magni –Berton, Référendum local, d'initiative populaire récit d'une première expérience en France, revue participations, de Boeck Supérieur, n° 20,2018/1.
- 8- Manuel Goehrs Budgets participatifs : S'approprier la dialectique de la gouvernance participative locale, in : l'Année du Maghreb, N° 16, 2017.
- 9- Souilem Mohamed, Legal framework for applying the approach of local participatory democracy in the Maghreb countries- Comparative study between Algeria, Tunisia, Morocco, Oasis Journal of Research and Studies, vol. 14, No. 2, 2012.

E- Electronic documents

- 1- The linguistic meaning of participatory democracy, on the link : <https://www.dictionary.com/browse/participatory-democracy>, seen on: February 11th, 2024 at 19:24.
- 2- Ekta Singh, Participatory Democracy: A Conceptual Engagement, International Research Journal of Social Sciences, Vol. 4(9), 5-8, September (2015), p 5, on the link: <https://www.isca.me/IJSS/Archive/v4/i9/2.ISCA-IRJSS-2015-191.pdf>
Seen: February 15th, 2024, at: 23:49.
- 3- Laura Trappett, The Benefits of Participatory Democracy, on the link: <https://www.socialpinpoint.com/benefits-of-participatory-democracy/> , seen on: March 4th, 2024 at 22:09.
- 4- Julie Fortier, la participation citoyenne : ses types et ses niveaux, UQTR, 03- 11-2014, sur le lien: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=44&cad=rja&uact=8&ved=2ahUKEwjA__fbuNrKAhUS6KQKHVEDCzc4KBAWMAN6BAGEEAI&url=http%3A%2F%2Fwww.consortiummauricie.org%2Ffile%2Fparticipation-citoyenne-types-et-pouvoir--julie-fortier--uqtr.pdf&usq=A0vVaw1kznxE0nRwrWxnEjca0g8K
, consulté le: 07-01- 2024, à 18:03.
- 5- La participation citoyenne un principe clé du développement durable, publiée le 20 mai 2016, sur le lien : <https://gerardmag.wordpress.com/2016/05/20/la-participation-citoyenne-un-principe-cle-de-developpement-durable/>
consulté le : 19-09-2023, consulté le : 07-01-2024, à 15 :27.
- 6- Démocratie participative, développement concerté et citoyenneté, sur le lien : <https://elwatan-dz.com/democratie-participative-developpement-concerte-et-citoyennete>
, consulté le: 14-02-2024, à 22:37.
- 7- International Academy Initiative in education & lifelong learning, International perspectives on citizenship, democracy and accountability, Participatory Democracy And Governance, on the link: https://pria-academy.org/pluginfile.php/3848/block_html/content/IPCDA_U-3_Participatory%20Democracy%20and%20Governance.pdf,
seen: March 24th, 2024, at 13:28.
-Société civile, sur le lien : https://www.ritimo.org/Societe-civile-6750?var_zajax=content,
consulté le : 29-01-2024, à 19 :09.
- 8- Laurence Bherer, La démocratie participative et la qualification citoyenne à la frontière de la société civile et de l'État, Revue Nouvelles pratiques sociales, Volume 18, numéro 2, printemps 2006, sur le lien : <https://www.erudit.org/fr/revues/nps/2006-v18-n2-nps1292/013285ar/>, consulté le : 09-01-2024, à 11 :08.
- 9- Ladrem Ahmed, Civil society organizations in Algeria and their role in development,(in Arabic), on the link: www.univ-chlef.dz/eds/wp-content/uploads/2016/06/article-9-N1.pdf. seen : January 03th, 2024, at 23 :25.
- 10- Public Participation and Sustainable Development On-Line Module, International Institute for Sustainable Development (IISD) Canada, 2014, working paper, p 4, on the link : <https://farn.org.ar/wpcontent/uploads/2014/06/ppmodule.pdf>, seen: 13-09-2019, at 01 :12.
- 11- Antoine Gonthier, Droit de pétition, sur le lien : <https://www.dicopart.fr/droit-de-petition-2022>,
Consulté le : 28-02-2024, à 19 :33.