

## **Participatory Budgeting as a Mechanism for Realizing Local Democracy in the Maghreb Countries (Algeria, Tunisia, and Morocco)**

### **1-Afaf Miloudi –**

Miloudiafaf7@gmail.com

doctorant en droit- université de Sfax- Tunisie

### **2- Sana Bahri-**

Maître de conférence- université de Sousse- Tunisie

### **3- Aicha Merdjal**

Aicha.merdjal@cu-barika.dz

Maître de conférences classe "A"- Centre universitaire de Barika- Algérie

**Submitted: 20/04/2025**

**Accepted 03/05/2025**

**Published 15/07/2025**

#### **Abstract:**

Local communities play an important role in national economic development in general and local development in particular, striving to achieve the well-being of citizens in all fields and ensuring the stability of society.

To achieve this goal, local communities adopt policies and plans to manage their financial resources obtained, but sometimes they may fail to achieve the desired results due to their inability to manage those revenues independently. This has led to the erosion of citizens' trust in local and national government authorities in general, which has prompted governments in different countries to move toward adopting new methods in the local management of public expenditures and in the formulation of public decisions in general. These methods embody a democratic government policy in a participatory manner, based on effectively involving citizens in the formulation of public decisions and the management of public expenditures, through the application of participatory democracy by means of various tools in managing local public utilities, the most important of which is the participatory budget. This has been adopted by Maghreb countries, either by stipulating it in their various laws or by ensuring its actual implementation in the public policies of local communities.

Through this research paper, we will study the subject of participatory budgeting as a mechanism for embodying local democracy in the Maghreb countries (Algeria, Tunisia, and Morocco), by addressing the concept of both participatory democracy and participatory budgeting, along with identifying the legal mechanisms adopted by the three countries to apply them across their local regions.

**Keywords:** Public expenditures, local financial decision, territorial communities, local communities, participatory democracy, participatory budget.

#### **Introduction:**

As a result of the random spending of the local administration's budget and its preference for private interest over public expenditure on the one hand, and the inability of public authorities to determine the real needs of citizens on the other, this has led to the erosion of the local citizen's trust in the administration and the government in general, as well as his dissatisfaction with the services provided and the development projects implemented in his region, despite his contribution to extending local units with financial allocations through the taxes and fees he pays.

This situation led to the emergence of a widespread popular movement that swept the Arab world under the name of the "Arab Spring," which prompted legislators in various Arab countries in general, and Maghreb countries in particular, to pay attention and include the idea of participatory democracy in their various internal laws and to work on its actual implementation. This would allow the citizen to become an active party in the political life of the state, whether through his participation in decision-making, his contribution in drafting local

budgets and imposing popular oversight on them, or his involvement in planning and implementing various local development projects. Among the most important of these means is the “participatory budget,” which has been adopted by the three Maghreb countries: Algeria, Tunisia, and Morocco.

Accordingly, we must raise the following problem: **How has participatory budgeting contributed to the optimal allocation of local expenditures in the Maghreb countries?**

This study aims to show how the Maghreb countries have implemented participatory budgeting in their various internal laws as an embodiment of participatory democracy, relying on two axes: the *first* as a conceptual framework for participatory budgeting, and the *second* to show the reality of participatory budgeting in the Maghreb countries in embodying local democracy.

### **First Axis: The Conceptual Framework of Participatory Budgeting**

Participatory democracy is considered one of the important tools recently adopted by states, aiming primarily at ensuring the participation of citizens and civil society organizations in the processes of making various local financial decisions related to sustainable development. Participatory democracy relies on several mechanisms for its implementation, among which is participatory budgeting. Therefore, through this axis, we will address the concept of both participatory democracy and participatory budgeting.

#### **First – The Concept of Participatory Democracy**

Studies have proven that participatory democracy emerged in the United States of America during the 1990s in the economic and industrial fields, as a result of some institutions in the state involving employees in the process of organizing management related to methods of production and involving them in discussing various related decisions. The adoption of participatory democracy then expanded in many other countries, such as Latin American countries. Studies also showed that during the 1980s, participatory democracy was applied in many European countries, such as Britain, which adopted the term *deliberative democracy*, then later France and Germany. Despite the multiple names given to participatory democracy, it is considered an embodiment of the same concept.

In France, a law on neighborhood democracy was issued in 2002, which required the establishment of neighborhood councils in cities with more than 80,000 inhabitants—specifically in Chapter One of the section relating to residents’ participation in local affairs of that law. Through this, many cities such as Grenoble, Paris, Metz, and Rennes launched these experiments as an opportunity for their residents to participate in public decisions and projects. The same applies to Spain, where many experiences appeared in its cities in the early 21st century, including in Malta and Granada, from which they spread throughout Spain. In Africa, these experiments were applied in 2003 in more than 150 municipalities up to 2010, including Cameroon, Mali, Egypt, Senegal, Kenya, Madagascar, South Africa, Angola, Mozambique, and the Democratic Republic of the Congo. After that, the adoption of participatory democracy spread to the rest of the world, including African countries such as the Maghreb states—Algeria, Morocco, and Tunisia.

#### **1. Definition of Participatory Democracy:**

To provide a comprehensive definition of participatory democracy, we must first address the definition of both democracy and participation separately.

- a. Democracy:** The word is of Greek origin, derived from *démocratie*, which is composed of two parts: *démos* meaning the people, and *krates* meaning rule or authority. The jurisprudential definitions of democracy vary. Some have defined it as “that collective rule in which the people elect their rulers,” while others have defined it as “the responsibility borne by rulers toward citizens, who exercise their right to monitor

their rulers through their elected representatives.” In the same context, democracy has been considered as “a form of governance in which a group of citizens exercise their right to make political decisions through majority rule, embodying direct democracy, or through their legal or parliamentary representative chosen by popular election, which embodies representative democracy. In general, democracy is the rule of the people by the people for the people.”

From this, the concept of democracy is characterized by features such as the people obtaining the majority in the management of the state and holding the reins of power, having the authority to make decisions through their representatives (deputies) who have the right to monitor and discuss the authority’s actions periodically. In this political system, equality of rights among all citizens and the principle of social justice are achieved.

**b. Participation:** It is “that formal or informal legal method of the contribution of individuals and groups in various social, political, and economic activities of the state in order to achieve the public interest.”

**c. Participatory Democracy:** It is defined as “a set of procedures that grant citizens the right to direct participation in managing the state, by giving them the opportunity to participate in decisions and consultations, as well as involving them in elected local councils on the one hand, and in following up on projects and completed works and contributing to their evaluation at the local level on the other hand.”

It is also defined as a form of joint management of local public affairs, based on supporting and strengthening citizens’ participation in political decision-making, thus allowing them to establish their opinions and effective popular involvement within what is called political engineering. It is the direct empowerment of citizens to participate in the decision-making process in the state.

It is worth noting that participatory democracy was not born today but has been linked to World Bank reports since the 1990s, when it imposed the necessity of relying on the principles of the “new developmental administration,” by adopting the demands of civil society organizations at the local level, through consolidating the link between the universality of human rights and the participatory democracy approach. It is considered an economic vision based on individual initiative on the one hand, and the consolidation of good governance principles that work to achieve the maximum possible provision of community services and meet local needs at the lowest cost and shortest time possible.

From this, participatory democracy can be defined as the contribution of members of society in influencing local public decision-making, by extending their participation to include involving them in public dialogue and discussion, including the local financial sphere. Thus, the citizen has gained greater freedom than before, moving from the stage of merely informing and announcing their needs and demands to the concerned authorities, to the stage of participating in the making and taking of local decisions related to providing the best and highest quality services to achieve a decent and adequate standard of living.

## **2. Characteristics of Participatory Democracy:**

In line with the definitions presented regarding participatory democracy, several features that distinguish it can be deduced:

**a.** It is one of the methods adopted to protect public order, in the sense that adopting participatory democracy will leave the people with the feeling that this system is based

on the joint efforts of all members of society and that they are equally obliged to serve and protect it.

b. Adopting participatory democracy will allow for the elimination of internal conflicts between various forces, especially those based on monopolizing decision-making.

c. Participatory democracy relies on grassroots democracy, as citizens participate in decision-making, thereby directly contributing to finding solutions to various internal and local issues and problems.

### 3. Objectives of Participatory Democracy:

The adoption of participatory democracies is linked to the desire of local administrations to achieve many objectives, including:

- The desire to overcome and reform the gaps in representative democracy, in other words, democratizing democracy.
- Improving the quality of services provided by local administrations, thereby improving public administration decisions and overcoming disputes that may hinder the building of democracy, while achieving the maximum possible rationality in the proposed solutions to various administrative disputes.
- Achieving cohesion and social solidarity at the local level, since the adoption of participatory democracy obliges society to learn to assume social and collective responsibility and to adopt consensual solutions to various issues of local and national concern.

### 4. The Legal Establishment of Participatory Democracy in the Maghreb Countries:

As a result of the Maghreb countries' tendency to adopt international human rights conventions, and their constant attempts to align their laws and internal policies with the embodiment of those rights, these countries have adopted participatory democracy as one of the most important human rights guaranteed. Under this right, citizens can participate and contribute to the management of the state's public affairs, and activate the supervisory role of local administration. Accordingly, we will address how participatory democracy has been legally enshrined in Algeria, Tunisia, and Morocco.

#### a. The Legal Establishment of Participatory Democracy in Algerian Law:

The 1963 Constitution referred to participatory democracy in its preamble by affirming the full and effective participation of citizens in building and founding

- b. the country, which is considered a reference by the constitutional founder to the adoption of the idea of involving citizens in making public decisions.

But due to the security conditions prevailing in the country at that time, we cannot speak of participatory democracy in its modern sense. As for the 1976 Constitution, which adopted the socialist system and the one-party system, and which researchers and jurists considered as enshrining a less democratic system, we still find that it included, in its preamble, references to citizens' participation in managing local affairs as well as decision-making, in accordance with Article 34.

And although the 1976 Constitution laid down the first basic outlines of the principle of participatory democracy, it did not actually demonstrate the role played by the citizen in participating in the making of public decisions and influencing them, and perhaps this was due to the one-party system that prevailed at that time.

As for the 1989 Constitution, which established political pluralism, it enshrined the principle of participatory democracy by recognizing many principles, as it considered that the institutions of the state are built on the basis of the participation of all Algerian men and women and their contribution to the management of public affairs. Article 16 of the same Constitution also

stipulated the principle of citizens' participation in the management of public affairs through the elected council, which is considered the basis of decentralization for that; and this is the same article adopted by the 1991 Constitution.

The precise constitutional consecration of the principle of participatory democracy in its modern sense came after the 2016 Constitution, preceded in this by the Municipal Law 11-10, based on the speech of the former President of the Republic delivered on April 15, 2011, as a result of the events witnessed by the Arab world at that time, known as the "Arab Spring." Based on that, the legislator intervened to undertake many legislative reforms, particularly by adopting the principle of participatory democracy.

As for the 2020 Constitution, it focused on the necessity of adopting the principle of participatory democracy and making it one of the principles upon which the Algerian state is based, through Article 16 thereof.

By referring to Municipal Law 11-10, we find that it included the necessity of enshrining the principle of participatory democracy in many of its articles, including Article 2, which considered that the municipality is the basis in which the citizen exercises his right to citizenship and a framework for his participation in the management of public affairs. This law also devoted an entire chapter entitled "Citizens' Participation in the Management of Public Affairs" through several articles, starting from Article 11 to Article 14. Nevertheless, the legislator did not explicitly use the term participatory democracy in this law, but by analyzing those articles we conclude that what is meant by them is participatory democracy.

#### **B. Legal consecration of participatory democracy in Tunisian law:**

The idea of participatory democracy in the Tunisian state first appeared with the abolition of the 1959 Constitution as a result of demands by secular parties before the 2011 elections and afterwards, by establishing participatory relations between the government and the citizen. The Ennahda Party took the initiative to propose an electoral system based on proportional representation to organize the elections of the National Constituent Assembly in 2011, where it was approved but without specifying the percentage of citizen representation in the council. During the 2011 elections, proportional representation was adopted as a second attempt by the Ennahda Party to establish participatory democracy.

The second stage of establishing the principle of participatory democracy in the Tunisian state was after the 2011 elections, when the Ennahda Movement and its allies agreed to grant the opposition minority the right to critique the process of drafting the constitution, as it required the approval of 60% of council members, as stipulated in Article 19 of the Constituent Law on the Temporary Organization of Public Authority.

Participatory democracy appears in Tunisian law through what was included in Basic Law No. 29 of 2018, which highlighted this principle through several aspects adopted for its application. For example, participatory democracy appears through granting the citizen the right to call for municipal council sessions and participate in them, where Article 216 stipulated that the outgoing president of the municipal popular council or the oldest member of the newly elected municipal popular council shall call for the first session of the elected municipal council within no more than eight working days from the date of the final announcement of the election results by the Independent High Electoral Authority, after which the proposals presented during the preliminary session shall be studied by municipal committees and presented at the next regular session of the municipal popular council. As for the local popular council, it convenes at the request of its president or of 10 voters registered in the constituency's electoral roll, which confirms Tunisian law's reliance on representative democracy as an embodiment of participatory democracy.

Law No. 29 of 2018 also embodied participatory democracy by stipulating the principle of public attendance of sessions through consecrating the principle of openness, which appears in paragraph 2 of Article 218 thereof, and confirmed in Article 219 of the same law, which allocated a place for the representative of the regional popular council to attend municipal council sessions, as well as representatives of civil society organizations and the media as observers.

One of the most important aspects of participatory democracy contained in Law No. 29 of 2018 is its reliance on consultative referenda on development programs, as clarified in Article 31 thereof.

The Tunisian law also opened the way for the people, through their representatives and civil society organizations, to submit the necessary inquiries to the general secretariat of the head of the local community, as stipulated in Article 165 of the same law.

### **C. Legal consecration of participatory democracy in Moroccan law:**

Due to the great importance of popular participation in embodying democracy, the Moroccan Constitution of 2011 explicitly addressed this principle, through several articles. The Moroccan Constitution's adoption of participatory democracy is particularly evident in Article 1, which stated that the system of government in the Kingdom of Morocco is based on citizenship and popular participation, stressing the need for public authorities to provide all conditions that allow the actual application of citizens' freedoms on the basis of equality and to guarantee their participation in decision-making processes in all political, economic, cultural, and social fields. Participatory democracy is also achieved according to the Moroccan Constitution of 2011 on the basis of solidarity, consultation, and dialogue between public institutions and citizens, whether in their personal capacity or through the civil society organizations that represent them. Several levels were established through which participatory democracy is embodied:

- **National level:** The Moroccan Constitution renewed participatory democracy at the national level, which appears clearly in the articles that stipulated the applications of popular participation throughout Moroccan territory without distinction between communities or provinces. Article 12 of the 2011 Constitution stated that associations and NGOs work to contribute to ensuring participatory democracy in public decisions and projects and evaluating them within the limits and conditions defined by law. Similarly, Article 13 stipulated that public authorities must include the intention to involve different social groups in decision-making and the implementation of public projects. Article 14 guaranteed citizens' right to submit legislative proposals as stipulated by law, while Article 15 recognized the right of citizens to submit petitions to public authorities under the relevant organic law.
- **Local level:** The Moroccan Constitution of 2011 also included provisions related to practicing participatory democracy at the local and regional level through Moroccan territorial communities. Article 136 stipulated that regional and territorial organization is based on several principles, including cooperation, solidarity, free management, and ensuring residents' participation in managing their local affairs, as a contribution to enhancing human development and ensuring its sustainability. The 2011 Constitution also stipulated the necessity of adopting participatory democracy and good governance by obliging local communities to adopt participatory approaches in managing public services. Article 139 stipulated that territorial communities establish participatory mechanisms related to dialogue and consultation for the optimal management of public facilities and the participation of citizens and civil society organizations in preparing development programs.

As for Organic Law No. 113-14 on communities, it obligated communities to establish a work program based on participatory democracy enshrined in the Constitution, through Article 78 thereof. In addition, the community's work program, like the participatory budget, moves in the direction of citizens' participation in defining and consecrating development actions. Article 78 of the Organic Law No. 113-14 stipulated that the community may, under the supervision of the council president, establish a work program, evaluate it, update it, and amend it. This program contains the development projects to be implemented or contributed to within the community's territory during six years. Pursuant to paragraph 3 of the same article, the community's work program is prepared in coordination with the orientations of the regional development program and according to a participatory approach in order to achieve the public interest.

### **Second: The concept of the participatory budget for local administration**

The emergence of the participatory budget goes back to Brazil, then spread throughout the world. It was first implemented in a limited number of Brazilian cities in 1989, the most prominent of which was "Porto Alegre," which has a population of one and a half million. Credit for its spread goes to associations and neighborhood initiatives that demanded more effective participation in decisions related to public projects.

Its spread is also credited to a publication titled "*72 Most Frequently Asked Questions about the Participatory Budget*" which was published by the United Nations in human settlements, then the first three stages of the participatory budget were recorded along with the addition of another stage during the Rio de Janeiro Conference. The first stage (1989–1997) was characterized by only a few experiments in popular participation, with only a significant number of cities adopting this principle. The second stage (1997–2000) was distinguished by a period of consolidation and expansion in Brazil, with about 130 cities adopting participatory budgeting. The third stage (2000–2007) represented a qualitative step, characterized by expansion outside Brazil, with participatory budgeting implemented in about 300 cities in 2005 and 800 cities in 2007. Finally, the fourth stage began in 2010, when a census was conducted at the World Urban Forum held in Rio de Janeiro in April 2010, which resulted in more than 1,300 local units applying participatory budgeting worldwide. In this section, we will address the definition of participatory budgeting, then its objectives, types, and principles, along with its models.

#### **1. Definition of participatory budgeting:**

Originally, there is no unified comprehensive definition of participatory budgeting, due to its varied contexts from place to place. However, it has been defined as follows:

- The "Participatory Budget Project" in the United States defined it as the method and tool adopted for managing public funds by involving the people with local authorities, meaning that it embodies the democratic principle in society where members of the community decide how public money is spent, and it enables taxpayers to work with the government to make budget decisions that affect their lives.
- The United Nations ESCWA considered participatory budgeting to be that democratic process in administrative decision-making that relies on the participation of voters in preparing the municipal budget and distributing allocations, whereby local community members determine spending priorities and elect budget delegates to represent different local communities. Thus, participatory budgeting is currently considered a constitutional law within the framework of decentralization.
- It was also defined as "a means of active citizenship, and one of the most important and prominent main pillars of good governance, as it establishes the foundations of

transparency, participation, and responsibility, and mechanisms of local financial management. It is simply a space for practicing direct local democracy.”

From the above, we can define participatory budgeting as: a mixture of participatory and representative democracy, as it seeks to guarantee the right to popular participation and give citizens the opportunity to convey their voices equally and directly on issues related to their basic needs and requirements.

### **2. Objectives of participatory budgeting:**

Participatory budgeting seeks to achieve several objectives, the most important of which are:

- a. Consolidating and strengthening local democracy by enhancing local representative democracy through popular participation.
- b. Embodying the principle of ensuring budgetary allocation for local units according to the needs and priorities of citizens in that region.
- c. Establishing a better perception among citizens regarding how decisions on the local budget are made, in order to highlight their actual participation, through contributing to the distribution of the local budget according to their needs and requirements—i.e., good judgment in spending—such as allocating more funds to health care than to cultural projects.
- d. Rationalizing public spending and improving the quality of local public services, as involving citizens in public spending by choosing projects that express their specific and real needs allows local units to benefit from their expertise as users of those local public services.
- e. Strengthening social ties, as establishing mechanisms for joint decision-making between local units and citizens can change the relationship between different groups using those services, by restoring the importance of dialogue between various local actors—citizens, civil society organizations, and other associations.

### **3. Types of participatory budgeting:**

Participatory budgeting is a very modern mechanism for embodying the requirements of joint local decision-making. It has multiple levels that differ according to the objectives it aims to achieve in order to reach effective and adequate sustainable development on one hand, and according to the specificities of the concerned local units, whether their material constraints or social conditions, on the other. These units may determine their own participatory budget model, bearing in mind that each type of participatory budgeting cannot deviate from the three approaches presented in this section, and they may also be combined, taking into account the available financial envelope. They are:

#### **a. Local (territorial) approach:**

The participatory budget may focus on some local areas with development priority, without extending to other areas belonging to the unit’s region. This distinction lies in providing specific financial allocations to initiate development projects, based on objectivity in recording these projects. These may include informal settlement areas, renovation of old cities, densely populated areas, etc.

#### **b. Thematic approach:**

In this type, the participatory budget relates to specific pre-determined themes, and project proposals from participants must fall within these themes, such as environment or roads.

#### **c. Social approach:**

This type of participatory budgeting aims to integrate members of society, especially residents within the region of the local community, or certain actors in democratic life, by giving them the right to propose development projects that meet their aspirations and needs, for all social groups such as youth, women, people with special needs, the elderly, etc.

### **3. Principles of participatory budgeting:**

Participatory budgeting is based on the following principles:

a. **Principle of transparency:** Defined as the commitment of local administrations to provide and publish all information, services, and decisions they make, for the employees managing local affairs on a regular basis. This principle also requires working within openness to enable citizens to know administrative and political decisions, discuss them, and conduct accountability about them through spaces adopted by public administrations to exchange participatory budget workshops and forums. In addition, transparency must not be limited to public services only, but must also be respected by unions, parties, and civil society organizations. It is considered the best means of exposing and eliminating corrupt practices, and thereby ensures monitoring and accountability.

b. **Principle of effectiveness:** This means the ability of public officials to manage local administrative affairs based on planning, supervision, direction, and organization. Participatory budgeting allows for the best use of public money to achieve public interest, as defining the main priorities of community projects and involving citizens in implementing and monitoring them is a value relied upon by participatory budgeting to facilitate achieving the best desired results.

c. **Principle of inclusiveness:** Participatory budgeting requires targeting all social groups of various categories. Therefore, all citizens' concerns must be considered, including those of old and poor neighborhoods, youth associations, etc., when distributing local public resources, in order to meet the service needs of citizens, with no social group excluded from this distribution.

d. **Principle of solidarity:** Based on the standards of consultation and dialogue, participatory budgeting allows directing financial resources to the population and areas of a given unit that are most deprived, as it operates on the logic of priority, focusing on collective priorities within society as a whole rather than on those with individual concern.

e. **Principle of participation:** The principle of participation is based on several elements: joint planning, unified commitment to local decisions, collective responsibility, in addition to motivating citizens by engaging them with their ideas and identifying their needs. Participatory budgeting is an opportunity to open the way for all segments of society equally—whether citizens or civil society organizations with their different interests—to participate in the local decision-making process, regardless of their origin, gender, or political affiliation.

f. **Principle of extension:**

Participatory budgeting was primarily designed to strengthen the link between different levels of local management. It is a tool that seeks to meet all service needs and requirements at each level, ensuring a comprehensive vision of sustainable local development.

## **Second Chapter** *the reality of participatory budgeting in the Maghreb countries in embodying local democracy*

Participatory budgeting is one of the most prominent forms of participatory democracy at the level of local units, as it embodies participatory management and the practice of democracy at the local level. Through it, the citizen contributes to preparing the budget of his local unit and allocating part of it to priority projects in sustainable development. This leads to restoring trust between the citizen and the government on one hand, and on the other hand, it allows for rationalizing local public spending, achieving transparency, and thereby attaining citizen satisfaction whether in Algeria or in the Maghreb countries as a whole. From this perspective, we will assess the extent to which Algeria, Tunisia, and Morocco rely on participatory budgeting, and whether it is actually implemented or merely a legal formalization.

### **First – Participatory budgeting as a mechanism for implementing local democracy in Algeria**

The principle of participation in work and local decision-making, especially financial decision-making, is considered one of the most important foundations established by the constitutional amendment of 2016. This resulted in a set of tangible efforts represented in projects, laws, and organizational methods aimed at entrenching this principle, the most important of which are the following:

- The emergence of the idea of governors' workshop meetings in line with the issuance of the constitutional amendment of 2016.
- Preparing the draft charter of the "Law of Participatory Democracy," which was one of the most prominent projects embodying the constitutional values and principles of the Algerian state in 2017.
- Preparing a new draft "Law on Local Communities," which aims to establish legal and organizational mechanisms to enable citizen participation at the local level, thereby achieving the constitutional principle of involving them in managing local public affairs in response to their aspirations, and also consolidating and strengthening the principles of good local governance, in 2018.
- Issuing the executive decree related to the delegation of public service, which aims to establish mechanisms for valuing local resources, including partnerships with the private sector to manage local public affairs, in 2018.
- Protecting local property by issuing very strict instructions to valorize it, through setting conditions for selling and transferring municipal property.

Referring to the constitutional amendment of 2020, we find that it also did not explicitly mention participatory budgeting. Likewise, the Municipality Law 11-10 and the Province Law 12-07 did not directly address participatory budgeting. However, the Municipality Law implicitly referred to it in Article 2, which states that the municipality is the optimal space for practicing citizenship within the framework of citizen participation in the management of public affairs. This practice includes the preparation of participatory budgets for local communities. Articles 11 and 12 of the law further stipulated that the municipality is the institutional framework for practicing democracy at the local level and for grassroots management, aiming to encourage citizens and motivate them to participate in solving their problems and improving their living conditions. Article 13 in turn stipulated the possibility for the president of the municipal people's assembly to seek assistance from local figures, experts, and officially recognized representatives of local associations, who can contribute and provide services beneficial to his work or committees, by virtue of their qualifications and expertise. Article 14 also stipulated the right to access extracts from the deliberations of the council, especially regarding its expenditures.

From the above, it can be observed that the Algerian legislator relied in its provisions on the concepts of local democracy and grassroots management. These terms precisely explain the closeness between administration and the citizen. Local or grassroots democracy allows the citizen to discuss with the administration proposals related to the general budget orientations of local administrations. Thus, participatory budgeting is originally inspired by local or grassroots democracy.

When examining the ministerial instruction for the fiscal year 2020, we find that it included a provision requiring the preparation of programs in the equipment and investment section, following a participatory approach with citizens, aimed at rationalizing public expenditures under the title "Local Development within the Framework of Participatory Democracy."

Despite Algeria's clear orientation toward consolidating participatory democracy at the local level, the reality shows a very limited reliance on participatory budgeting, even though it is one

of the most prominent manifestations of participatory democracy. This is mainly due to the absence of political will and participatory logic among mayors (“territorial units”), resulting from the lack of a legal text obligating them to do so, on the one hand, and on the other hand, the deficit that many municipalities suffer from, since this participatory mechanism originates essentially from municipal budgets, which are based on the taxes and fees paid by citizens.

Furthermore, participatory budgeting in Algeria primarily aims to embody the strong relationship between civil society, elected popular councils (municipal or provincial), and local political authorities. It seeks to pay attention to citizens living in underdeveloped areas, regardless of the cause of their deprivation, in order to manage their affairs and improve their living conditions. Thus, it is considered a tool to shift the balance of power in the local territory toward the priorities of citizens and society as a whole, making it the greatest challenge for the state as it seeks to balance the will of the government and the will of the people.

In the same context, starting from the fiscal year 2022, municipalities were required to involve civil society in proposing projects funded by the Local Communities Solidarity and Guarantee Fund (CSGCL) or by the Municipal Development Plan (PCD). This was in order to embody the principle of the “participatory approach” and to give priority to grassroots projects aimed at improving citizens’ living conditions. Immediately afterward, this approach was observed to succeed in addressing citizens’ needs and concerns once implemented. This became clear through covering the financial deficit experienced by about 900 municipalities in both management and investment. Many development projects were financed through the allocation by the state to the CSGCL in 2023 of a financial envelope estimated at about 100 billion Algerian dinars, while about 110 billion Algerian dinars were allocated to the Municipal Development Plans during the same year, distributed across all the provinces of Algeria.

Despite the effective role that civil society plays in the joint and grassroots management of local affairs, and its importance in ensuring the success of the participatory approach (“participatory budgeting”), it is necessary to take into account the level and competence of civil society. The more educated and well-structured it is, the more constructive and effective its participation becomes, enabling it to choose projects objectively according to priority and striving to implement them.

## **Second – Participatory budgeting as a mechanism for implementing local democracy in Tunisia**

The Tunisian legislator required that the budget be prepared within a participatory framework, which gives it the required transparency and contributes to consolidating direct democracy. The participatory approach to preparing the municipal budget is the mechanism through which the citizen contributes to the decision regarding how to spend the resources allocated for development, which are included in the second title of the budget document. This allows residents to decide the course of appropriations allocated during the fiscal year according to their needs and aspirations.

The Tunisian legislator also relied, when preparing participatory budgeting, on several legal principles established by Basic Law No. 29 of 2018, unlike the Algerian law, which has not yet explicitly provided for its principles or legal procedures. These principles can be identified according to the provisions of the aforementioned law as follows:

- **The principle of the annuality of the budget:** Law No. 29 of 2018 stipulated that the municipal budget is a unified, clear, and comprehensive annual financial document, based on the principles of transparency and participation, and prepared fairly. It must include all resources and expenditures of the concerned local units, within the framework of the objectives of the local development plan. The fiscal year begins on

January 1 and ends on December 31 of each year. Local communities allocate their financial resources and distribute them across various development plans, while observing necessary expenditures, seeking to achieve social justice and gender equality. When allocating the budget, they must consider taxes, fees, additional duties, and other revenues, particularly those resulting from decisions issued by the council of local communities regarding the adoption or adjustment of the budget.

- **The principle of financial legality and the rule of real balance in the budget:** Local communities must ensure the rationalization of their public expenditures, in accordance with Article 126 of the aforementioned law, as well as balance between operating expenses and development expenditures on the basis of equilibrium, while observing previous commitments, including debt service, as stated in Article 133 of the same law. Article 135 also set a number of requirements that must be respected when recording local budget expenditures, with particular attention to respecting the principles of credibility and real balance. The most important of these requirements, which directly affect serving citizens and meeting their needs and aspirations, include:
  - Adopting the principle of credibility when estimating resources and expenditures, by avoiding underestimation or overestimation of the local budget.
  - Adopting the principle of equality regarding the coverage of resources and expenditures of Title I.
  - Allocating the necessary appropriations to cover mandatory expenditures, in accordance with Article 160 of the aforementioned law.
  - Mandatory coverage of debt service (principal and interest) from the local units' own resources.
  - Development expenditures funded by external resources must not be less than the external borrowing allocated.
  - Adopting the principle of achieving balance in Part V of the budget, between resources employed and expenditures linked to those resources.
- **The principle of prudence and caution:** The local budget must estimate in advance the resources likely to be mobilized and the expenditures likely to be made, to avoid executing expenditures not matched by resources, to ensure accuracy of estimates, and to avoid including unrealizable resources, which would hinder the provision of public services to citizens.

### **Third – Participatory budgeting as a mechanism for implementing local democracy in Morocco**

The Moroccan legislator adopted participatory budgeting by enshrining a set of principles relating to the mechanisms of participatory democracy and good governance. The 2011 Constitution called on public authorities, especially territorial units, to adopt and develop participatory methods in managing state public policy. This is clearly reflected in Article 139 of the Moroccan Constitution, which granted regional and territorial councils participatory mechanisms that facilitate dialogue and consultation, aiming to ensure citizen and civil society association participation in preparing, implementing, and monitoring development programs.

In application of the Constitution, territorial communities in Morocco are obliged to adopt specific programs that institutionalize participatory democracy, pursuant to Article 78 of Organic Law No. 14-113 on local communities. It requires them to establish a work program under the supervision of the council president, to be followed, updated, and evaluated. This program mainly identifies the developmental projects to be carried out or contributed to over a six-year period. It must be prepared during the council's first year of office at the latest, in

harmony with the orientations of local development programs and according to a participatory method, in coordination with the governor of the province or his representative if necessary. It must necessarily include basic needs and the capabilities of territorial communities, while setting priorities, evaluating resources, and projecting expenditures.

Article 81 of the same law stipulates that the procedure for preparing the program adopted by the territorial community, and the mechanisms for dialogue and consultation to prepare it, must be determined by a regulatory text issued by the competent authorities. The term “preparation” in Article 81 effectively embodies participatory budgeting. During it, territorial units may choose to adopt a participatory budget in parallel with their work program or to integrate elements of participatory budgeting into the program in order to strengthen its participatory approach.

Additionally, the municipal council may update the areas in which it wishes to apply participatory budgeting, such as prioritizing specific regions, population groups, or sectoral priorities (areas with limited development), in line with the provisions of the organic law on local communities. Article 83 of the law stipulates that the territorial community establishes and manages the necessary public facilities and equipment to provide proximity services in fields such as drinking water distribution, public lighting, urban public transport, cleanliness and environmental protection, and the maintenance of public parks, in addition to other essential public services for citizens.

To further embody participatory budgeting, Organic Law No. 14-113 established a consultative body within the municipal council in partnership with civil society actors. This body is tasked with studying issues related to implementing and embodying the principles of equality, equal opportunities, and gender approach, and is called “the Body for Equality, Equal Opportunities, and Gender Approach.” This is provided for in Article 120 of the law, and it serves as a mechanism to implement Article 19 of the 2011 Moroccan Constitution on parity, equality between men and women, and combating discrimination, as well as Article 139 of the same Constitution, which empowered regional and territorial councils to establish participatory mechanisms for dialogue and consultation, in order to facilitate citizen participation—regardless of gender—and that of associations in preparing and monitoring local development programs.

Referring also to Organic Law No. 14-112, under Title IV “Participatory Mechanisms for Dialogue and Consultation,” specifically Article 110, it stipulated the modernization of provincial and district councils as participatory mechanisms for dialogue and consultation, to facilitate the participation of citizens, associations, and civil society in preparing and monitoring local development programs.

### **Conclusion**

Participatory budgeting is one of the most important mechanisms that embody participatory democracy, as it deepens dialogue and strengthens communication between local authorities and the people through their representatives in elected local councils, associations, and civil society organizations. The state becomes accountable before them for its local decisions and projects carried out within the framework of its various development policies.

The effective role of participatory democracy is evident in strengthening the relationship between local administration and the citizen by considering him an active element in his territorial unit. This feature grants him the opportunity to contribute to meeting his needs and requirements, on the one hand, and to act as a monitor of how public policies and development plans are formulated and implemented, on the other hand. Through this, participatory budgeting strengthens the transparency of public administration, rationalizes public expenditures,

consolidates popular oversight, spreads democracy in society, and reinforces trust between local units and the people, motivating them to contribute to local revenues.

It is observed that Algeria's experience in implementing participatory budgeting was very limited compared to Tunisia's. Moreover, the Moroccan experience, despite the legislator's attempt to establish the basic foundations for implementing participatory budgeting, is still far from actual realization. By contrast, Tunisia stands out for establishing foundations, dynamics, and programs that strengthen and practically implement participatory budgeting, while also constantly publishing detailed participatory budget breakdowns with precise amounts through the websites of local communities. This constitutes a qualitative leap by the Tunisian legislator as a result of the popular movement and revolution that the country recently witnessed.

### Sources

Constitution of the Algerian Republic. (1963).

Constitution of the Algerian Republic. (2020).

Law No. 11-10 of June 26, 2011, relating to the municipality. *Official Gazette*, No. 37, July 3, 2011.

Constituent Law No. 6 of December 16, 2011, relating to the provisional organization of public authority.

Basic Law No. 29 of May 9, 2018, relating to the Code of Local Authorities.

Organic Law No. 14.113 relating to municipalities. Royal Decree No. 85.15.1 of July 7, 2015.

Ministry of the Interior of Tunisia. (2022). *Procedural guide for preparing, approving, implementing, and closing the municipal budget* (Guide No. 1). Tunisia.

Instruction No. 21 of October 10, 2019, determining the modalities for preparing and financing the initial budgets of municipalities and provinces for the fiscal year 2020.

### Books

Al-Dassouqi, W. I. (2010). *Combating corruption in light of regional and international law and agreements*. Arab Marketing & Supplies Company.

Al-Kalalda, T. (2011). *Strategy of human resource management*. Dar Alam for Culture, Publishing & Distribution.

Al-Shayyat, A., & Abu Hamour, A. (2014). *Contemporary administrative concepts*. Dar Al-Akademiyoun.

Al-Tayeb Boujelal, O. (2017). *Integrating the participatory approach in political reforms*. Academic Book Center.

Al-Tayeb, T. M. A. (1999). *Psychology of political participation*. Dar Al-Gharib for Printing, Publishing & Distribution.

Al-Tayeb, M. F. (2006). *Democracy and Shura in contemporary Islamic political thought*. D.S.N.

Arab Center for Research & Policy Studies. (2019). *Elites and democratic transition: Formation, tasks, and roles*. Lebanon.

Dal, R. (2000). *On democracy* (A. A. Al-Jammal, Trans.). Egyptian Society for Knowledge and Global Culture Publishing.

Directorate General of Local Authorities. (2022). *Methodology of joint regional decision-making through the budget*. Kingdom of Morocco.

Douri, Z., et al. (2011). *Principles and approaches of management and its functions in the 21st century*. D.D.B.N.

Ibrahim, H. A. (2012). *The reality of democracy and the position toward it*. Imam Muhammad bin Saud University.

Moroccan Network for Participatory Governance – Coman Program. (2016). *Local participatory governance: Joint decision-making model of the participatory budget*. Kingdom of Morocco.

Moroccan Center for Youth and Democratic Transformations. (2024, July). *Guide of citizen participation mechanisms for youth*. Morocco.

### **Journals**

Boujelab, S., & Fodil, F. (2021). Participatory budgeting as a mechanism to improve local financial performance in Algeria. *Al-Bahith Journal of Academic Studies*, 8(3).

Houhou, A. S. (n.d.). Principles and components of democracy. *Al-Mufakir Journal*, University of Mohamed Khider, Biskra, 5.

Inzarn, A. (2019). Participatory budgeting as a mechanism to entrench citizen participation in public policy-making. *Al-Bahith Journal of Academic Studies*, 6(1).

Jamal, F., & Nadheer, S. (2019). Participatory democracy: A conceptual reading. *Political Horizons Journal*, 3(1).

Khleifi, W. (2023). Mechanisms for consolidating participatory democracy at the level of local communities. *Journal of Law and Political Science*, 10(2).

Rabouh, Y. (2024). Participatory budgeting as a mechanism for embodying joint management of local affairs in Algeria. 8(1).

Oqoun, S. (2021). Participatory budgeting: Rationality of project selection and effectiveness of local resource allocation—Case of four municipalities in Tunisia. *Journal of Business Economics Leadership*, 7(3).

### **Academic Research**

Hariri, Z. (2011). *Political participation of Arab women and their role in consolidating participatory democracy: Algeria as a model* (Master's thesis, University of Hadj Lakhdar, Batna).

### **Conferences**

Dembri, I. (2023). The necessity of reforming the budget of local communities to achieve comprehensive development: Participatory budgeting as a model. In *National Conference: Reform of local communities as a fundamental requirement for achieving comprehensive development* (Laboratory of Mechanisms for Achieving Comprehensive Development in Algeria, University of Algiers 1).

### **Websites**

United Nations Economic and Social Commission for Western Asia. (n.d.). Retrieved from <https://www.unescwa.org/ar/sd-glossary/%D8%A7%D9%84%D9%85%D9%8A%D8%B2%D9%86%D8%A9-%D8%A7%D9%84%D8%AA%D8%B4%D8%A7%D8%B1%D9%83%D9%8A%D8%A9>

Consult Vox. (2020). *Le budget participatif: Guide pratique*.

### **Foreign References**

Balderacchi, C. (n.d.). Problems and contradictions of participatory democracy: Lessons from Latin America. *Contemporary Politics*, 22(2).

Sintomer, Y., Herzberg, C., & Allegretti, G. (2014, December). *Les budgets participatifs dans le monde: Une étude transnationale*. In *Dialog Global* (No. 25). Service pour les Communes du Monde, Germany.