

*Régimes fonciers, politiques urbaines et droit de l'urbanisme en Tunisie**

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Abstract

Academic studies show that urbanization phenomena in the Maghreb can only be assessed from a certain historical distance and that they can only be understood within the given political situation. Family planning programmes, for example, have had different effects on urbanization in Tunisia, Algeria and Morocco according to the different development ideologies followed by the respective governments. But beyond particular situations, pressure exerted by humans and the concentration of their activities on the coast over the last fifty years have modified territories and societies, sometimes radically. They have shaken the traditional relations between those governing and those being governed and have inaugurated an *exceptional tension* on the double front of employment and the production of housing. Confronted with an urban explosion (which however should not be dramatized), the governments of the Maghreb countries had to find *practical solutions* to counter endemic crises and to respond to social demands. In a context of accelerated urbanization, employment and lodging, two recurrent themes in any development process, do indeed gain a *strategic dimension* in the organization of cities and the exploitation (*aménagement*) and use of land.

In order to master the phenomena of urbanization from a macro-economic point of view, urban policies that integrate a “securization” of land property (*sécurisation de la propriété foncière*) must be designed. For many economists, this is an essential condition for investment.

But seen over a long period, under the Protectorate as well as under the new State, political practices have revealed that the registration of land and the recording of ownership in the land register (*livre foncier*) were procedures that entailed many uncertainties. To justify the uncertainties and the random character of the process, the complexity of the procedure that mobilizes judge, administrator and land surveyor has been pointed out. A former general director of the Conservation of Land Property (*Conservation de la propriété foncière*) bears witness to the difficulties in accomplishing his mission; he proposed legal and technical ameliorations to update land titles. This is without doubt necessary and his proposal has been heard, for a commission has been created to this purpose.

But the question appears to be more complex if one considers that the public utility of land exploitation (*aménagement*) acts is itself random because communal deliberations are under administrative supervision. Moreover, the instrument of public enquiry is of little consequence as the administration is all too often both judge and party. Hence one should be circumspect in assessing urban policies. Sectoral programmes concerning housing, infrastructures and public facilities, which are at the basis of the production of urban space, programmes concerning transport and mobility, without which no city can function, and programmes pertaining to the protection of nature and the environment, without which living conditions deteriorate,

□ Land Regimes, Urban Policies and Town Planning Law in Tunisia.

constitute the major themes for action. These sectoral programmes are necessary but they are not sufficient to constitute a “policy of the city” (*politique de la ville*), which demands concerted planning practices on regional and local levels.

At the beginning of the twenty-first century, it must be said that the legal and institutional structuration is still in its gestation, having only begun in some places and not having been completed in others. This renders the administration of urban policies quite random.

The analyses demonstrate the entanglement of urbanization phenomena in the process of development, on the one hand, and in the legal and institutional construction of the Tunisian Republic, on the other hand. They seem to indicate that those who govern and those who are governed are referred back to their political responsibilities. The voluntarism of state plans have shown their limits. The need for the democratization of local institutions and the participation of city dwellers in planning appear as the *decisive challenge* in an urbanization that will continue to grow intensely for at least another half century and that will endanger natural resources, which are already menaced by climate change.

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