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Activating public loan contracts to fund local development, at Eastern Algerian Coastal Municipalities: Centralization, human, and legal difficulties

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Abstract---Public loan agreements have become a viable but underutilized method of funding local development initiatives in Algeria due to the growing financial strains on local governments. With an emphasis on El Tarf, Annaba, and Skikda, this study investigates the administrative, legal, and human resource obstacles that prevent public loan contracts from being activated among eastern coastal municipalities. The ambiguity of legal frameworks, inadequate administrative capabilities, over-centralization, and the incompetence of elected officials were among the recurring challenges identified by a field study employing structured questionnaires in 24 municipalities. The results highlight how urgently human capital development, regulatory reforms, and a more decentralized governance model are needed to enable municipalities to achieve financial autonomy. In order to maximize the use of public loan mechanisms and support sustainable local development financing, practical recommendations are put forth.

Keywords---Public Loan, Municipalities, Local Development, Financial ecentralization, Sukuk.

1- Introduction

The recent trend is increasingly focused on creating alternative sources of funding at the level of local authorities' management and administration. This is due to the significant funding required, which is

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provided entirely or mostly through allocations of public expenditures from the public treasury. The burden on the public treasury has increased significantly with the rise in costs associated with solidarity and social support, along with considerable management and administration costs. Furthermore, spending on various development projects adds a greater burden, worsening the situation. Many officials and thinkers are calling for the necessity of creating self-financing sources at the local authorities level, which would enable them to alleviate the pressure on the state budget. This would also create a kind of independence in local planning and management.

The study presented here focuses on activating a type of loan mentioned in municipal laws, but which has no discernible effect in reality or observation. This type of loan allows these entities to resort to external sources to finance developmental projects of an investment nature that generate income for the municipality. This makes the municipality more independent from public treasury funding. This funding is known as "the public loan contract". This concept piqued our interest, so we linked it to the concept of local investment for the municipalities of the eastern coast of Algeria. By linking the topic of the loan to project financing, we worked on answering the following question:

What are the most important human, legal, and central management obstacles that have prevented resorting to and activating the public loan contract in the eastern coastal municipalities?
Study Design: Descriptive analysis and empirical fieldwork are combined in this mixed-methods study. It looks for and examines the administrative, legal, and human barriers preventing public loan contracts from being activated.The study's focus is on Algeria's eastern coastal municipalities, specifically the wilayas of El Tarf, Annaba, and Skikda. These areas have significant potential for both tourism and investment.Sample Selection: Twenty-four coastal municipalities were chosen using a purposive sampling technique. Technical department heads were the intended audience for the survey. 19 valid responses (79% response rate) were received from the 24 questionnaires that were distributed.Data collection: Semi-structured interviews were used to augment structured questionnaires used to gather primary data. The survey covered the administrative, legal, and human aspects of activating public loans.Data **Analysis:** Quantitative data was analyzed using descriptive statistics. Qualitative responses were subjected to thematic analysis to enhance the results.Ethical Considerations: Anonymity and confidentiality were guaranteed, and participation was entirely voluntary. Every participant gave their verbal consent.

2- Literature review

2-1- Funding Sources for Municipal Activity:

In general, local authorities' resources are divided into two sections: self-financing resources and external resources. These can be summarized as follows[1]:

2-1-1- Self-Financing Resources:

These are the resources held by the municipality. They constitute individual differences for each municipality and are primarily centered around local taxes, local fees, proceeds from the exploitation and investment of public utilities, and popular participation through self-efforts.
Regarding Algeria, Law 11/10 specifies in this regard a list of resources clarified through Article 170 and Article 195. These can be summarized as follows:

- Tax revenue ;
- Municipal property income ;
- Grants and allocations ;
- Results of special services provided by the municipalities ;
- Proceeds from the concession right for the exploitation of public spacesincluding advertising spaces ;
- Revenue collected for various services.

2-1-2- External Resources: These are sources from outside what the municipality possesses, which can be summarized as follows:

- **Government grants:** Regulated by Law 11/10 in Article 172, in addition to credits based on the municipality's estimated budget.
- **Donations and gifts:** Article 57 of the Municipal Law requires the approval and ratification of the Wali (Governor) for any source of this type.
- **Loans:** Their legal basis is found in Article 174 of the current Municipal Law, which is the subject of our research. This is considered one of the external sources available to municipalities and falls under the administrative contracts that these entities can conclude, given their legal personality and financial independence. This forms the subject of discussion in the following section.

2-2- Administrative Contracts:

Public works contracts entail agreements between the administration and an individual or business to develop, renovate, or maintain real estate for a public legal body, in return for a stipulated compensation. Supply contracts entail the administration supplying essential movable assets, equipment, and tools. Service contracts entail delivering services to a designated public utility to enhance its operation and administration. Study contracts entail agreements between a public administration and a secondary party to do certain studies and consultations for the administration's advantage. Public utility concession contracts entail the management and operation of a public utility for a specified duration in return for payments collected from the beneficiaries.2

The public loan contract is an administrative agreement in which public administration engages in borrowing to secure external money for operations or projects. Its legal foundation is established by Municipal Law 11/10, particularly Article 174, which clearly permits a municipality to get a loan for the financing of income-generating initiatives. The public loan contract is governed by administrative law and judiciary, requiring certain characteristics: it must involve a public legal entity, pertain to public utility activities, and have atypical conditions in civil law.3

Public loan contracts can be categorized according to spatial criteria into two primary types4: internal loans, obtained from inhabitants within the state's territory, and external loans, acquired from international entities or non-resident foreign individuals. Voluntary loans are borrowed by the state at its discretion, whereas forced loans are mandated due to extraordinary situations such as wars, financial crises, or disasters.

Public loan contracts are distinct from ordinary administrative contracts regarding both form and substance, as they necessitate the endorsement of parliament or national public assemblies5. Algerian law mandates that local authorities turn to central authorities or guardianship due to the substantial sums and duties arising from these contracts. Regulations governing these contracts are essential to provide clarity of rights and obligations for all involved parties.6

Algeria is striving for enhanced autonomy of local authorities from the state budget by establishing new resources associated with the unique local elements of each authority. This initiative is being implemented via a new statute that integrates Municipal Law and Wilaya Law, so enhancing the efficacy of local elected authorities in executing their responsibilities. The objective is to streamline local tax legislation and enhance the adaptability of local authorities to the evolving economic landscape7.

3- Field Study: Human and Legal Challenges and the Obstacle of Centralization in Activating the Public Loan Contract from the Reality of the Coastal Municipalities of the Eastern Algerian Coast

The study involved a questionnaire distributed to coastal municipalities in El Tarf, Annaba, and Skikda, Algeria, focusing on their natural components and coastline. The municipalities, which cover over 30% of Algeria's coast, were chosen for tourism investment due to their favorable components. Out of 24 targeted municipalities, 79% were retrieved.

Table (01): Distribution of Municipalities across the Studied Wilayas (Provinces)

Wilaya (Province)	Concerned Coastal Municipalities	Population	Coastal Strip
El Taref	Umm El Teboul, El Kala, Brihane, Ben M'hidi, Echatt	310,000 inhabitants	The coastal strip is 90 km long and contains 05 areas for tourism prosperity and 09 supervised beaches.
Annaba	Annaba, El Bouni, Seraïdi, Oued El Aneb, Chetaïbi	Approximately 610,000 inhabitants	Approximately 125 km. A mix of rocky and sandy beaches
SkikdA	Marsa, Ben Azzouz, Djendel, Filfala, Skikda, Ain Zouit, Tamalous, Kerkera, Collo, Cheraïa, Guebana, Ouled Attia, Khanak Mayoune, Oued Ezzhour	Approximately 950,000 inhabitants	Approximately 250 km, a mix of sandy and rocky beaches

Source: Prepared by the researchers.

3-1: Weakness of Self-Financing Capacity:

Despite the great diversity in various potential tax sources that can be exploited by local authorities, numbering 21 taxes and fees, the actual revenues remain very modest compared to the enormous volume of various expenditures allocated to management.

It is very clear to what extent the tax revenues of the studied municipalities remain very far from being sufficient to mobilize and finance economic investment projects capable of creating self-financing sources for these municipalities. It is sufficient that the statements of the concerned officials contacted with these numbers clearly state that, in the best cases in some municipalities, tax revenues do not exceed 5%-10% of the management requirements. In some municipalities, we were told that these revenues are not enough to pay the salaries of one month for the workers and employees affiliated with the departments of that municipality.

This is the prevailing general context across the national territory. The tax situation of local authorities is diagnosed as:

- A tax system that favors industrial and commercial areas ;
- Weak collection of revenues from exploited properties ;
- Weak human resources responsible for the process at the national level in general.

3-2- Questionnaire Analysis:

3-2-1- First Dimension: Obstacle of Conflicting Availability of Laws and Freedom to Dispose of Real Estate:

	Yes	No	Neutral
a- Availability of real estate base	73%	26%	00%
b- Allowing elected officials to mortgage real estate	15%	84%	00%
c- Allowing elected officials to mortgage projects and investments	31%	68%	00%
d- Allowing the creation of joint projects between municipalities	84%	15%	00%

Source: Prepared by the researchers from the questionnaire results.

It is clear from the previous table that the challenge of real estate abundance, ownership laws, and authorities was divided into four items or questions, and the analysis of the answers was as follows:
For the **first question**: It focused on studying the availability of a real estate base that allows municipalities to undertake various investment projects. Respondents were divided between 73% who stated that their municipalities have real estate bases that contribute to making investment programs comfortable in this regard, while 26% stated that their municipalities lack the real estate bases that allow for investment expansions.

As for the second question: It focused on the possibility of the availability of legal texts that allow elected officials to mortgage real estate as a condition for obtaining bank loans, considering that this condition is automatically included in the conditions for obtaining bank loans, of which the public loan contract is one of these forms. Here, we find that 84% of the sample stated that there are no such authorities, while 15% believe that the law allows this.

As for the third question: It was about the extent of the availability of legal texts that allow elected officials and municipality managers to mortgage projects and investments established for their benefit in the case of resorting to bank loans. 68% stated the absence of such authorities, compared to 31% who believe in the availability of these authorities based on what was mentioned to us during interviews that there is a big difference between mortgaging state-owned land and mortgaging investment projects established on it. This is usually understood from the spirit of the law, but the legal texts do not explicitly indicate this in reality.

As for the fourth question: It focused on the extent of the availability of legal texts that allow the creation of joint projects between municipalities in case there is a common interest or benefit between them, whether social or economic. 84% stated the availability of texts that allow this, while 15% stated the lack of this type of legal text. In our opinion, this is due to the different and varying degrees of awareness of the available texts among the respondents, which reflects the different level of awareness towards dealing with this type of topic at the local authorities level as a whole.

3-2-2- Second Dimension: Level of Human Resources and the Challenge of Their Continuity:

This dimension represents an attempt to form a picture of the extent to which the studied municipalities have competencies that enable them to develop and activate the public loan contract and the requirements for its success in the tourism sector, in addition to linking it to the authorities and the term of office of elected officials. The answers showed the following results:

- Question 1: It aimed to monitor the extent to which the idea of resorting to the public loan contract is available to the studied municipalities. The answers varied between 16% neutral, compared to only 10% who stated that this idea is available to their managers. Meanwhile, the overwhelming majority, 73%, stated that these municipalities lack such ideas, despite being explicitly mentioned in the Municipal Law.

- Question 2: It aimed to determine whether project follow-up is entrusted to administrators or elected officials in most of the work of these municipalities. The answers were divided between 5% neutral and the rest equally divided between those who believe that follow-up is entrusted to administrators and those who believe it is entrusted to elected officials. In our opinion, this reflects two patterns of project follow-up and indicates a kind of overlap of authorities, which may be behind the failure to find an effective model that can develop the investment thinking of these municipalities.
- Question 3: This question attempted to determine whether former elected officials had sufficient competence and experience to undertake the task of project follow-up. The answers were divided between 26% neutral abstaining from answering, compared to 21% who believe that elected officials possess these capabilities. Meanwhile, 52% believe that elected officials lack this ability and competence. It should be noted here that the availability of elected competencies, according to the interviews conducted, is limited to some cases that were more successful than others because the municipal councils were headed by some university graduates who showed good communication with various municipal departments. There were few such cases, and even fewer where success was due to the experience of less educated individuals.
- Question 4: This question attempted to show whether the factor of non-continuity of elected officials constitutes an obstacle to activating the public loan contract. While 47% avoided answering, 10% of the respondents considered this factor not an obstacle. This is compared to 42% who stated that this is a significant obstacle. Opinions emerged from the interviews stating that elected officials prioritize political interests over economic interests. They are more concerned with the repetition and succession of terms than with developmental impacts. Many stated that the majority prioritize personal interests, considering themselves lacking the eligibility and scientific competence to draw a developmental horizon for the municipality. We observed throughout the interview process among the municipalities a clear gap between the administration and elected officials. The significant percentage of abstentions, in our view, indicates the tense atmosphere in which municipalities live, dominated by a kind of distrust and fear of the official and criticizing him frankly. We noticed from the interviews that many evaded direct answers to this question.
- Question 5: This question aimed to evaluate the level of elected officials in terms of financial and economic management competence. Respondents had to choose from answers ranging from very weak to very good. While 10% avoided answering this question, another 10% considered the level of elected officials very weak. The rest were divided between those who see the level as weak at 31% and those who see it as average at 47%. Overall, the answers did not exceed the judgment of an average level at best. In our opinion, this is not enough to venture into the experience of investment through bank transfers given the other responsibilities that may be assigned to those elected officials. This is also very clearly noticeable, to the extent that the guardianship has programmed more than once training programs and sessions specifically for elected officials and administrators during previous years. Promising training prospects have been outlined for all groups, with a focus on financial and budgetary aspects, local taxation, and the development of participatory democracy with the European Union.
- Question 6: It focused on whether the studied municipalities have competencies that can be relied upon in the field of tracking and managing projects based on bank financing. 63% of the respondents confirmed the availability of these competencies in the municipalities, compared to 21% who stated that their municipalities lack them. Meanwhile, 16% avoided answering. This indicates the availability of competent human resources in the administrative bodies of the municipalities in the field of management and administration. According to the interviews, this is mainly due to the trend that prevailed since the 1990s, which focused on employing university graduates in various administrative departments of the municipalities. Those who saw the availability of competencies had to choose from a scale in which their evaluation of competencies ranged from very weak to very good. They were divided into three categories: acceptable at 66%, and good at 33%. This, in our opinion, is due to what many of them stated about the competencies in this field suffering from marginalization, lack of retraining and training, and many

of them working in a routine and unencouraging manner, which made them latent competencies that do not initiate or generally work on self-development. This is in the absence of evaluation and reward systems for good individual initiatives, which has entrenched a kind of inertia.

- Question 7: It focused on whether the municipalities had previously benefited from debt cancellation. This is an anticipation of the future given the scarcity of public treasury resources. 36% of them stated that their municipalities had previously benefited from debt cancellation, compared to 21% who denied benefiting, and 47% abstained from answering. A significant percentage of the municipalities have benefited from debt cancellation, which indicates that the general situation in case of scarcity of treasury resources will move towards this direction given the poverty of municipalities in income-generating projects. In our opinion, this requires accelerating the programming of reforms, especially in the area of local taxation and wealth creation based on local components, in the laws regulating the work and activity of local authorities in the future.

3-2-3Third Dimension: Obstacle of Centralization and Delegation of Authority:

This dimension relied on a set of questions to highlight the extent of the challenges faced by the studied municipalities related to centralized management and its direct impact on the nature of the authorities delegated to the managers of these municipalities. We relied on asking a set of questions and analyzing the related answers as follows:

- Question 1: It aimed to study whether imposing the requirement to refer to the guardianship in programming various investment projects, as well as making the decision to resort to the public loan formula in financing these projects, is considered an obstacle or a guarantee for the entire process. 26% of the respondents considered it an obstacle to management, while 63% saw this procedure as a guarantee of respecting the procedures and conditions that would ensure the success of the entire process. 11% remained neutral.
- Question 2: It attempted to understand the extent of the availability of legal texts that clarify how to resort to and utilize the public loan contract, as well as the nature of these texts in terms of clarity or ambiguity. While 5% were neutral, 78% denied the existence of related legal texts, except for a brief mention in the Municipal Law without any details. At the same time, 16% believed that there are texts related to the topic, and they are the same ones who considered these legal texts ambiguous in terms of the details of implementation. In our opinion, this is due to discussing legal texts at the level of laws governing the banking sector, and not the Municipal Law itself.
- Question 3: This question focused on the opinion of the interviewed parties regarding considering the approval of projects by the guardianship authorities and the necessity of their indications, automatically implying the obligation of these guardianship authorities to follow up on these projects accordingly. The answers were divided between 31% who believe this is obligatory for the guardianship authorities, and 68% who believe this is not obligatory. This is the same debate related to the perspective of the interviewed parties on the necessity of intervention and consultation with the guardianship authorities.
- Question 4: It focused on whether it is necessary to conduct a comprehensive study of the capabilities of each municipality separately, regarding the areas, nature, and size of the various programmed projects related to the required capabilities. 89% believed this is necessary, while 10% believed this is not necessary and is left to individual municipalities.
- Question 5: It studied whether these municipalities have a degree of control over the projects implemented within their boundaries, and the nature of this control. The results showed that 84% believe that the control of municipalities over various projects is usually partial control, while 15% believe that the control of these municipalities is full control. In our opinion, this is due to the different entities that are the source of launching these projects. Some are local at the level of municipal councils, and some are provincial, affiliated with provincial directorates. Some may be sectoral with centrally initiated projects implemented by provincial directorates. This leads us to elaborate further through the following question.

- Question 6: It attempted to understand whether municipalities have monitoring authority over the various projects implemented within their boundaries. It also aimed to highlight the investment areas that pose a greater challenge in imposing municipal monitoring.

We find that 89% believe that municipalities have monitoring authority over all projects implemented within their boundaries, while 10% of the respondents denied that municipalities have this authority. As for the areas in which municipalities face challenges in this regard, the respondents stated that sectoral projects programmed at the level of directorates are the most subject to disapproval and rejection of municipal monitoring. This is considering that municipalities had a limited role in the idea of proposing, financing, and implementing these projects through their contributions.

4 - Conclusion:

It is clear from the research paper that the public loan contract is considered one of the most significant financing alternatives available to local government entities as a promising yet underutilized option. The public loan serves as a means for the government to finance the public treasury by borrowing funds from individuals or institutions. This is typically done through the issuance of bonds or government securities, which investors purchase, paying the government a specified amount.

Decision-makers aim to utilize the public loan to finance budget deficits, fund projects—particularly infrastructure projects—and stimulate the economy by providing a strong boost that increases economic growth rates, especially during periods of recession. This makes it an important tool for governments to finance their activities and achieve their economic goals. However, it is clear from the study of a sample of municipalities in the eastern coastal region of Algeria that they have refrained from resorting to this contract due to various obstacles and challenges. This research addresses these issues by examining the availability of properties conducive to investments and the related laws, alongside studying the challenges associated with human resources and their managerial competencies, as well as the impact of their continuity and persistence on serious consideration of investment projects. Additionally, it investigates the effects of centralized management and the degree of delegation of powers to elected officials and local managers on the consideration of financial mediation.

The study concluded with several results summarized as follows:
- The necessity to expedite the issuance of detailed texts related to the modalities and specifics of municipalities resorting to the public loan contract through the upcoming local government law, especially after the enactment of Law 20-02 regulating Islamic banking, which has provisions that can attract savings from one perspective and gain acceptance among the Muslim populace from another.
- The urgency of issuing the local government law, especially if the declared objectives behind its revision are met, to promote and support constructive initiatives, expand powers, and update the conditions related to the eligibility criteria for elected officials.
- The preparation of a registry for investment projects at the municipal level linked to the national development strategy, subjecting projects to feasibility studies, based on the premise that these projects will have economic, social, and local developmental dimensions.
- The expansion of monitoring authority granted to municipalities and elected officials.
- The establishment of higher-level coordination bodies among municipalities.
- The creation of intermediary bodies for immediate intervention when notified by municipalities of critical observations.
- The expansion of the powers of elected councils and the reduction of excessive centralization.
- The inclusion of mandatory consultation for municipalities in the programming of central and sectoral projects, in coordination with provincial directorates.
- Negotiating funding modalities for partnerships—rather than collateral—between financial mediation and the municipalities involved, especially after adopting Islamic banking and opening numerous windows and branches.

- Finding participatory modalities with citizens, private institutions, and civil society movements, and issuing legal texts that frame this.

Study Proposals:

1. Activating the Role of Islamic Banks in Financing Municipalities: Islamic banks can provide financing to municipalities through Sharia-compliant mechanisms such as partnership, murabaha, and ijara. They can play a significant role in financing municipalities through various Sharia-compliant mechanisms, contributing to this field by:
   - Entering into partnerships with municipalities to finance specific projects, sharing profits and losses.
   - Purchasing assets needed by municipalities (such as equipment or construction) and selling them to the municipality at higher prices, thereby providing easy financing.
   - Offering leasing contracts to municipalities for financing infrastructure projects, where the municipality pays rent over a specified period with an option to purchase later.
   - Establishing funds to receive donations or endowments to support public projects that benefit the community.
   - Providing consultations to municipalities on managing funds in accordance with Sharia and improving financial efficiency.
   - Involving universities in training managers, as some municipal officials need training to understand how to effectively utilize these mechanisms.
   - Ensuring that these solutions comply with local laws.

2. Activating the Mechanism for Issuing Islamic Sukuk: This involves a series of steps starting from project identification, evaluation, formation of a special entity, preparation of documents, and marketing to achieve effective issuance. By utilizing Islamic sukuk, municipalities can achieve sustainable development and improve the quality of life in local communities, especially after the success of this mechanism in countries like Malaysia and Saudi Arabia, where sukuk were used to finance infrastructure projects.
3. Proposing Several Projects for the Eastern Coastal Region of Algeria: These include developing eco-tourism, rehabilitating forests, improving transport infrastructure, and promoting renewable energy, with financing through the issuance of Islamic sukuk. Proposed projects include:
   - Establishing tourist centers and facilities for visitors, organizing tours in forests, using financing sukuk representing a share in the tourism project, with a project duration of 5-7 years.
   - Planting trees and enhancing existing forests to contribute to environmental preservation, using sukuk representing ownership rights in the environmental project, with a project duration of 4-6 years.
   - Creating roads and access paths to forests and tourist areas using financing sukuk linked to infrastructure projects, with a proposed project duration of 5 years.
   - Establishing educational and training centers for sustainable agriculture and environmental conservation, using sukuk representing a share in the educational center, with a proposed project duration of 3-5 years.
   - Initiating solar or wind energy projects in forested areas using sukuk representing ownership rights in renewable and clean energy projects, with a proposed project duration of 6-8 years.
4. Adopting Types of Sukuk According to Each Project: This involves identifying suitable types of sukuk such as murabaha, istisna, and salam according to the nature of the project.

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