Institute: Urban management techniques

University of Oum El Bouaghi

Module: Initiation to town planning 2

Course N **06**: **Urban land policy after 1990**

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The urban policy before 1990 reflected strong centralization, with a monopoly of the state and a doctrine of total planning.

The national and international situation in the eighties marked the end of the state monopoly and the socialist model."

**Land policy in Algeria after 1990: Liberalisation of the land market.**

The new land policy established after 1990 marks a break with the socialist development model. Municipalities no longer hold the monopoly over land as granted by communal land reserves.

The two major components of the new policy are:

1. the Land Orientation Act (Law No. 90-25 of November 18, 1990), and
2. the law on planning and urban development (Law No. 90-29 of December 1, 1990), along with other instructions and decrees (particularly Decrees No. 177 and 178 of May 28, 1991).

In terms of land use, a crucial development involves the differentiation between urbanised and urbanisable lands from the rest of the territory.

Urbanised and urbanisable lands are recognized as specific portions of the territory that present the most significant challenges for stakeholders in urbanization. Consequently, these lands hold substantial market value, necessitating careful consideration.

The connection between urbanized and urbanisable lands is explicitly outlined in relation to urban planning and its new tools (the instruments of urbanism, such as the Master Plan for Urban Development) (P.D.A.U), that precisely define these lands and their roles in the overall development framework.

**Adoption of expropriation rules that stricter and more respectful to property rights.**

On urbanised and urbanisable lands, the right of **expropriation** for general interest and public utility, as well as the right of **preemption**, is applied in favor of the state and local authorities. This is to enable, in a liberal land environment, the acquisition of land for the implementation of development projects.

Expropriation for reasons of general interest and public utility is now conditioned by the existence of urban planning instruments that justify it, as the State is no longer the only legitimate actor in urbanization, according to the 1989 constitution.

Any expropriation must be fair and equitable and result in prior compensation in accordance with the real value of the land in the city.

In the absence of urban planning or if the community is unable to pay for land at its real price (market value), it is necessary to resort to public land to carry out projects of general interest.

**Instruments of urban planning oriented towards the economy of urban land.**

The scarcity and market value of urban land, emphasised by the recognition of property rights and the liberalization of the real estate market, necessitate the establishment of urban planning instruments (Master Development Urban Plan), **PDUA**, and Land Use Plan, **POS**) oriented towards regulation.

This means that their main concerns are land use and forms of occupation rather than the programming of activities. They also constitute a regulatory framework intended to rationalize urban planning actions (construction, subdivision, demolition) of the various actors in urbanization, no longer serving as instruments for the voluntarist development dictated solely by the state.

**Emergence of new stakeholders in land management (**individuals or entities that are involved**)**

The most important participants in this context are the rehabilitated landowners who have regained their rights to regular property titles, especially within the framework of self-construction and real estate development. The instructions of October 27, 1993, and July 31, 1994, respectively stipulate the regularization of property titles for self-constructors and real estate developers.

In this arrangement, the municipality is one actor among others; it must form its land portfolio by resorting to the land market and using the expropriation and preemption rights that allow it to secure good deals and restrain speculation. Furthermore, as a participant in the real estate market, the municipality is required to inventory its land resources.

The liberalisation of the land market involves several actors in competition. The state and its municipalities no longer have absolute rights over land management and must demonstrate good governance to implement projects of public interest.

**Land acquisition procedures:**

In addition to the right of individuals and the municipalities to buy and sell land in a free land market, there are acquisition procedures reserved for the community, namely expropriation and preemption used to enable the realisation of projects and actions of general urban interest. Consequently, these procedures are legally imposed.

In Algeria, the exercise of the right of expropriation and preemption in urbanised and urbanisable areas is approved by the existence of urban planning instruments (P.D.A.U and P.O.S)."