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## Informal Marginalities in Constantine: Factors of Emergence and Trials for Restriction

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### Abstract

The urban territory of Constantine witnesses frequently an increased duality regarding territorial redefinition, displaying largely two forms of urban territoriality: one is produced within a legal framework (urban planning), the other is produced by popular genius and it is called "informal marginalities" (Bouteche and Lazri, 2015). Considering this logic of territorial composition inside the city, how did the authorities in place react against these informal marginalities (slums and precarious hard housing)? Based on the factors' analysis of the emergence of informal marginalities, we have tried, in this study, to display the efforts made by local authorities to cope with the growth of slums and precarious hard housing. The political, economic and social conditions through which the country has passed, as well as the failure of public authorities to fight and diminish informal marginalities are their generic mechanisms. Having a palliative and superficial feature, certain actions implemented within the framework of these public policies were judged as ineffective and had the perverse and even harmful consequences that we have observed.

**Keywords:** informal marginalities; slum; precarious hard housing; public authorities; public policies.

### 1. Introduction

The question of informal marginalities is universal, and the debate of slums and precarious housing has mobilized, for a long time, a large number of researchers from different disciplines, each has treated this phenomenon according to his/her own angle of observation and apprehension (*Granotier, 1980; Chaline, 1990; Gastaut, 2004; Souali, 2006; Bouillon, 2009; Damon, 2017;...*). "Under integrated habitat", "spontaneous habitat", "de facto habitat", "illegal district", "informal district", ... etc., several terminologies which label these informal marginalities grouping constructions erected with or without any right or property deed, in an anarchic manner, without respecting any urban planning rule, and on abandoned or precarious land pockets. Depending on countries, they have various names: *slums* (Africa), *ashwâ'iyyât* (Egypt), *favellas* (Brazil), *villas miserias* (Argentina), etc., but they are little different from British *slums* or French *slums* of the 19th century. This type of housing is the result of various factors including the housing crisis which persists and is raging all over the world, and even in the cities of the first world countries. Among the world cities are the Algerian cities in general, and Constantine city in particular. Indeed, its urban territory has often experienced an increased duality regarding territorial redefinition, displaying largely two forms of urban territoriality; one is produced within a legal framework (urban planning), while the other is produced by popular genius and it is called "informal marginalities". (Bouteche and Lazri, 2015)

#### What is an informal marginality?

We can define informal marginality as a gap; an incompatibility between two urban entities in terms of formal composition of territories; that is to say, one (the under-integrated urban entity) is outside the norms and values described and produced by the other entity on which it depends, and which concentrates the populations encountering socio-economic difficulties (unemployed, low-income households, single-parent households, over-representation of populations of foreign origin, etc.), and illegally occupying the most disadvantaged areas of the city. As a result, these two urban entities have two spatial and social constructions which are entirely different.

Considering this logic of territorial composition inside the city, how did the authorities in place react against these informal marginalities (slums and precarious hard housing)?

### 2. Aim and Methodology of the Research Work

The aim of this research is to determine the different factors and strategies linked to the different private and public actors, which have strongly contributed to the emergence and amplification of informal marginalities in Constantine, in addition to define the efforts made by local authorities to cope with their growth.

To do so, we opted for two approaches: the historical approach and the analytical approach (factorial analysis); these two methods have proved suitable for the analysis of the factors and circumstances of morphogenesis of urban marginalities:

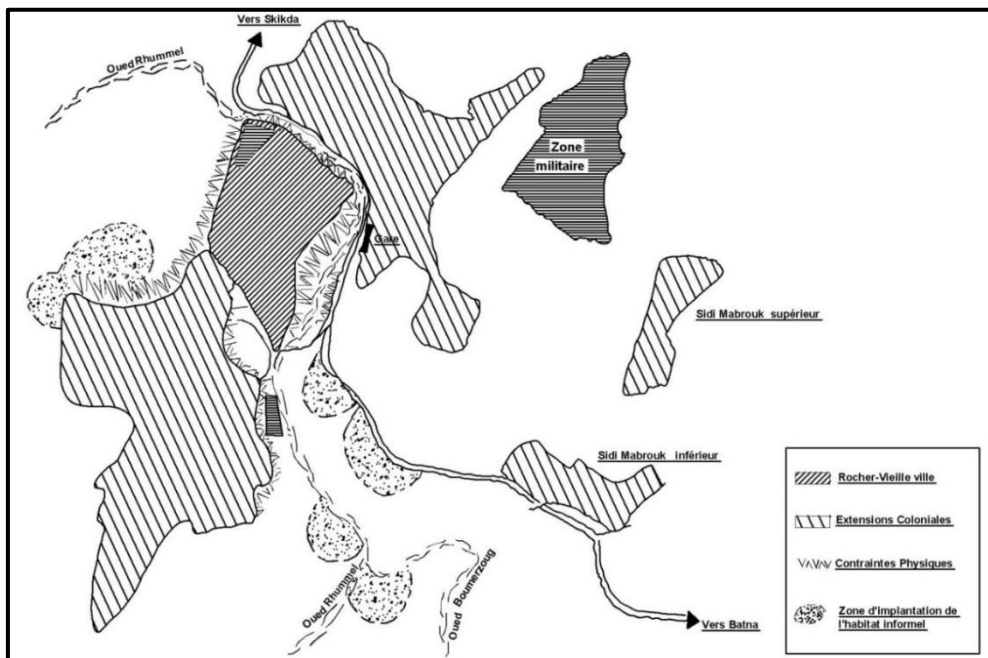
- Historical factors
- Political factors
- Social factors
- Economic factors

**3. Emerging factors of informal marginalities in Constantine: From the colonial period to the contemporary period**

In this section, we would like to study the process of emergence and evolution of slums and precarious hard housing in Constantine since the colonial period until the current period, focusing on their morphogenesis factors.

**3.1. Colonization: A generating factor of informal marginalities**

Because of the international crisis in 1929, Constantine, as the chief town of the department of the East, had received a significant and uncontrolled influx from the fairly impoverished rural classes, searching for a job, a way to a decent life, and security. Due to this rural exodus, nuclei of "slums" appeared in the early 1930s. These new urban entities were built with natural materials and mainly with salvaged materials (makeshift) such as reeds, boards, cardboard, sheets, etc., through packing in a disorderly fashion at the gates of the city on unsubstantial grounds, abandoned empty pockets, or on non-urbanizable sites (slopes and valleys): at Bardo district, on the grounds of the old slaughterhouse, next to the Chalet des Pins, the Devil's Bridge, and the Roman Arcades. (Figure 1)



**Figure 1.** Spatial diagram of Constantine in 1937, location of the first areas of informal settlement (Hafiane, 1989, p 30)

With the continuous urban demographic growth of the Algerian community (Table 01), precarious (illicit) constructions have not stopped evolving by juxtaposing the slums in some places. It was the only possible refuge for new arrivals, being censored of municipal plans for housing (colonial segregation policies) (Figure 2). Illegal constructions continued to proliferate during the years of the liberation war, following a very active informal housing market, due to the continued drainage of the totally destitute and ruined rural masses searching for jobs, minimum of comfort, and health conditions (the benefit from the privileges offered by the city), as well as fleeing the insecurity that reigned in the countryside (the scorched earth policy led by the colonial army, which destabilized and destroyed the property of the countrymen and all their living resources).

**Table 1:** The demographic evolution of the municipality of Constantine from 1919 to 1960

Years	Algerian population	European population	Total population
1919	36.783	36.333	73.116
1926	47.086	41.496	88.582
1936	56.363	50.467	106.830
1948	77.089	37.249	114.338

1954	102.650	40.675	143.334
1960	178.000	43.000	221.000

(Hafiane, 1989, p 39)

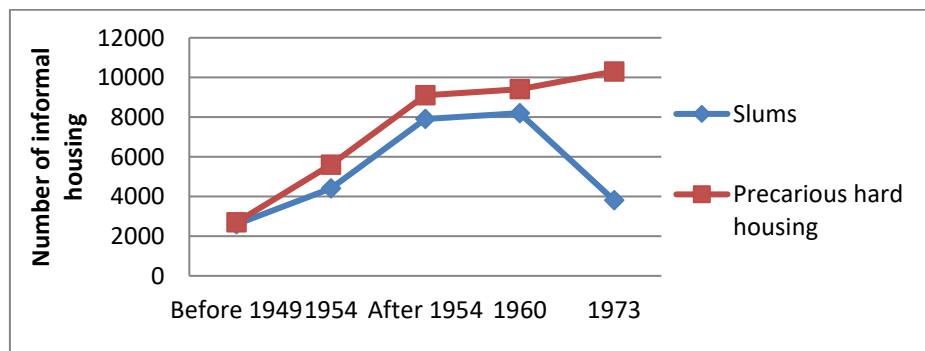


**Figure 2.** Bentellis Example of precarious hard housing which appeared during the French colonization period. (Author, 2014)

**3.2. The continued migratory flows after independence**

Since the end of the 1960s, new motives stimulated the migratory movement of the population towards Constantine. This population rise and the natural urban growth of the city have generated huge needs in different areas, becoming gradually a very annoying urban phenomenon.

During this period, the city witnessed a spatial growth, mainly due to the great development of the informal sector. Slums and precarious hard constructions made by "inhabitant skills" (Navez-Bouchanine, 2001: 112), which developed from existing nuclei before 1954 and other new ones, were always carried out outside the law on unfavorable sites for construction (sloping and slippery land, etc.), mainly on the banks of the two rivers Rhumel and Boumerzoug (Bardo, Bentellis, Chalet des Pins, El-Menia, etc.), on private lands which have object of great land speculations (Zaouch, Benchergui...), and as a kind of graft on the lands which surround certain resettlement cities and evolutionary cities (Figure 3).



**Figure 3.** Graphical representation of the evolution of informal housing before 1949 until 1973 (Graph established by the author according to Hafiane's data, 1989, p. 43, p.47, p.116)

According to the graph above, we see a regression in the number of slums between 1960 and 1973. This explains the decrease in the number of slums between 1962 and 1966, following the net and overall improvement in the housing settlement conditions in comparison with the period of colonization. However, this improvement, which affected part of the population, went hand in hand with deterioration in the living conditions of a large part of the population due to its crowding and overcrowding, the thing which could explain the revival of slums noticed at the end of this decade.

**3.3. The relegation in the aftermath of independence, of the housing sector outside the priorities of the Algerian State**

Given the economic and political situation that the country went through after the independence (phase of reconstruction of the Algerian state and reforms in the various fields), the housing sector was not among its priorities and the demand for accommodations was always above the supply. Algerian officials in charge have not planned housing programs, relying on vacant property. State housing production was confined to the completion of construction sites abandoned in the aftermath of independence by the colonial authorities. All of this led to a severe housing crisis in Constantine.

### **3.4. Regional disparities (or regional imbalances) at the scale of spatial planning**

The location of heavy industry at the level of the large northern cities has accentuated the territorial distortions between the north and the south, already existing since colonization, and has pushed the marginality of the intermediate centers to exercise a weak influence on their regions and incapable to stop or absorb part of the rural flows. For example, the area of influence in Constantine extends to the cities of Jijel, Skikda and Oum-el Bouaghi, and it represents the first pole of emigration for their inhabitants.

This development of industrialization did not only lead to a territorial imbalance, but it accentuated the already existing crisis at the level of the big cities among which Constantine. This development produced a new mode of urbanization (informal urbanization), which accelerated the urban expansion in an evident way.

### **3.5. Ordinance No. 74-26 of February 20, 1974**

With the appearance of Ordinance n ° 74-26 of February 20, 1974 establishing the municipal land reserves, the landowners had sold their lands to avoid their integration into the urbanization perimeter for the realization of projects which were part of local or national development programs. Transactions between individuals were made according to illegal procedures, through private signature sales, or legally through the use of backdated transactions (Hafiane, 1989: 133). Also, in other cases the owners had kept their land to build for their own account, thus they contributed to the proliferation of illegal housing.

### **3.6. The housing crisis of the 80s**

Despite the drop in its annual growth rate from 4.06% in 1966-1977 to 2.8% for the decade 1977-1987 (Boussouf, 2010: 153), Constantine has constantly experienced an overpopulation. So, the transfer of a good part of its population to satellite cities in the framework of emergency programs has not prevented its population from increasing rapidly, going from 360,000 inhabitants in 1977 to 460,000 inhabitants in 1982.

Given this significant demographic growth, the rapid saturation of urban land, and the economic crisis experienced during this decade (unanticipated fall in oil prices and the value of the dollar), the city experienced a housing shortage, significantly felt, which has contributed to the development of more and more cities of precarious and illegal housing carried out on the most risky sites and even on private land with agricultural vocation or with low agricultural capacity, acquired according to transaction operations.

### **3.7. The change in the policy of the Algerian state at the end of the 1980s**

With its new policy which opened up the economy (liberalization of the market), the State has gradually withdrawn from its missions (project management and work) and from its role as a sole economic operator. Indeed, new public and private, national and foreign actors and operators have appeared to replace it in the production of urban space. They have, moreover, been defined in the context of new legal instruments, in particular Law No. 86-07 of March 4, 1986 relating to real estate development.

With the State's disengagement from social care and the high demand for housing, spontaneous housing has continued to proliferate as a form of societal rebellion against the urban policies advocated by the State. The city has been invaded by precarious hard housing districts, and huge slums which suffer from an undeniable under-equipment (total lack of drinking water, network of sanitation, electricity, and gas), and an unpleasant and unhealthy environment.

### **4. The actions of the public authorities vis-à-vis informal marginalities**

Because of their illegal land status and the nature of the population living there (socio-economically vulnerable population), informal settlements have suffered from severe marginalization by local authorities. However, the latter have tried to react against the problem of slums and precarious hard housing since the period of French colonization, adopting different public policies.

#### **4.1. French colonial authority facing informal marginalities**

Faced with the serious problem of informal housing which preoccupied the French colonial authorities with its invasive and unpleasant character, and with the aim of alleviating this state of affairs, the colonial public authorities did not remain indifferent; they reacted using multiple ways under new regulations: "the Constantine Plan 1958".

#### **The Constantine Plan 1958**

Until 1957, people in charge of the municipality or the prefecture of Constantine had not reacted considerably to the problem of uncontrolled and anarchic urbanization which raged throughout the territory of the city. Despite the slight improvement in the housing situation due to the increase in the annual production of housing from which 1,400 dwellings were built between 1953 and 1957, against only 300 in the interval 1947 - 1952 (Constantine Plan Development Office, 1959), there was no comprehensive planned and structured strategy to control urban growth and urbanization. In 1958, the central civil authority in coordination with the military authority launched the "Constantine Plan" in December. The main theme of this plan was the enlargement of the Algerian population living in the modern sector, and the preparation of those belonging to the traditional sector to take the step in a later stage. Within the framework of Constantine Plan and through an urban planning operation, in 1959 three intervention methods, of different nature, were envisaged with

a view to restoring order in the urban space while reacting mainly against the problem slums and precarious hard housing (Regional Inspectorate General, 1959).

- a) **The improvement "in situ"**, applying to precarious hard housing but without any order and most often lacking water, sanitation and any coherent system of roads. "The operation consisted to carry out partial demolitions for the construction of roads and pipelines in order to facilitate the circulation in the district and its service, as well as the clearance of free spaces useful for the installation of essential equipment.
- b) **The construction of resettlement cities**, the objective is to reduce the overpopulation in the precarious hard housing and to absorb or slow down the slums. Given the circumstance of their emergence, their poor architectural and physical-spatial aspect (lack of means of comfort, accommodation, accessibility, various convenience of life, and public services), and the nature of the population in which they are intended for, these cities later became a form of formal urban marginalities.
- c) **The channeling and control of precarious constructions**: this solution was proposed and adopted in the cities receiving a very high number of rural refugees, because it was not possible to stop the development of their slums. The municipality determined a land of sufficient area on which the orderly construction of new gourbis (hut) would be tolerated.

However, the Constantine Plan had not taken into account the social and economic criteria of the population having difficulty, but on the contrary it had respected the economic laws of the market. As a result, the unaffordable cost of the various categories of housing had consequently excluded the insolvent classes from these choices, which created a serious social segregation, instead of rehousing the latter that are considered as poorly housed.

#### **4.2. Algerian public authorities facing informal marginalities**

The Algerian public authorities have also reacted against the proliferation of informal housing through the implementation of new public policies. In this context, various operations and strategies have been implemented throughout the national scale, and several regulatory texts have been promulgated for the overall management of the problem of illegal constructions, through the regularization of their situation to integrate them into the regulatory urban structure.

##### **4.2.1. The creation of New Urban Housing Zones**

The Algerian state did not act against the housing crisis experienced in all the major Algerian cities until the second quadrennial plan 1974-1977, where it took a total responsibility to solve this housing crisis. It opted for the heavy industrialization of the building in order to respond quickly to the high demand recorded, and to reduce the precarious housing that had invaded the city, through creating cities of social housing in the form of "New Urban Housing Zones" (*zone d'habitat urbaines nouvelles "ZHUN"*). The inhabitants of these planned peripheral districts, built under pressure, had also suffered from other problems such as poor integration into the city and under-equipment, without mentioning the problems linked to an architectural design, characterized by a lack of comfort and an annoying typification and uniformity: August 20, July 5, Bousouf, Daksi, BUM, and Ziadia.

##### **4.2.2. The creation of transit cities (chalets)**

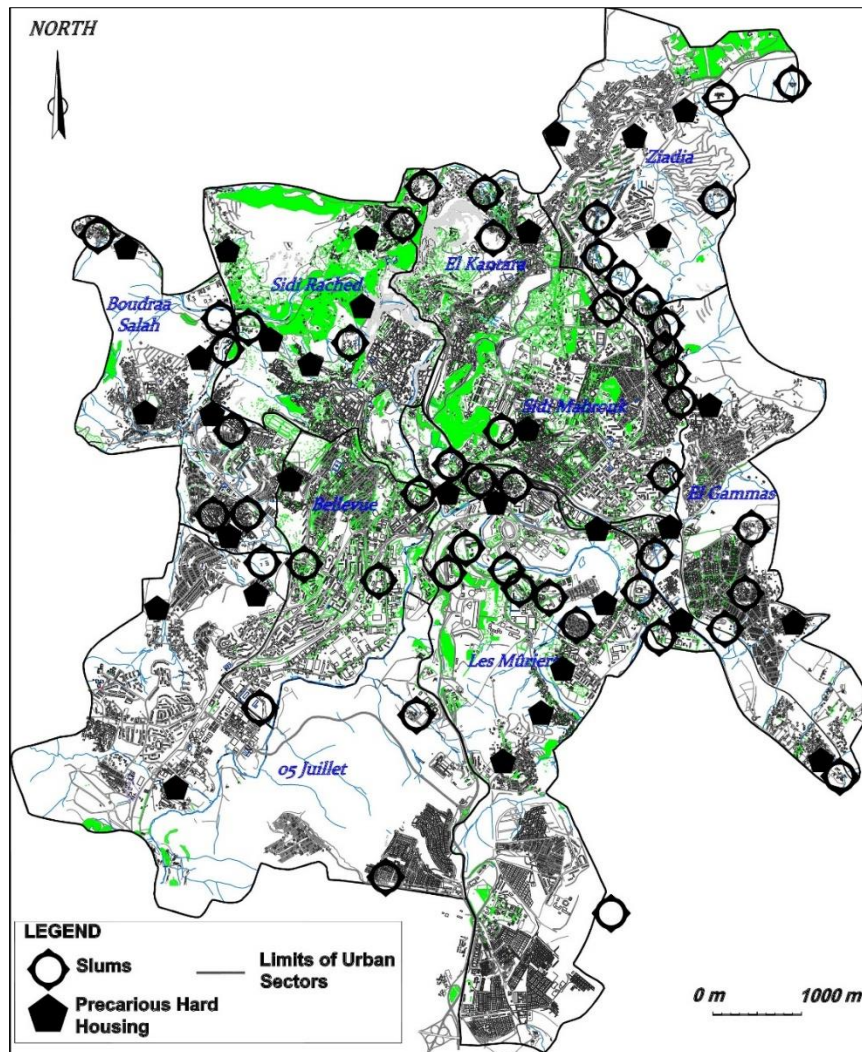
At the end of the 1970s, the Algerian public authorities had created transit cities, built in light structures in the form of wooden chalets, located on peripheral land with a steep drop in order to relocate the victims of natural disasters as a matter of urgency (floods, landslides), or the dilapidation of the built environment, for a period which should not exceed five or ten years. Created for short periods, these cities have gone on forever and have become permanent precarious cities without means of comfort.

##### **4.2.3. Program of Resorption of Precarious Housing**

Since 2000, there was a certain regression in the number of unsanitary sites, following several implemented actions and strategies, and this within the framework of a national policy called the program of resorption of precarious housing in 1998 (*programme de résorption de l'habitat précaire "RHP"*).

This project was financed by the World Bank as part of its strategy: eradicate poverty 2015 (*Millennium Development Goals*), and carried out by the hand of local authorities. In this context, the number of slums estimated by the Department of Urban Planning, Architecture and Construction (DUAC) at 75 sites in 2000, and bringing together a total of 11,638 barracks and 81,466 inhabitants, had started to decrease from the same year. Many slums were razed throughout Constantine (Figure 4); according to DUAC (2016) 38 shantytowns with 5,103 barracks were eradicated between 2012 and 2015, and the occupants of the shacks were relocated to the outskirts of the city and outside city (Bekira, Sarkina, N. Ville Ali Mendjeli,) to be relocated to new accommodations.





**Figure 4.** Census of informal marginalities in the municipality of Constantine – 2011: Slums and precarious hard housing (Company of Architecture and urban planning– Technical Service of Municipal People’s Assembly of Constantine, 2014)

The operations of leveling of certain districts made it possible to regain important lands of great value, considering their location which is close to the city center, and which is useful for the realization of large-scale projects in connection with the project of modernization and enhancement of the metropolis, Constantine. This is the case of the former Bardo shantytown, whose eradication in 2002 has enabled the city to obtain an ecological urban park which is under construction. However, despite all the efforts made by the public authorities, we have witnessed in recent years the re-occupation of the barracks which had been freed by their relocated occupants (Figure 5), in order to obtain public housing more easily and quickly. This type of temporary housing has become a place of transit to receive public housing.



**Figure 4.** Overview of a slum: Djaballah 2-Abbas Brothers housing project (Oued El Had) (Author, 2020)

#### **4.2.4. Decree No. 85-212 of August 13, 1985**

It determines the conditions for regularization in their rights of disposal and housing, actual occupants of public or private land subject to deeds, and / or constructions not in accordance with the rules in force. Article n ° 05 of this decree sets the minimum urban planning rules and the norms of construction which must exist initially or after the completion of work of conformity in the constructions likely to be regularized.

#### **4.2.5. The Interministerial Instruction of August 13, 1985**

Relating to the management of illegal constructions. It determines the different types of illegal construction through the identification of all of their constituent elements:

- The legal nature of the property tax base;
- Compliance with urban planning rules and building standards;
- The destination and the use of the construction;
- The site of construction and its servicing.

The study of these constitutive elements makes it possible to determine the adequate solution to be brought for each type of illicit constructions in application of the laws and regulations in force, as well as the bodies responsible for implementing the identified solutions and the procedures relating thereto. With the persistence of the phenomenon of informal marginalities in the 21st century, local authorities in Constantine, within the framework of a national policy, have made major efforts, and mainly in recent years, to reduce and fight the phenomenon of informal marginalities. Thus, new regulatory texts have been promulgated.

#### **4.2.6. Law No. 08-15 of July 20, 2008**

The "law No. 08-15 of 17 Rajab 1429 corresponding to July 20, 2008", fixing the rules of compliance of constructions and their completion. It provided for the management of four scenarios:

- The first case corresponds to completed constructions with a building license;
- The second concerns constructions provided with a building license but which do not comply with the prescriptions of the license issued;
- The third case relates to completed constructions carried out without a building license;
- The fourth case relates to unfinished constructions carried out without a building license.

The implementation of this law in reality has been made very complex given the extent of the phenomenon of unfinished construction in Constantine (the case of all Algerian cities) and the variety of cases to be treated and resolved. Since its promulgation 8 years ago, only 9,341 files have been processed, representing a rate of 39.14% compared to the total number of files submitted (23,865), of which 6,286 have been regularized, i.e. 26.33% (Table 2).

Having been extended after its closure in August 2012 and then in August 2013, this construction regularization operation ended on August 3, 2016.

Thus, all owners of constructions whose situation was not regularized in accordance with the regulations in force were exposed to the sanctions set by this law. The Minister of Housing, Urban Planning and the City officially confirmed to the National People's Congress that all unfinished constructions which do not comply with urban planning rules would be demolished if the owners did not apply the provisions relating to the law in question.

**Table 2:** Implementation of Law 08-15 - Situation as of 08/02/2016

Implementation of the law 08-15	Number of files statistic								Case processing statistics				
	At the level of the Communal People's Assemblies				At the level of Dairas commission		As part of the instruction N°-01						
	Deposited/CPA	Processed and transmitted	Pending /CPA	Transmitted to DUPAC	Processed by Dairas commission	Pending at CD level	Submitted	Processed	Regularized	Number of acts established	Adjournd	Refused	Reason of rejection or adjournment
Cumulative situation as of August 02 /2016	23865	931	635 8	467 5	1242 2	1579	54	54	628 6	4823	4007	2183	- Slip zone files - Files not affected by the law - Lack of title deed

(Department of Urban Planning, Architecture and Construction – 2016)

**4.2.7. Interministerial Instruction No. 02 of February 21, 2016**

In order to encourage citizens to complete, as a first step, the exterior works of the facades of their constructions, an operation to supervise these constructions was launched in May 2016 according to the ministry of housing, urban planning and the city, in accordance with Interdepartmental instruction n° 02 of February 21, 2016 setting the procedures for the treatment of works for the completion of the external envelope of the constructions concerned through bringing into conformity and / or the completion, in accordance with the directives contained in the instruction of Mister the Prime Minister n ° 219 / PM of September 04, 2014. This instruction is a complementary measure to the law 08/15, and it aims in particular to put an end to the phenomenon of unfinished constructions which reigns in all Algerian cities, in order to create an aesthetically harmonious environment, and this through fixing the treatment conditions for the work completion of the exterior envelope of the constructions.

**5. Conclusion**

The housing crisis is a complex and global phenomenon; found in most cities of the world, even the most developed ones. It is not specific to Algerian cities, but it is more felt in their context. This crisis and other problems further favor the birth of precarious means of fortune by these uprooted and destitute populations, which take place and form to absorb the deficit between supply and demand, which we call "informal marginalities".

For political decision-makers, these means of housing production remain inconsistent with their political agendas. This is the reason why we see that the city today contains two facets: The planned city (regulatory), and the unplanned city or "real city" and which we can call "marginal" (Souali, 2006: 458 ), because it is illegal, disorderly and often located on the fringes of urban dynamics. Reading and analyzing the circumstances of the emergence of informal marginalities and their factors of vulnerability in Constantine showed us how they emerged as a result of colonial segregation mechanisms and factors, the demographic changes that the city has experienced since the colonial period (migratory flows and natural growth of the population), to the shortcomings of public policies in terms of management of urban space faced with the scale of housing needs since the period of the French occupation,... Having a palliative and superficial feature, certain actions implemented within the framework of these public policies were judged ineffective and had the perverse and even harmful consequences that we have observed: they worsened the situation by increasing informal marginalities and contributed to the emergence of formal or planned marginalities. However, this did not prevent, in recent years, local authorities to implement various operations and strategies at the national scale in order to deal with the phenomenon of informal marginalities.



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