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The Role of Legislation in Regulating Informal Housing

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Abstract

This study examines the legislative approaches to managing informal housing in Algeria, with a focus on Law 90/29 and its amendment, Law 04/05. Through a mixed-methods approach, including document analysis and a case study of the Diar Echems neighborhood in Algiers, the research evaluates the effectiveness of these laws in regulating informal settlements. The findings highlight the challenges and successes of Algeria's urban planning frameworks, emphasizing the need for legislative refinement and more inclusive urban development strategies to address the complexities of informal housing.

Keywords: Urban legislation, informal housing, Law 90/29, Article 11, Urban sustainability.

Introduction

Informal housing, often emerging as a response to the inability of formal housing systems to meet the demands of rapidly growing urban populations, presents significant challenges to urban management, particularly in developing countries. As cities expand at an unprecedented rate, the gap between the supply and demand for affordable housing continues to widen, leading to the proliferation of informal settlements. These settlements are typically characterized by unregulated and unplanned construction, lack of basic services, and precarious living conditions. The persistence and growth of informal housing not only exacerbate urban poverty but also hinder the sustainable development of cities.

In the context of Algeria, the phenomenon of informal housing has been particularly pronounced. Rapid urbanization, coupled with economic constraints and a shortage of formal housing, has led to the widespread emergence of informal settlements across the country. These settlements pose a complex challenge for urban planners and policymakers, who must balance the need to improve living conditions for residents with the broader goals of urban development and environmental sustainability.

To address these challenges, the Algerian government has implemented a series of legislative measures aimed at regulating and integrating informal settlements into formal urban frameworks. Among the most significant of these measures is Law 90/29, enacted in 1990, which was designed to provide a legal framework for managing informal housing. Recognizing the limitations of this initial legislation, the government later amended it with Law 04/05 in 2005, introducing stricter regulations and more comprehensive urban planning guidelines. This paper examines the role of these laws in regulating informal housing in Algeria.

1. Research issue

The research aims to evaluate the effectiveness of Law 90/29 and Law 04/05 in regulating informal housing in Algeria, focusing on how these legal frameworks have influenced the organization and development of informal settlements. Additionally, it seeks to analyze the social and economic impacts of these laws on the residents, examining how their living conditions, economic opportunities, and social integration have been affected. The study also investigates the challenges encountered in implementing these urban planning frameworks, identifying barriers such as resource limitations, administrative hurdles, and community resistance. Finally, the research will provide recommendations for enhancing legislative and planning approaches to more effectively manage informal housing, ensuring that the laws better serve the needs of the communities and contribute to sustainable urban development.

2. Methodology

This research adopts a mixed-methods approach, combining qualitative and quantitative data to provide a comprehensive analysis of the role of legislation in regulating informal housing in Algeria. The study involves a detailed review of relevant laws, including Law 90/29 and its amendment, Law 04/05, along with case studies of urban redevelopment projects, such as the Diar Echems neighborhood in Algiers. Data collection methods include:

1. Document Analysis: Reviewing government publications, legal texts, and reports from urban planning authorities.
2. Case Study Analysis: Examining the Diar Echems redevelopment project to understand the practical application of the legislation.

The analysis focuses on the effectiveness of these laws in managing informal settlements and their impact on the residents.

3. Materials

3.1. Urban Planning Frameworks in Algeria: PDAU and POS:

PDAU (Plan Directeur d'Aménagement Urbain) and POS (Plan d'Occupation des Sols) are critical tools in the organization and planning of urban land use in Algeria. These plans aim to guide urban development in alignment with the needs of the population and sustainability standards.

PDAU and POS are prepared under Law No. 90-29 related to urban planning and development, which outlines the procedures to be followed in preparing and implementing these plans. Law No. 08-15 concerning the approval procedures of urban plans further details the stages from plan preparation to execution.

Table 1 – Urban Planning Frameworks in Algeria.

	PDAU	POS
Definition	A master urban development plan implemented at the municipal or city level. It provides a comprehensive vision for future development and outlines the primary directions for urban area expansion while considering economic, social, and environmental aspects.	A detailed plan focusing on land use within urban areas defined by the PDAU. POS is developed to regulate land use at the individual plot level within a specific area, specifying the allowed activities in each zone.
Objective	<ul style="list-style-type: none"> • Guide and coordinate urban development. • Identify suitable areas for urban expansion. • Protect agricultural lands and natural areas. • Enhance the quality of life for residents by providing a balanced living environment. 	<ul style="list-style-type: none"> • Regulate and distribute urban activities at the local level. • Ensure proper organization of urban areas by specifying designated land uses. • Protect areas of special importance (historical, cultural, environmental).
Components	<ul style="list-style-type: none"> • Analysis of the current state of the city or municipality. • Determination of future strategies and policies. • Mapping guidelines that designate areas for urban expansion, protected areas, and key infrastructure networks. 	<ul style="list-style-type: none"> • Detailed maps specifying the designated land use for each plot. • Building codes and planning standards for each area. • Restrictions and controls on urban developments. •

3.1.1. Challenges and Achievements

Challenges in implementing PDAU and POS in Algeria include unplanned expansions and illegal developments, as well as weak coordination among various stakeholders. However, some Algerian cities have witnessed significant improvements in infrastructure and urban development through the effective application of these plans.

4. Results and Discussions

4.1. Overview of Relevant Legislation: Law 90/29 and Law 04/05

- a) **Law 90/29** was introduced as part of Algeria's broader efforts to regulate land use and urban development. It aimed to curb illegal construction and establish a legal framework for land management. However, the law faced criticism for its rigid application, which often led to the displacement of vulnerable populations without adequate resettlement options.
- b) **Law 04/05** was enacted to provide more flexible mechanisms for regularizing informal settlements and integrating them into formal urban planning processes.

4.2. Case Study: Redevelopment of Diar Echems, Algiers

4.2.1. Project Overview:

The Diar Echems neighborhood in Algiers represents a critical case study in understanding the application of these laws. Originally an informal settlement, Diar Echems underwent significant redevelopment under the framework of Law 04/05. The project aimed to improve living conditions by demolishing substandard housing and constructing new, modern apartments.



Fig 1– Diar Echems



Fig 2– New Residential Buildings for Relocated Residents

a) **Challenges and Execution:**

The project faced numerous challenges, including delays, budget overruns, and difficulties in relocating residents. Despite these obstacles, the redevelopment of Diar Echems has been hailed as a model for future projects, showcasing the potential of legal frameworks to transform informal settlements into sustainable urban communities.

4.2.2. The Relocation Operation

a) **Planning and Execution:**

The relocation operation in Diar Echems was part of a broader urban renewal strategy aimed at eradicating informal settlements and improving urban infrastructure. It involved demolishing old, dilapidated buildings and constructing new housing units in different parts of the city. The planning process was extensive, involving multiple government agencies, urban planners, and international consultants. The relocation was executed in phases, with residents being moved to temporary housing before being settled in newly built apartments.

b) **Challenges Faced:**

The relocation operation faced several challenges, including resistance from residents, logistical difficulties, and budgetary constraints. Many residents were reluctant to leave their homes, citing concerns about losing community ties and uncertainty about future living conditions.

4.2.3. Outcomes and Implications

a) **Urban Planning and Housing Policy:**

The Diar Echems relocation operation has had significant implications for urban planning and housing policy in Algeria. The project demonstrated the potential of large-scale redevelopment to transform informal settlements but also underscored the need for careful planning and consideration of the social impacts of such projects.

b) **Long-Term Effects on Residents:**

The long-term effects of the relocation on residents are mixed. While many have benefited from better housing, others continue to face challenges related to social integration and economic stability. The operation has sparked ongoing debates about the best approaches to addressing informal housing in Algeria, with calls for more inclusive and participatory planning processes.

Conclusion

The relocation operation in Diar Echems represents a pivotal moment in Algeria's urban development history. It offers valuable insights into the complexities of urban redevelopment, particularly in contexts where informal housing is prevalent. The experiences of Diar Echems highlight the importance of balancing physical redevelopment with social considerations to ensure that urban transformation benefits all residents.

Impact of Legislation: The findings indicate that while Law 90/29 provided an initial framework for regulating informal housing, it was limited in addressing the full scope and complexity of informal settlements. Law 04/05 introduced more comprehensive measures, including updated urban planning

requirements and enhanced enforcement mechanisms. However, ongoing practical challenges, such as bureaucratic inefficiencies, resource constraints, and community resistance, continue to hinder the effective implementation of these laws.

Legislative Refinement: The research underscores the importance of improving legislative approaches to managing informal housing. Despite the progress made through Law 90/29 and its amendment, practical implementation issues limit its effectiveness. Recommendations for improvement include simplifying administrative procedures, increasing public awareness of the benefits of compliance, and enhancing the capacity of local administrative bodies.

Future Research Directions: Future research should focus on exploring the social and economic impacts of these laws through field studies to provide deeper insights into their real-world effects. This research would contribute to the development of more effective strategies for managing informal housing in Algeria.

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