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Mechanisms for Implementing Participatory Democracy at the Local Level: The Tunisian Experience as a Model

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Abstract:

Participatory democracy currently represents a modern approach to democracy, aiming to involve all individuals and civil society organizations in the management of local affairs, as well as in decision-making processes, policies, and actions that have a direct impact on their personal lives. This approach seeks to reduce the complete reliance on elected representatives in various councils, especially at the local level.

Considering that municipalities are the regional bodies closest to citizens, there is a pressing need to establish tools that enable citizens to participate effectively in decision-making at the local level.

This study aims to identify the key mechanisms introduced by the Local Government Code in Tunisia to enhance citizen participation in managing local affairs, in order to evaluate their effectiveness.

1. Introduction

Participatory democracy is considered one of the fundamental pillars on which the constitutional system of a state is built. Through it, citizens are empowered to actively participate in shaping and preparing public policies. In this regard, elected local councils serve as a fertile ground for embodying participatory democracy, as they create better conditions for involving various stakeholders, including citizens and civil society organizations, in decision-making processes. Consequently, this contributes to creating better-quality living conditions for the residents of local communities.

For elected local councils to effectively play their role in embodying and activating participatory democracy, it is essential that participatory democracy be enshrined within the constitutional document. This is necessary to guarantee citizens' rights to actively contribute to evaluating public policies and making decisions. Additionally, it is crucial to identify the key means or mechanisms through which citizens can actively participate in decision-making at the local level. Without these means or mechanisms, participatory democracy will remain unfulfilled in practice.

In this context, Tunisia is among the countries that have enshrined the right of citizens to actively participate in developing and monitoring the implementation of development programs as part of embodying participatory democracy and the principles of open governance. This was established under its 2014 Constitution.

Our study aims to outline the mechanisms introduced by the Local Communities Code to activate participatory democracy at the local level.

The problem of this study can be formulated in the following main question:

What are the key mechanisms for embodying participatory democracy at the local level in Tunisia, and to what extent do they contribute to activating citizen participation in decision-making and evaluating public policies?

To address this issue, we have decided to use both descriptive and analytical methodologies, considering them the most suitable approaches for our study. Our research is divided into two sections: the first is dedicated to explaining the concept of participatory democracy, while the second focuses on the mechanisms for embodying participatory democracy at the local level in Tunisia.

The First Topic: The Concept of Participatory Democracy

There has been a divergence of opinion among scholars regarding the definition of participatory democracy. Despite these differences, we will attempt to present the most significant definitions proposed by scholars to clarify its concept, as well as highlight its importance and trace its historical emergence, as follows:

First Requirement: Definition and The Importance of Participatory Democracy

Participatory democracy is a system of governance that enables community members to have direct involvement in decision-making processes, going beyond

traditional models of representation. Unlike systems where elected officials make decisions on behalf of their constituents, in participatory democracy, they involve residents by asking for input or feedback on draft decisions.

First Section: Definition of Participatory Democracy

Some researchers have defined participatory democracy as encompassing all measures, policies, and methods through which a local community seeks to involve citizens in the political decision-making process[1], particularly concerning the management of their public affairs and monitoring the implementation of these decisions[2]. In this sense, participatory democracy is characterized by the direct and active engagement of citizens in managing their public affairs [3], which contributes to narrowing the gap between political parties and other social actors within the state [4].

Additionally, participatory democracy has been defined as a process whereby citizens and civil society organizations are consulted before any decisions are made to evaluate them [5].

Participatory democracy has also been described as the process of involving citizens and civil society in local-level decision-making and expanding their role in shaping a vision for their local affairs that aligns with the specific characteristics of their region. It relies on various techniques, such as information dissemination, consultation, proposal submissions, petitions, participatory budgeting, and referendums, among others [6].

Furthermore, participatory democracy has been defined as a public decision-making process that includes actors who are not typically responsible for decision-making. Thus, it complements traditional democratic institutions without replacing them [7].

In this sense, participatory democracy works to broaden the exercise of power to include citizens by involving them in public dialogue, discussions, and the political decision-making process that ensues [8].

Another definition of participatory democracy describes it as a form of governance that involves citizens and various components of civil society cooperatively in the decision-making process that affects their lives [9]and in monitoring the decisions of local authorities within the state. Therefore, it aims to prevent limiting the role of citizens to participating only in electoral processes from one electoral term to another, without being involved in overseeing the decisions of their representatives.

From these various definitions, we can conclude that participatory democracy primarily aims to involve citizens in the decision-making process alongside local communities at several levels, the most important of which are:

- Information: By providing and disseminating information.
- Consultation: By informing citizens about specific projects and topics and soliciting their opinions in a non-binding, one-sided manner.

- Dialogue: By informing citizens about a particular decision and engaging in interactive discussions to present their ideas and opinions and debate them.
- Joint Decision: By making collective decisions in a comprehensive manner between local communities and citizens concerning issues that concern them. [10]

Second Section: The Importance of Participatory Democracy

While the concept of democracy suggests that power does not belong to a specific individual or group [11] but rather rests in the hands of the people or their majority, who wield it directly or through their elected representatives [12],the concept of participatory democracy expands this idea. It opens the space for citizens to discuss their public affairs, make various decisions affecting them [13], and involve them in achieving their self-development .This involvement can help reduce negative economic and social phenomena, especially those related to marginalized and excluded groups from the development process. [14]

Participatory democracy also holds significance as it addresses the crisis of representative democracy and offers an alternative for citizen participation in political life [15]. Given the low participation rates of some marginalized groups in society within the traditional institutions of the state, and the frequent failure of governments to respond to the demands of these groups, adopting participatory governance is likely to restore social justice [16]. It will create new opportunities for marginalized groups to express their demands and present their views, aiming to reach a common decision with their elected bodies, which will undoubtedly contribute to improving their living conditions [17].

Moreover, citizen participation in discussions during the meetings of their elected local councils allows them to better understand complex political issues. Citizens become more capable of comprehending various political agendas. At the same time, they feel that their needs will only be acknowledged when they engage with their state officials and initiate many participatory programs. These participatory programs are fundamental to developing democratic skills among citizens, such as political effectiveness [18].

Participatory democracy also contributes to legitimizing the decisions made. By involving citizens in policy-making or decision-making processes, they confer legitimacy on the decisions and policies adopted, given that these outcomes result from a broader diversity of perspectives [19].

Furthermore, participatory democracy gains importance as it serves as a means to address the shortcomings, limitations, or weaknesses in existing democratic institutions. Simultaneously, it acts as a strategic approach to achieve specific goals [20], such as rationalizing public expenditures and improving the quality of public services. When public spending decisions involve citizen contributions, local communities can benefit from their expertise as the primary beneficiaries of these public services. Moreover, it ensures budgetary and financial transparency [21].

However, it is worth noting that, despite the importance of participatory democracy, its realization on the ground necessitates the presence of an organized and active civil society that works to engage citizens in various aspects of life. Additionally, there is a need to provide sufficient and diverse media to inform citizens about their public affairs, enabling them to form unbiased and objective opinions on the issues presented to them [22].

Second Requirement: The Emergence of Participatory Democracy

We will try to study the history of the emergence of participatory democracy in the world in general and Tunisia in particular.

First Section: The Emergence of Participatory Democracy in the word

It can be asserted that the concept of participatory democracy came into existence at the end of the 1960s and the beginning of the 1970s [23]. This emergence resulted from the failure of several Western democratic experiments and was driven by the aspiration for more rights and democracy, as well as demands for broader citizen participation in public matters that concern them and their nations [24].

This concept was first adopted in the United States during the 1960s, primarily in the industrial and economic sectors [25].

At that time, some major companies in the United States began involving their workers and executives in organizing and managing work processes, as well as production methods, and participating in making appropriate decisions and monitoring their implementation.

Given the success of this experience in the industrial and economic fields, it was also adopted in the political realm, especially at the local level. Citizens were involved in discussing public affairs and issues, engaging in dialogue about them, and making political decisions that align with their convictions and satisfaction [26].

On the other hand, the emergence of participatory democracy can be attributed to criticisms directed at representative democracy, which had become limited to the electoral process. In this system, citizens' roles in the development process diminished once the vote-counting was completed, leaving elected representatives to make decisions that could have either positive or negative impacts on citizens [27].

Participatory democracy, in this sense, emerged as a primary mechanism for attempting to restore public trust in governments [28]by making them more responsive to citizens' interests, thereby enhancing democratic practices [29].

Second Section :The Emergence of Participatory Democracy in Tunisia

However, it is worth noting that regardless of the reasons behind the emergence of participatory democracy, its adoption and entrenchment in Tunisia through its constitutions and laws took a relatively long time. Despite the importance of citizen participation in decision-making, particularly at the local level, successive Tunisian constitutions, from the 1959 Constitution [30] to the 2014

Constitution, did not constitutionally enshrine this right for citizens. Even the local government laws of that period, while they mentioned some aspects of participatory democracy, remained far from practical implementation.

For example, when we refer to the Basic Law of Municipalities of 1975 [31], which was amended in 2006, we find that it introduced some mechanisms of participatory democracy, but these were not effective and largely remained superficial, limited to mere consultation. The Basic Law of Municipalities provided that employees, state agents, or public institutions working within the municipal area, as well as experts whose opinions might be solicited, could be invited to participate in committee work on a consultative basis.

Additionally, residents and natives of the municipality who could provide valuable input due to their activities or knowledge could also be invited to offer their opinions, again on a consultative basis [32].

Therefore, we observe that citizen participation in local affairs was limited to consultation. However, this situation quickly changed following the revolution in Tunisia, which resulted in a new type of relationship between the state and its citizens, leading to the involvement of citizens and civil society in developing development programs.

The Tunisian constitutional founder, for the first time under the 2014 Constitution, moved towards enshrining participatory democracy in the constitution, specifically through Article 139. This article explicitly states that local authorities shall adopt mechanisms of participatory democracy and principles of open governance to ensure broader involvement of citizens and civil society in the preparation and implementation of development and spatial planning programs, as determined by law.

The constitutional founder in Tunisia recognized the necessity of enshrining the concept of participatory democracy within the constitution, making it a constitutional principle that legislative texts must adhere to, and establishing practical mechanisms for its realization as soon as possible. This effort aims to build trust between citizens and local authorities, thereby achieving better governance at the local level [33].

However, it is worth noting that the constitutional enshrinement of participatory democracy within the articles of the constitutional document alone is not sufficient to activate citizen participation in managing their affairs at the local level. This is because such enshrinement will lack any practical benefit unless the mechanisms for implementing participatory democracy at the level of local authorities are clearly outlined.

Ideally, the Tunisian constitutional founder should have specified the mechanisms for realizing participatory democracy at the local level within the constitutional text itself, leaving the details to be elaborated by law, as the Moroccan constitutional founder did. However, the Tunisian constitutional founder had a different perspective, entrusting the task of defining various

mechanisms to enhance citizen participation in local affairs to the Basic Law No. 29 of 2018, related to the Local Authorities Code. Upon examining this law, we find that it dedicates an entire section, namely Section Five, to participatory democracy and open governance, outlining various mechanisms that enable residents to participate in local affairs.

Additionally, Government Order No. 401 of 2019 organized the conditions and procedures for implementing the participatory democracy mechanisms specified in Article 30 of the Local Authorities Code. This included maintaining a register of civil society components and a register of opinions and inquiries from residents and civil society components, without addressing other mechanisms outlined in the Local Authorities Code.

However, with the issuance of the Tunisian Constitution in 2022, the Tunisian constitutional founder retreated from enshrining participatory democracy within the constitutional articles, merely stating in the preamble of the constitution that true democracy will only succeed if political democracy is accompanied by economic and social democracy, by enabling citizens to exercise their right to free choice [34].

The Second Topic : Mechanisms for Enhancing Participatory Democracy

There are several mechanisms for citizen participation in decision-making processes, which legal scholars have divided into three main categories. These include informational mechanisms, such as citizens communicating with their elected councils via email or websites; consultative mechanisms, where local authorities seek citizens' opinions on the provision of public services; and delegation, where citizens are allowed to make final decisions [35].

In Tunisia, the Local Authorities Code of 2018, as part of its implementation of the provisions of the now-repealed Article 139 of the 2014 Constitution, dedicated an entire section—Section Five—to outline the main mechanisms for enhancing participatory democracy.

In this section of our study, we will detail the various mechanisms for enhancing participatory democracy introduced by the Local Authorities Code, as follows:

First Requirement: Transparency and Consultation in Management and Administration as a Mechanism to Enhance Participatory Democracy in Tunisia

In order to ensure transparency in management and administration and to enhance citizen participation in managing their local affairs, the Tunisian legislature has mandated local governments to take all necessary measures to allow citizens to access information about the financial management of local authorities.

First Section: Transparency in Management and Administration as a Mechanism to Enhance Participatory Democracy in Tunisia

Transparency, as a mechanism to enhance participatory democracy, necessitates the establishment of citizens' right to know what the local government

has done, is doing, or will do. This is achieved by mandating that the legislature require local governments to provide citizens with access to documents or information that enable them to better understand the reasons behind decision-making or to participate in the development of projects that impact the community[36]. The Tunisian legislature has worked to provide this for citizens through various measures, including:

1- The Right to Obtain Information on Expenditures and Revenues

Given that the principle of transparency requires that residents of local units be informed about all matters related to their affairs within those units [37], the Tunisian legislature has granted local residents, registered civil society organizations, and any interested party the right to submit a written clarification request to the head of the local authority regarding specific resources and expenditures. Such requests are to be recorded in a specially numbered inquiry register, and a secure electronic register system may also be adopted for recording these requests.

If these parties do not receive a response within a maximum of one month from the date of submitting their request, they may refer the matter to the territorially competent administrative court. The court may, when necessary, order the provision of the requested documents, thus ensuring the right to access information [38].

It is therefore evident from the above that the Tunisian legislature has provided effective legal protection for residents and civil society organizations, enabling them to actively participate in monitoring local authorities. This is achieved by affirming their right to resort to the judiciary to demand access to documents related to specific expenditures or revenues concerning the local authorities with which they are registered.

2- The Right to Access Information:

Access to information is a constitutional right enshrined by the Tunisian constitutional framers for citizens under Article 38 of the 2022 Constitution. To realize this right in practice, Basic Law No. 22 of 2016, concerning the right to access information, mandates that municipalities [39], as among the legally obligated entities, must ensure the right of every natural or legal person to access information [40]. Municipalities are required to publish and periodically update information related to:

– Policies and programs of public interest.

– A detailed list of services provided to the public, certificates issued to citizens, necessary documents to obtain them, and the conditions, deadlines, and procedures for obtaining them.

– Information related to its programs and achievements concerning its activities.

– A list of documents available electronically or in print, related to the services provided and the resources allocated for them.

– Planned public procurement projects with approved budgets that the municipality intends to execute, and the results of their implementation.

– Information available regarding social programs and services.

Municipalities must publish this information on their websites as soon as it is issued, ensuring that it is updated at least once every three months or whenever changes occur. The date of the last update must also be clearly indicated [41].

It is also necessary for the individual seeking access to information, when preparing their request, to specify the method of accessing the information. This could be through reviewing the information on-site, provided that such review does not harm the information, requesting a hard copy, an electronic copy where possible, or obtaining excerpts of the information. In this context, the municipality is required to provide the information in the format requested by the applicant. If the information is not available in the requested format, the municipality must provide it in the available format.

In this regard, it should be noted that the legislator does not require the individual seeking access to information to state the reasons or interest behind their request within their application [42]. From our perspective, this is not a sound approach. The legislator should have restricted access requests to individuals who have a legitimate interest in obtaining the information.

It is worth noting that citizens have exercised their right to access information in many Tunisian municipalities. For example, the Municipality of Fériana, in the province of Kasserine, received several information access requests in 2021, totaling nine requests. Of these, eight were submitted by residents of the municipality, and one was submitted by the president of the Al-Bawsala Association on March 12, 2021, to obtain a set of documents[43].

The Municipality of Carthage received nine requests for access to information in 2022, of which six were accepted, while three were rejected. The reasons for rejection included the information not being recorded or the request lacking mandatory specifications [44].

3- Establishment of a Complaint Management System

In the context of ensuring transparency, governance, and fostering broader citizen participation and the involvement of various civil society components in shaping local development choices, a complaint management system has been established. This system is intended to provide local administration with an effective tool to improve the quality of services provided to citizens, guiding its activities towards enhancing satisfaction among its citizens and stakeholders.

The primary aim of the complaint management system is to allow citizens to express their concerns and interests regarding various aspects of municipal work. Consequently, through this system, local communities can address discrepancies in the services they offer, whether in terms of quality, efficiency, or timeliness, and implement various preventive measures to prevent recurrence in the future.

This process is expected to strengthen trust between the administration and its stakeholders.[45].

To illustrate the application of this system in Tunisian municipalities, for instance, the Municipality of Feryana, under the province of Kasserine, recorded eight petitions during the first quarter of 2019, which primarily concerned building regulations and health regulations [46].

Second Section: Consultation as a Mechanism to Strengthen Participatory Democracy

For a long time, political leaders would only seek citizens' opinions during election campaigns, operating from a perspective of representative democracy. However, today we witness the emergence of new techniques that require elected officials to engage in repeated and broad consultations with citizens on various projects and issues [47].

In our current time, consultation has become one of the mechanisms for realizing citizen participation in local affairs. Through this mechanism, municipal councils can decide, by an absolute majority of their members, to organize public meetings with residents. Additionally, at least 5% of residents registered in the municipality's electoral register can submit a written, reasoned request to the local community to demand the holding of public sessions. These sessions aim to either question the municipal council, request clarifications, or present proposals before making decisions related to the following areas:

- Delegating powers related to the local community to another local community, or accepting to undertake powers belonging to another local community,
- Managing public properties,
- External partnership and cooperation agreements,
- Funding associations and managing donations.

In this context, the local community must commit to organizing these consultative sessions within a maximum of 30 days from the date of submitting the request [48]. However, the legislator has not specified the procedure citizens can take if the local community fails to hold this consultative session within the specified time frame.

Moreover, local communities also consult residents regarding development programs and land use planning, as well as when preparing participatory budgets.

1- Mandatory Inclusion of Participatory Democracy Mechanisms in Development and Land Use Planning Programs

Given the significance of development and land use planning programs for residents and to allow citizens to participate in their formulation, the Local Government Code in Tunisia mandates that local councils must ensure the effective participation of all residents and civil society in preparing, monitoring, and evaluating these programs. This requirement can only be met if local communities take all necessary measures to inform residents and civil society in

advance about the proposed development and land use planning projects. After gathering their opinions, these programs are then presented to the concerned local councils for approval [49].

As previously outlined, developmental programs cannot be prepared without the active participation of residents. If this procedure is not followed, it will result in the inability to present these developmental programs for approval by the relevant local councils. Local councils will reject any development program that does not comply with the provisions of Article 29 of the Local Government Code.

2- Participatory Budgeting

Participatory budgeting is among the tools that shift the responsibility for decision-making regarding the budget to the citizens affected by it. This approach thus opens up opportunities for direct participation in decisions related to the implementation of public services for citizens [50].

In this regard, Tunisia is among the countries that, to enhance participatory democracy, have required local communities to adopt transparency and participation in their annual budgeting processes. This is based on realistic, honest, and fair estimates that encompass all resources, expenses, and various commitments [51].

Participatory budgeting refers to an initiative through which citizens participate in the decision-making process concerning the allocation of part of the budget. In this way, it is one of the most prominent examples of high-level participation in joint decision-making between decision-makers and citizens [52]. This approach can lead to improved operations and services provided by the municipality to local citizens, as well as to the reordering of social priorities and the enhancement of social justice [53].

Furthermore, participatory budgeting is also understood as a decision-making process through which local communities negotiate and deliberate with citizens about the distribution of public resources. This provides citizens with an opportunity to understand governmental processes, engage in discussions, and influence the allocation of public resources [54].

Participatory budgeting, as previously mentioned, is a modern form of involving unelected citizens in discussing or allocating the budget through a direct, continuous, and independent process. During the presentation of the participatory budget, citizens engage in discussions about the financial aspects of the budget or the budget itself [55]. This process opens up opportunities for them to vote in favor of new projects, such as green spaces or various municipal facilities [56].

Under participatory budgeting, citizens are involved at the local community level in planning the budget for equipment or investment. This involvement includes consultation, dialogue, and idea exchange with all segments of city residents, especially the poorer classes [57], through a number of popular forums specific to the concerned areas [58].

Given the importance of participatory budgeting as a form of participatory democracy, many municipalities have moved towards establishing participatory budgeting systems. This is done by entrusting citizens with decision-making responsibilities regarding the allocation of a portion of the municipal budget. Consequently, it is no longer merely about expressing opinions or organizing discussions among citizens, which might precede decisions made by elected officials. Instead, it involves allowing citizens to decide on portions of the budget allocations for local communities, even though financial flexibility often remains limited [59].

It is noteworthy that the implementation of participatory budgeting first appeared in Porto Alegre in 1989, and from there, it spread worldwide. This dissemination has shown significant variation in Europe, which can largely be attributed to the distinct legal, social, political, and historical traditions present in different countries. There remains considerable diversity in how participatory budgeting programs operate [60].

As for how to participate in the preparation of the participatory budget, the process starts with presenting the idea of adopting a participatory budget to the municipal council. Following this, an opportunity is opened for submitting project proposals to be funded through the participatory budget, alongside mobilizing citizens to garner as much support as possible. To make this effective in practice, efforts must be made to raise awareness among residents about the importance of engaging in the participatory budgeting process. Additionally, it is crucial to encourage volunteering among neighborhood representatives to monitor project implementation.

Moreover, it is necessary to verify that the project intended to be funded through the participatory budget falls within the jurisdiction of the municipality, aims to serve the public interest of the local community, and does not exceed the allocated budget for such types of projects[61].

Given the importance of participatory budgeting as a manifestation of participatory democracy, many municipalities in Tunisia have adopted this approach. For example, in the municipality of Gabès, around 300 citizens participated in preparing the 2014 budget, which focused on beautifying the city and was implemented in 2015. Similarly, the municipality of Ettadhamen agreed on a participatory budget project for the year 2017, which saw the participation of 90 citizens[62].

3- Participatory Municipal Investment Program

The preparation of a municipal investment plan is one of the primary tasks assigned to municipalities, within the limits of their own resources and those allocated to them[63]. Thus, it serves as a reference framework for programming the municipalities' developmental projects over a five-year period, aimed at meeting the needs of the residents.

Here, the municipal investment program refers to the document through which the municipality outlines its priority projects, their locations, costs, funding plans, and implementation timelines according to their priority and profitability. These projects are programmed over a five-year period to improve the living conditions of the residents and to advance the area in terms of infrastructure and equipment.

In this regard, the municipal investment plan primarily aims to establish an integrated plan for implementing the programmed investments that meet the residents' aspirations, whether individually or in partnership with the public or private sectors, civil society, or residents, within a framework of transparency and good governance. This necessitates making the plan public to ensure follow-up and evaluation[64].

It should be noted that the municipal investment program consists of various types, including proximity projects, which mainly involve public lighting, road paving, etc.; structured projects, such as the construction of a sports hall, a weekly market, etc.; and administrative projects, such as the establishment of a municipal depot, and the procurement of equipment, etc[65].

In preparing the municipal investment plan, a set of important principles must be observed, including:

- Proximity to citizens and the participation of all stakeholders involved in local affairs, as well as adherence to transparency and good governance.
- Focus on interventions aimed at reducing disparities between regions and municipalities.
- Support and accompaniment of municipalities by regional and national structures during the implementation of the municipal investment plan.
- Harmonization of local development programs with available resources and national and sectoral programs.[66]

It is noteworthy that most municipalities in Tunisia have implemented several municipal investment programs in a participatory framework. For example, the municipality of Fériana, located in the province of Kasserine, programmed two projects in 2022 to be executed through a participatory budget. The first project involves road paving, with a total cost of 458,000 Tunisian dinars, and the second project concerns the extension of the public lighting network, with a total cost of 133,000 Tunisian dinars. However, both projects are still in the study phase[67].

Second Requirement: Consultation as a Mechanism for Enhancing Participatory Democracy

Consultation is considered a means of information exchange in an upward direction, i.e., from citizens to local communities[68]. Consultation is used to understand residents' opinions on specific issues. This consultation can be initiated by popular demand or by the municipal councils themselves.

First Section : Consultation Initiated by Municipal Councils

To enhance citizen participation in local affairs, the Local Communities Law in Tunisia grants both the president of the most representative association of

Tunisian cities and a representative of the High Authority for Local Finance, who is not an elected official, the right to attend meetings of the Higher Council of Local Communities. However, these individuals do not have the right to vote.

The same law also authorizes the Higher Council of Local Communities, as well as the committee related to participatory democracy and open governance, to invite residents, civil society organizations, or any person[69] whose presence they believe would benefit their work due to their activities or expertise, for consultation. These invitees, however, do not have the right to participate in voting[70].

Additionally, the law allows the president of the municipal council to invite senior municipal officials or any specialized individuals who may provide valuable opinions to the council. These invitees are also excluded from voting and may only speak with the president's permission, maintaining complete neutrality. Their opinions are considered advisory[71].

From the above, it is clear that consulting with local communities at various levels can significantly contribute to opening avenues for effective participation in the activities of elected councils, rather than merely attending their sessions. However, if such consultations do not carry decision-making authority [72], they risk being rendered meaningless or insignificant. Consequently, citizens might become reluctant to respond to these invitations if extended in the future.

Second Section : Consultation by Popular Initiative

A referendum is considered an important tool for direct democratic participation, as it is increasingly used to resolve issues of fundamental importance in the lives of citizens[73]. It is employed to gather the opinion of the local community's residents on a matter that concerns them. In this way, it is geographically specific, as it involves a part of the state's territory rather than the country as a whole[74].

Referring back to the Local Communities Code, we find that the Tunisian legislator, in its efforts to implement participatory democracy at the local level, has enabled one-tenth (10/1) of the local voters in a community to initiate a proposal to organize a referendum regarding the preparation of development and territorial planning programs. In this case, a referendum can only be conducted after obtaining the approval of two-thirds of the local council members within a period not exceeding two months[75]. The result of the referendum is binding in all circumstances, provided that the participation rate in the referendum is not less than one-third of the registered voters [76].

In this context, the referendum is considered decisive rather than consultative, as its results are binding for the local community, provided that the participation rate does not fall below one-third of the registered voters. Consequently, important decisions can be made with genuine approval from the residents[77].

However, it is worth noting in this regard that despite the importance of the referendum as a means of realizing citizen participation in local affairs, the

Tunisian legislator has established a set of regulations, the most significant of which are:

- Only one referendum can be conducted during the municipal or regional term.
- No referendum can be held during the first year following the election of the local council or during the last year of the municipal or regional term[78].
- The municipal council must respect budget preparation deadlines when setting the referendum date[79].
- The expenses for organizing the referendum are borne by the local community's budget, which necessitates the availability of financial allocations before initiating its organization under the supervision of the Independent High Authority for Elections[80].

Conclusion

At the conclusion of our study, we have reached a set of findings and recommendations as follows:

1- Study Findings

- Participatory democracy aims to create mechanisms for local governance that primarily focus on enabling citizens to contribute and participate actively in local decision-making and the management of local affairs.
- The implementation of participatory democracy should not lead to the disruption of local communities' operations, the postponement of planned decisions, or the disruption of their services. It also does not grant decision-making authority to involved parties, replacing the elected council.
- The retreat of the Tunisian constitutional legislator, under the 2022 Constitution, from enshrining participatory democracy as was previously the case under the 2014 Constitution, is likely to affect the gains made regarding citizen involvement in local affairs.
- Although the Local Communities Code outlines the primary mechanisms for realizing participatory democracy at the local level, the effectiveness of these mechanisms varies depending on whether local authorities are mandated to use them before making decisions.
- Despite the variety of mechanisms for realizing participatory democracy introduced by the Tunisian legislator, they present several challenges, the most notable being the difficulty of engaging with both local citizens and civil society due to their lack of experience and competence in implementing participatory democracy.
- The term "civil society" raises numerous questions. Does it refer to non-governmental organizations, networks operating with external funding, or entities working toward democracy?
- Despite the importance of participatory budgeting as one of the mechanisms for enhancing participatory democracy, it poses several challenges, the most significant of which is the difficulty in evaluating citizens' proposals for projects

planned under the participatory budget. Moreover, there is a noticeable decline in citizen participation during the preparation, discussion, or voting on participatory budget projects.

2- Study Recommendations

– It is essential to raise citizens' awareness of the importance of various mechanisms for realizing participatory democracy to enhance their effective participation in local governance. This can be achieved through organizing seminars and meetings with them to clarify these mechanisms for implementing participatory democracy and the conditions for their practice.

– The use of various participatory democracy mechanisms by citizens should not be restricted to those registered in electoral lists, as this could exclude a significant proportion of citizens from actively participating in managing their local affairs.

– Although consultations with citizens and civil society organizations do not have a decisive character, the municipal council should seriously consider the opinions and proposals of residents and strive as much as possible to meet their expectations.

– It is necessary to establish mechanisms that ensure the municipal council respects the outcomes of the participatory process.

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