

Agricultural Land Dynamics in the Wilaya of Skikda (Eastern Algeria). Case Study of the Rural Municipality of Kerker

GUERRAD Chahrazed ¹, FOUFOU Ammar ², ZOUID Rokaya ³,
DABI Fatma-zohra ⁴ & BOUAKREB Bouchra ⁵

1,2,3,4. Laboratory for The Optimisation of Agricultural Production in Subhumid Zones,
Department of Agricultural Sciences, Faculty of Sciences, University 20 August 1955-Skikda,
BP 26 Road El Hadaiek, 21 000, Skikda, Algeria.

5. Department of Agricultural Sciences. University 20 August 1955-Skikda,
BP 26 Road El Hadaiek, 21 000, Skikda, Algeria.

Abstract

Studying agricultural land tenure in Algeria inevitably brings to mind a whole historical process in which land was the main issue, both during colonisation and in the post-independence period, when it was at the heart of political and even ideological choices. In Algeria, the land issue is becoming crucial. For a wide variety of reasons and to varying degrees, land tenure is at the heart of the debate and is a key issue in the search for a solution to the complex issue of agricultural land tenure, and this has been the case throughout all the reforms: from self-management to the concession of land in the State's private domain, not forgetting privately-owned land, state-owned property and wakfs or habous. It is therefore important to put in place legal instruments aimed at securing land and improving agricultural consistency and structures. The municipality of Kerker, an agricultural region located in the west of the Wilaya of Skikda (eastern Algeria), is facing a twofold crisis: on the one hand, a housing crisis, with insufficient housing stock and a demand that continues to increase with population growth, and on the other, a land crisis, insofar as the available land is used for agricultural purposes and is privately owned.

Keywords: *Kerker, Land, Agriculture, Spatial Change, Legal Status, Demographic Pressure.*

1. INTRODUCTION

Land tenure is a set of social relationships based on land or territorial space. These relationships are particularly determined by historical, economic and legal factors relating to land development and public policy.

The issue of land tenure in Algeria is a complex one, since agricultural land is first and foremost a historical product, it is linked to market mechanisms, it is subject to State intervention, it is linked to professionalisation, the law and the method of asserting rights, it is subject to development, but above all it must be protected and preserved.

The geographical scope of our study was the rural municipality of Kerker, located in the Collo massif to the west of the Wilaya of Skikda. This rural and agricultural municipality has undergone rapid changes and considerable mutations in its agricultural and land space.

The land issue in the Kerker municipality remains the primary concern of all farmers, and some believe that it is more important than any other factor in relaunching the agricultural development process.

The Kerkera municipality has undergone a number of agrarian changes since the colonial period. These changes continue to have an impact on agricultural land and directly influence production and yield levels, and family production systems in particular.

As a result, the issue of agricultural land management in this municipality remains at the level of the management of agricultural land to allow rational use of this natural resource in order to contribute to the development of agricultural activities and the maintenance of family production systems well rooted in the territory of the municipality.

2. MATERIALS AND METHODS

Our approach is based on two interactive methods, one complementing the other. The first is an administrative survey and collection of statistical data from professional and technical support bodies, The second is a field survey to see the situation of agricultural land in the Municipality of Kerkera. The documentary work and the search of the archive is undoubtedly a significant part of our work, because agricultural land in Algeria is essentially actée during the colonial period.

Analysis of the particularities of agricultural holdings

Before tracing the evolution of land structures at the level of the Municipality of Kerkera, it is useful to mention some methodological problems that we have faced either on the ground or when collecting statistical data from the structures administrative.

a. Statistical methods constraints

The published documentation on the land question in the municipality of Kerkera is very limited. The use of information available at the level of the organizations concerned was therefore an essential step. On the face of it, one might have thought that with the good statistical apparatus available in Algeria, access to information would be easy. In fact, the availability of information to researchers depends naturally on the greater or lesser benevolence of these organizations. In this respect, it must be admitted that access to information today is extremely limited, with an inappropriate state of archiving and the autonomy of management of production units on the one hand, The second is the lack of confidence among the organizations that hold the information, and the fact that the work of collecting the necessary data has been very difficult and frustrating.

b. Constraints related to mapping methods

The major problems associated with the cartographic method could be summarized in the following points:

- The lack and/or inadequacy of data and information on land issues at a fine scale is resolved in the best case by attempts to reconstitute, or by a selective mapping,

The incompatibility of a good number of information derived from a variety of sources and unequal values,

- The heterogeneity in number, in the size and structure of agricultural holdings distributed in the municipality of Kerkera in view of the very large number of farms and the multiplicity of statutes legal, it is impossible with the available means to map the plot of all agricultural holdings at the scale of the Municipality of Kerkera, Part of the municipality's area is unregistered.

2.2. Land situations during and after the colonial period

The development of the land ownership situation at the level of the municipality of Kerkera Based on the information available to us, we will try to reconstruct the main phases of the process of agrarian colonization at the level of the Municipality during and after the colonial period. The law of 1863 or the SENATUS-CONSULTE was the fatal weapon for the Algerian rural society. "The SENATUS CONSULTE of 1863 is the most effective war machine ever conceived against the indigenous social state and the most powerful and fruitful instrument that could be used to The SENATUS CONSULTE directly affected social cohesion.

The Arch lands were those that were most difficult to impregnate in view of their undivided character and their collective form of exploitation as the tribe of BENI BOU NAÏM named ARBGUERGUEIRA is defined by decree of February 27, 1867 and constituted in a single douar.

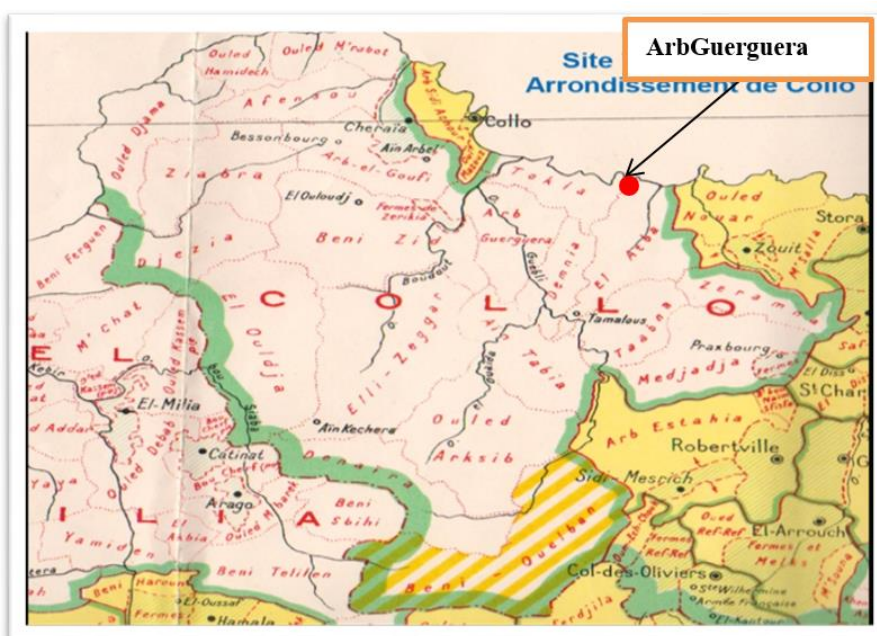


Figure 1: Arch of BENI MEHENNA or Douar ARB GUERGUERA

Source: (CONSTANTINE regional cadastre, 2023)

The decree of 20 February 1866 decided that the tribude BENI BOU NAÏM, or circle of Collo, would be subject to the application of the SENATUS CONSULTE of 22 April 1863. The area of BENI BOU NAÏM is 5,924.88.43 Ha on which 1,796 inhabitants live, and the repair is completed and summarized in the table below:

Table 1: Distribution of legal status in 1866

Name of the douar	State domain in hectares	Public domain in hectares	Melk lands in hectares	Communal lands in hectares	Terraces and courses in hectares	Total capacity in hectares
BENI BOU NAÏM	1, 490,93.57	188.99.40	2,668,2563	295,21,75	1,279.3808	5,924.88,43

Source: Constantine Regional Cadastre Directorate, 2023

• The WARNIER Act of 1873

Ten years after the law of SENATUS CONSULTU, the law WARNIER of 1873 francises the legal regime in place, and abolishes by consequence the indivision.

The WARNIER law, also called the “colon law”, states that “the establishment of real estate in Algeria, its conservation and the contractual transfer of immovable property and rights to immovable property by any owner, are governed by French law.” This law subjected Muslims to the French civil code during real estate transactions involving a European.

In this regard, it completed the destruction of the community and family organization of the farm making compulsory the sharing and execution of operations intended to put an end to the individual.

3. RESULTS AND DISCUSSIONS**3.1. Self-management in the municipality of Kerkera**

The first agrarian policy of the independent municipality of Kerkera, The Commission’s proposal for a Council Decision on the existed around 1960. Self-managed farms are therefore made up of land and other means of production, movable and immovable, formerly owned by the European population.

As a result, the management of BOUCHEBCHEB Ali’s self-managed farm was entrusted by the state to collective workers through a right of use for an unlimited period.

3.2. The agrarian revolution in the Municipality of Kerkera

The agrarian revolution inspired from socialism which created cooperatives managed by groups of fellahs in the municipality of Kerkera and built pilot agricultural villages. This agrarian policy, implemented from 8 November 1971, and despite all the positive and negative consequences it has introduced, it has helped to reduce the complexity and diversity of legal status of lands that were in use.

The implementation of the agrarian revolution will still make you feel in particular the absence of a real general cadastre and the need to quickly put it in place. Within the framework of the land restoration, the remaining land must be remediated either by individual allocation or by connection to the nearest producer. Also, he submitted the case of CAPA BOUCHEBCHEB Ali with a total area of 15 ha, located in Kerkera which will have to be studied in this context.

The enlarged People’s Assembly, after deliberation and by unanimity of its members present decides the allocation of 15 ha of CAPRA BOUCHEBCHEB Ali, The Commission has a duty to ensure that the Member States are not involved in the procedure.

- GRIMED. 3ha
- GHASSAB. 3ha
- BLIDI A.3ha
- ASSES. 3ha
- KETTOUCHE. 3ha

The fellahs in the municipality of Kerkera are grouped in villages so that they work together and stay very close. However, this idea did not yield much fruit and these lands were shared between the fellahs with farms



Figure 2: La coopération dans l’agriculture dans la municipalité de Kerkera

3.3. Kerkera municipality’s IAE in 2015

The CAPRA BOUCHEBCHEB Ali 15 ha which benefits from five 5 attributes and this individually in 2015 remains for LAFRI, BOULABNANE, BOUCHRAK et GHACEB

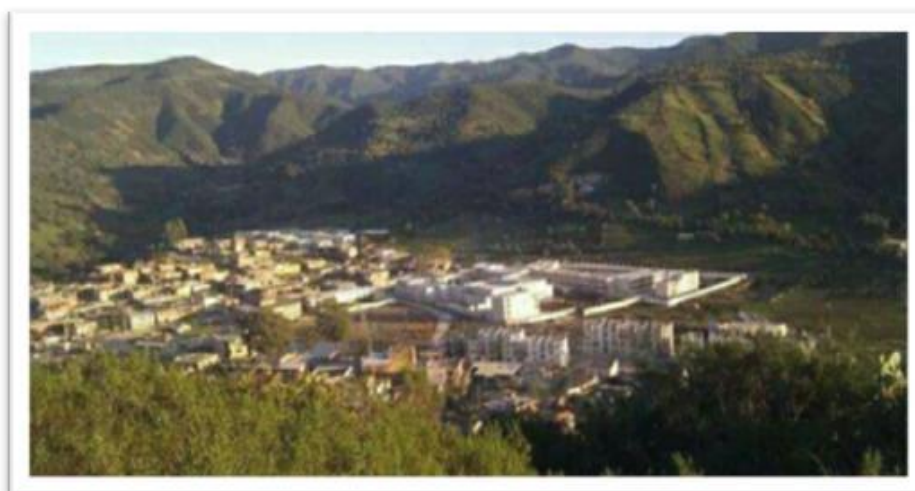


Figure 3: BOUCHEBCHEB Ali Landscape

Table 2: Extension of the BOUCHEBCHEB Ali farm

Surname	Number of Ares	Date	Surface area plan (HA)	Number Awardees EAC
LAFRI	233	20/12/2008	2,0046	1
BOULABNANE	234	20/08/2008	1,6717	1
BOUCHRAK	147	11/02/1984	3,0000	1
GHACEB	366	30/07/1985	6,0000	1
BOULABNENE	367	30/07/1985	3,0000	1

The Table below shows the extension of the BOUCHEBCHEB Ali farm.

3.4. The establishment of the general cadastre

Proceed by the determination and recording on documents of the physical or material consistency of buildings, the nature of the land and the use or type of speculation practised therein by owners and holders of property rights recognized in the land of the mode of exploitation applied on the farm properties. The aim of these operations is to establish a cadastral documentation comprising by municipality both the graphic representation and the land inventory of the communal territory in all details of its fragmentation. The cadastral plan which gives the graphical representation of the territory considered in all details of its subdivision into sections, property islands and plots.

The report of the delivery of the rural census parts of the Municipality of Kerkeria (partial deposit) on March 23, 2014, the articles 08 and 09 of Decree 76.63 of March 25, 1976 on the establishment of the amended and supplemented cadastre, He received the documents of the rural cadastre of the municipality of Kerkeria related to sections: 01. 02. 03. 03. 04. 05. 06. 06. 07. 08. 09. 09 . . . 10.. 11. 12 . . . 13... 14... 15. 15. 16. 17. 18. 19 of this delivery is the starting point for initial procedures to declare property rights and other real estate rights in the land register.

The sections of the plan that constitute a legend and which can be considered as documents identifying and relating to the property of the islands, the cadastral matrix that gathers in one account the various properties that each owner owns on the territory of a municipality, Considered from these aspects , the cadastral documentation constitutes the physical support of the land book by ensuring a definition and a rigorous identification of the land units , the basis of large-scale surveys, the economic support for any technical study of municipal land use planning. Kerkeria is subdivided into 19 cadastral sections (23 -03-2014)



Figure 4: The cadastral sections of the municipality of Kerkeria (Skikda cadastral service, 2023)

Table 04: Areas of the different legal status in the Municipality of Kerker (2022)

Legal nature of ownership	Area m2	Percentage%
Private	35902600	37%
State-owned	40412535	42%
Unknown	20294862	21%
Communal	260811	0,27%
Wakf or habous.	1702	0,0018%
Total area	96870808	100%

Source: Collo cadastral conservation, 2023

According to table 04 which represents the percentages of Surfaces of the different legal statuses in the Municipality of Kerker (2022).

The minimum space registered in the class of wakf or habous by 0.0018% (which explains the absence of this class in the figure...), following the communal properties with 0,27% (well located between mountains and old inherited properties), the unknown class occupies 21% of the total area of rural land in 2022

The maximum space belongs to national domain properties by 42%, represented by forests and beachesetc.

3.4. Factors of the land crisis in the Municipality of Kerker

The main factors of the agrarian and land crisis in the municipality of KERKER are;

3.4.1. Degradation of agricultural land through the exploitation of agricultural land

Urbanization and over-urbanization, as in the case of agricultural land of BOUCHEBCHEB Ali (collective housing construction).



Figure 5: Individual and collective habitat constructions at the boundaries of agricultural land

3.4.2. Diversion of agricultural land

Agricultural land is not renewable and must be protected at all costs. In Algeria, there is a legal arsenal dating from the land orientation law of 1990, which provides that agricultural lands must be protected by the state. Despite the law being out of date, our agricultural lands

are threatened by several factors, including the diversion of uses and other forms of aggression that this national heritage suffers. “We have a limited penitential of agricultural land. It is our true treasure that must be preserved”,

3.4.3. The poor management of agricultural land by the state

The land crisis is at our doorstep” and “we have seen for decades a rampant squandering of high-potential lands, particularly in northern regions.” The subject, thorny, thus raises several concerns at both economic and social level. Today, a large proportion of companies cannot justify ownership of their land. From 1974 to 2004, the state was able to market almost 100,000 ha of land from its own portfolio. Due to the poor management combined with the scarcity of land, since the supply does not meet the demand, land remains problematic for a long time. An aggressive policy of reforms in this area remains one of the urgencies.

3.4.4. Degradation of agricultural land due to illegal sales of agricultural land

Some farmers have had to sell their shares, although this type of operation is prohibited. The Minister of Agriculture should act rationally and in consultation with the sector to find appropriate solutions to the problem of agricultural land.

3.4.5. The loss of agricultural land

Recess of several lands that are not exploited by their owners, marginalized lands, thus a specific degradation of agricultural land

4. CONCLUSION

The major constraint to which land structures are facing with increasing force as national agricultural policies seek to promote a The Commission has also proposed that the Member States should be able to make a contribution to the development of the European Union’s agricultural policy by The Community’s agricultural regions are made up of farms which, although they are subject to the same environmental conditions, are individually seeking their economic path. Therefore, the figures, in the form of totals or averages per administrative unit, represent statistical values which, The European Commission has been working on this subject since the beginning of the 1980s. Therefore, the geography of the land question is necessary. It is necessary to observe, describe and explain the changes in the content of the land question in time and space. Without reference to space, the discourse remains general and does not reflect the various aspects of reality: In short, the reference to space brings an obvious enrichment to the analysis by highlighting the existence of multiple socio-geographic combinations and interactions. For example, the spatial distribution of tenure is far from homogeneous. The distribution of agricultural land between farm size categories is not more homogeneous.

Moreover, the differentiation is established as much on the relation of ownership or use of the land as on the variation in the size of the farms. All these differences in the structure of the peasant society, The organization of social relations therefore lead to paying particular attention to the many ways in which the land question can be approached and posed in its various aspects the interior of the Municipality of Kerkeria. Finally, we tried through this study to address only one aspect related to the management of agricultural land professionalization. Other aspects that are directly or indirectly related to the land question will remain to be considered.

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