

Land Issue in Urban Planning – Case of Setif – Algeria

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Abstract

Land in Algeria remains a scarce, non-renewable resource, which has been abused without any effort for regeneration. This has led to urban planning based on land opportunities, resulting in the dysfunctions that cities are currently experiencing and which have caused a land shortage. Land is one of the essential factors in urban production, and tackling the issue of land in Algeria has always led to the problem of land being raised, and the uncertain and inconsistent variations in the various conditions that have marked our country’s history bear witness to the current situation.

This paper looks at how the land issue has affected the urban development of a town like Setif. Using this example, are the current urban planning and land tools sufficient to gain “respect and legitimacy” (of laws or rules) and launch an “urban project”? Or do we need a different range of tools for land intervention, the production of buildable space and the treatment of existing neighbourhoods, even going so far as to talk about the possibility of land recycling? This work tackles many questions which underline the importance of the land issue, and if land management remains the key to controlling the future urbanization of our cities.

Key words: *Land, urban planning, sprawl, control, plan, project.*

Introduction

With respect for the general interest and the search for territorial balance, urban planning remains a practice whose aim is to propose a thoughtful and responsible organization of natural, rural and urban spaces. It studies the issues at stake over the long term and proposes the spatial translation of social, economic, environmental and cultural policies.

This dimension encompasses land management and urban planning, rationalizing the potential of the land. These considerations highlight the interaction between land issues and the phenomenon of urbanization.

Nowadays, urban planning tends more to localize and develop the city’s dysfunctions and difficulties than to prescribe solutions. According to T. (Paquot et al., 2006) [11]:

“Urbanism is a problem, not a solution. Urbanism questions the urban future of being and of the world....”

Land tenure is one of the key factors in urban production. Addressing the issue of land tenure in Algeria has always led to a focus on the problem of land tenure and, consequently, the uncertain and inconsistent variations in the various conditions that have marked our country's history.

The main thrusts of future planning and urban development will depend on how the land base is managed and controlled. In France¹, we celebrated the bicentenary of the land registry in 2007, whereas in Algeria the situation remains critical and the land registry, despite its vital importance in land management, has unfortunately never been a priority (Aloui, 1993:83) [1].

In Algeria, urban land, a scarce and non-renewable resource, has been abused without any effort to regenerate it, leading to spontaneous urbanization practices based on opportunity rather than land management and action. The question can be addressed through knowledge of spatial evolution, urban and land dynamics, urban expansion or control.

The diagnosis of the current situation of our cities presents almost the same clinical picture, highlighting indicators of difficulty characterized essentially by:

- The unbridled pace of urbanization,
- Excessive land consumption,
- The imbalance between town and country in the main population centres.

Since the independence, urban development has often been carried out in haste or as a result of pressure leading to major dysfunctions. This situation makes the Algerian city highly vulnerable, as it is not based on any long-term urban project. The urban chaos observed in some of them accentuates this vulnerability, preventing them from meeting immediate and future quantitative and qualitative needs.

If we take a closer look at the urban land question, we should note that the absence of effective rural development policies is also exacerbating the levels of pressure exerted on our cities. This translates essentially into continuous migratory flows and overcrowding in the main centres, leading to additional needs that far exceed capacity. This situation is triggering further changes in land use and urban structure.

In practice, the urban space and its periphery are left to the ad hoc decisions of local or central authorities, in defiance of urban planning, which is proving outdated as a result of voluntary and spontaneous operations, outside and/or in anticipation of the urban plan.

¹ "...The cadastre in France was instituted in 1807, known as the "ancien cadastre" or "cadastre napoléonien".

Algeria's urban development policy, and consequently its land management policy, has often favoured land-consuming urban sprawl. This sprawl, whether intentional or unintentional, is the consequence, above all, of a housing policy that has focused solely on the quantitative aspect of housing. This tendency has been expressed in zoning urban development on the outskirts, ignoring the city centre and its immediate suburbs.

We have noted that a stage in the urban reality is coming to an end, when the urban fact was first used as a reason for industrialization, then as a springboard for policies focused on housing, a social object open to individual initiative and "laissez-faire", to ultimately agree on the need to limit sprawl through control measures. [4].

A new stage begins where our cities return to ground zero, where the option of controlling and preserving agricultural land is called into question and the city returns. It once again adopts the practices of urban sprawl and the over-consumption of agricultural land under pressure from a colossal government program.

1. The Spatial Evolution and Land Management – the Case of Setif

This article takes the town of Setif as an example. A colonial town ex-nihilo, of medium size, struggling for command of the "Eastern High Plateau Region"². (ANAT, 2007) [2].

The city of Setif lies on one of the country's dynamic corridors: Algiers – Constantine. In terms of economic assets, it currently concentrates all the dynamic elements. Sétif is an industrial and university hub, a major tertiary and commercial centre, and a cultural and sports city. It is a veritable hub, ensuring the necessary complementarities between the sub6areas (the coast, the High Plains and the South of the country). This privileged position has had positive knock-on effects on the city, but also restricts its development, which could eventually be compromised by the conflict between agriculture and urbanization.

The town grew out of the colonial core through successive urban extensions, each time leaving gaps that had to be filled in order to be urbanized, each time seizing the road network and land opportunities at a time of crisis.

This state of affairs was to become a feature of the urban image of what Setif is today. It is a concentric radio city that has developed in the form of a ring, each time returning to complete the empty pockets.

² Based on phase 1 of the Schéma Régional d'Aménagement du Territoire SRAT de la Région Hauts Plateaux Est.

a. The Intramuros and Suburbs of the Colonial Town

The initial core of the town of Setif, dating from the colonial period, consisted of the intramural city. It communicated with the outside world only through its four gates. After 1925, the railroads led to the emergence of suburbs. The city crosses its gates and walls. However, the town's distinctive feature was that the extensions granted at the time were located at a measured distance from the inner city, leaving behind an important and valuable strip of land.

This strip, described as a “non aedificandi” (Malverti and Picard, 1989) [8] zone, is in reality no more than a land reserve. It was left as an intermediary zone that fulfilled the needs of the new residential zone at the time. It was tempered, between the inner city and the suburbs, to a new city centre. Mr. Lucien MUNSELOT, mayor of Setif at the time, imagined linking the historic centre with the station suburb. In 1939, he wrote: “...beyond the old gates of Constantine, a great void separates the city from the suburbs of the station. It is this void that must be filled in order to make it the natural and definitive centre of modern Setif”, (Bassard and Villard, 2002) [3].

We also cite, by way of example, a detail on the making of the colonial town, a combination of land control and urban composition that can be read in the context of the development, extension and embellishment plan including land action. Thus, in the official bulletin of 04/03/1849, we read the following:

“The construction of arcades is compulsory in rue Sillègue. The local authority will decide on the definitive model for these galleries. The land required to build the arcades will be granted free of charge to the owners of the houses bordering the said streets...” (Millet D., 1986) [9].

A tolerable practice is still in force today. It has left its mark in similar actions even in new extensions.

b. The city in the face of rural contributions

The city underwent its first form of urbanization, as a consequence of industrialization, between 1962 and 1975, with the creation of the second ring road, the first break with the colonial city. It is characterized by spontaneous neighbourhoods and an irregular urban grid.

The national policy led to a major influx of population for which the city was unprepared, and to the development of a consequent urban framework. In turn, this led to overcrowding of the old built environment and a proliferation of squatter settlements.

To deal with this proliferation and densification of illegal neighbourhoods, a second ring road³ was built to halt the disproportionate expansion of certain spontaneous neighbourhoods that were gradually clustering around the central core.

On a national scale, the land situation during this period underwent a series of changes that completely overturned the legislative, technical and legal aspects of the land issue. As a result of a series of measures, a considerable amount of urban and agricultural property became part of the national heritage.

It is worth highlighting an important piece of legislation whose real and effective impact was only felt during the subsequent period, namely Ordinance 74/26 of 20/02/1974 on the constitution of communal land reserves. It had a very marked impact on private land tenure and the State's private domain, and whose effects are still significant.

c. The City and Planned Housing

This is the city of the second form of urbanization, generating the city's third ring from 1976 to 1986. The result of an acute housing crisis, it was built within a planned framework, giving priority to housing and infrastructure.

It inherited constraints arising from urban concentrations resulting from the massive rural exodus and the initial underestimation of the housing problem. Added to this was the ill-considered commitment of the public authorities to take almost full responsibility for financing and building housing for all Algerian citizens, with an almost exclusive focus on so-called social housing.

Thus, urban interventions during this period were marked by a top-down policy, and consisted in giving a fragmented form to the city's urban fabric through the punctual urbanization of empty pockets and new urbanization that brought to light new sectors, all of which are the starting point for future densification.

These operations were directly taken over by the State as a development procedure. Initially in the form of large housing estates under the special program, then with urban planning tools known as New Urban Housing Zone (Z.H.U.N).

This policy was bolstered by the creation of a land portfolio as part of communal land reserves to cope with the large-scale program, and in particular the creation of the Setif New Urban Housing Zone (ZHUN) on territories not initially defined as urban zones by the Master Urban Plan (PUD), which upset the expected trends.

This act of zoning allowed the transformation of a "closed structure" road network defined in the Master Urban Plan (PUD) into an "open structure". Its purpose is to meet, perhaps as a matter of urgency, the need for collective housing. This measure has had

³ Currently it's boulevard 20 aout 55

significant repercussions on the surrounding land, with its high agricultural value, and on future urban extensions. It has accentuated the principle of concentric radio development in the spatial growth of the city of Setif.

During this period, *Communal Land Reserves* (RFC) were the main driving force behind urbanization. They were able to erase the land constraint in the urbanization process and mask the real value of urbanized and urbanizing land. This heritage, which was to have been acquired with a view to ensuring rational land use and harmonious development of the urban fabric⁴, has been emptied of its meaning, being limited to satisfying private demand for building land and wasting land through urban zoning practices.

This has left behind a very loose land use, a giant plot of land with a lot of empty space that can neither be restructured nor built on, and a program of public facilities with boot composition inside the fence as a result of the practices and orientations of the land selection commission.

d. The City and the Practice of Laissez-faire

As a consequence of national and international conditions, the urbanization policy put an end to a development model that had shown its limits. Hence the introduction of a new, liberal policy; the State demonstrated its disengagement from the housing sector by advocating a “laissez-faire” attitude through the unbridled promotion of individual housing.

Variable political conditions, a substantial land portfolio acquired as part of communal land reserves and a land bank equipped with all the necessary infrastructure as part of the unique urban development operation known as ZHUN, were the ingredients of this laissez-faire city of individual housing and property development until 1995.

This third form of urbanization has given rise to a veritable land anarchy, giving free rein to populist action and fostering a demand-driven attitude on the part of citizens, in the absence of any decisive structural data and in the face of unbridled demographic growth. The aim was to offer plots of land to citizens, even if they didn't want them; thus, opening the door to all forms of squandering and informal speculation.

During this period, the political and economic situation led to reforms which began in 1989. These reforms led to the promulgation of a legal arsenal introducing new mechanisms and creating a new institutional and instrumental framework. Laws 90/29 of December 1, 1990 and 90/25 of November 18, 1990 are the basic reference in terms of development, urban planning and land guidance respectively. Their broad ambitions

⁴ According to the objectives set out in Ordinance N°74/26 of 20/02/1974 concerning the creation of communal land reserves.

have yet to be matched by the implementation of the necessary and appropriate measures and mechanisms.

It should also be pointed out that the preparation of the Master Plan for Development and Urban Planning (PDAU) was subject to the constraints of this transitional and cyclical period. In particular, land sales and transactions generated by the re-launch of real estate development (1986), followed by the re-launch of land development (1992), created a consistent program of social housing estates and real estate cooperatives, with the support of committees such as the “ Technical Committee of the City” (CTW), responsible for the sale of built and unbuilt property in the State’s private domain, and the “*Assistance and Localization Committee for Investment Promotion*” (CALPI).

As a result, the tension over land had been brought to an end in the rare empty pockets of urbanized areas, where a new urban planning map was drawn up, dubbed the “empty pockets map”. This is the consequence of the scarcity of available land on the one hand, and on the other, the high demand resulting from the laissez-faire policy of individual and collective self-build.

e. The City and the Practice of Control

In response to the concerns of the public authorities, and in application of Presidential Instruction No. 5 of August 14, 1995⁵ on the preservation of agricultural land, the issue of controlling the growth of large cities has been the subject of an official communication⁶, and recommendations have been made for measures to limit the damaging effects of urbanization, which the wilaya of Setif has endured in this respect.

In this respect, it should be noted that in the national assessment of land reserves for urbanization by sector in the approved Master Plan for Development and Urban Planning, PDAUs, the wilaya of Setif was unable to release more than 10% of its urbanization needs in all sectors combined. Consequently, it ranked first nationally in terms of saturation, ahead of Tizi-Ouzou (Directorate of Architecture and Housing, 1999) [7].

As a result, the need for developable land was met in the few empty pockets of the urbanized sectors. The town-planning instrument currently being studied would then have to take stock of what had been done on the ground during the long process of drawing it up. A fait accompli attitude taken from the first generation of urban development plans (PUD/PUP), which means that we are subject to the constraints of a given situation instead of master planning. A case in point is the slow development and

⁵ The content of this circular was very severe and justified, coming as it did at a catastrophic time in the fight against the encroachment of agricultural land, and stipulating, among other things: "...I therefore ask all those in charge, at whatever level, to systematically and definitively integrate the preservation of agricultural and forest land resources as a fundamental requirement and a constant element of any land development, equipment, construction and urban planning policy to be drawn up or implemented....".

⁶ Action program of the Ministry of Housing, Year 1999, December 1998.

approval of the Master Plan for Development and Urban Planning (PDAU) for the commune of Setif, launched as a study in March 1992 and approved by the Ministry of Housing in February 1997.

In this context, the initial PDAU for the commune of Setif opted to limit urbanization without any concern for the commune's real needs, estimated at almost 2,500 ha, and only 300 ha were granted by the agricultural services, i.e. 12% of the real need ⁷.

The 300-hectare area to be urbanized, located in the Gaoua coalfield, is the last ring of land to be closed off on a very hilly site, 95% of which is of a private legal nature. These four POS have provided for individual housing exactly where individual cooperatives have been conspiring between private individuals, who needed a tool enforceable against third parties to obtain subdivision permits.

The adoption of the Master Plan for Development and Urban Planning (PDAU) as a new urban planning instrument in the commune of Setif has, in reality, only served to regularize the actions already carried out, which have largely depleted the land available for urban development in the medium and long term. The deeply held desire to preserve land with high agricultural value definitively closes off future possibilities for spatial expansion.

Over the same period, urbanization has been characterized by the consumption of available land reserves, resulting in land pressure and the need to densify existing fabrics. Managing the city of Setif without available land for expansion is therefore a new approach to urban planning. Over the past decade, the city of Setif has become a place where social and economic structures have come under enormous pressure for land.

Nevertheless, a series of interventions on the existing urban fabric have been identified in a dirigiste and unexpected manner. One example is the densification of the ZHUN through various social rental housing programs as part of the 1997 emergency plan, which increased the New Urban Housing Zone, ZHUN's capacity from 9,327 to 1,265 dwellings, at the expense of planned but unbuilt local amenities and considerably reduced public space. [5].

f. The City and the Return to the Urban Sprawl

After the period of control and non-expansion, which put an end to the practices of abusive consumption of communal land reserves and urban sprawl, and after a principle adopted for several towns within the framework of the PDAUs completed and approved in 1997, city managers and players can no longer control the situation. Additionally, local authorities have taken this approach as a sanction and the PDAUs as a stillborn tool.

⁷ Figures provided by Setif's Department of Urban Planning and Construction (DUC).

The city of the fifth form of urbanization, a consequence of land saturation, is characterized by the return of the State as builder and investor, in response to the concern of local authorities for the power to carry out the program.

The first assessments carried out after the 2001/2004 Economic Recovery Support Plan (PSRE) program and in anticipation of the launch of the 1st and 2nd five-year plans obliged the State to take measures to reverse the land grabbing policy, and to recognize that land scarcity cannot be a tool for recovery.

Executive Decree No. 03/313 of 19/09/2003 on the terms and conditions for taking back agricultural land from the national domain was promulgated to address this issue and ensure the availability of agricultural land to be integrated into construction programs without any constraints. Once again, the government is calling into question existing instruments that have been lacking in respect and legitimacy ever since they came into force.

Virtually all PDAUs across the country have adopted the principle of revising their plans to reclaim land for urbanization.

Municipality of Sétif	Urbanised area	Urbanizing area	Future urbanization area	Non-Urbanizable Area
PDAU Adopted in 1997	2210,70	300	00	12039,24
PDAU Revised in 2008	2239,70	1689,02	00	10350,24

2. The Land Register and Land Management

The land register is an exceptionally rich source of land and economic information for land management and urban planning. Over the last few decades, land ownership has undergone major changes. Most of the land portfolio has been used up, with no clear indication of the remainder, until it became clear that there was nothing left, and that there were problems in carrying out government projects. This situation is due to the absence of a land registry, and the absence of a body at local authority level capable of updating land ownership and recording any changes that have occurred.

A cadastre is a set of documents methodically drawn up on the basis of topographical surveys and land surveys. It is considered to be the inventory of land ownership, providing a more or less detailed description. It is intended to meet individual or collective needs, particularly in terms of land, legal, fiscal and economic matters. For this reason, the cadastre is considered by some authors as the civil status of land ownership, and by others as the DNA of the country. (Nait Saada, 2008) [10]. The land register is therefore a basic instrument for stimulating economic and social development.

The main thrusts of future development and urbanization will depend on the way in which land is managed and controlled. Raising cadastral coverage to the level of a national priority by providing all the necessary resources and setting precise deadlines for completion is a vital necessity.

3. Urban Planning Instruments and Land Management

Land management is the key to development, and “the land question is a delicate, sensitive and often a passionate issue” (Dumont, 1996:8) [6]. It is generally at the heart of all controversy, as soon as the slightest development need arises. Debates become more acrimonious as soon as the public authorities need land to carry out their program, and the land opportunity has always been the rule.

Peri-urban land is monopolized by public facilities and infrastructure projects on the pretext of urgency and public utility, on the simple advice of a national arbitration committee and without any need for it to be included or not in the PDAU as a sector to be urbanized.

Today, it is clear that land management, as practised since the economic recovery support program, is just as important as the communal land reserves of the past, and is indeed a new driving force behind urban sprawl. The new guidelines governing communal land management have been promulgated as, on the one hand, a challenge to the policy of controlling large cities and protecting agricultural land and, on the other hand, a sanction for elected officials, under the pretext of dealing with the land speculation denounced and condemned during the previous period.

Executive Decree No. 03/408 of November 05, 2003, amending and supplementing the provisions of Decree No. 90/405 of December 22, 1990, laying down the rules for the creation and organization of local urban land management and regulation agencies, concerns the reorganization of communal land agencies, which will be merged into a single wilaya land agency. Faced with a return to the interventionist State and its disconnection from its regulatory role, the new measures reinforce the idea that land management is the responsibility of central government. This centralization limits the room for manoeuvre of the APCs and reinforces the powers of the administration, through the creation of an arbitration commission to rule on the transfer of sensitive land within the urban fabric, and an inter-ministerial commission, reporting to the head of government and made up of representatives of the central administration, whose mission is to identify land for national-scale projects.

The main point to note about this new legal arsenal is that urban planning instruments are losing their respect and legitimacy, simply because the various ad-hoc committees are empowered to rule even on land located within the perimeters of PDAUs and/or POSs that are not urbanizable or not yet approved. Thus, urban extensions have been chosen on agricultural land in the private domain of the State, generally occupied by a deed of enjoyment for the benefit of EACs and EAIs, whose role in stopping the

monopolization of agricultural land has been limited to that of the agricultural services directorates, the guardians of the enjoyment of this land.

Today, Algeria lacks the skills needed for land recycling and land consolidation using existing tools. A land consolidation operation is needed to bring together plots of land for equipment and development work. This regrouping of plots with a view to conferring use on a competent body such as a development company does not exist.

A decade after the completion of the new instruments, we can still see the widening gap between theory and local reality. Programming, design, financing, implementation and management procedures have not been sufficiently clarified. Landowners (estates, local authorities or private individuals) who are obliged to develop the land before allocating it to different users, have not yet fully assumed this responsibility. The operational and land management aspects of development are currently lacking in Algeria.

The operational nature of urban planning instruments and the need to adapt them to the evolution of future urbanization is an issue currently being considered by the Ministry of Housing (Réunion Gouvernement Walis, 2006) [12]. While urban planning instruments determine the consistency of the land to be urbanized, and the State has put in place a mechanism for the integration of agricultural land in the State's private domain, projections for the installation of facilities and housing require upstream servicing work. From the point of view of responsibility for this mission, current procedures have neither identified nor defined the role of the intervener.

It is clear that in the context of land legislation, the operability of urban planning instruments, i.e. the offer of control over a sufficient quantity of building plots whatever, or in the absence of its legal nature, has not been acquired. By offer of control, we mean an offer of land with a guarantee of servicing and equipment, and of a specialized developer with upstream urban planning regulations aimed at realizing an urban project adapted to the needs and available resources.

Conclusion

Having studied the case of the city of Setif and explored the regulations in force, we have noted that from the independence time to the present day, land has been at the heart of all debates and issues. It is a subject of political and economic power and pressure, which has never been a priority for a change in practice that would adapt a clear urban policy based on land control.

Land management as a tool for dealing with old districts, wastelands and large-scale housing estates, through the renewal and regeneration of existing urban fabrics as part of an urban management process, requires a range of appropriate, diversified, incentive and coercive tools.

Despite the existing legal arsenal on land and urban planning, the question of how to take charge remains unanswered, and the modalities of programming, design, financing, implementation and management have not been sufficiently clarified.

Whereas in the “pragmatic new urbanism” option, the procedural approach (how to do things) certainly remains more fruitful for grasping the meaning of the project than the substantive perspective (what to do) proposed by current legislation.

In this respect, the obligations of the urban planning and land management profession have led developed countries to enrich urban planning law and adopt new practices through the introduction of other specialized tools, which complement those of the spatial discipline and regulatory form, and have gradually accumulated into a “toolbox” of land policy, project planning and urban management.

A good land policy is a policy of anticipation, based on the observation of the evolution of land saturation in relation to urban planning across the scales of urban planning from the most macro vision concerning land development to the most micro vision concerning the development of a square. This subordination to a development policy had to be translated into urban planning, land registry and programming documents.

Despite the availability of land, tension persists in Setif, and land speculation now runs at three speeds:

- A return to the existing urban fabric and the re-conquest of the old town centre through renovation operations,
- A kind of gentrification carried out by a handful of developers in the city’s former suburbs, through land speculation, demolition and reconstruction of villa-buildings intended as real estate development, but within colonial-era housing estates,
- Finally, public and private suburbanization resulting from new urban extensions.

The major challenge for the coming years is:

- To break with zoning and localization practices through land selection committees,
- And to adopt land management mechanisms that take into account urban practices in terms of time, space and programming, so as to turn these new extensions into genuine urban projects.

The emphasis is on the role of land negotiation in the chain of urbanization and construction processes, where land alone must not determine the project, nor vice versa. Today, we need to fight for a greater awareness of the need to take charge of the principle of interaction between land and project.

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