

Journal of legal and social studies

Issn: 2507-7333

Eissn: 2676-1742

**The Powers of the President of the Municipal People's Council for Environmental  
Preservation in the Context of Sustainable Development**

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Date of send: 01 / 03 / 2024

date of acceptance: 01 / 05 /2024

Date of Publication: 01/06/2024

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**Abstract :**

This study aims to examine the key powers entrusted to the President of the Municipal People's Council and their role in the preservation and protection of the environment. The President plays a significant role in reducing the burdens of the centralized administrative system due to their direct interaction with citizens. The legislature has granted the municipality various competencies through legal and regulatory texts, from which it derives its tasks and powers to preserve and protect the environment, with the assistance of the President of the Municipal People's Council. The study also highlights the responsibilities assigned to the President of the Municipal People's Council regarding their relationship with other administrative bodies in the field of environmental protection, which overlap or coincide with them, similar to the Urban Planning and Development Law. In addition, it addresses the President's powers through the procedural protection of the environment, in their capacity as a judicial police officer, according to the criminal procedure law.

**Keywords:** Environmental control; President of the Municipal People's Council; Competencies; Powers; Sustainable development; Judicial police officer."

Algeria like many countries, faces various environmental challenges, notably pollution and desertification, among others. To address these issues, it has implemented environmental projects and solutions, such as the Green Dam, etc. However, these measures have not sufficiently met the required standards for environmental protection. Consequently, the legislature has established modern legal mechanisms aligned with the evolving field, aimed at enhancing the role of local communities (municipalities) in environmental protection and mitigating the negative risks impacting the environment and society.

Among the legal frameworks contributing to environmental preservation is the empowerment provided by the state, through the Algerian legislature, to the municipality president via administrative decentralization. This empowerment aims to address environmental issues and prevent them, positively influencing sustainable development and, consequently, improving the social and health conditions of the citizens.

Environmental preservation is governed by various legal rules, both general and specific, and the implementation and oversight of these rules are entrusted to several central bodies. However, these bodies also have representation at the local level (municipality and province), as this area requires that the means and mechanisms tasked with it be closer to its spaces.

Thus, the problem associated with the study's subject is: Are the tasks assigned to the President of the Municipal People's Council sufficient to preserve the environment in the context of sustainable development?

On this basis, the President of the Municipal People's Council is fundamental in implementing the state's environmental policy at the local level. To understand their role and the scope of their local powers, it is essential to discuss the key tasks assigned to the municipality president in the first section, focusing on environmental preservation. The second section will explore the

powers of the President of the Municipal People's Council in environmental conservation through their relationship with other laws.

### **THE FIRST TOPIC: Powers of the President of the Municipal People's Council for Environmental Protection in Municipal Law**

To study the responsibilities of the President of the Municipal People's Council in preserving the environment, this section is divided into elements, with the aim of discussing their role in environmental laws of the municipality, from 1967 to 2011. More precisely, this section will cover the historical evolution of the Mayor's powers in the context of environmental preservation.

#### **Firstly: Defining the Tasks of the President of the Municipal People's Council for Environmental Protection in the Municipal Law from 1967 to 2011.**

The bodies responsible for general administrative control also specialize in specific administrative control. The legislature has empowered the President of the Municipal People's Council with environmental and urban planning control<sup>1</sup> through municipal laws.

#### **1- Environmental Protection in the 1967 Municipal Law:**

The colonial policy, based on the principle of least cost development for each sector, deepened the imbalance in the environmental field. This was evident through the seizure of fertile state lands, population density in cities, the neglect of agricultural areas due to rural-urban migration, and the emergence of various industrial areas linked to urban development. However, this development did not consider environmental preservation, especially concerning the treatment of waste from urban and industrial activities. The 1967 Municipal Law was insufficient for environmental protection for two main reasons<sup>2</sup>:

The first reason is that the state, post-independence, focused on building the foundations of the nation and attempting to eradicate underdevelopment. In this context, various institutions, including municipalities as key mechanisms linked to development, were established. The second reason relates to the state's delayed

interest in raising awareness and cultivating a culture of "environmental" protection, which did not occur until the late 1970s. Therefore, the 1967 law did not regulate environmental protection as it was directed towards fostering economic and social development.

## **2- Conservation and Protection of the Environment in the 1981 Municipal Law:**

The 1981 Municipal Law, amending the 1967 law, focused on the environmental field, as it was the only legal framework related to the environment in the absence of a national environmental law, which was first enacted in 1983. The amendment of the Municipal Law established extensive powers in this area within the duties of the municipality, introducing new concepts such as environmental protection and pollution control, as emphasized in Article 139bis 1 of the law<sup>3</sup>.

## **3- Environmental Protection in the 1990 Municipal Law:**

In line with the state's new political and economic direction, the Algerian legislature enacted two new laws: the Municipal and Provincial Laws. These laws reflected the legislature's intention to protect the environmental field, thereby expanding the competencies of local authorities in this area. The 1990 Municipal Law<sup>4</sup> enshrined principles confirmed by legal texts related to this field, such as the Investment Law and Urban Planning and Development Law, etc.

Several articles of this law emphasize this, with Article 92 stating the municipality's fundamental responsibility for "nature protection, rational exploitation of space, and the necessity of prior approval from the municipality for any project that poses environmental risks." Article 93 assigns municipalities the "responsibility of preserving natural sites and heritage through the protection of aesthetic and architectural character," as Article 94 also indicates the necessity of municipal protection of agricultural lands and green spaces during project development. Additionally, Article 107 emphasizes the municipality's

responsibility for health, cleanliness, and the environment, through pollution control and environmental protection<sup>5</sup>.

#### **4- Environmental Protection in the 2011 Municipal Law:**

The 1983 Environmental Law was a manifestation of the principles of the 1992 Rio Conference and served as the legal basis for environmental legislation for 20 years in Algeria<sup>6</sup>.

However, with the enactment of a new Environmental Law in 2003, it became necessary for the legislature to align various related laws, especially the Municipal Law, with the Environmental Law, particularly in the domain of environmental conservation and protection. This need led to the repeal of the 1990 Municipal Law and the issuance of Law No. 11-10<sup>7</sup>, which included several legal provisions within the scope of the President of the Municipal People's Council's powers for environmental protection, notably Articles 88 to 95 and beyond, as well as Articles 107 to 121 and subsequent articles."

#### **Secondly: The Powers of the President of the Municipal People's Council in the Environmental Field:**

The tasks and powers of the President of the Municipal People's Council, as well as the municipal council in this domain, are confined between the use of administrative control in the environmental field and the exercise of judicial police duties, given his status as a judicial police officer.

#### **1- Personal Competencies of the Municipal Representative for Environmental Protection:**

Analyzing Article 62/2 of the 2011 Municipal Law, which emphasizes the role of the municipal council president in implementing the state's general policy at the local level, highlights his focus on the necessity of adhering to current legislation and regulation within the framework of preserving administrative control purposes<sup>8</sup>. Additionally, Article 94 of the same law covers various tasks, including:

- Matters related to real estate, housing, and urban planning, as well as the preservation of cultural architectural heritage.
- Maintaining the cleanliness and overseeing the sanitation of public places and building facades.
- Establishing preventive mechanisms for various diseases, especially infectious ones, and combating them.
- Ensuring the implementation of instructions related to environmental cleanliness and protection.

Before this, Article 92<sup>9</sup> granted the municipal council president judicial police powers, enabling him to preserve the environment. Article 93 further notes that the President of the Municipal People's Council can requisition the police or the national gendarmerie, as appropriate regionally and according to legal frameworks.

These aforementioned articles embody and reaffirm Article 15<sup>10</sup> of the Criminal Procedure Law, which confers the status of a judicial police officer on the President of the Municipal People's Council. This status is acquired by law, upon their appointment or inauguration, placing them among the first category of officials identified by Article 15<sup>11</sup>.

Endowed with a general type of jurisdiction to investigate all crimes and gather information about them, regardless of whether they fall under the Penal Code or special laws, such as customs legislation or crimes stipulated in environmental legislation, etc<sup>12</sup>. These powers facilitate the President of the Municipal People's Council in performing his duties, especially in the field of environmental protection and preservation.

## **2- Competencies of the President of the Municipal People's Council in Urban Planning:**

In this area, through the annual program, the President works according to the powers assigned to him, following the national plan for territorial planning and sustainable development<sup>13</sup>, in addition to the sectoral master plan, registering

operations carried out in this context. He participates in the methods of preparing and implementing territorial planning and sustainable development operations. Granting or refusing construction permits falls within the competencies bestowed upon the mayor, especially through the Urban Planning and Development Master Plan (PDAU)<sup>14</sup> and the Land Occupation Plan (POS)<sup>15</sup>.

### **3- Municipal Competencies in Urbanism, Infrastructure, and Equipment:**

Excluding projects of national interest subject to environmental protection regulations, several legal texts hold the Municipal People's Council responsible for approving projects associated with environmental damage, by means of deliberations<sup>16</sup>.

### **4- Municipal Competencies in Creating and Expanding Green Spaces:**

One of the municipality's crucial roles in environmental preservation and pollution protection is its jurisdiction over creating and expanding green spaces and overseeing them. This is manifested through organizing competitions and awarding a prize for the best green city, as stipulated by Executive Decree No. 09-101<sup>17</sup>.

### **5- Municipal Competencies in Public Sanitation:**

Among the essential tasks undertaken by the municipality are maintaining public health, organizing the collection and recycling of solid waste, and all related activities.

- Implementing necessary measures to prevent and combat infectious diseases.
- Supervising sanitation operations and wastewater management.
- Maintaining environmental cleanliness and organized garbage collection.
- Ensuring the healthiness of food products.

Therefore, the municipality performs several functions in preserving the environment from pollution, especially in sanitation, including:



- Organizing and managing local waste collection and all related activities. The municipality is also responsible for collecting household waste fees<sup>18</sup>, as confirmed by Law No. 01-21<sup>19</sup>.
- Implementing awareness mechanisms to educate citizens about the dangers of household waste and its impact on health and the individual.

Consequently, the law requires institutions and establishments to obtain a license to operate, preserving the environment and specifying the necessary measures to prevent negative impacts that may arise from their activities and harm the environment.<sup>20</sup>

## **THE SECOND TOPIC : The Powers of the President of the Municipal People's Council in Protecting the Environment Through Environmental Conservation Laws**

This section addresses the laws that have dealt with the subject of environmental preservation and protection, whether in the specific Environmental Law or related laws.

### **Firstly: The Powers of the President of the Municipal People's Council in the Field of Environment in the Environmental Law**

Under the Environmental Law 83/03, the Algerian legislature has granted the Mayor several tasks through which they preserve and protect the environment, which has undergone several amendments under Law 03-10 relating to the environment in the context of sustainable development.

However, a review of Law 03-10 reveals that the legislature did not assign the municipality the role it is supposed to play as the fundamental base for conservation and protection, delegating this authority to central bodies instead<sup>21</sup>. Nevertheless, this recent law credits the legislature with introducing several new tasks related to the environment for the municipality, whether in terms of licenses imposed on classified establishments, which are granted by the municipality, or

in terms of obtaining permission and approval from the President of the Council for other institutions to conduct their activities<sup>22</sup>.

Law 03/10 on the environment includes several references related to the field of environmental preservation and protection, which fall within the tasks and powers of the municipality in this framework and are linked to regulatory texts specifying their implementation method.

This is explicitly stated by the legislator in Article 113, paragraph 2, which mandates the completion and issuance of various regulations related to this law within a maximum period of 24 months from the enactment of this law.

It is also noted that major sources of environmental pollution, such as waste, radioactive activity, chemicals, and others, are excluded from the municipalities' field of interventions in environmental protection and preservation, despite being within their jurisdiction<sup>23</sup>.

## **Secondly: The Powers of the President of the Municipal People's Council in Protecting the Environment Through Related Environmental Laws**

To support the municipality's powers in the area of environmental protection, various regulatory and legislative laws related to the environment were introduced to enhance the municipality's role in this field and attempt to address the deficiencies within the basic municipal law to protect community members and prevent diseases and various health hazards.

### **1- Powers of the President of the Municipal People's Council in Environmental Protection Through the Waste Management and Disposal Law:**

Various legal and regulatory texts have precisely clarified the important role played by the municipality in environmental protection and conservation.

Among these is the issue of waste management related to environmental cleanliness<sup>24</sup>, where failure to meet general cleanliness standards in waste management and collection will inevitably lead to environmental pollution affecting the health of community members<sup>25</sup>. This was emphasized by Law 01-

19 on waste management, assigning this task to the municipality<sup>26</sup>, granting it various powers in maintaining cleanliness under Articles 29 and 30 of the law, including:

- Identifying household waste and related waste and the waste classified as inert within its territory.
- Establishing locations within the municipal territory for waste treatment and disposal.

The mayor supervises the plan, as addressed in Article 31 of the law, subject to direct supervision by the governor.

Executive Decree 07-205<sup>27</sup> organized the mechanisms and method for preparing, publishing, and revising the municipal waste management plan, its availability to citizens, its duration, and the approval procedures by provincial services and governor's approval<sup>28</sup>.

## **2- Powers of the President of the Municipal People's Council in Environmental Protection Through the Health Promotion Law**

The area of public health preservation and promotion falls within the tasks of local bodies as it is directly related to the environment, individuals, and society, directly impacting human environments such as air and water, which directly affect human health.

Protecting individual and community health through environmental pollution prevention in all its forms is among the local authority's powers according to Public Health Law No. 85-05<sup>29</sup>.

Important powers granted by the health law to the municipality, as stipulated by Decree No. 81-267<sup>30</sup>, include:

- Supervising the implementation of the health organization plan, taking any action related to cleanliness and public health maintenance, and cleanliness of various public places and buildings.
- Ensuring citizens are regularly supplied with potable water, maintaining the sewage network, and ensuring municipal cleanliness.

Decree 81-267 also mandated local authorities to monitor food health by inspecting stores and warehouses for consumer products prepared for sale, with the municipality participating in awareness seminars and campaigns and prevention methods for infectious diseases managed and framed by health institutions with various public bodies involved<sup>31</sup>.

Each municipality has a Municipal Health Office, established by Decree 87-146<sup>32</sup>, to activate the municipality's role in health and environmental protection<sup>33</sup>.

Key powers of this office include:

- Monitoring the bacterial quality of water for household consumption and its treatment.
- Ensuring the quality of food products and various consumer products stored within the municipal territory<sup>34</sup>.

### **3- Powers of the President of the Municipal People's Council in Environmental Protection Through the Urban Planning Law:**

The Algerian legislator has kept pace with urban activity, attempting to confront all aspects of urban chaos and the unsightly aspects characterizing most Algerian cities due to urban disorder in construction and demolition activities, to preserve the environment by mandating administrative licensing before starting any activity through optimal real estate use without affecting agricultural properties related to the environment<sup>35</sup>. Urban engineering reflects the state's image, revealing its civilization and development<sup>36</sup>.

Law 90-29<sup>37</sup> on urban planning and development, considered the basic building block related to urban planning in Algeria, where the Algerian legislator set general rules for land organization related to development and tried to balance residential, agricultural, or industrial land by respecting the principles and goals defined in the national urban planning policy<sup>38</sup>, requiring the municipality to prepare a master plan for urban planning and a land occupation plan<sup>39</sup>.

Article 73 of Law 90-29, after amendment by Law No. 04-05, made it mandatory to oversee buildings under construction<sup>40</sup>.

Urban Planning and Development Law No. 90-29 authorizes judicial police officers, including the President of the Municipal People's Council and urban planning sector employees, to investigate and inspect violations related to urban planning law violations, as stated in Article 73, regarding the supervision of buildings under construction by the President of the Municipal People's Council and his agents. Articles 76 bis, 76 bis01, and 76 bis02 of the same law address the inspection of violations by judicial police officers<sup>41</sup>.

Moreover, the Mayor may refuse building permits if construction would harm the community, like noise pollution, or negatively affect the environment<sup>42</sup>.

Law 06-06, dated February 20, 2006, includes the Guiding Law for the City<sup>43</sup>, which established the city's policy, its main objectives, and means in collaboration with regional bodies, economic and social actors, and the contribution of civil society. Law 08-15, dated July 20, 2008<sup>44</sup>, granted additional powers to the President of the Municipal People's Council to address unfinished buildings and ensure the compliance of completed or under-construction buildings, among other tasks related to this field.

### **Conclusion:**

In summary of the discussions and examinations presented, we have reached several conclusions accompanied by recommendations:

### **Findings:**

- The legislator has entrusted the President of the Municipal People's Council with extensive powers to preserve the environment and ensure its cleanliness through various activities; most importantly, cleanliness, water monitoring especially for drinking purposes, and overseeing various construction activities and real estate development, including the creation and management of green spaces, etc.
- The President of the Municipal People's Council faces challenges and difficulties, such as the ineffectiveness of the municipality's solitary intervention in environmental protection, lack of material resources, absence of specialized

expertise, and issues in monitoring the enforcement of environmental protection rules. This necessitates consultations among concerned parties including representatives of central authorities, local communities, and environmental associations to find solutions to these difficulties or mitigate their impact.

- The President of the Municipal People's Council possesses the status of a judicial police officer, which facilitates the exercise of these powers in the context of preserving environmental safety.

### **Recommendations:**

- For local authorities, it is essential to activate various legal and material mechanisms and means at their disposal to preserve everything related to the environment and its protection, especially coordinating with various associations active in the environmental field or civil society components to implement the national strategy for environmental conservation and safety at the local level.

- It is advisable for the state to conduct a thorough and fundamental review of the municipal law aimed at serious reforms, taking into account the loopholes that have affected this law and the interpretations it has raised in its practical application; to grant greater freedom to the President of the Municipal People's Council, who must emerge from a genuine choice of the region's inhabitants, free from any narrow party alliances.

- The necessity for the President of the Municipal People's Council to perform his duties as a judicial police officer within the framework of environmental protection and preservation

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