

RESEARCH ARTICLE	The Issue of Vacant Property After Algeria's Independence in 1962	
Hemamid Hassina	Professor	
	University of Batna 1	
	Algeria	
	Email: hassina.hemamid@univ-batna.dz	
Nouidji Sana	Lecturer -A	
	Multidisciplinary Research and Studies Laboratory in Law, Heritage, and History, University of Batna-1	
	Algeria	
	Email: sana.nouidji@univ-batna.dz	
Zitoune Karima	Lecturer -B	
	Laboratory of Studies in History, Culture and Society, University of Batna -1	
	Algeria	
	Email: karima.zitoune@univ-batna.dz	
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Abstract	<p>This paper deals with the issue of vacant properties resulting from the mass migration of European settlers after Algeria's independence, leaving behind their properties, lands and real estate. This situation created a reality that the young Algerian state did not take into account, especially since this state had resolved this issue within the framework of the Evian agreements in 1962 following the cessation of hostilities with texts guaranteeing the rights of these settlers agreed upon by the French and Algerian parties. Therefore, Algeria tried to enact a set of laws and legislations and adapt them to protect and organize these vacant properties in order to serve the state's economic interests.</p>	
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Introduction:

In recent decades, Algeria has been subjected to defamation campaigns and great political pressure by the French government and some right-wing lobbies to address the outstanding historical files since Algeria's independence in 1962. France has tried to tip the scales through statements accusing the Algerian authorities of committing massacres against European settlers and looting their property in the early years of Algerian independence, thus

illogically shifting the issue from defending its crimes in Algeria during the colonial period and refusing to apologize to the Algerians to attacking Algeria and defaming it for committing crimes against the French community after independence. What's more, they became proud of French achievements in the colonial era. This French policy encouraged French nationals to file lawsuits before Algerian, European and international courts against the Algerian state, demanding the restitution of real estate properties, agricultural lands, institutions and factories that became the property of the Algerian state after independence by force of law. Therefore, this paper addresses the issue of vacant property resulting from disputes over the property of European settlers after Algeria's independence in 1962, attempting to answer the following questions: **What is the concept of vacant property? Why has the term "vacancy" attracted so much attention? Are the claims of those who claim to be rights holders legitimate? How did the young Algerian state deal with this issue?**

We will try to answer these questions according to a plan that we started by giving a concept of vacant properties, then we dealt with the nature of these properties in the period preceding Algeria's independence, namely the Ottoman period and the French period, to determine the truth about the legal establishment of these properties, and this was the first part of the study. We then examined the reality of the bickering that took place between the French and Algerian delegations in the 1962 Evian negotiations and the measures that were taken around it, which coincided with the mass departure of European settlers, and a description of the state of Algeria, which became known as the country of vacant properties, until the policy of the Provisional Executive Authority towards these properties that became vacant by issuing decrees recognizing this, as this was the second part of the study. The third part deals with the stage of the first Algerian government headed by Ahmed Ben Bella and the most important decrees related to these properties, while clarifying the position of European settlers on the measures taken towards their properties, and their situation in Algeria after independence. Then we moved on to the stage of nationalization of these vacant properties for the country's economic interest in the era of Houari Boumediene.

1- The concept of vacant property:

According to the definition of the Algerian judiciary, a vacant property is considered vacant if the property has no known owner or if the owner dies without leaving an heir, or if one of the heirs abandons his share, and this description applies to both nationals and foreigners. The state of vacancy is the vacancy caused by the departure of the foreign owner of his property, or in the event that the owner ceases to exploit, with or without his presence or absence, this property or this farm in a normal manner and without legitimate justification. It is legally established that the state is the legal inheritor of the vacant property of the foreign owner. According to Article 773 of the Civil Code: "All vacant property that has no owner shall be considered state property." "Vacant property" is initially an expression of a physical condition that crystallized in the owner's abandonment of the property, and provides legal justification for its inclusion in the state's property, and then became the legal name given by the Algerian state to what became known as the property of the black feet that they left and left when Algerian independence was declared in 1962, including houses, villas, apartments, hotels, cafes, buildings, land, shops, stores, factories, institutions, companies, farms ... etc.

2- On the legal origins of property in Algeria before independence:

2.1 - Ottoman Algeria:

The concept of property in Islam is embodied in the legal system of Waqf, which is similar or close to the concept of national public property that cannot be alienated, seized, or acquired by prescription, according to Article 689 of the Civil Code and Article 04.

In Ottoman Algeria, the pasha, appointed by the Ottoman Sultan, was primarily responsible for property and funds, whether agricultural land or urban property. They are divided into three sections; first, the bailik sections, which are state property in the local sense and are represented by high-yielding agricultural lands. The pasha grants some of these lands to high-ranking state officials and senior soldiers in return for their services and support. To the same end, parts of these lands are granted to allied Makhzeni tribes. II: Dead lands: These are lands that are not suitable for cultivation and do not belong to anyone, and therefore belong to the state. Third: Throne lands, which are the collective property of the inhabitants of the tribe or throne, to be exploited collectively according to the customs and habits that bind the inhabitants of the tribe or throne. However, these clans and tribes must pay tithes and fines according to the region to Ottoman state officials, and if there are disputes between clans or tribes, the state intervenes to settle the existing conflicts. In addition to the endowment properties and funds that the state intervened in their management, the pasha's authority over the majority of properties and funds was very large, resulting in the expansion of these properties and funds in a way that was unprecedented before this stage.

To summarize, property in the Ottoman period was governed according to Islamic law, but the Ottoman administration of property and the forms of land distribution mentioned above led to the strengthening of the class

of large landowners of urban origin and loyal tribal chiefs, which resulted in an increase in the number of quintuplets and farmers. The taxes imposed by the Ottoman authority weighed heavily on small peasants⁽¹⁾, and limited the possibility of expanding small holdings in the suburbs characterized by vegetable and fruit cultivation.

2.2 - French Algeria:

After France consolidated its military power, it sought to know the nature of property in order to complete its settlement project. It endeavored to modify the real estate system inherited from the Ottoman era in line with the settlement policy in order to settle as many European immigrants to Algeria as possible. Since the property system in French law is based on the complete monopolization of property through the three constituent rights, namely: The difference between the French property system and the Islamic property system posed an obstacle for the French authorities, as public endowments have no owner and are for the public benefit, so the French authorities issued decrees and orders to annex them. The French authorities issued decrees and orders to annex the waqf properties, but they also began to confiscate the lands of the Ottoman owners and forcibly seized the lands that belonged to the tribes under the pretext of rebellion or lack of exploitation, or because they were disproportionate to the number of tribal members. It relied on French legislative law to legalize the policy of land change and alteration. Because the throne lands represented a threat to its colonial project and stability, its legislation focused on them based on their agricultural importance and social specificity.

The French authority found in the principle of subrogation the best way⁽²⁾ After the property census, the lands of the Algerian territory were considered the property of the French state by the decision of the military governor dated September 08, 1830, which aimed to seize the properties of the Ottomans, and stipulated that the French state replaces the Ottomans and annexes all the properties of the Bailik, and was confirmed by the decision of December 07, 1830, which provides for the annexation of all endowments to the Domaine (state property). Then a law was issued on October 17, 1833, allowing the French administration to seize land within 24 hours without compensation. Then an order was issued on August 10, 1834, and a second order was issued in 1842, providing for the free disposal of public lands and properties while facilitating their sale and legalization for the benefit of European settlers. This was followed by two orders dated 01/10/1844 and 31/10/1845⁽³⁾ which ordered the confiscation of the lands of those who were absent from their properties and lands without authorization if their absence lasted for more than three months. This refers to the departure of the Dey and the subsequent flight of the remnants of the Turkish League after the victory of the French army. Ironically, the French state that enacted the vacancy law after the defeat of the Ottomans was the same state that applied it after its defeat in 1962, so the logical definition of the vacant property law is that any money or property left by the colonizer after its defeat automatically belongs to the victorious state.

The first order authorized the French authority to expropriate land that remained unused due to the negligence or inability of the local owners to exploit it. In view of the owners' protests before the courts, the order of 21/07/1846 was issued, which facilitated the control of the deeds deposited by the owners by a council called the Disputes Council. The far-reaching purpose of this legislation was to grant privileges to the buyer from Europe in terms of the freedom to dispose even of endowments at the expense of the Muslim inhabitants, as they were called. For the benefit of these outsiders, properties were expropriated even in the case of a deed, with the arbitrary application of Articles 539 and 713 of the French Civil Code relating to vacant land⁴.

Under the Constitution of the Second French Republic of November 04, 1848, Algeria became a French territory represented by four European settler deputies in the French Parliament, as stipulated in Article 109 of the Constitution. This political influence allowed the European settlers to pass laws in their favor: The law of June 16, 1851 was the first law issued by the French parliament on the subject of real estate, aiming to Frenchize real estate ownership and enshrine the theory of concentration in the lands of the throne. This law enshrined the cantonal theory par excellence, which is the confinement of the lands of the Arabs to cantons subject to the need of the throne as a legal maximum in exchange for ceding the remaining part of the throne lands to the colonialists. Because this cantonization theory proved ineffective due to the problems it created between the military and European settlers, the French legislator replaced the cantonization theory with the theory of individual ownership and adopted a phased policy o⁽⁴⁾

The Senatusconsult Act of April 12, 1863, a legislative text concerning throne lands, transforms the usufruct right over throne lands into a full ownership right, after which this common collective ownership is fragmented into individual small properties in the following stages:

- Define territories for tribes and thrones.
- Dividing the territory of the throne into districts.
- Establishing individual ownership within each roundabout.

Then a law was issued on July 26, 1873, to complete the procedures initiated by Senatus Concert regarding the

definition and establishment of private property in Algeria, limiting the ownership of Algerians to three hectares with a contract proving their ownership and the rest to be distributed to Europeans to dispose of as they wish. The essence of this law was to replace the Islamic judiciary with French law on all land sales, whether between the French themselves, or between them and Algerians, and even between Muslims themselves, with the French notary replacing the Muslim judge. This was followed by the Complementary Law of 1887 in order to purge the ownership of agricultural land of all burdens that burdened it, and to legalize the final title deeds. The 1873 law does not authorize the investigating governor to decide the private ownership of the people, except to the extent that the owner and his family are sufficient for their own needs, and the rest is incorporated into the property of the French state⁽⁶⁾. The law of 1887, which stipulates the right of the French state to determine the lands belonging to each roundabout, so that the lands are divided between individuals and families, making it easier for settlers to seize fertile lands, because this law legalized them by the competent authorities conducting a partial investigation under the law of 16 February 1897, supplemented by the law of 04 August 1926, and under this law, the owner receives a property contract that is subject to French law⁽⁷⁾.

Accordingly, the public property of the French occupation state has expanded, especially in agricultural lands, and the state domain has come to include: The Beylik properties, lands confiscated from the Ottomans and some rebellious locals, all public endowment properties and part of the private endowment properties, vast areas of throne lands, dead lands, as well as private properties expropriated from their owners. After the legislation of December 31, 1894, these agricultural and real estate properties were significantly reduced in favor of the settlers, who were free to dispose of the land to establish agricultural villages for free or for a fee. In these ways, these settlers were able to seize large areas of the people's land, amounting to 277,428 hectares between 1899 and 1908, while the First World War caused the people to lose 80,000 hectares. Some land was also granted to some private French companies under the obligation system, resulting in a significant decrease in French state ownership. On April 13, 1943, the French authorities issued an order that gave a three-dimensional picture of public property in Algeria, because it added a third sector specific to Algeria called "Algeria's private property" in addition to the two sectors adopted in French law regarding the division of public property, namely: "public state property" and "private state property".

One of the most important results of this French real estate policy is that the colonialist tendency left the effects of the dual system in real estate transactions, i.e. one for European settlers and another for the locals, as well as the existence of customary contracts and official contracts, the attempt to divide common property without final contracts, an unclear system in the month of real estate transactions, exclusion of the provisions of Islamic law from real estate transactions, ending the right of pre-emption in land, eliminating the endowment system, confiscating private property unjustly, and the French judge alone being authorized to decide real estate cases between Algerians between each other and between them and the Frenchman. This resulted in an anomalous system that Algeria inherited after independence, which is completely different from the pre-French colonial era.

Since they are deprived of the legal protection of their right to property even though it is guaranteed by the Declaration of Human and Civil Rights, they are considered only temporary residents or occupants of the land, and their interests based on outdated traditions do not give them the right of absolute disposal. In the words of Mr. Louis Jacaulieu who belongs to the corps of judges in France in 1887. Further French justifications for the policy of "from forcible usurpation to legal possession" are that it is the distinctive situation of lack of duly and legally established native ownership that gives civilized nations the right to seize vast areas, and thanks to the skills and activity of the newcomers - occupation and reclamation - these settlers become the true owners instead of the indigenous inhabitants. The jurist Alexander Mierniak also presented many arguments to justify the usurpation of the property of others under the pretext of the public interest and the higher interests of humanity represented by developed peoples⁹. The French law of violence does not put an end to violence but, on the contrary, rationalizes violence and adorns it with the glorious garb of law in order to establish the legitimacy and legality of occupying countries and usurping territories. In view of all these considerations, mankind, represented by Europe as the most enlightened and proactive part of the globe, is entitled to the right to enjoy the riches of the rest of the globe.¹⁰

3) Property vacant after Algeria's independence:

After the overwhelming yes vote for the Evian Accords on July 03, 1962, Algerians celebrated the declaration of Algerian independence, and a new world replaced an old one. The only thing that mattered to the European settlers was to escape Algerian independence regardless of its consequences for them. In their haste, the departed left behind many properties, money, and belongings, bringing to the surface an unforeseen issue of "vacant property" as Reda Malik put it. The mass departure of European settlers from their farms, factories, companies and shops had a negative impact on the national economy, prompting the Algerian state to take several legal and judicial measures to integrate these properties and funds into state ownership in order to protect them first and then to manage them and eliminate the chaos they faced after independence in the field of real estate. Therefore, the state must intervene because, as Reda Malik argues, the law of acquired rights stipulated in the Evian

Agreements has collapsed due to the ^{absence of rights holders}¹¹. Before examining the legal measures taken by the Algerian state, we try to establish the reality of the collapse of the law of acquired rights.

4- What are the rights acquired in the Evian Accords:

The issue of the European minority in Algeria took up a great deal of time and effort in the Algerian-French negotiations, along with the issue of the separation of the Sahara, because it also constituted a stumbling block in the course of those negotiations, as the French delegation insistently demanded guarantees for the Europeans, primarily acquired rights, property guarantees, and the French language.¹²

The Algerian delegation was aware that French President de Gaulle would not give up Algeria without basic guarantees for the European minority. The French government wanted to know what kind of guarantees would be given to Europeans before Algeria's independence; they expected the French language to be an official language, and the French delegation insisted on the principle of guaranteeing acquired rights that must be applied in all fields. Reda Malik argues that the Algerian negotiators were aware of what the acquired rights meant, which were in fact most of the privileges generated during the colonial period. The FLN cleverly employed the concept of legally acquired property in relation to European settlers who chose to remain in Algeria - we have already mentioned how such property was acquired. The FLN's position was clear: "What was acquired legally will be respected," otherwise the millions of poor people after independence should not feel that they are still colonized¹³). Therefore, the French made no secret of the apprehension raised by the term

"legally acquired property from Europeans" in FLN documents.¹⁴ The use of the term "legitimate" created obstacles for negotiators on both sides. On this basis, the Algerian negotiator conceded because of the moral dimension of this concept in the negotiation¹⁵, and it was replaced by the wording "just and prior compensation" as a condition for any nationalization. This suggestion was taken into consideration as Article 12 of Chapter 4 of the Declaration on Economic and Financial Cooperation reads as follows: Algeria guarantees within its territory, without any discrimination, the full enjoyment of inherited rights as they existed before self-determination and no one shall be deprived of these rights without just and prior compensation. Another proposal complementing Article 12 was followed by Article 13, which reads as follows: France shall provide Algeria, within the framework of agrarian reform, with specific assistance for the purchase, in whole or in part, of property rights owned by French nationals.¹⁶

As for French nationals who prefer to leave Algeria and return to France, Part III of the Declaration of Guarantees stipulates that they can carry their movable property, liquidate their immovable property, transfer their capital under the conditions specified in Part III of the Declaration of Principles on Economic, Cultural and Financial Cooperation, and retain their pension rights acquired in Algeria under the same conditions mentioned above.¹⁷

The Evian Accords granted three categories of settlers the right to retain their property and benefit from Algerian civil rights on the condition that they acquire Algerian nationality within three years, starting from the date of self-determination 01/07/1962 and ending on 01/07/1965. The three categories are first: Those born in Algeria, who prove that they have been living in Algerian territory on a regular and regular basis for ten years prior to the date of self-determination. II: Those who were not born in Algeria but have been living in Algeria on a regular basis for ten years before the date of self-determination 01/07/1962, provided that the father and mother were born in Algeria and one of them meets the conditions for the acquisition of civil rights. Third: Those who were not born in Algeria, but have been residing in Algeria for ten years before the date of self-determination 01/07/1962. This item was formalized in the Nationality Law issued on March 27, 1963, No. 63-96, Article 9. Only those who committed crimes against Algerians are excluded from these categories in Article 10 of the same law. At the end of the specified period, Minister of Justice Mohamed Bedjaoui added a month on April 20, 1965, so that the legal period expires on July 31, 1965. Those who acquired Algerian nationality retain their full property, and only what is in the public interest is taken away from them.¹⁸

From what has been mentioned, we conclude that France was seeking, through the defense and protection of acquired rights, to create a future for the European minority in Algeria in which they maintain privileges within the framework of guarantees that contradict the unity of the Algerian people and the sovereignty of its state. Thus, the Evian Agreements grant France the right to intervene to protect its nationals within the framework of the human rights enshrined in the Constitution of the French Republic at any time. Events have proven, as we will see, that it was France that raised these issues every time because of these guarantees to Europeans, in order to maintain its economic influence over Algeria. Therefore, it must be recognized that these guarantees linked Algeria's independence to comprehensive cooperation with France, because they extend to the long term and establish future restrictions on Algeria's independence, placing it in a state of dependency within the framework of a program of neo-colonialism.

On this issue, Ben Toubal stated: "We accepted against our will that a certain number of French people would remain in Algeria, but we were sure that as events developed the French would never stay for three years, they demanded three years for the European minority and since the minorities left, the dispute was settled."¹⁹

While the Algerian and French delegations were fighting for the European minority, the latter did not care about what was going on in Evian. In her questioning of some Europeans who preferred to stay and live in Algeria as part of a research she conducted between 1992 and 1993 with a group of European settlers who are still alive, Hélène Bracco⁽²⁰⁾ found out the truth of their attitudes towards the Evian Accords and the guarantees they contained. The majority of them answered the question: "Were you aware that the FLN granted you privileges and created a place and a future for you in the new Algeria?" that they were not aware, and others said that they did not try to find out what was in those agreements; some saw them as false promises, and others did not hesitate to say that the FLN represents terrorism for them, and therefore they do not want to know anything, and just talking to them is considered a crime⁽²¹⁾. However, a few of these Europeans admitted that the FLN had made calls and invitations to stay, but they saw this as a policy of appeasement only⁽²²⁾, and so they decided to leave. This decision, the departure of the European settlers, came after the ceasefire, thus emptying the clause of the guarantees given to the European settlers. Why did these Europeans leave? Why did they leave their money and property?

5. The mass departure of European settlers in 1962:

On August 30, 1961, General de Gaulle, the French head of state, stated: "We want to leave," meaning an honorable exit of France from Algeria with minimal losses due to its low reputation in international forums. With this phrase, General de Gaulle wanted to get out of the costly crisis created by the Algerian war, and demanded that negotiations with the Algerian side be accelerated to end this crisis. The word "leave" meant that the French state and the French army, which created the European race in Algeria, wanted to leave. When General de Gaulle revealed his intention to end the Algerian question, they accused him of abandoning them. When, in November 1961, General de Gaulle spoke of Algerian Algeria, the European settlers did not accept this decision and accused him of treason. After the signing of the Evian Accords, they did not believe what had happened and that it was over. Therefore, the majority of them decided to rally around their extremist organization, the OAS, with the aim of destroying the Evian Accords and resuming the war again so that Algeria could remain French, otherwise let's leave it to them as we found it in 1830, when the secret military organization started applying the scorched earth policy²³.

Chaos reigned everywhere, and a climate of insecurity spread in Algeria because of the crimes of this organization. The conflict turned from Algerian-French to French-French, i.e. between General de Gaulle and the extremists, because by abandoning Algeria, he had abandoned them, according to their belief. The extremists declared that they were the ones who represented the European minority and were their spokesperson. In this regard, the French historian Francine Dessaigne⁽²⁴⁾ who lived through these circumstances in Algiers, reported in her diary that the secret organization ordered them to leave, and this came before the ceasefire and the signing of the Evian Accords, so that it distributed a leaflet that stated: "As of January 15, 1962, any departure from Algerian territory without authorization from the commander of the relevant sector is considered apostasy and desertion, and will result in severe punishment, up to and including death."²⁵ Initially, the families were asked to leave so that they could carry out their crime with peace of mind with this wording: After talks between the extremists and the Algerians failed, the organization's spokesperson announced: "We recommend that the families leave so that our men can work freely and carry out the acts of sabotage they have announced."²⁶ . After it was the turn of the men. Mohamed Ben Aboura, who lived through the atmosphere of terrorism in Oran, recalled that the men of the organization killed without any consideration, according to skin color, and killed everyone who was in favor of Algerian independence, to the tune of: "The organization kills whenever it wants, wherever it wants, and whoever it wants." Even the archives were not spared, as they burned mortgage documents and contracts²⁷.

In the face of this reality, they could not tolerate Algeria becoming Algerian, nor could they accept that the Algeria of their fathers would return to its people. Europeans began to leave for France at a rate of 20 ships a week, in addition to flights. The central police in Paris expected to receive 200,000 Europeans, but the number quadrupled against expectations. In Oran, European settlers announced a mass exodus. From March to April 1962, 400,000 Europeans left, most of them executives, and in the same way in all major cities, leaving everything voluntarily²⁸. From June 1, 1962, flights became faster, 12,000 per day. "Algiers is a city that is suddenly leaving" - as Olivier Dard put it - as terror gripped the hearts of the capital's old blacks, as one witness explained: "A European who voted yes in the July referendum but was forced to leave at the end of 1962: I found it amazing and incomprehensible, the panic that suddenly gripped everyone; when the bombs were exploding, they continued their lives indifferently, but suddenly everything stopped and at that very moment they became very frightened as if they were on fire..."⁽²⁹⁾.

General de Gaulle stated that 7,000 Europeans were gathering by air and sea in May and June 1962 towards Marseille⁽³⁰⁾. None of the officials could stop this desire for a mass exodus, as quickly as possible, and before the declaration of Algerian independence, i.e. before July1⁽³¹⁾.

Francine added that the withdrawal of the French army in June 1962 hastened the departure of the remaining Europeans in Algeria. She also revealed that it was the French law enforcement forces that organized the departures, whether by air or sea.³² Francine also recalled how the Andejans were selling new bags of all sizes, as

well as wallets on the sidewalks, saying, "We were always looking for them."⁽³³⁾ Note how this European wants to show that Algerians want them to leave, forgetting that the phrase "suitcase or coffin" was produced by the secret military organization that Europeans rallied around, willingly or unwillingly, as Abdel Rahman Fares said ⁽³⁴⁾.

General de Gaulle placed all the blame on the clandestine organization for its actions and vindictive policy, which forced Europeans to leave Algeria. He recalled that when the leaders of the OSS realized that the departure was mass, they started spreading rumors that emigration would lead to handing over the territory to the enemy, so they issued orders to prevent departure, threatening to burn money and property and even physical liquidation if they did not comply with orders. General de Gaulle added that this did not remain at the level of a threat but became a real execution. Here, the general acknowledged the responsibility of the terrorist organization for the departure of the Europeans: "It has become imperative that the Europeans leave Algeria at all costs, leaving nothing but destruction in their wake." ⁽³⁵⁾

General de Gaulle also confided that the French government was aware of this migration in advance, and that it expected a large number of Europeans to return home, so it took action as early as August 1961, entrusting Prime Minister Michel Dupré, who in turn entrusted Robert Poulin with the task of organizing this migration. In December 1961, laws were enacted to regulate the first means of transportation for Europeans who chose to reside in France, and how they would be integrated into French society. General de Gaulle regretted this migration, which was neither in the interest of the French state nor in their interest, because they held the most important positions and controlled the most important economic sectors in Algeria, to the extent that he described this migration as "the madness of departure" and stated that the number of Europeans remaining was in the range of 100,000. De Gaulle also used the term "abandoned houses" in the madness of departure³⁶, meaning that France knew that Europeans had emigrated and abandoned their properties without announcing it, and until that date it knew that other people had occupied those properties, whether houses, apartments or villas, without taking any measures with the Provisional Executive Authority or the Algerian authorities.

6- Algeria in 1962 is a country of vacant properties:

The French newspaper *Le Monde* described the city of Brigaud in Oran - now Mohammedia - as a ghost town. In Algiers, Francindissani reported On June 07, 1962, she suddenly discovered that something had changed, there were no more people, there were no more Europeans, the neighborhoods were empty. Those who remained waiting for another day to leave found life as difficult as possible, no butcher, no baker, no restaurants, no hotels, no cafes open, all the windows of the houses were closed, and dirt was scattered everywhere. Francine goes on to describe the atmosphere that prevailed in June 1962, "I went to the market and found nothing... Some young people on the roadside were taking names of people to distribute potatoes the next day..."⁽³⁷⁾, and she said that it was difficult to find sufficient supplies for the remaining days in Algeria, because due to the difficulty in obtaining sea tickets, her and her family's departure was postponed until June 22, 1962⁽³⁸⁾.

This is how an old world disappeared in the summer of 1962. In the rush, the climate of fear and the spread of rumors, some Europeans left their furniture, and others, out of anger, threw from their balconies everything they could not take with them: refrigerators, washing machines, ovens... etc. so that the locals wouldn't use them after their departure. Moving companies could not accommodate the volume of items, and the artisans who made the wooden boxes that everyone fought over to transport their belongings could not meet the demands of the migrants. Stations, ports and airports were overflowing with travelers, writes historian Malika Rahal⁽³⁹⁾. In Oran, the residents of the Pasteur neighborhood left their new villas vacant even after the first months of independence, and Algerians did not dare to break into them for fear of terrorist acts, because they were located outside the city. Within the city, there was competition and congestion for vacant houses and apartments, and some Algerians stole and looted those vacant houses, as Father Dolabar reported in Oran. The business of selling furniture flourished, with some people selling their belongings for a piece of bread, while others sold a piano in good condition. In Oran, a huge new market for second-hand objects and furniture was created. According to Jean-Louis Blanche, since July 1962, traders specializing in this type of furniture have flocked from all over the Mediterranean to buy luxury second-hand furniture: antique furniture, clocks, works of art, and even lesser quality furniture has found its place in this market. In the Sacré-Coeur church district of the capital, a salon was opened to sell antiques and antique items; antiques, royal sofas with the names of French kings, imperial bedroom furniture, and still to this day, antiques that belonged to those pre-1962 French families⁴⁰⁰. All this happened during the transitional period in which an administrative department was created in the name of the Provisional Executive Authority, which was authorized by the Evian Agreements to manage the affairs of Algeria from March 19, 1962 until September 1962. How did this body deal with vacant properties?

7. Vacant properties under the administration of the Interim Executive Authority:

There are two phases to this file. The first is the period when vacant properties were acquired spontaneously and

chaotically without the intervention of any authority. This period extends from July 1962 to the fall of the same year, when the executive body established an administrative department for vacant properties to manage these properties, which is the second phase. There are families who admitted that they lived in villas and apartments, and others who were housed by the FLN because they were homeless. Those who knew how to take these properties and residences themselves were from the border army, the National Liberation Army, and those who arrived with the ceasefire on March 19, 1962. The most fortunate were the officers of the Liberation Army, who took villas and magnificent residences left by the Colonists. In his testimony to the era, Ben Bella acknowledged that such excesses had occurred. When journalist Ahmed Mansour asked him that what was wrong with him was that after the Europeans left, leaving behind their properties and lands, Ben Bella's men - the men of the revolution - seized these properties without any order and without any planning, Ben Bella's response was diplomatic, saying that the Algerian peasants who were working on these lands, and their feeling of exploitation for many years, made them break into these properties. With this answer, Ben Bella wanted to say that the mujahideen were the same peasants who had declared a revolution to recover their property⁴¹

Regarding the seizure of European property after their departure, some of the testimonies of Europeans who preferred to live in Algeria, interviewed either by Malika Rahal or Aline Bracco, came to the conclusion that there was no consensus as to whether or not vacant properties were seized. Some stated that in Oran, some villas remained vacant for months, and in Algiers, some used the phrase that apartments were rarely taken over. This was confirmed by Alain Bracco's interrogations, who stated that only vacant houses and apartments were occupied. Even those who did not acquire Algerian nationality stated that they stayed in their homes and preserved their property.⁴²

Some Europeans took advantage of local French notaries' advertisements in the weekly newspapers regarding the sale of shops to sell their properties before emigrating, and despite the stable security atmosphere in Guelma compared to other cities, the sale of real estate doubled. Malika Rahal presented some of the names of those who sold their shops, such as Joseph Vidal and his wife, Aliane Akoun, who sold their tobacco shop at 1 Rue Saint Louis to Abdelaziz Ben Ahmed Kemmouche, and Paul Jules Boni and his wife,

Marie Thérèse, sold their pastry shop on Saadi Carnot Street to Mohamed Ben Saleh Kassoum, a pastry maker. In the same street, the Royal Hotel was sold by "Firmini" and "Alber Paria" to Messaouda bint Larbi Kharoufi⁴³. These real estate transactions do not fall under the category of vacant properties, because their owners did not abandon them, but sold them before their departure to Algerian men and women, through the mediation of a notary, and at the same time away from any authority. The interim executive body initially issued an invitation to the property owners who had left, urging them to return and restore their investments and institutions. The head of the body, Abdelrahman Fares, and other liberal cadres had a vision after starting work: to restore the confidence of Europeans in Algeria and to try to bring Algerians and Europeans together for reconciliation and understanding to eliminate outstanding issues. "Fransendesani" justified the FLN's fear of the mass departure of Europeans, because life in Algeria would be difficult without qualified French cadres, and thus the future of Algeria would be insecure.⁴⁴

On this basis, the TEC took the first measures related to vacant properties by issuing Order 62-20 of August 24, 1962, which aims to protect and manage vacant properties, including residential, professional, commercial and agricultural premises, which are considered vacant by the absence of their owners for more than two months starting from the date of publication of this law in the Official Gazette, without prejudice to ownership, as mentioned by Ridha Malik. The task of managing these properties was assigned to the worker in the framework of a department called the National Office for Vacant Properties, established by the interim executive body⁴⁵.

Indeed, the calls of the head of the Commission, Abdelrahman Fares, and the first measures taken by Order 62-20 accelerated the return of Europeans, so that the number of returnees increased in August 1962, especially from the French city of Toulouse, where the Black Foot community had settled, and the number increased even more in October of the same year. But their return was only in order to settle their affairs and property and then leave again. So the aforementioned Order 62-20 will benefit both those who left Algeria and those who remained. In theory, this provision was intended to protect vacant property, but Abdelrahman Fares signed and acknowledged concessions in favor of the Europeans, which called into question why he was chosen by General de Gaulle to run Algeria's affairs in the transitional period, especially since he had long been a strong advocate of a policy of integration⁴⁶. He never belonged to any nationalist movement before the Liberation Revolution, which made the revolutionary leadership, especially Karim Belkacem, wary of him. His relations and meetings with General de Gaulle increased the amount of suspicion about him, even the way he was imprisoned and released was strange, as if it was programmed, as his release from prison came on the eve of the announcement of the ceasefire. The biggest suspicion is that Jean Mannoni, who handled financial affairs, was his friend and the one he chose, and his deputy Ruth Rogier was also a European, meaning that the sensitive positions in the executive body were in the hands of Abdel Rahman Fares and the Europeans. On this basis, Fares was playing on the rope, as Belaid Abdessalam put it, because of his concessions regarding Algerian state property and his attempts to expand the list of privileges in favor of the European minority when he negotiated with the leader of the terrorist organization

Jean-Jacques Sozini without consulting the revolutionary leadership, which decided on this issue in the Evian Accords.

There are those who believe that the absence of any transitional texts or provisions granting the executive body new powers after the end of Christian Fouché's mission as High Commissioner, as well as the absence of legislation expanding its old powers, led Abdelrahman Fares to issue an arsenal of orders, decrees and decisions in the public interest and the necessity of running public utilities in the state. Therefore, some questioned the legitimacy of these actions, while others accused her of compromising Algeria's interests when she signed agreements that ceded Algerian property to France.⁴⁷

A second decree, No. 62-03 of 23/10/1962, was issued to put an end to illegal real estate transactions between Algerians and the French as of July 01, 1962 in Algeria and abroad. All contracts, transactions and leases related to vacant properties - except those in favor of self-management committees - are void from July 01, 1962, until Decree 64-15 of 20/01/1964 was issued. This decree also obliged all those who entered into contracts with the French to declare them within a period of 15 days starting from the date of publication of this decree, otherwise they are null and void. It is the responsibility of this department to annex these properties to the vacant properties⁴⁸. This decree also applied to the period from

1954 to 1962. (Hammamid Saïd's document shows that the sales contract was dated 1961 but was confirmed in 1962, because the buyer - as he mentions - did not pay attention to these orders issued by the Provisional Executive Authority and, like Algerians who were in the midst of the joy of independence - did not declare this contract within the deadline set by the state to be legitimate, and therefore in 1970 had to after paying a fine to the Vacant Property Authority in order to be issued in November 1962, after the law of 23/10/1962).

The French authorities expressed their dissatisfaction with the measures taken in August and October 1962, and accused Algeria of not respecting the Evian Accords. In an attempt to explain their point of view, Mohamed Khemisti, the first foreign minister in the Ben Bella government, visited France in November 1962, just a month after the issuance of Decree 62-03, a symbolic visit to start negotiations on the pending issues, including the executive decrees on vacant property. The vacant property file was the least important of the four files, including the military's control of Radio Algiers, missing Europeans, and the Harkis. Nevertheless, France's reaction was muted compared to the popular French denunciation of post-independence decrees.

The irony of history is that the legal rules regarding the confiscation of agricultural land were placed on the shoulders of the executive body, which was in administrative chaos, as the management of property was entrusted to a group of people and an administrative manager at the same time. The governor's intervention in the decree of August 24, 1962 was only to legalize the process, although the permits he issued were not dated, and the governor's permit is a printed paper that must be filled out, and in many cases there is no written license when seized, and the process is carried out without notice to the owner of the property, and if there is a license, it is through a verbal statement by a representative of the management committee. Also, the descriptions and details made by the committees about the properties were not accurate⁴⁹.

8 - The Algerian government and vacant properties:

8-1- Ahmed Ben Bella and vacant properties:

Ben Bella, who became head of the Algerian government from September 29, 1962 to October 15, 1963, did not hide in his testimony to the era the reality of the bad economic situation that Algeria inherited after independence. "We received a completely destroyed country," he said, adding that the streets were crowded with people at night because they were homeless, without food, there was a famine, factories were out of order, and unemployment was rampant everywhere. The French left only six million centimes in the treasury, not enough to feed people for five days. Ben Bella goes on to describe the state of Algeria when he took over, stating that the French left 9,000 villages in ruins. When they left, they took everything with them so that Algeria would fall as soon as they left.⁵⁰ Since things were not yet settled, Ben Bella issued a decree on December 31, 1962 to extend the French laws that were in force, with the exception of texts that affect national sovereignty, have a racist colonialist character, or affect democratic freedoms⁵¹.

Before Ben Bella announced his new policy regarding the property of Europeans, Jean Broglie, Minister of Algerian Affairs in the French government, paid a first visit to Ben Bella in January 1963 in an attempt to calm the atmosphere and put the points back on the table. The main point he raised was his attempt to understand the meaning of vacant property and wanted to obtain guarantees against "vacancy by eviction" (Decree of August 24, 1962). French negotiators then tried on several occasions to interest the Algerians in the scheme to buy back colonial lands, as stipulated in the Evian Agreements, but without any response from the Algerian side. What happened was that Ben Bella insisted on implementing his policy.

Ben Bella's first step was to reclaim national lands, launching an era of nationalizations, especially in the agricultural field. Ben Bella explained that Algeria was full of farms, two and a half million hectares of farms. There were farms

with an area of five thousand hectares, and others with an area of three thousand five hundred hectares. After these farms became the property of the state, they were nationalized. Ben Bella then created a system of self-management for the farms, which belonged to the state but were owned by the peasants who worked on them. This system was not improvised, but was thought out carefully, taking into account the experience and expertise of the Algerian peasants who worked on these farms for the French and inherited this experience from their fathers and grandfathers, especially the cultivation of vineyards that were widespread throughout the country³². William Zartman argues that the wave of expropriation was primarily a peasant revolution, a revolutionary act par excellence that characterized the era of independent Algeria in general.³³

On a second visit to Algeria at the beginning of March 1963, Jean Bogle told Ben Bella that neither France nor the principle of cooperation approved at Evian would stand against Algeria's socialist approach. He reminded him that France was obliged to compensate the Colonists for the value of the confiscated land, but after the issuance of these emergency decrees, Algeria is obliged to compensate the Colonists by subtracting the amount of compensation from the amount of financial assistance pledged by France at Evian. The 1.50 billion francs that was planned for 1963 as aid will be paid in two installments; 100 million will be paid every three months. The 400 million will be available to Algeria in the form of tied aid. Broglie then recalled the pre-independence financial donations by the French government, trying to warn him that his decisions regarding the property of Europeans and the reduction of the length of French troops in Algeria would lead to a review of not only one clause of Evian, but all clauses.

As if Ben Bella was not concerned with the reaction of France, he was only interested in recovering land and property, on this basis the nationalization decisions came in March 1963, on the first anniversary of the ceasefire; the first decree under No. 63-88 of 18/03/1963 containing the organization of vacant properties, aimed at putting a final end to the crisis caused by the emigration of French and European people, and even colonial agents who abandoned their properties. Article 11 of the decree stipulates that the vacancy can be inspected and declared by the worker of the employment represented by the National Office for Socialist Recovery, which replaced the National Office for Vacant Properties, as mentioned above. The decree covers the following:

- Shops and real estate, or part of them, whose owners stopped using them for two consecutive months starting from June 1, 1962.
- Buildings or part of them whose owners stopped using the right of ownership for two consecutive months starting from June 1, 1962.

After declaring these properties vacant by prefectural decrees, the Algerian administration worked to inventory these properties in order to ensure their management. This task was entrusted to the Provincial Housing Office, a department at the state level.³⁴ In mid-March 1963, before the historic March decrees, half of the estimated 2 million hectares belonging to Europeans - representing the properties of 8,408 out of 17,991 owners - were in the hands of management committees.³⁵ Violation of these laws is punishable by one to five years in prison and a fine of up to 100,000 francs. Thus, the loss of the right to enjoy and dispose of property means the loss of the legal right of ownership, according to the French newspaper *Le Monde*³⁶.

In his memoirs, Ahmed Taleb Brahimi stated that Algeria announced nationalization decisions for vacant properties because of France's nuclear explosions³⁷ at Ain Acre Bergan on the first anniversary of the Evian Accords on March 18, 1963, disregarding the military clauses stipulated in those agreements. After this action, and without waiting for a parliamentary vote, the Prime Minister's office published a decree defining the concept of vacant property and limiting the possibilities of legal recourse against its misuse or exploitation as follows: "All properties that were previously seized in a final manner without the possibility of litigation, whether vacant or not, are considered vacant according to the previous judicial wording." This decree did not define the concept of ownership, as it transferred the management of these properties to management committees only.³⁸ The French newspaper *Le Monde* also marveled that the Algerian authority took several measures, under different names, to achieve the same result: the nationalization of French property. In order to maintain its outward appearance, it employed polite phrases such as: The properties and institutions removed from their rightful French owners are classified as vacant and abandoned, as well as "placed under the protection of the state." In addition, the phrase "placed under the protection of the state" was used. Finally, the institutions that were provided with a government commissioner (decrees of March 18 and May 9, 1963). This confusion in terminology has led to controversy over how to distinguish between "property and institutions under vacancy or under state protection" and "property that has been legalized by an official decree entitled: nationalization". However, all these names, procedures and decrees are in the interest of the Algerian state³⁹.

In the same month, two decrees were issued on March 22 and 28, 1963. The first, No. 63-95, concerned the organization and management of industrial, mining, and commercial enterprises, traditional industries, and vacant agricultural land with the aim of structuring self-management committees. The second decree, No. 63-98, concerns how to distribute the income of investors and enterprises under the self-management system. In implementation of

these decisions, some lands owned by influential Colonists such as Henri Beaurgaud, Callan and Germain were nationalized. After a while, Ben Bella placed the Beaurgaud farm and some other farms under the management of a temporary management committee as a measure of protection and in the best interest of public order.

Because Bourgeaud is a legendary figure in Franco-Algerian society and a leader of conservatism, and because the confiscation of Latraborough⁽⁶⁰⁾ was the most famous case, as it received great media coverage⁽⁶¹⁾, we wanted to get to know this figure. Henri Bourgeaud of Swiss origin - born on August 04, 1895, died in Paris 1964 - was one of the largest and richest European settlers in Algeria at the time⁽⁶²⁾ Along with Mr. Dimanche - the latter being less wealthy and influential -. He was nicknamed the personal leader of the Kingdom (Algeria). On March 30, 1963, the Algerian authorities sent him the decision to nationalize the Latrap farm, located 17 km from the capital Algiers, and gave him two hours to leave his investment⁽⁶³⁾. "Mr. Bourgeaud, together with Mr. Plachet and Mr. Gratien Faure, own about 10,000 hectares in the vicinity of Constantine and the three of them alone represent the largest individual holdings in Algeria. In addition to the largest agricultural investment, the 1,300-hectare La Trappe Sétawali, the bulk of which he bought from the Trappist religious order in 1904 after the law on the separation of religion and the state was passed, due to the financial deficit of the order. The farm employs 300 seasonal peasants from the local population. He is the owner of the 3650-hectare Wahrani Agricultural Company. In addition to this position, he held leading positions in political-economic circles in Algeria and Paris, serving for several years as a senator of Algeria in the French Senate. Known as the "undisputed king of the vineyards," he ran the company "Anonyme," Gondarme's hat in the Melliana district, which produced 45,000 hectoliters of wine per year. Bourgeaud was a member of the board of directors of the North African Commercial .

General Company for Agricultural Products in Beni Slimane farms, the same position in the North African factories in Casablanca, and the same position in the Lucianborgo textile company, in the North African Cement Company La Farge, Bastos Tobacco Company, Indochina Tobacco Company, Phosphate Company in Constantine, and Steve's Mills⁽⁶⁵⁾). In addition to owning 500 hectares in Marengo - now El Hadjout, Tipaza - and 100 hectares of rice farms in Kolea. Bourgeaud's fortune exceeds 1 billion old francs. Therefore, in the eyes of French public opinion, Henri Bourgeaud is considered a model and a successful figure of French colonization in Algeria.⁽⁶⁶⁾

At the political level, Henri Bourgeaud held several positions: until 1954 he was mayor of Cheraga (from 1930 to 1962), president of the Algerian General Council, and a member of the Financial Delegation of Algeria. He strongly opposed the Blum-Violette project and was a staunch defender of Colonist interests and French Algeria. He exerted his influence even at the media level by owning the daily newspaper La Dépeche Quotidienne. He often came into conflict with the French authorities because of their interference in the administration of the colony, especially when they proposed reforms in favor of Algerian Muslims. When the Liberation Revolution broke out in 1954, Bourgeaud was celebrating the fiftieth anniversary of the founding of his farming operation at his farm, and the feast was Algerian couscous. The French newspaper Le Monde headlined the event: "Bourgeaud's couscous soiree on the occasion of the fiftieth anniversary of La Trappe."⁽⁶⁷⁾ He took the side of the European minority during the Liberation Revolution and strongly defended them. We are not surprised by this, especially if we know that the balance of justice was in his hands, as the first judge in Algeria "Paul Sozini" was his son-in-law, and justice was notorious for being subject to the orders of the Colons, headed by the fanatic Henri Bourgeaud, as stated by Claude Bourdieu⁽⁶⁸⁾. He narrowly escaped an assassination attempt in 1957 in Paris. When the Europeans left Algeria in 1962, Bourgeaud remained in his fortress in Sétawali, believing himself so powerful that no one could remove him from his kingdom. He was under the illusion that his great influence and extensive connections in Paris and Algeria would protect him and his property.⁽⁶⁹⁾

The nationalization of the farms, lands and properties of Henri Bourgeaud is not legally covered by the law declaring the state of vacancy, because the owner of the property did not leave Algeria and was on his farm in Latrabe when the Algerian authorities ordered him to vacate the place, and he did not stop using his property, like many Colons who continued to work on their farms⁽⁷⁰⁾. Is this decision by the Algerian authorities considered a violation of the Evian Agreements, given that Malik did not leave his property vacant, as claimed by French newspapers, especially the conservative ones, led by the French newspaper Le Monde? With reference to the Evian Agreements, we find that the Algerian state has focused a lot on the issue of recovering agricultural lands from the Colon and redistributing them to Algerians, as Article 19 of the agreement states that the property belonging to the Algerian state is transferred to the Algerian state. Article 19 of the agreement stipulates that property belonging to the Algerian state is transferred to the Algerian state. Even the public institutions and companies belonging to the Colonists are automatically transferred to the Algerian state, according to the same article. France also undertook to compensate the property of its nationals in the agricultural sector⁽⁷¹⁾.

Ben Bella was not acting improvidently, as claimed by French circles, because he was following the laws enacted by large countries in exceptional circumstances, including France. His confiscation and seizure was based on the law of July 11, 1938 enacted by France, which stipulates the organization of the country during the war period. In other words, Algeria is living in exceptional and unstable post-war conditions, and measures must be taken to move

forward⁷²

A closer look at the policy of the Algerian state in that period can observe, first, that Henri Bourgeaud and his ilk were hostile to the liberation revolution. According to *Historia* magazine, Henri Bourgeaud is the godfather of the French colonization of Algeria⁽⁷³⁾. Secondly: The economic and agricultural situation was bad according to Ben Bella's testimony, so what he did was in the public interest according to internationally recognized legislation. Thirdly, and most importantly, the agricultural sector during the occupation was only able to secure the minimum needs of the Algerian population. This is because the development of high-yielding crops, especially vineyards, contributed significantly to disrupting the nutritional balance of the Algerian people, who were constantly exposed to malnutrition, as the colonial administration resorted to covering part of its local food needs by importing wheat, sugar, milk and food oils, of course for the Europeans. The Europeans were the primary beneficiaries of the cultivation of vineyards and the income from their wine exports, as they are not a food requirement for Muslims. Fourth, the best and most fertile lands were under the control of the colons, while the rest, located in the foothills and feet of the mountains, plateaus and difficult slopes, belonged to the people, which greatly affected the form of social formation, as a large mass of the peasant proletariat grew and developed alongside the large landowners in Algeria. The application of the 1863 and 1873 land privatization laws led to the creation of a large peasant proletariat in Algeria, which in turn led to the growth of the pentecostal class. This prompted the Algerian state to develop a policy entitled "Land for those who serve it", so that 90% of the provisions of the Tripoli Pact concerned agriculture, as this program focused on the Algerian peasant, because he was the most oppressed group during the colonial era, and the group that made sacrifices and efforts to restore independence and usurped lands⁽⁷⁴⁾. Accordingly, priority in land distribution was given to mujahideen and families of martyrs in the first place, followed by small European peasants if they chose to stay in Algeria and acquire Algerian citizenship.

Ben Bella's policy of utilizing the experience and expertise of Algerian peasants who had been wage laborers for the Colonists did not work, because implementing a selfmanagement system at independence with wage laborers and pentecostals - most of whom were seasonal workers - meant continuing the same traditional agricultural policy of the past. It also meant that the Khamsin could not create a peasant class with a long history and roots in the land like the Europeans. The French response to the March 1963 nationalizations was a third visit by French Minister Jean Broglie to Algeria in early May 1963, but with no tangible results in terms of trying to stop the ongoing wave of seizures. Ben Bella argued that the principle of cooperation was incompatible with the socialist system and sought to legitimize the confiscation of vacant properties, but he opposed Ben Bella's declaration that the principle of cooperation was incompatible with the socialist system. In this context, the judge of the Algerian Court of Chlef - in a case brought by a European about the seizure of his property - stated that the policy of emergency confiscation is compatible with the spirit of socialism⁽⁷⁵⁾.

Law No. 63-168 of May 9, 1963 placed certain properties under the protection of the state because their exploitation or use could undermine public security and order. On May 20, 1963, an additional 130,000 hectares of farmland in the hands of 295 Europeans was seized. This left 877, 877,000 hectares - less than half of the pre-independence area - remained in the hands of 9,288 European owners. As of March 1963, the average amount of land that became vacant after the emigration of the owners was 117 hectares. Between March and May 1963, large properties with an average size of 442 hectares were seized, leaving only 94 hectares for the average size of other farms, with Prime Minister Ben Bella giving guarantees to small European and Algerian farmers.

The decree of April 4, 1963, which replaced the name of the National Office for the Protection and Management of Vacant Property with the National Office for the

Revitalization of the Socialist Sector, is a clear indication of the state's socialist orientation, as well as the fact that socialism is nationalization. In his most famous statement on April 4, 1963, Ben Bella raised the issue of nationalizations and explained the state's obligations, saying: "When the weapon of texts is used against us, we arm ourselves with the ethics of our country - socialism - and it does not matter that we violated the Evian agreements with our decisions."⁽⁷⁶⁾ This means that Ben Bella's domestic policy overshadows his foreign policy. The latter is a priority for the French government. Since France was bargaining with Algeria and trying to pressure it with the financial aid card, Ben Bella also issued the law of July 13, 1963, requiring all foreigners leaving Algeria to provide proof that they had paid their taxes⁽⁷⁷⁾.

France protested this decision, which is contrary to the Evian resolutions that stipulate the free movement of people between the two countries, and considered it tax discrimination. It threatened that pre-independence taxes belonged only to France and not to Algeria. Since the tax register was destroyed by the secret military organization in 1962 and earlier, some French people expressed their dissatisfaction with having to pay back taxes on property they had left behind and which had been seized. The aforementioned tax decree delayed negotiations between the Committee on Algerian Affairs and the Algerian delegation on financial issues. Because France was pushing the financial aid card, Ben Bella backed down and rescinded the decree, accepting only an "honorary declaration" issued by the French embassy or the competent authorities stating that the person concerned had paid his taxes. With the resumption of negotiations between the two parties, other issues arose over the issue of property, as France questioned Algeria's ability to abide by its pledges to guarantee Europeans the harvest and sale of their 1963

crop. France questioned whether Algeria would honor its pledges to ensure that urban dwellers could go on summer vacations without fear of losing their apartments upon their return, i.e. the fear of having them declared vacant.

Law No. 63-176 of July 26, 1963 was promulgated in the same manner as the confiscation of the land of the senior colonists, with the aim of establishing state control, and concerns property seized by the colonial administration for the benefit of its Algerian agents, such as commanders, bashaghs and aghwat, with the aim of punishing persons who collaborated with colonialism or were hostile to the national liberation war⁷⁸.

Ben Bella's electoral campaigns to adopt the constitution and win the presidency in September 1963 were accompanied by broad promises regarding important decisions regarding the socialist system and the elimination of all social privileges in Algeria. In particular, Ben Bella announced that he would take all the land of the colons and bourgeoisie by the summer of 1964.⁷⁹ In a meeting with the people, Ben Bella further declared: "From this moment on, not a single hectare will remain in the hands of the Colons."^{80,81} Ben Bella had nationalized three independent newspapers of the Europeans, arguing that they would be useless after their mass departure. Ben Bella added that cooperation with France should not be at the expense of Algeria's interests, nor at the expense of revolutionary ethics. French public opinion expressed its dissatisfaction with Ben Bella's statements, while the French government dealt slowly and calmly with all situations that could threaten Algerian-French relations, realizing that any retaliatory attempt, or any request to review the Evian texts would upset the balance of Franco-Algerian relations, but considered the seizure of property - the seizure of newspapers - a violation of the Evian texts. The latter excluded all discriminatory and arbitrary confiscations, while guaranteeing the right to property, prior compensation, and freedom of expression. France's only weapon remains its financial support for Algeria, as it refrained from paying 100 million francs, the amount of financial aid for the last three months of 1963, and slightly reduced the amount of aid planned for 1964, which was about 950 million francs⁸².

The policy of seizures and confiscations continued despite the discontent of French circles, and since the self-management system requires the exploitation of all vacant and unoccupied agricultural lands, and in order to internationalize state property, and to strengthen his position in the framework of the presidential election campaign, Decree No. 63-388 of October 01, 1963 was issued to include agricultural exploitation belonging to some foreign natural and legal persons within the state property. The state took the failure to acquire Algerian nationality, or the failure to apply for it until that date, as a reason to expropriate the property of its owners by decision of the worker of the commune, without compensation - we have already mentioned the three categories concerned with retaining their property - in addition to Europeans who participated in the Liberation War, except for those who committed crimes against Algerians (Article 10 of the same law). Europeans who remained in their lands and were not naturalized only have the right of exploitation. This decree sparked reactions and criticism, because it contradicts the terms of the 1962 Evian Agreements, since seizure before the expiration of the legal deadline of July 1, 1965 is considered a violation of these agreements.⁸³ Some believe that this decree came within the framework of Ben Bella's campaign for the presidential elections, and thus took on a political rather than legal charge. It was also the Algerian response that Ben Bella deemed appropriate to the French threats on the issue of financial aid. In response to France's accusations that Algeria had violated the Evian agreements regarding property rights and naturalization, Algerian Minister of Labor Bachir Boumaaza stated that France was the first to violate the Evian texts when it granted dual nationality to French Algerians by decree on July 22, 1962, which was rejected by the provisional government of the Algerian Republic in Evian⁸⁴.

Faced with this tension between Algeria and France, Jean Broglie met with Algerian Minister of Labor Bachir Boumaaza in the framework of new negotiations at the end of October 1963, which resulted in an agreement on a rule that allows for a flexible policy in the future to deal with this issue. The main points of this agreement were: The financial aid is considered the price of concessions and concessions from Algeria in favor of France (oil bases, trade concessions), and at the same time a financial fund to compensate for the seizure and nationalization of vacant properties. By approving this agreement, Algeria compensated France with economic concessions in exchange for interest-bearing financial aid, which is the financial framework by which France compensates its expropriated nationals.

Relations between France and Algeria again entered a stage of tension due to the continuation of the policy of confiscation and seizure, which this time was directed towards the nationalization of real estate properties and industrial enterprises in the cities, which led to a fourth visit by Mr. Jean Broglie to Algeria at the end of February 1964, which resulted in concessions from the Algerian side in favor of France, the most important of which was the payment of 10 million francs as compensation for the small farms nationalized in 1963 by Algeria. In addition to accepting the establishment of a body in charge of managing apartments occupied by people illegally. This body had been proposed by France at the beginning of 1963.⁸⁵ Ben Bella also reiterated his promises to guarantee property rights with assurances that the nationalization campaign was coming to an end. In the future, there would be no nationalization without inspection and negotiation with property owners. This last commitment was not honored, because only a month later the food canneries were nationalized. Is it a policy of prevarication between

the two parties to achieve goals? Or is it the weapon of financial aid in the hands of France and the weapon of privileges and economic interests in the hands of Algeria? Therefore, the conclusion we reach from all of the above is that Algeria paid the value of compensation for vacant properties, concessions, economic and commercial concessions and privileges ... etc. from the French aid fund with interest. We will present the positions of the settlers themselves on the issue of nationalization and the nationality law.

8-2 - Testimonies of French Algerians who chose to remain in Algeria on the issue of vacant property and Algerian nationality:

Ellen Bracqua interviewed some Europeans regarding vacant property who chose to stay and live in Algeria. According to their testimonies, a large number of them remained in Algeria, did not naturalize, did not ask for Algerian citizenship, and were not stripped of their properties, even though they did not help the FLN or sympathize with it; on the contrary, they expressed resentment for Algerian independence; this woman, who⁸⁶ C.H. expressed the policy of nationalizing vacant properties by sarcastically saying that those who carried out revolutions aim to own property. She likened the Algerian revolution to the peasant revolution in France, when the French revolution took place in order to acquire property, as the French peasants drove the property owners out of their mansions to live in them. In Algeria, she added, the revolution was for the acquisition of villas, apartments and houses. "This is the reality of revolutions," she said, "they are for the ownership of the property of the people we are chasing..."⁽⁸⁷⁾. In Algeria, she adds, there are those who were expelled from their homes to live in them, adding that she did not ask for Algerian citizenship because she does not see the need for it, and the same woman revealed that there are those who naturalized just to preserve their property in Algeria. As for Mr. B.A., he said that he comes from a family that came to Algeria with colonialism in its early years, and that his grandfather established a transportation and public works company in Mostaganem, as well as the village of Rivoli, located between Oran and Mostaganem, but he said that the state seized everything, even though his family never left Algerian soil. He said they traveled to France on June 10, 1962 and returned on July 5, 1962, and have not left Algeria since then, even though his younger brother was born in 1967. B.A. recounted the seizure of his grandfather's private plane by a major of the Liberation Army, saying that when the major spotted the small plane in the fields and realized it belonged to a Frenchman, he seized it. However, the state did not seize the large house that his family lived in, which was over 900 square meters in size. When the researcher asked him why he did not ask for Algerian citizenship, he replied sarcastically, "Am I crazy to become a naturalized Algerian citizen"⁽⁸⁸⁾, and said that the FLN represents terrorism, and that talking to them is a crime"⁽⁸⁹⁾. He added that he knew a Frenchman who had acquired French citizenship only to preserve his property, even though it had been seized and not nationalized but divided into small properties.

Mr. and Mrs. Grango M et Mme, who acquired Algerian nationality, said that they remained in Algeria because they were aware of the FLN's calls and invitations to Europeans to stay and contribute to the building of independent Algeria. At the same time, Mr. Garangou revealed that his attitudes differ from those of his father, who considered the FLN to be a group of terrorist murderers. Regarding naturalization, he stated that he stayed in Algeria because he feels that it is his country of origin and not France, and that he did not acquire Algerian citizenship according to the Evian agreements, but he and his wife requested it in 1969 from the Ministry of Justice. Although this family, as he mentioned, did not support the National Liberation Front, did not provide services to it, and did not acquire citizenship until 1969, he did not declare that his property was seized, nor any attempts to evict them from their home"⁹⁰. As for Father Jean Scotto, he acquired Algerian citizenship and was a supporter of the Algerian Revolution. This priest spoke about the issue of property and said that there were three categories of Europeans who decided to stay, as the issue of property - such as small villas and shops - was among the reasons why the first category, representing older Europeans who chose to stay in Algeria to preserve those properties, because they feared another frightening fate in France. He gave the example of his own family, saying that despite the love we have for France, we have never set foot on French soil, we have no property there, and even his 70-year-old mother was taken by him to visit France for the first time in her life when he was going to perform some rituals in the church. Fr. Scotto went on to talk about the second category that bet on staying in Algeria, according to their social status, or according to their jobs because they were middle class, or they were small property owners, or small colonels who had hoped to stay at first, but then felt that there was no place for them in Algeria. This group left with the second wave of emigration between 1964-1967, because the nationalization laws were ongoing and that was the reason. Father Scotto concludes that those who preferred to stay in Algeria until the 1990s were people who were motivated by religious and political issues such as his own and his family's, asking "why should we leave?"⁽⁹¹⁾ This question reveals the extent of their love for Algeria. According to this testimony, the state did not take the property of those he spoke about, but only agricultural plots of more than 20 hectares. He stated that some Europeans continued to work their land under the socialist system without admitting it"⁹².

8.3 - Vacant property under Boumediene is a red line:

Immediately after assuming power, Algerian President Houari Boumediene completed the sovereignty decrees, issuing Order No. 66-102 of May 06, 1966, which recognized the transfer of vacant movable and real estate properties to the state. This meant that no one was allowed to own the vacant properties, and the president annexed them to the national property. Those who used or exploited these vacant properties had to pay the rental price⁶³. It is the will of President Houari Boumediene to remove all remnants of French colonialism and to work on the need to develop a strong public industrial sector, while giving a central role to state agencies in order to achieve the development process. To strengthen sovereignty and independence of the national decision from foreign influence,

Boumediene issued a series of decrees according to the first sequence under No. 68-137 and the second under No. 68-168 to nationalize all types of funds, shares, shares, interests and rights of companies or their subsidiaries. As well as institutions that belonged to some influential families of European settlers. The most important of these is Order No. 68-160 of May 20, 1968 for the ALTAIRAC family, which provides for the nationalization of all types of funds, shares, shares, rights and interests belonging to companies, subsidiaries, or institutions with the commercial title, initials or designation of "ALTAIRAC Brothers" and their associates, headquartered in Algiers, 6 Eugène Desais. It is considered the property of the state because it falls under the category of vacant property⁶⁴. The nationalization requires the Algerian state to compensate those who have rights in the nationalized company, as stated in Article 3 of the decree: "The nationalization achieved under this decree shall entail a right to compensation to be borne by the state, which shall be determined, if necessary, by decree."⁶⁵. To preserve state property, the Algerian authority issued Order 75-78 containing the Civil Code, which was characterized by the provisions of Articles 689 and 773; the first granted the right to dispose of state property and own it by prescription, and the second considered state property to be vacant property⁶⁶.

More than four decades after this nationalization, Alterac is the subject of a legal dispute after it emerged that the company's heirs continued to pay rent for their properties with the complicity of Algerian officials.⁶⁷ Just as we know the largest figure representing the spirit of colonialism in the agricultural field, Henri Bourgeaud, the owner of La Trappe, we also know the largest family of owners of institutions, real estate and shares in the industrial field, the Alterac family, which was among the first European families to settle in the city of El Harrach. The Center for Historical Archives on Algeria (CDHA) published an album related to the Alterac family, presenting an archive related to the history of this family in Algeria of French origin, who were originally gardeners. According to the archival album of this family, the oldest person from this family is Antoine Alterac, who arrived in Algeria in 1843, and because he learned the profession of tailoring, he established a clothing factory in 1845, then switched to the manufacture of military equipment and shoes in 1859 and became the first factory in this field within 15 years, after France's defeat in the 70th war, he became obliged to produce in Algeria, so he established several factories in the center of the capital to announce the birth of the largest industry of that period. With the support of Governor-General Chanzi, he obtained a deal to equip part of the Army of Africa, about 10,000 soldiers. In 1878, he acquired 330 hectares of land in Ain Sokhna, located outside El Harrach to the left of the road that leads to Wednesday, 130 hectares of which he planted vineyards that produce 10,000 hectoliters of wine annually, 140 hectares of cereals, and 10 hectares of orange trees. Hundreds of Algerian peasants worked on these agricultural properties. The municipal council named the street where his factories were located Industrial Street, because of the industrial movement there. Antoine Alterac died in 1887⁶⁸.

The owner of Alterac is René, who replaced his father Frédéric - Antoine's eldest son - who died in 1917. Frédéric was elected municipal councillor of Algiers in 1884, then resigned to take his father's position as municipal councillor of El Harrach. A member and then vice-president of the Chamber of Commerce, he was elected the 21st mayor of Algiers in June 1902 until 1908, and had the honor of receiving French President Émile Loubet during his visit to Algiers in 1903. He was an officer of the Legion of Honor and died in 1917.

When the Algerian Revolution broke out, René was the only one at the helm of the industrial establishment, as his brother was in charge of the agricultural investment and the brick and tile factory. His cousin Jacques was in charge of the garment factories. Due to wartime conditions, production shifted from military equipment for the army to equipment for administrations such as the Bank of Algeria and the colonial military administration. The factories for leather tanning and everything related to leather were closed. As for brick and tile factories, new technologies were introduced thanks to the support of the 1958 Constantine project and the discovery of gas in Hassi Raml. Brick production in 1960 amounted to 33,000 tons and 16,000 tons of bricks, about a quarter of Algeria's production at that time.

The Alterac family decided to stay in Algeria after independence despite the dangers they believed threatened them. Their 120-year-old industrial company, which employs about 1,000 workers, was in a maze. European employees left Algeria after the ceasefire, and the European staff left as well. The challenge was great for this industrial dynasty to stay in business. The author described Alterac as stubborn, meaning they don't give up, and thanks to a policy of internal promotion, they were able to continue working. But the Algerian state nationalized agricultural and other properties. In 1968, as part of a major operation led by Swiss law firms working for the new

Algerian regime, factories belonging to Alterac, Lafarge, Barlett and many others were nationalized. Pierre Alterac stated that the Alterac enterprises had been operating throughout the French presence in Algeria, and that René Alterac was the last director in the Alterac line of industrialists.

According to the family archive, Pierre Alterac recalled that René remained in Algeria until his death in October 1980, in order to preserve the family's property - villas and houses - that had not been nationalized. As director of the French support company in Algiers, he provided assistance to many Europeans who preferred to stay in Algeria and were in trouble. The French government rewarded him with the title "Chevalier de l'Ordre National du Mérite"¹⁰⁹.

Conclusion:

Through this research, we come to a set of conclusions that we summarize below:

- The term vacant property emerged as a legal designation enacted by the young Algerian state for the properties left behind by the black foot soldiers when they left Algeria when independence was declared on July 05, 1962.
- In the Ottoman period prior to French colonization, real estate ownership was governed by Islamic law, but during the French era, it was transformed into a series of decrees and legislation aimed at expropriating land from its original owners and giving it to Europeans coming from Europe to consolidate the pillars of colonization by settlement.
- By the end of the nineteenth century, real estate and agricultural properties were largely owned by European settlers at the expense of even the French government through laws imposed and approved by these settlers, taking advantage of the privileges that France had granted them.

With the declaration of Algeria's independence in July 1962, the settlers preferred to leave Algeria en masse without considering the consequences of that departure, leaving behind their properties, lands, real estate, factories, etc. This had a negative impact on Algeria's economic situation, as it put the state in a difficult situation, because the provisions agreed upon by the Algerian and French parties in Evian that protect the property of the Europeans no longer have any effect due to the departure of the holders of these rights.

The Algerian state took several legal and judicial measures to protect these properties and bring them under the state's ownership in order to eliminate the chaos that accompanied the ownership of properties that became vacant due to the absence of their owners. Before the establishment of the first Algerian government in the fall of 1962, the provisional executive body established an administrative department for vacant properties to manage these properties after they were subjected to uncontrolled exploitation and chaotic acquisition, but this body was also accused of abuses.

- The first president of the Algerian government, Ben Bella, admitted that there were abuses during his time as well, as commanders and officers of the Liberation Army seized properties, villas, and residences without referring to any body or authority.
- Ben Bella took the decision to confiscate and nationalize the lands of Europeans, as they became the property of the state. He justified this by the poor economic situation that Algeria inherited after independence, and that he took this decision in the public interest.
- Algeria's second ruler, Houari Boumediene, completed a series of sovereign decrees that transferred the ownership of movable and vacant real estate to the state, and focused on promoting the public industrial sector by issuing decrees nationalizing all types of assets and rights of companies or their subsidiaries. This was the Algerian state's policy to remove all remnants of French colonialism.

We conclude from the above that the decrees and orders issued by the Algerian authorities were in the context of nationalizing what was in the public interest. As for the properties whose owners continued to use them, they were not nationalized, according to the testimony of their owners, even those who were radical in their ideology and against the FLN. I wonder how these matters evolved years later, so that these Europeans could claim property that they had left vacant for decades.

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- ⁽²⁾ The aforementioned website.
- ⁽³⁾ and Ziane Mohamed Amin, Habbar Amal: "The provisions of vacant property in Algerian legislation". **Journal of Islamic Civilization**, Vol. 17, No. 29, 2016.
- ⁽⁴⁾ Sakhri Muhammad: Previous site.
- ⁽⁵⁾ Naima Haji: **The Legal System of Throne Lands** in Algeria, thesis submitted for the degree of Doctor of Legal Sciences, Department of Real Estate Law, University of Batna, 2014/2015, p. 30.
- ⁽⁶⁾ Ibid, p. 33.
- ⁽⁷⁾ Tahar Zedek: "Blacks' demands for compensation for their property in Algeria", Research **Journal**, No. 09, Part 1, University of Algiers, 2016, p. 8.
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- ⁽¹⁰⁾ Ibid, pp. 271-277-278.
- ⁽¹¹⁾ Reda Malik: **Algeria at Evian: A History of the Secret Negotiations** 1956-1962, translated by: Fares Ghassoub, 1st edition, Dar al-Farabi, Lebanon, 2003, p. 345.
- ⁽¹²⁾ Saad Dahlab: **The Mission Accomplished for the Independence of** Algeria, Dahlab Publications, Algiers, 2007, pp. 130-131.
- ⁽¹³⁾ Reda Malik: Ibid, p. 241.
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- ⁽¹⁵⁾ Reza Malik: Ibid. p. 257.
- ⁽¹⁶⁾ Ibid, p. 434. ⁽¹⁷⁾ Ibid, p. 429.
- ⁽¹⁸⁾ Salahuddin Mohamed: **Bienfica... BIENS VACANTS... Vacant Properties, the** page of the novelist Salahuddin Mohamed. On the website: <https://m.facebook.com>, accessed: 01-05-2022.
- ⁽¹⁹⁾ Hajj Abdelkader Yakhlef: "Algerian-French Negotiations (The Political Battle)", **Asr al-Jadida**, No. 19-20, 2015, p. 22.
- ⁽²⁰⁾ was born in Morocco, which was under the protectorate. As a teenager, she left her country with her family in 1956 when it gained independence. The rest of her family left independent Algeria six years later - in 1962 - and this European settler wondered about this double departure. As a teacher and as a European settler who lived the experience of departure, she began her university studies on the Arab world, and her research led her to Algeria in an attempt to discover the truth of the "departure".
- ⁽²¹⁾ (Hélène Bracco: **L'autre Face "Européens" en ALGERIE INDEPENDANTE**, Editions Méditerranée, Paris, 1999, pp. 133-154.
- ⁽²²⁾ Ibid, p156..
- ⁽²³⁾ Anahmed Yousfi: **The Organization of the Secret Army and the End of the Algerian Revolution**, Moufem Publishing, Algeria, 2011, p. 91.
- ⁽²⁴⁾ Francine Dessaigne: **Journal D'Une Mère De Famille Pied Noir**, Editions France-Empire, Paris, 1972, p. 222. She is a French historian who was born in France, spent her childhood in Tunisia, then joined Algeria in 1945 after her marriage and formed a family of "black feet." Francine lived through the bitter experience of leaving, as

she says, because she loved Algeria and did not want to leave it.

⁽²⁵⁾ Mohamed Ben Aboura: The Secret Military Organization OAS Oran Unrest 1961-1962, Dar al-Quds al-Arabi, Oran, 2013. P170.

⁽²⁶⁾ Francine Dessaigne: Op.cit, p223..

⁽²⁷⁾ Mohamed Ben Abourah: Ibid, p. 209.

⁽²⁸⁾ Ibid, p. 169.

⁽²⁹⁾ Olivier Dard: At the Heart of the Secret Army Organization, translated by: Abdessalam Yakhlef et al, Dar Sidia, Algeria, 2013, p. 293.

⁽³⁰⁾ General de Gaulle: Memoirs of Hope, Ouidat Publications, 1971, p. 143.

⁽³¹⁾ Olivier Dard: Ibid, p. 294.

⁽³²⁾ Ibid, p222..

⁽³³⁾ Francine Dessaigne: Op.cit, p233..

⁽³⁴⁾ Abd al-Rahman Fares: The Bitter Truth: Political Memoirs 1945-1965, translated by: Messaoud Hadj Messaoud, Dar El Kasbah Publishing House, Algeria, 2007, p. 164.

⁽³⁵⁾ General de Gaulle: Ibid, p. 142.

⁽³⁶⁾ General de Gaulle: Ibid, p. 143.

⁽³⁷⁾ Francine Dessaigne: Op.cit, p225..

⁽³⁸⁾ Ibid, p237..

⁽³⁹⁾ Malika Rahal: "Algeria 1962, A People's History". On the website: <https://khatt30.com>

I relied on a chapter from French-Algerian historian Malika Rahal's book, which was translated and published by Line 30 with the permission of Al-Barzakh Publications under the title: Algeria 1962... The Country of Vacant Property. The book will be published in 2022. Malika Rahal researches the history of post-independence Algeria.

(40)Ibid.

⁽⁴¹⁾ Ahmed Mansour: President Ahmed Ben Bella reveals the secrets of the Algerian Revolution, Dar Ibn Hazm, Lebanon, 2007, p. 214.

⁽⁴²⁾ Hélène Bracco: Op.cit, p147..

⁽⁴³⁾ Malika Rahal: Previous website.

⁽⁴⁴⁾ Francine Dessaigne: Op.cit; p219..

⁽⁴⁵⁾ Reza Malik: Ibid. P345-346.

⁽⁴⁶⁾ Abdul Rahman Fares: Ibid. p. 233.

⁽⁴⁷⁾ Belaliya Miloud, Essani Mohamed: "Echo Of The Nationalization Of Vacant Properties In Algérie, March 1963 In French Newspaper Le Monde", Algerian Historical Review, Vol. 04, No. 02, 2021, p. 8.

⁽⁴⁸⁾ Muhammad Sukhri: Previous site.

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⁽⁵⁰⁾ Ahmed Mansour: Ibid, p. 228.

⁽⁵¹⁾ Muhammad Sukhri: Ibid.

⁽⁵²⁾ Ibid, p. 232.

⁽⁵³⁾ William Zartman: Op.cit, p1093..

⁽⁵⁴⁾ Muhammad Sukhri: Previous site. ⁽⁵⁵⁾ William Zartman: Op.cit, p1093..

⁽⁵⁶⁾ André Ghanassia: Les biens "vacants" et Les biens "nationalisés" des Français d'Algérie, Le monde, 14 avril 1966.

⁽⁵⁷⁾ According to the analysis of American William Zartman, a specialist in international relations and Morocco in particular, the March decrees were not caused by the Iker nuclear explosions, because the March decree prepared by Mohamed Harbi in the Socialist Revitalization Office of the President's interests was dated March 18, 1963, and was ready to be announced, meaning it was prepared before the explosions. However, the timing of the announcement was caused by the bombings. William Zartman: Op.cit, p1095..

This is confirmed by Mohamed Harbi's emphasis in his memoirs on an agrarian reform policy that allows urban and farm workers to organize themselves and create their own future, and that the axis of agrarian reform and the modernization of agriculture is the basis for change in Algeria. For this agrarian reform to work, it must encompass large colonial and national land holdings, uniting the traditional and modern sectors while ensuring the stability of the rural world. Harbi also stated that he agreed to work with Ben Bella because he followed a system of selfmanagement. This means that everything was planned before the nuclear explosions. See: Muhammad Harbi: A Standing Life, pp. 393 and 401.

⁽⁵⁸⁾ William Zartman: Op.cit, p1095.

⁽⁵⁹⁾ André Ghanassia: Les biens "vacants" et Les biens "nationalisés" des Français d'Algérie, Op.cit.

⁽⁶⁰⁾ The name of this agricultural investment comes from the Trappists, Catholic monks named after a Trappist monastery in France. They were very ascetic, isolated from the world, devoted to study, worship, and work in the fields. The order was established in 1843 as part of France's policy of successful colonization and proselytization

through peasant religious colonization. They chose to settle in the coastal city of Sétawali because it was safer, and because it is also the first city that commemorates France's victory over Algeria in 1830. The French government granted them 1,020 hectares of the finest coastal land in the Sétawali plain, and allocated 62,000 francs for the construction of housing. 62,000 francs for housing construction and land exploitation. This group achieved great success in the agricultural field, especially the cultivation of vineyards and citrus fruits. See: Khadija Bagdash: The French Missionary Movement in Algeria 1830-1871, Dahlab Press, Algiers, 1992, p. 80.

⁽⁶¹⁾M. HENRI BORGEAUD: "UNE FIGURE MYTHIQUE DE LA COLONISATION", Le Monde, 02 avril 1963.

⁽⁶²⁾Next to Henri Bourgeaud, the French investor Dimanche, who belonged to a Parisian family that settled in Algeria from 1854 until March 1963. It specialized in viticulture in Tipaza, as one of the biggest symbols of settlement in Algeria.

⁽⁶³⁾D'Alger à Paris, ils tiennent le haut de l'affiche. Henri Bourgeaud: "Le Seigneur" privé de royaume, Historia.

⁽⁶⁴⁾Rober Aron: les Origines de la Guerre d'Algérie, Librairie Arthème Fayard, Paris, 1962, p232..

⁽⁶⁵⁾"LA NATIONALISATION DU DOMAINE DE LA TRAPPE appartenant à M. Bourgeaud". Le Monde, March 31, 1963

⁽⁶⁶⁾Ibid.

⁽⁶⁷⁾Belaliya Miloud: Ibid. P11.

⁽⁶⁸⁾Sylvie Tino: Strange Justice in the Algerian War, EDIF, (D.M.N.), 2000, pp. 16-17.

⁽⁶⁹⁾Some believe that his reason for staying in Algeria was his great wealth, as well as his vanity. Some say that he was paying the FLN and European extremists at the same time to protect his life and property. This remains speculative, because we have not been able to justify how his properties and lands were not stolen, burned, or vandalized. And it was the Europeans who mentioned it. See: Le Domaine de la Trappe Près de Staoueli en Algérie Bab el oued story, <https://www.babelouedstory.com>, accessed on 10-05-2022.

⁽⁷⁰⁾The number of large colony farms is close to 8,000.

⁽⁷¹⁾Reda Ben Attou: "Algeria's Future Economic Vision through Documents", Academy of Social and Humanitarian Studies, Vol. 10, No. 01, 2018, p. 3.

⁽⁷²⁾William Zartman: Op.cit, p1095..

⁽⁷³⁾D'Alger à Paris, ils tiennent le haut de l'affiche. Henri Bourgeaud, "Le Seigneur privé de royaume", <https://www.historia.fr>.

⁽⁷⁴⁾Ahmed Mansour: Ibid. P214.

⁽⁷⁵⁾William Zartman: Op.cit, p.1095.

⁽⁷⁶⁾William Zartman: Op.cit, p1096..

⁽⁷⁷⁾Ibid.

⁽⁷⁸⁾Muhammad Sukhri: Ibid.

⁽⁷⁹⁾Ahmed Mansour: Ibid. P218.

⁽⁸⁰⁾William Zartman: Op.cit, p1101..

⁽⁸¹⁾These newspapers were anti-Algerian independence.

⁽⁸²⁾William Zartman: Op.cit, p1102..

⁽⁸³⁾Muhammad Sukhri: Previous site.

⁽⁸⁴⁾William Zartman: Op.cit, p1094..

⁽⁸⁵⁾Ibid.

⁽⁸⁶⁾Most of the people interviewed by Ellen Bracqua refused to give their names. We believe that the period in which the interview took place was 1993, the beginning of the Black Decade in Algeria, and therefore their anonymity came out of fear, because the feelings of hatred that they expressed, still 31 years after independence, show the extent of the suffering of the Algerian people. If we assume that the Algerian state kept their property, where is the independence?

⁽⁸⁷⁾Hélène Bracco: Op.cit, p.120.

⁽⁸⁸⁾Ibid, p130-140.

⁽⁸⁹⁾Ibid, p133-134.

⁽⁹⁰⁾Ibid, p160..

⁽⁹¹⁾Ibid, 187.

⁽⁹²⁾Ibid.

⁽⁹³⁾Salahuddin Mohamed: Bienfica... BIENS VACANTS Vacant properties, op. cit.

⁽⁹⁴⁾"Black feet evict Algerians from their property", Echorouk online.com as well as Slim Hamedani:

"The colonial legacy in Algerian-French relations since 1962", 1962.

⁽⁹⁵⁾Official Gazette of the Algerian Republic, Year 5, No. 41, (May 21, 1968), pp. 632-652.

⁽⁹⁶⁾Mazian Mohamed Amin, Amal Habbar: Ibid, p. 4.

⁽⁹⁷⁾Abdellatif Belkacem: "Leases for a nationalized property whose funds went into the pocket of a French subject...

". **Algiers News**, 10-05-2013.

⁽⁹⁸⁾ "L'histoire des établissements altaireac", CDHA. <https://www.cdha.fr>.

⁽⁹⁹⁾ Ibid