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Generativity is a Core Value of the ESJ: A Decade of Growth

Erik Erikson (1902-1994) was one of the great psychologists of the 20th century¹. He explored the nature of personal human identity. Originally named Erik Homberger after his adoptive father, Dr. Theodore Homberger, he re-imagined his identity and re-named himself Erik Erikson (literally Erik son of Erik). Ironically, he rejected his adoptive father's wish to become a physician, never obtained a college degree, pursued independent studies under Anna Freud, and then taught at Harvard Medical School after emigrating from Germany to the United States. Erickson visualized human psychosocial development as eight successive life-cycle challenges. Each challenge was framed as a struggle between two outcomes, one desirable and one undesirable. The first two early development challenges were 'trust' versus 'mistrust' followed by 'autonomy' versus 'shame.' Importantly, he held that we face the challenge of **generativity** versus **stagnation in middle life**. This challenge concerns the desire to give back to society and leave a mark on the world. It is about the transition from acquiring and accumulating to providing and mentoring.

Founded in 2010, the European Scientific Journal is just reaching young adulthood. Nonetheless, **generativity** is one of our core values. As a Journal, we reject stagnation and continue to evolve to meet the needs of our contributors, our reviewers, and the academic community. We seek to innovate to meet the challenges of open-access academic publishing. For us,

¹ Hopkins, J. R. (1995). Erik Homburger Erikson (1902–1994). *American Psychologist*, 50(9), 796-797. doi:<http://dx.doi.org/10.1037/0003-066X.50.9.796>

generativity has a special meaning. We acknowledge an obligation to give back to the academic community, which has supported us over the past decade and made our initial growth possible. As part of our commitment to generativity, we are re-doubling our efforts in several key areas. First, we are committed to keeping our article processing fees as low as possible to make the ESJ affordable to scholars from all countries. Second, we remain committed to fair and agile peer review and are making further changes to shorten the time between submission and publication of worthy contributions. Third, we are looking actively at ways to eliminate the article processing charges for scholars coming from low GDP countries through a system of subsidies. Fourth, we are examining ways to create and strengthen partnerships with various academic institutions that will mutually benefit those institutions and the ESJ. Finally, through our commitment to publishing excellence, we reaffirm our membership in an open-access academic publishing community that actively contributes to the vitality of scholarship worldwide.

Sincerely,

Daniel B. Hier, MD

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Gender Issues, Social Equity, and the Sustainable Management of Urban Transport Networks: An Italian Case Study

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Abstract

The paper contains transport and environmental analyses for the Gallipoli area and presents results from a consultation process involving transport operators, citizens, tourists, public employees, and stakeholders. Through statistical analysis of the data, the paper provides insights into the needs of specific user categories, highlighting gender issues and social equity as key aspects of urban policies. This paper further investigates users' potential willingness to pay for general improvements in bus service quality and environmental conditions using discrete choice modeling. This study aims to address the challenge of understanding urban travel patterns and the underlying forces influencing user attitudes, which are often found in city surveys. Specifically, a Random Utility Model was used to profile users based on specially collected survey data. The results indicate the potential to meet latent systemic transport demand with more sustainable collective transport modes, particularly among women aged 19-29 who own a car. Simultaneously, there is a willingness to pay higher public transport tariffs for improved service, which is also largely environmentally sustainable. The paper can serve as a valuable resource for professionals in the transport and environmental sectors as well as for policymakers.

Keywords: Sustainable mobility, Gender issues, Random utility model, Willingness to pay, Policy recommendations

Introduction

The paper examines different aspects with the objective of addressing transport and environmental knowledge needs, particularly with regard to Gallipoli. The aim is to provide policy recommendations considering the specific needs of women, economic operators, and stakeholder exigencies. The paper includes transport and environmental analyses for the Gallipoli area and presents results from a consultation process involving transport operators, citizens (particularly women), tourists, public employees, and stakeholders. Through statistical analysis of data (which describes the nature of the data, explores its relationship to the underlying population, creates a model, and validates it), several insights are provided on the needs of specific user categories, emphasizing gender issues and social equity as key elements of urban policies. In addition, the paper investigates the potential willingness of users to pay for general improvements in bus service quality and environmental conditions using discrete choice modelling. The data source is an ad hoc survey conducted in 2013 and validated by the relevant authorities in 2015, who supported the data acquisition process. The method employed is Random Utility Models, which allows for the probabilistic evaluation of the importance of factors influencing user behavior. Specifically, it determines the impact of various components on women's choices regarding public transport and their willingness to pay. The study aims to overcome the crucial impediment in understanding urban travel patterns and the key forces influencing user attitudes, which are often characteristic of city surveys. As indicated by Gauvin et al. (2020), studies based on gender-disaggregated large-scale data are still lacking, limiting the understanding of gendered aspects of urban mobility and the ability to design policies for gender equality. Therefore, the paper considers attitudinal and behavioural variables to assess women's propensity to use buses and change modal choices towards more environmentally sustainable options through a random utility model. Finally, perspectives and conclusions are provided. This paper can serve as a valuable tool for professionals in the transport and environmental sectors, as well as for policymakers interested in analyzing travel behaviour while considering gender issues.

Gender and Mobility

Following Hanson (2010), feminists have long recognized that gender and mobility are inseparable, influencing each other in profound and often subtle ways. Addressing complex societal problems requires a deeper understanding of the relationship between gender and mobility. Research on how mobility shapes gender has often focused on gender, neglecting the mobility aspect. Conversely, studies on how gender shapes mobility have extensively explored mobility while giving much less attention to gender. This

review of the literature highlights knowledge gaps that must be addressed for feminist research on gender and mobility to effectively contribute to advancing sustainable mobility. On the other hand, there is an increasing mismatch between the everyday rights framed within planning and the direct experiences of marginalised urban dwellers. The urban scale has become increasingly important in attempts to promote progressive collective rights in the face of neoliberalism. Various theoretical and activist perspectives, notably the neo-Lefebvrian “right to the city,” have emerged as means to reclaim urban spaces (Beebeejaun, 2016).

Hanson (2010) argues for a shift of the research agenda to synthesize these two strands of thinking along three lines: across ways of understanding gender and mobility, across quantitative and qualitative approaches, and across different geographical contexts.

Literature on gender and mobility over the past decades can be summarised in terms of the following core questions:

- **“How does movement shape gender?”** This question addresses issues such as how processes of mobility and immobility shed light on the shifting power relations embedded in gender (Valentine, 1989; Koskela, 1999; Hapke & Ayyankaril, 2004; Mandel, 2004; Kern, 2005; Wright 2005).
- **“How does gender shape movement?”** This question focuses on how gendered processes create, reinforce, or change patterns of daily mobility (Tanzarn, 2008; Srinivasan, 2008; Hough, Cao, & Handy, 2008, Elias, Newman, & Shifan 2008).
- **“To what extent can gender contribute to achieving more sustainable mobility in terms of social justice?”** This question explores the role of gender in fostering more equitable and sustainable mobility (Sagaris & Tiznado-Aitken, 2023; Tiznado_Aikten et al., 2024; Mijailović et al., 2024).

Interestingly, each of these non-intersecting bodies literature starts from different assumptions about what is important, employs distinctive methodologies, and has varying understandings of gender, mobility, and the contextual elements to prioritize.

Results from the Consultation Process with Stakeholders and Focus Groups Operating in the Transport Sector

Since gender needs to be integrated into an already complex planning field, which includes multiple and often overlapping issues related to data collection, analyses, policy drafting, and program implementation, there are no readily available theories for creating a gender-equitable city. Therefore, it is necessary to acknowledge these complexities and build on a range of

theories and analyses. A combination of socio-psychological and feminist theories, socio-technical transition theory, mobility biographies, and social practice theory framework can be used to frame women's transport needs, usage, and implications for future planning (Uteng, 2021).

This section applies a socio-economic theoretical framework to examine transport supply and demand in relation to women's behavior concerning urban mobility.

The case study focuses on the city of Gallipoli, where firms have been selected from the database of the Italian Chamber of Commerce. These firms, classified under ATECO codes H49, H50, H51, and H53, were part of the transport sector. They were contacted to identify key issues within the territory, particularly regarding the transport sector. The goal is to provide a framework for understanding the structure of transport supply and its distribution in light of territorial characteristics. A total of 192 firms were selected for focus group discussions. The questionnaire used was intentionally brief to ensure that the essential elements of transport supply were quickly identified. This approach facilitated the collection of useful information for making informed decisions about transport market organization and logistic services. Stakeholders were asked specific questions related to transport and environmental aspects.

Consultation Results

Based on the contributions obtained, it is evident that the current transport system is inadequate. The seasonal phenomenon significantly impacts transport and the environmental situation. Furthermore, the funnel-shaped access to the historical center creates enormous congestion problems, especially in the summer when access to the sea is also required. Tourist traffic, with its seasonal effects, exacerbates this issue. There is a mismatch between the demand for private motorised transport and available supply. Interviewees also noted that the road network is insufficient for both private vehicles and buses, with issues related to road capacity and tourist reception. Public services are provided under a service contract, but there are opportunities to cover a larger geographical area and extend service hours. Current demand is unmet in these areas, and suggested improvements focus on infrastructure and demand regulation in congested areas. An alternative service supply better suited to users' needs is required. The proposed interventions are expected to enhance accessibility and improve the environment by promoting more sustainable transport modes. Financing these interventions will require the participation of the Municipality of Gallipoli and private investors where possible. Interviewees prioritized the construction of a new coast road parallel to the existing one and the installation of air quality

monitoring units to assess transport impacts. Implementing these measures could involve appropriate transport demand management tools and regulating access to congested areas.

In conclusion, the analysis and consultations have provided a clearer framework for Gallipoli's needs and potential solutions. The area experiences high transport demand compared to the regional framework, which is satisfied almost exclusively by road transport. Consequently, stakeholders advocate for the reduction of congestion through infrastructural investments, economic interventions, and laws to manage transport demand. Additionally, tools to modify modal choices and promote environmentally friendly choices are necessary. Interviewees also suggest that implementing the proposed interventions and providing adequate services aligned with expressed needs will stimulate local development and attract further tourism, thereby offering a competitive advantage for the territory. This approach will satisfy transport needs and enhance city accessibility through a more efficient transport system.

Survey Results and Empirical Findings on the WTP

Concerning the transport demand side of the market, interviews were conducted with 383 individuals at key transport points in the City of Gallipoli, including some hotels and the Municipality's front offices. Moreover, employees of the Municipality of Gallipoli participated in these consultations. The questionnaire was designed to gather information on personal profiles (such as age, gender, and occupational status), modal transport choices and motivations, evaluation of transport modes, preferences, and willingness to pay. In the sample, the gender distribution shows a slight majority of females at 53.3%, compared to 46.7% males. The age composition reveals that over 35% of respondents are in the 30-50 age range, followed by those aged 19-29 and 51-65, with the smallest groups being those under 19 and over 65 years old, at 8%. Regarding car availability, 45.69% of respondents always have access to a private vehicle, while 41.78% can use a private mode only occasionally. A small percentage, 12.53%, do not have access to private transportation, indicating how private cars are typically used within families. The results regarding transport modes reveal that a high percentage, 38.62%, use private cars. This figure is complemented by 6.65% who use motorcycles and 4.6% who use bicycles. Notably, 12.53% of respondents walk, which can be attributed to Gallipoli's small size. Additionally, taxis are used, mainly by tourists and for business purposes. Concerning bus use, 30.4% of interviewees reported using buses only rarely. Combined with the 20.1% who never use buses, this highlights a clear preference for other modes and indicates that public transport is less considered for internal travel. Conversely, 22.4% of respondents use buses regularly, with 21% using them 1-2 times a week and 6.1% using them 3-4 times a week.

To further interpret the data on individual choices related to bus services in Gallipoli, a random utility model framework has been used. According to Green (1997), let y_m and y_p represent an individual's utility for two choices, denoted U_a e U_b . The observed choice between the two reveals which option provides greater utility. Therefore, the observed indicator equals 1 if $U_a > U_b$ and 0 if $U_a \leq U_b$. A common formulation of the linear random utility model is:

$$U_a = \beta'a x + \epsilon a \text{ and } U_b = \beta'b x + \epsilon b.$$

Then, if the consumer's choice of alternative a is denoted by $Y=1$, the following holds:

$$\begin{aligned} \text{Prob}[Y=1|x] &= \text{Prob}[U_a > U_b] \\ &= \text{Prob}[\beta'a x + \epsilon a - \beta'b x - \epsilon b > 0|x] \\ &= \text{Prob}[(\beta a - \beta b)' x + \epsilon a - \epsilon b > 0|x] \\ &= \text{Prob}[\beta'x + \epsilon > 0|x]. \end{aligned}$$

This model is widely used for simulating transport demand. However, it may present some problems. For further discussion, see Cascetta and Papola (2001), Maddala (1999), and Green (1997). The individual's utility for the two choices – using buses versus private means – is estimated by binary logistic regression. Logistic regression coefficients are used to estimate odds ratios for each independent variable in the model. The dependent variable, representing the probability of using buses, is coded as 1. All independent variables have been transformed into dummy variables to capture characteristics such as age and availability of private transport. Equations have been estimated using a single attribute to avoid evident correlation problems and potential self-selection biases in the data. Specifically, this model calculates the probability that users, in this case women, with specific characteristics (age, availability of other transport means, frequency of bus use, and travel motivation) will use public transport and their willingness to pay.

The selection of parameters is based on their significance, checked using the Wald statistic at a 5% level. All parameters have been chosen using the Wald forward selection method. The values reported in Table 1 are all significant according to the Wald test (Venezia 2015).

Table 1. Women- Probability of using buses and WTP for an improvement in bus services

Female user profile variable/attribute	Items	Probability of using bus	WTP
Age	19-29	8.50	
	30-50	4.10	1.55
	51-65	14.57	1.78
Availability of other transport means	Always	3.01	
	Sometimes	0.75	3.12
	Never		1.58

Frequency of bus use			
	Every day	86.34	1.38
	1-2 times per week	6.37	1.72
	3-4 times per week		3.99
	Rarely	1.51	
Reasons	School/work activity	15.62	1.65
	Leisure activity	10.52	1.02
	Shopping	4.93	1.94

Table 1 shows the odds ratios for various coefficients, indicating the probability of women—who represent the most significant sample section—using public buses compared to other transport modes in an urban context. It also assesses their willingness to pay extra for overall improvements in bus service, using the same methodology as previously described. The probability is outlined as a function of various profile variables.

Table 1 shows that the probability of women using buses is highest among those aged 51-65, followed by those aged 19-29, and then those aged 30-50. Women with constant access to a car or other transport means are more than twice as likely to use the bus compared to those who only occasionally have a car. The primary reasons driving women to use buses are study or work, which are three times more influential than for those using buses for shopping and one and a half times more important than for leisure activities. Additionally, Table 1 provides insight into women’s willingness to pay more for improved bus services, potentially encouraging changes in their travel habits. The parameter selection and estimation methods used for this analysis are consistent with those applied to public bus usage. For women, the optimal profile includes being in the 30-50 age range, having occasional access to another transport means, using the bus 3-4 times per week, and using the bus primarily for shopping.

Therefore, the results suggest a clear opportunity to meet latent systemic transport demand with more sustainable collective transport modes, particularly for women aged 19 and 29 who always have a car. There is also a willingness to pay higher public transport tariffs for better service, which aligns with environmentally sustainable practices.

Conclusion

In conclusion, the results underscore the need for targeted intervention in Gallipoli. While the administration’s efforts in planning and programming are commendable, a gap remains between the needs of the population, economic operators, stakeholders, and the decisions made by policy-makers. This gap arises from delayed execution of plans, which slows operational procedures—a common element at the national level—and from insufficient engagement with community needs to set priorities and allocate limited

financial resources efficiently, especially concerning gender issues. This challenge is not unique to Gallipoli but reflects a broader problem, often due to inadequate structures for managing business operations. Therefore, it is crucial to continually monitor territories from a transport and environmental perspective to ensure that services are provided efficiently. New infrastructures should be developed based on expressed and potential needs.

The results indicate that current methodologies are highly refined and effective in measuring impacts and results in terms of Sustainable Development Goals (SDGs). Scientific methodological reviews are instrumental in selecting appropriate metrics for local administrations. However, there is still a lack of large-scale, gender-disaggregated data, which limits the understanding of gendered aspects of urban mobility and hampers the design of policies for gender equality (Gauvin et al., 2020). The study shows that administrations have made progress in improving transport impact, though significant territorial imbalances remain. The case study illustrates this, particularly in countries where improving transport sustainability—primarily by reducing greenhouse gas emissions and promoting shared mobility in favour of collective modes—could be enhanced by considering gender issues and social equity. Similar recommendations are discussed in Mijailović et al. (2024).

With particular regard to Gallipoli, it is desirable to implement transport demand management tools through regulations that promote accessibility and encourage modal diversion toward environmentally sustainable means. These needs must be addressed in light of seasonal problems such as congestion, which affect the quality of life in the urban center. In this context, implementing drastic interventions during the summer period could promote the use of bicycles and increase the frequency and geographical coverage of public transport services extending to the sea. Additionally, achieving the desired modal switch and promoting rational behavioural transport choices could be facilitated through effective dissemination of information using accessible ICT tools and across all integrated transport modes.

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Measuring the Success of Grandpa Aki's Short Video Series in Cross-cultural Transmission of Traditional Chinese Culture

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Abstract

With the development of digitization and online platforms, short videos have become one of the ways to spread traditional Chinese culture. The success of Grandpa Aki's short videos is a model of cross-cultural transmission of traditional Chinese culture, especially craftsmanship, via short videos. However, few scholars have talked about the implications of cross-cultural transmission of Chinese excellent traditional culture brought by Grandpa Aki's short video series. The paper collected the title of the video, the view of the video and the proportion of positive comments and negative comments from the top 5 popular videos by using Python. The paper aims to identify (1) the characteristics of Grandpa Aki's short video series; (2) the reasons for the success of Grandpa Aki's short video series; (3) the implication of cross-cultural transmission of traditional Chinese culture from the success of Grandpa Aki's short video series. The results show that 1) these videos are characterized by an immersive experience and spread traditional Chinese culture in detail. 2) The reasons for the success of these videos are the strong curiosity about traditional Chinese culture from overseas citizens, the value of traditional Chinese culture, the entertainment value of these videos and the resonance from people. The paper provides a thinking mode for scholars to solve the dilemma of overseas dissemination of traditional Chinese culture.

Keywords: Traditional Chinese Culture, Cross-cultural Transmission, Short Video

Introduction

With the development of digitization and online platforms, short videos have become one of the ways to spread traditional Chinese culture. Many scholars analyzed the cross-cultural transmission of traditional Chinese culture by analyzing the overseas short video platform. The current study focused on the way to tell Chinese stories well through short videos (Zhang & Wu, 2020; Feng, Ren, & Wu, 2022), the cross-cultural communication effect of traditional Chinese culture (Li, Yang, Guang, & Mao, 2024; Zhao, 2020; Zhao, 2020), the influencing factors of cross-cultural communication effect (Li, Chen, Mao, & Huang, 2022; Yu & Zhu, 2020), the path of cross-cultural communication via short videos (Zhang & Zhou, 2022; Luo & Zhang, 2020), cultural difference in the process of the communication via short videos (Koh & De Fina, 2024) and the value of cross-cultural communication via short videos (Lu, Fu, & Zhang, 2021). However, few scholars analyze the implications of cross-cultural transmission of traditional Chinese culture.

Grandpa Aki's short videos are a model of cross-cultural transmission of traditional Chinese culture, especially craftsmanship, via short video. On 13 July 2020, a person named "Grandpa Aki" went viral on YouTube, which attracted a lot of attention from the media. He has been dubbed by netizens as a "contemporary Lu Ban" for his ability to make interesting wooden objects and toys without using any modern mechanical tools. As of 2024, his YouTube channel has received more than 400 million views. The popularity of Grandpa Aki's short videos overseas stems from the development of digitization and online platforms in China. The success of Grandpa Aki's short video is a model of cross-cultural transmission of excellent Chinese traditional culture, especially the craftsmanship, via short videos. An analysis of the characteristics of Grandpa Aki's short video series and reasons for the success of Grandpa Aki's short video series provides experience and feasible paths for people to use online platforms to tell Chinese stories well and enhance the transmission of Chinese culture. However, few scholars have talked about the implications of cross-cultural transmission of Chinese excellent traditional culture brought by Grandpa Aki's short video series. The paper analyses the implication of cross-cultural transmission of traditional Chinese culture from the success of Grandpa Aki's short video series by clarifying the characteristics of these videos and the reasons for the success of these videos. The paper aims to identify (1) the characteristics of Grandpa Aki's short video series; (2) the reasons for the success of Grandpa Aki's short video series; (3) the implication of cross-cultural transmission of traditional Chinese culture from the success of Grandpa Aki's short video series.

Methods

The Grandpa Aki's YouTube channel is the main channel for the Grandpa Aki to show his daily life to the overseas people. A purposive sample consisting of comments from the top 5 popular videos according to the view of the video. The data includes the title of the video, the view of the video and the proportion of positive comments and negative comments. Specific steps are as follows. If positive words, such as "amazing", "like" or "respect", are shown in the comment, the commenter is regarded to show positive sentiments towards the video. If negative words like "dislike", "hate" or "fake" are shown in the comment, the commenter is regarded to show negative sentiments towards the video. The purpose is to analyze the reasons for the success of Grandpa Aki's short video series and the characteristics of Grandpa Aki's short video series.

Firstly, I ranked the videos from Grandpa Aki's YouTube channel according to the view. Secondly, I got the title of the video, the view of the video. Thirdly, I got the top 1000 comments from these videos by using Python. Fourthly, I deleted the non-English comments, comments that have nothing to do with Grandpa Aki and comments without any words. Then I clarified whether the comment was negative or positive by analyzing the content of the comment. Finally, I got the proportion of positive comments and the negative comments.

Analysis and Discussion

Traditional Chinese Culture and Craftsmanship

Culture is the spiritual activities of human beings and their products, and the aggregation of the establishment, inheritance, creation and development of social phenomena and the inherent spirit (Zhang, 2010). The world has become a melting pot of cultures in which people with different cultures integrate. Henceforth, Understanding traditional Chinese culture is not only conducive to promoting the spread of Chinese culture but also is helpful for the integration of different cultures.

Craftsmanship is an important part of traditional Chinese culture. Craftsmanship is a kind of professional spirit, mainly including "dedicated perseverance", "dedication and honesty", "inheritance and creation", and "striving for perfection" (Mei, Han, & Chen, 2022). The spirit of craftsmanship has existed in China since ancient times. The invention of paper-making by Cai Lun and the invention of printing by Bisheng represent the typical of craftsmanship. These crafts are accumulated by generation, enriching the traditional Chinese culture. Grandpa Aki's short video is the embodiment of the craftsmanship in modern times. In the winter of 2012, Grandpa Aki cut off the middle finger of his right hand with his wood-cutting tool, but he started to work again in just seven or eight days after medical

treatment. This is the embodiment of the spirit of “dedicated perseverance”. The success of Grandpa Aki’s short video is a model of cross-cultural transmission of Chinese excellent traditional culture, especially the craftsmanship, via short videos.

Characteristics of Grandpa Aki’s short video series

The scenes in Grandpa Aki’s short video series are characterized by diverse narrative processes and multiple narrative subjects, including family members and other subjects. Up to now, the total views of Grandpa Aki’s short video series have been 3.35 million, and his YouTube followers reached more than 1.7 million. His most popular videos are about wooden arched bridges, axes, bamboo waterwheels, stoves and Luban stools. The specific data is shown in Table 1. The date for the data collection is May 2024.

Table 1: View, Number and Proportion of Negative and Positive Comments in Top 5 Short Videos

NO.	Title	View (k)	Positive Comment	Negative Comment
1	Grandpa Aki creates a wooden arch bridge, no nails, very powerful craftsman Link: https://www.youtube.com/watch?v=PYkgEf3eWqA	58,930	937, 99.8%	2,02%
2	The rural grandpa turned a pile of waste bamboo into a small water wheel with aura, and the bamboo man could grind the rice, which is creative Link: https://www.youtube.com/watch?v=5qCIYJwADVw&t=37s	16,950	489, 100%	0,0%
3	The simplified version of Luban stool production Link: https://www.youtube.com/watch?v=pt7CdJECjdc&t=12s	12,710	800, 99.8%	2,2%
4	The rural grandfather makes a bird-repelling artifact, his hand and wisdom solve the problem of rice stealing Link: https://www.youtube.com/watch?v=Ayx351iLHho&t=431s	5,480	453, 100%	0,0%
5	Grandpa Aki makes bamboo cups, natural and environmentally friendly Link: https://www.youtube.com/watch?v=Ljnma8gWZc4	4,520	545, 100%	0,0%

According to Table 1, the top five videos are all about the daily life of Grandpa Aki. The first video describes how Grandpa Aki creates a wooden arch bridge. The second video describes how Grandpa Aki turns a pile of waste bamboo into a small water wheel with aura. The third video describes how Grandpa Aki makes toys by using a Luban stool. The fourth video describes how Grandpa Aki makes a bird-repelling artifact. The fifth video depicts that Grandpa Aki makes bamboo cups. By analyzing the content of these short

videos, it can be concluded that Grandpa Aki's short video series has the following characteristics.

These videos are characterized by an immersive experience. Immersion experience refers to the situation in which people are satisfied and calm when he or she is completely attracted to a certain activity. Grandpa Aki's short video series has successfully rendered a leisurely and quiet atmosphere, creating a paradise away from the hustle and bustle of the world by using light music to create an idyllic mood of calm and nature. The unsubtitled and non-verbal videos give the audience enough space for imagination and purely enjoy the rustic and natural sounds of the Chinese countryside.

Another characteristic is that these videos spread traditional Chinese culture in detail. Although a short video with good audio-visual language expression can attract audiences, the audience will have no desire to watch the video on the condition in case of lack of distinctive content. Grandpa Aki's short video focuses on the spirit of craftsmanship, demonstrating the unique charm of Chinese culture.

Reasons for the Success of Grandpa Aki's short video

Overseas citizens have a strong curiosity about traditional Chinese culture. China has a vast and profound culture (Jiang, 2021). According to Table 1, the comments from the top 5 videos are mostly positive. Foreigner citizens expressed their positive sentiments by expressing their wish to learn traditional crafts and their interest in the craftsmanship of Grandpa Aki and so on.

Another reason for the success of these videos is that traditional Chinese culture has value. Grandpa Aki's short video has realized culture dissemination to a large extent. First of all, Grandpa Aki's videos have no flashy filming techniques or gorgeous special effects. He uses only a few minutes to tell the real life of a craftsman, showing the "dedicated perseverance" in craftsmanship.

What's more, Grandpa Aki's videos have entertainment value. Through his contextualized interactions with his grandson, he presents the simplicity and purity of village life. In the videos, Grandpa Aki, wearing a straw hat and a friendly smile, uses a pair of wrinkled hands and traditional carpenter tools to make toys for his grandson. By watching his videos, people can immerse themselves in village life.

Furthermore, people can resonate with the life in the video. The pace of modern life is getting faster and faster, and most people live a nine-to-five life (Pan & Wang, 2020). So, people are eager to learn about different life by watching short videos to increase the fun of life. Grandpa Aki's short video is exactly the embodiment of a quiet and serene life. For example, when he teases

his little grandson to play with something, he will say ‘I’ll make it for you’. The scene between Grandpa Aki and his grandson reminds many foreigners of their childhood. Through the interaction between Grandpa Aki and his grandson, people can feel the simplicity and quietness of the countryside. His exquisite handcrafted products resonate with the audience's emotions.

Implication of Cross-cultural Transmission of Traditional Chinese Culture

Build a digital platform. The dissemination of traditional Chinese culture should make full use of the digital platform. In recent years, China has strongly supported the development of information technology, which has facilitated the diversification of communication methods. China has made initial progress in the cause of disseminating Chinese outstanding traditional culture on overseas platforms. Future development requires the construction of a specialized platform for the interpretation of traditional Chinese culture. By pooling and integrating resources, communicators can minimize the difficulty for overseas audiences to obtain information about Chinese culture. At the same time, communicators also should continuously improve the professionalism and authority of telling Chinese culture, so that more overseas people can understand and study Chinese culture.

Tap into the power of the private sector. The rich content presented in Grandpa Aki’s short video contains deep cultural connotations and unique cultural imprints. One of the reasons why Grandpa Aki’s short videos have been well received is that they are rich in content, complete, and able to express traditional Chinese culture uniquely and distinctively. Telling Chinese stories well requires the state and every Chinese citizen to take responsibility. Therefore, communicators should focus on mobilizing the power of the private sector. Only on such a basis can communicators better pass on and promote traditional Chinese culture and realize the inheritance and development of the traditional Chinese culture of the Chinese nation.

Stay close to people's lives and subtly spread the traditional Chinese culture. Xi Jinping, President of the People’s Republic of China, said that literary and art workers should adhere to a people-centered orientation (Deng, 2023). In the new era, creators need to think about how to present traditional culture in a more vivid and interesting form and how to choose content that is both representative and interesting when promoting the dissemination of outstanding traditional Chinese culture. This requires creators to dig deep into the connotation and essence of traditional Chinese culture so as to make traditional Chinese culture more attractive and easier to be accepted and understood by the public. In the new era, how creators can promote the dissemination of Chinese outstanding traditional culture in a more vivid and interesting form and how to choose content that is both representative and interesting are issues communicators need to seriously consider when

innovating and disseminating outstanding traditional Chinese culture. Grandpa Aki's short video presents the spirit of craftsmanship in a daily form by selecting themes closely related to people's lives, such as traditional handicrafts and folk skills, and using actual scenes as the shooting background. He skilfully integrates the heritage of traditional Chinese culture in the Chinese nation into the video content. This way of selecting materials is close to the lives of the people, which makes the audience feel the fun and pleasure contained in the video while enjoying it. In this way, Grandpa Aki's short videos have successfully conveyed the values of craftsmanship and traditional culture, triggering resonance and praise from the general audience. These contents are rich in life flavor and can give people a visual understanding of Chinese culture.

Conclusions

Telling Chinese stories well is an important issue in the development of society. Great philosophical and social science workers should work together to promote creative transformation and innovation under the conditions of the new era (Wang, 2021). The paper analyses the implication of cross-cultural transmission of traditional Chinese culture from the success of Grandpa Aki's short video series by clarifying the characteristics of these videos and the reasons for the success of these videos. The results show that 1) these videos are characterized by an immersive experience and spread traditional Chinese culture in detail. 2) The reasons for the success of these videos are the strong curiosity about traditional Chinese culture from overseas citizens, the value of traditional Chinese culture, the entertainment value of these videos and the resonance from people. This study provides a thinking mode for scholars to solve the dilemma of overseas dissemination of traditional Chinese culture. Building a digital platform, tapping into the power of the private sector and staying close to people's lives and subtly spreading the traditional Chinese culture are vital to solve the dilemma of overseas dissemination of traditional Chinese culture. However, this study only analyses the new modes and ways of creative transformation of traditional Chinese culture overseas from the perspective of an individual case, and more data are needed to support it. Future research should pay more attention to the comments of these videos to clarify the effect of the cross-cultural transmission of traditional Chinese culture.

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Harmonizing Legal Frameworks: A Comparative Legal Overview of Employee Transfers in Albania and Selected EU Countries

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Abstract

Employee transfer is an important phenomenon that impacts both the public and private sectors worldwide. It is one of the most important managerial and productive instruments that a company can use. Although it is commonly practiced, the institution of internal employee transfers is not regulated in the Labor Code of Albania. Albanian legislation only recognizes the internal transfer of one category of employees, the civil servants. In this regard, there arises an urgent need for the immediate regulation of this institution for the other categories of employees as well. In the context of Albania's accession to the European Union, implementing such regulations would ensure effective protection for employees in accordance with European legislation. Without such regulation, transfers could become a mechanism that employers might misuse. This research paper employs various scientific methods, including historical, analytical, and comparative methods. Following a historical analysis of Albanian legislation, the paper examines employee transfers under current Albanian laws and those of selected EU countries. In conclusion, it is essential for the Albanian Labor Code to establish regulations for internal employee transfers that align with leading European legislations, which have often served as models for shaping Albanian law.

Keywords: Employee transfer, Albanian legislation, selected EU countries legislations

Introduction

Transfer and dismissal of employees are important legal institutes related to employee freedoms and economic rights, supported by constitutional guarantees, and apply to both public and private sectors. In our democratic society, "employees have the right to social protection of work" (Article 49/2 of the Constitution of the Republic of Albania). The Albanian Labor Code and all Albanian labor legislation have been designed to align with the best contemporary laws of the European Union member states. It is based on the Constitution of the Republic of Albania, general principles, conventions and other norms of international law, accepted and ratified by the Albanian state.

In this paper, our main focus will be on the theoretical-legal definition of transfer, the types and methods of its implementation in Albania, the perspectives throughout the historical development of the state and Albanian labor legislation, along a comparative analysis with the legislation of some other European countries within the framework of Albania's integration into the EU.

In this paper, we have focused on the institution of employee transfers within the context of domestic legislation, without conducting a detailed analysis of European Union regulations. Nonetheless, it is worth mentioning in this discussion the Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses. It establishes workers' rights at the EU level in cases of transfer of ownership of the business where they are employed. We can say that the Albanian legislation is aligned with this Directive regarding external employee transfers.

Also, in this paper, we will try to highlight whether the legal guarantees for the protection of employees' rights are sufficient or need to be improved and strengthened. We will examine where shortcomings exist, whether in the formulation of laws, their implementation, or in both of these elements collectively.

Transfer is an important and valid instrument for both the employer and the employee if it is applied in the right way. Since this article will address internal and external transfers of employees, it is important to first define them. An internal employee transfer is the process of transferring an employee from one position, department, or location to another within the same organization. An external transfer of employees refers to the movement of an employee from one company or organization to another.

For organizations, relocation can serve various purposes such as knowledge transfer, employee development, and human resource allocation. For employees, however, it presents a challenge (Budiman, 2018).

If the transfer, on the one hand, is a tool that "saves" the company in cases where it is necessary for its needs, on the other hand, the transfer of employees within the departments of a company can improve their knowledge (Fockler, 2019). Also, the transfer of workers, especially qualified workers, plays an important role in improving the survival of new establishments (Tavares, 2020).

The transfer causes the change of the necessary conditions of the work agreement (contract), while the dismissal leads to its final solution. Disregarding or violating these institutions infringes upon one of the most fundamental rights of citizens, undermining the guarantees of the right to work, which is the primary source of livelihood for employees, and often their sole means of support.

In modern legal systems, the primary duty of the law is to protect parties that are in weaker positions relative to their counterparts (Kayihan & Turanlı, 2023). Material security is inseparable from political and legal security. In a politically stable country with consolidated democracy and modern legislation, with strong and well-organized trade unions, the possibility of violations of employees' rights through employer arbitrariness, whether in the public or private sector, would be very difficult, if not impossible.

In Albania, unfortunately, the rotation of political leaders in power often leads to numerous arbitrary movements of employees within the state administration. These movements constitute flagrant violations of constitutional principles and labor legislation, disregarding employees' contractual rights. This is one of the reasons why we will focus on the institution of employee transfers in this article.

2. Historical overview

The institutions of employee transfer and dismissal, as well as the right itself, have undergone changes during different periods of the evolution of the Albanian state. Albanian labor legislation has evolved regarding its content and implementation rules, as well as the extension of the category of employees subjected to it. This evolution has been influenced by the ideological and political perspectives of the respective periods, which we will discuss in this section of the historical overview of this topic.

During the feudal-bourgeois state under Zog's rule, labor relations between employees and employers were categorized as legal-civil relationships. Meanwhile, labor interactions with various state entities were considered legal-administrative relationships. The Albanian Civil Code of

1928, comprising just 10 articles on employment contracts, stipulated that one party (the employee) was obligated to perform services under the direction of the other party (the employer) in exchange for compensation, which the employer was required to provide (Articles 1631–1640 of the Albanian Civil Code of 1928).

Conceptualized as a legal relationship focused on the sale and purchase of “labor power”, it lacked provisions for working hours, protection of workers' lives and health, permits, social insurance, and other rights. Consequently, it did not address aspects like employee transfer and dismissal, which often led to the *de facto* exploitation of employees by employers. The employment contract, whether fixed-term or indefinite, included provisions for termination and premature resolution, similar to other legal-civil contracts. The institution of employee transfer was not addressed in this Code; instead, transfers were implemented through the stipulation of a new employment contract.

During that period, there were generally comprehensive and detailed regulations governing the employment relations of employees within the state apparatus, both at the central and local levels, which were regarded as administrative legal relations.

In addition to determining the methods of appointing or assigning employees to state duties, regulations at the time also addressed cases of transfer and dismissal. For example, according to the Organic Law of the Ministry of Internal Affairs approved in 1928 (Article 16), the Ministry's Council had the authority to appoint, classify, dismiss, transfer, and discipline all employees of the state administration.

The legislation of that period was further supplemented after the issuance of the Fundamental Statute in 1929. Based on this statute, laws and regulations were enacted that also addressed the circumstances and reasons for employee transfers and dismissals. For instance, education laws (Article 111 and 137) stipulated that the transfer of teachers could be conducted to meet the state's needs, as well as a disciplinary measure that could result in relocation or dismissal.

From the examination of legal provisions in Albania before the country's Liberation, it is clear that the transfer of employees within the state apparatus occurred in two forms - moving employees from one location to another and from one position to another, sometimes with the employee's consent and at other times without it. Transfers without the employee's consent, justified by the "needs of the state," often led to arbitrariness and deprived employees of their right to defend themselves in practice.

The institutions of employee transfer and dismissal were included in the labor legislation of the monist state of Albania from 1944 to 1991. During this period, numerous articles, monographs, and extensive judicial practices

emerged to interpret and implement these institutions. In the early years after Liberation, laws were enacted to quickly mobilize specialists since their numbers were scarce at that time, aiming to reconstruct the country devastated by war (Law No. 22, dated 15.12.1944, to the Presidency of the National Liberation Anti-Fascist Council, on the civil mobilization of specialists and Law No. 48, dated 13.04.1945, on the extension of the provisions of civil mobilization to all persons who were called to the service of the state). Although the term "transfer" was not explicitly mentioned in these two laws, the mobilization of specialists from one location to another under these conditions constituted a form of compulsory transfer, even without the specialist's consent.

The first law that broadly regulated employment relationships, specifying that employers could not dismiss employees from their jobs without justification and prior agreements with trade unions, was issued in July 1945. It also outlined mechanisms for resolving disputes, with trade unions playing a crucial and consistent role in safeguarding the interests of employees (Law No. 82, dated 09.07.1945, of KANÇ, "On service time, protection and remuneration of work", with additions and changes made by decree-law No. 237, dated 20.02.1946, of the Presidium of the People's Assembly). Two years later, the People's Assembly approved the Labor Code (Law No. 527, dated 25.08.1947), which is the first code enacted in our country after Liberation. It regulated the employment relationships of employees in both the public and private sectors, with particular emphasis on the procedures for transfers and dismissals from employment. Articles 31 and 32 of this Code addressed the institution of transfer, which generally required the employee's consent before being implemented. However, amendments and supplements by the Presidium of the People's Assembly introduced rules allowing for mandatory transfers and imposing restrictions on the dismissal of employees without authorization from the institution, enterprise, or organization (Decree-Law No. 726, dated 17.07.1949, on the recruitment of specialists, the prohibition of dismissal without permission of workers and employees, and the mandatory transfer from one enterprise or institution to another, and Decree No. 1187, dated 05.12.1950).

Then, during the period of the one-party socialist state, three more labor codes were introduced, accompanied by corresponding amendments and additions. These were the Labor Code of the People's Republic of Albania, approved by Law No. 22250 on 03.04.1956; the Labor Code of the People's Republic of Albania, approved by Law No. 4147 on 12.09.1966 and the Labor Code of the Socialist People's Republic of Albania, approved by Law No. 6200 on 27.06.1980, which came into force on 1 October 1980. According to these codes and other provisions issued in their implementation, employees and qualified ones (Category 4 and above) could be transferred for essential needs

even without their consent, with their profession or skill preserved. However, other employees, except in special cases stipulated by the code, could not be transferred without their consent.

In the 1980 Labor Code, which is the last Albanian Code of the monist state, the institutions of transfers and dismissals from employment were regulated in Chapter XI (Articles 94-97 for transfers and 98-99 for dismissals). Transfers were categorized into two groups in the 1980 Labor Code: indefinite or permanent transfers, which included transfers for essential needs and the employment of disabled individuals and temporary transfers, which encompassed transfers for job interruptions, production needs, health conditions, disciplinary penalties, and the assignment of qualified employees in categories (4-four) and above to agricultural cooperatives. Transfers for the job placement of disabled individuals and due to health conditions had a humanitarian nature and were mandatory for enterprises, institutions, or social organizations. These transfers aimed to assist the disabled and to relocate employees to more suitable positions if they became unable to perform their previous jobs due to illness (or for women due to pregnancy), for a period as specified in the medical report.

3. The transfer of employees according to current Albanian legislation

Throughout history, societies have consistently faced and continue to face the imperative need to meet the essential requirements and advance the economic, cultural, and social development of their countries. This progress is impossible without the dedication and involvement of professionals and specialists from diverse fields. One of the means for achieving these objectives is through the institution of employee transfers, whether voluntary or involuntary, which establishes the legal foundation for these movements. Every movement (transfer) must be made in accordance with the law, in order to respect and guarantee each individual's constitutional right to choose their profession and place of work and to avoid arbitrary changes or unjustified alterations of profession, specialty, or workplace by employers.

Article 49/1 of the Constitution of the Republic of Albania provides: "Everyone has the right to earn his livelihood through legal work that they have chosen or accepted. They are free to choose their profession, workplace, as well as their personal qualification system". Therefore, every transfer must be conducted in accordance with the law to uphold and safeguard everyone's constitutional right to choose their profession and workplace. This approach helps prevent arbitrary actions and unjustified changes in profession, specialization, or workplace by employers.

In current Albanian labor legislation, there are no detailed provisions regarding internal employee transfers, although in practice it is common for

employees to be transferred to different workplaces from where they typically perform their duties. The Labor Code of the Republic of Albania, Law No. 7961, dated 12.07.1995, as amended, contains few provisions regarding the transfer of employees, especially regarding the external employee transfer in the event of a transfer of undertakings. Also, the transfer is provided for in Law No. 152/2013, "On the Civil Servant," as amended, as well as the bylaws issued for the implementation of this law.

3.1. The transfer of employees according the Labor Code of the Republic of Albania, law no. 7961, dated 12.07.1995, as amended

Referring to Article 137 of the Labor Code, the employer cannot assign an employee to another employer without the employee's consent. In such cases, the original contract between the employer and the employee remains in effect. When an employer assigns their employee to another employer, the initial employer must ensure that the employee receives the same working conditions as those provided by the second employer to their own employees performing the same work. The employer to whom the employee is assigned has the same responsibilities for ensuring health, safety, and hygiene as they do for their own employees. If an employer fails to fulfill their obligations towards an employee assigned to another employer, the latter is jointly liable with the initial employer for meeting those obligations towards the employee. Therefore, the Labor Code does not contain specific provisions regarding the internal transfer of employees. This absence has also been noted in Albanian judicial practice. Concerning the transfer of the claimant to another position, the court of appeals has argued that the provisions of the Labor Code do not recognize the internal transfer of employees (Unifying Decision of the Joint Colleges of the High Court of Albania, No. 7, dated 01.06.2011). If we had specific provisions regarding the internal transfer of employees, such situations would not cause confusion for the courts, enabling timely resolution of disputes related to employee transfers.

Similar to European and other national legislations, the Albanian Labor Code likely includes provisions for the automatic transfer of employment contracts from the old employer to the new employer in the event of a transfer of undertakings (external transfer). The Labor Code includes provisions aimed at protecting the rights of employees during transfers and changes in employer structure. It specifically addresses the transfer of undertakings or businesses, delineating the rights and obligations of both employers and employees in such circumstances.

Referring to Article 138 of the Albanian Labor Code, it states that generally, the transfer of enterprises does not affect contracts with employees, especially those with fixed-term agreements, until their specified terms expire. During this period, employees retain their rights and responsibilities. The

Labor Code ensures that employees' working conditions, including salary, working hours, and benefits, remain unchanged after the transfer. Enterprise transfer involves the comprehensive relocation of assets, workforce, rights, and obligations from one employer to another. Dismissals solely due to the transfer are likely to be deemed unfair or unjustified, except in cases of necessary workforce adjustments prompted by economic, technological, or structural reasons.

According to Article 139 of the Labor Code, when a partial or complete transfer is imminent, employers are typically required to inform and consult with employee representatives. If there are no representatives, employers must directly consult with the affected employees. This process ensures transparency and employee involvement in decision-making. Employers must provide this notification at least 30 days before the scheduled transfer. This notification must be made at least 30 days before the scheduled transfer and should also outline the measures that have been or will be taken to address the treatment of the company's employees. Failure to comply with the notification procedure and the dismissal of employees through the termination of the employment contract, thereby harming the employee, is subject to compensation. Compensation can be claimed by the employees personally or collectively by the trade union. Additionally, the union can request that the Labor and Social Services Inspectorate impose other sanctions provided for under Article 203, point 2 of the Labor Code. These sanctions can be as high as 30 times the minimum wage.

Also, the Labor Code includes a provision under Article 139/1, stating that if the employee terminates the employment contract due to a transfer that involves substantial changes to their working conditions to their detriment, it is considered an unjustified termination of the employment contract by the employer. The employee notifies the employer in writing of the termination of the contract within 30 days from the date of transfer, providing reasons for the termination as well.

This legal vacuum allows the parties to regulate the transfer process through individual or collective labor contracts. Therefore, trade unions and employees should exercise caution when signing individual or collective employment contracts with companies that operate across different countries. The individual or collective employment contract must specify the circumstances under which the employer can request the transfer of an employee, as well as the procedures for conducting such transfers. There should also be a clear determination of the timeframe for the transfer of the employee. When an employee must relocate from one city to another due to a transfer, and the distances involved make it impractical for the employee to commute from their residence, the individual or collective labor contract

should specify the amount and procedure for additional payments (Milkani, (n.d)).

3.2. The transfer of employees according law no. 152/2013, "On the Civil Servant," as amended, as well as the bylaws issued for the implementation of this law

Under current Albanian legislation, transfers apply to certain civil servants, specifically those governed by the Civil Service Law. Chapter VIII, "Transfer in Civil Service," of Law No. 152/2013 on civil servants outlines two forms of transfers within the civil service: Temporary Transfer and Permanent Transfer. According to Article 48 on Temporary Transfers a civil servant can be temporarily transferred to another civil service position of the same category for the institution's interest, to enhance the civil servant's performance, for temporary health reasons or during pregnancy. Transfers can occur within the institution where the civil servant is appointed, including its territorial branches; to a subordinate institution of the one where the civil servant is appointed or to another civil service institution. A civil servant may refuse the transfer if their health condition, certified by a medical report, makes the transfer impossible or if the transfer location is more than 45 km from the civil servant's residence. At the end of the transfer period, the civil servant returns to his previous position. During the transfer period, the civil servant receives a higher salary between his previous position and the one to which he is transferred. Additionally, if applicable, the civil servant receives the work condition allowance of the position he is transferred to. A civil servant may also be temporarily assigned to an international organization or institution, which the Republic of Albania is a member, to meet the needs of the institution or the state. Through a request, a customs officer claimed that his temporary transfer for institutional needs to the position of customs officer in another customs branch was carried out in violation of the civil servant law, as he was a civil servant in a probationary period. Regarding this, the Commissioner for the Supervision of the Civil Service decided to return the employee to the position where he had a regular appointment, given that the maximum 6-month transfer period had been completed, in accordance with letter 'a', point 7, of Article 15, of Law No. 102/2014, 'Customs Code of the Republic of Albania', as amended (Civil Decision No. 68, dated 10.06.2021 of the Commissioner for the Oversight Civil Service).

Meanwhile, article 49 defines the Permanent Transfer. Permanent Transfer is the mandatory assignment of a civil servant to another position within the civil service: due to a health condition that renders the civil servant unable to perform the duties of his previous position; to avoid a continuous conflict of interest; at the end of the suspension period or when the reason for the suspension ceases. According to Article 50, Transfer in the Event of

Closure and Restructuring of the Institution, if the position of a civil servant no longer exists due to the closure or restructuring of the institution, the civil servant is transferred to another civil service position of the same category. The civil servant can refuse the transfer only when their health condition, confirmed by a medical certificate, makes the transfer impossible or if the location to which they are transferred is more than 45 km away from the civil servant's place of residence. Refusal of the transfer for other reasons constitutes grounds for dismissal from the civil service. Termination of employment in the civil service due to the restructuring or closure of an institution is not allowed, except when, as a result of these procedures, there is a reduction in the overall number of civil servants, and the transfer, according to point 2 of this article, is impossible. Civil servants belonging to the institution that is to be restructured or closed are notified 1 month in advance about the start of this procedure. The civil servant who is dismissed has the right to compensation, in accordance with their tenure. Civil servants who have been dismissed from the civil service due to the restructuring or closure of the institution have the right, within a 2-year period after the termination of their civil service relationship, to compete as civil servants in parallel movement or promotion procedures, to be temporarily appointed by the responsible unit, with their consent, to civil service positions.

According to Article 51, Transfer for Health Reasons, in the event of a health condition that renders a civil servant unable to perform the duties of their previous position, as certified by the competent medical commission according to the law, the civil servant may be transferred to another position where they are capable of performing the duties. The decision for the transfer is made by the responsible unit, at the request of the direct supervisor or the civil servant themselves. According to Article 52, Transfer to Avoid Conflict of Interest if a civil servant is in a continuous conflict of interest situation, as declared by themselves or according to other conflict of interest cases provided by the current law, the civil servant is transferred to another civil service position if the conflict can be avoided through the transfer. The decision for the transfer is made by the responsible unit, at the request of the direct supervisor or the civil servant themselves. In accordance with Law No. 152/2013 on Civil Servants, the Decision of the Council of Ministers No. 125, dated 17.02.2016, on Temporary and Permanent Transfers of Civil Servants, regulates the procedures for both permanent and temporary transfers of civil servants for executive, lower, and middle managerial levels.

4. The transfer of employees according to the French, German and Italian legislations

In this paragraph, we will analyze the institution of employee transfer according to the legislation of selected EU countries. The countries analyzed

are France, Germany, and Italy, as they are the primary references for the Albanian legislators in drafting domestic legislation.

France: Internal transfers within a company in France, involving the relocation of employees to different positions, departments, or locations, are governed by specific regulations designed to safeguard employees' rights. These transfers are primarily governed by the French Labour Code and collective agreements. Additionally, French legislation includes specific provisions concerning the transfer of undertakings, commonly known as the "TUPE" regulations, to regulate the transfers of workers.

The French Labour Code (Code du Travail) addresses various aspects of employment, including internal transfers. Some of the key provisions and principles from the French Labour Code related to the internal transfer of employees include the mobility clause, the modification of the employment contract, the collective agreements and company policies, etc. According to Article L1222-6 if the employment contract contains a mobility clause, the employee must accept transfers within the geographical limits specified by the clause. The clause must be precise and not give the employer excessive discretion. Article L1222-1 highlights the principle of good faith in the performance of the employment contract. It implies that any significant change in the employee's role, working hours, or location should be justified by the employer's operational needs and carried out in good faith. In reference to Article L1222-2, if the employer wishes to make significant changes to the employee's contract that affect essential terms (e.g., duties, location, working hours), they must obtain the employee's consent. If the employee refuses, the employer cannot unilaterally impose the changes. Article L2261-2 allows for collective agreements to establish specific conditions and procedures for internal transfers. Collective agreements may detail the rights and obligations of both the employer and the employee concerning transfers, including notice periods, compensation, and relocation assistance. According to Article L2312-8, employers must inform and consult with the Works Council (Comité Social et Economique, CSE) about any major changes affecting employees, including internal transfers. The consultation aims to ensure that employee representatives can provide their input on the proposed changes. Article L1233-3 pertains to redundancies and economic layoffs but is relevant in the context of internal transfers. If a transfer is part of broader organizational changes due to economic or technological reasons, the employer must demonstrate that the changes are justified by the company's operational needs. Employees who believe that their internal transfer is unjustified or negatively impacts their working conditions can seek legal remedies. This may involve filing a complaint with the labor inspectorate (Inspection du travail) or bringing a case before the labor courts (Conseil de prud'hommes).

Also, The French Labor Code (Code du travail) includes provisions regarding the transfer of undertakings (L. 1224-1- L. 1224-4 Code du travail). Provisions related to employee transfers may also be found in collective bargaining agreements negotiated between employers and trade unions. These agreements can further define the conditions and procedures for transfers. The transfer of undertakings typically occurs when there is a change in the employer or the legal structure of the employer, resulting in the transfer of economic entities (undertakings) from one employer to another. Before any transfer, the employer is required to inform and consult with employee representatives or, if such representatives are not present, directly with the employees.

This process aims to ensure that workers are adequately informed about the transfer and its implications. When a business is transferred, employees assigned to that business are automatically transferred to the new owner by operation of law. This occurs simultaneously with the business transfer, and the employees' existing terms and conditions of employment remain unchanged. The transferee becomes the new employer, inheriting all rights and obligations from the employment contracts of the transferred employees and the broader employment relationships.

French labor law provides protection against unjustified transfers. Employees have the right to challenge transfers they consider unfair or lacking a legitimate economic, technical, or organizational reason.

Germany: In Germany, the transfer of employees within a company is regulated by the German Civil Code (Bürgerliches Gesetzbuch, BGB), the Works Constitution Act (Betriebsverfassungsgesetz, BetrVG), and relevant collective bargaining agreements. Many employment contracts include a mobility clause that allows the employer to transfer the employee within the company. The validity of such a clause depends on its clarity and reasonableness. According to Section 106 of the GewO (Trade, Commerce and Industry Regulation Act), employers have the right to determine the content, place, and time of work performance, provided there is no contrary agreement, collective bargaining agreement, or provision in the employment contract. This right must be exercised reasonably. According to Section 99 of the Betriebsverfassungsgesetz-BetrVG (Works Constitution Act), before making any personnel changes, including transfers, the employer must inform and consult with the Works Council (Betriebsrat). The Works Council has the right to object to a transfer under specific circumstances, such as if the transfer violates laws, collective agreements, or company agreements, or if it causes undue hardship to the employee. If the employment contract does not contain a mobility clause, significant changes to the employee's duties, work location, or other essential terms of employment require the employee's consent. An internal transfer that significantly alters the employment contract without such

consent is not permissible. Internal transfers must be reasonable and justified by legitimate business needs. Employers must consider the impact on the employee and ensure that the transfer does not disproportionately disadvantage them. Collective agreements (Tarifverträge) or company agreements (Betriebsvereinbarungen) often provide specific procedures and conditions for internal transfers. These agreements may outline the rights and obligations of both the employer and the employee, including notice periods and relocation assistance. Employees who believe their internal transfer is unjustified or adversely affects their working conditions may seek legal remedies. They can file a complaint with the labor courts (Arbeitsgericht) to challenge the transfer's legality and seek protection against unfair treatment. In German legislation, the transfer of employees is governed by the Law on the Transfer of Undertakings (Betriebsverfassungsgesetz - BetrVG) and the provisions of the German Civil Code (Bürgerliches Gesetzbuch - BGB) Section 613a. Employees' rights and obligations under their existing employment contracts automatically transfer to the new employer. This includes all terms and conditions, such as salary, working hours, and benefits. According to Section 613a (5) BGB, both the old and new employers must inform employees about the transfer, including the date, reasons, legal, economic, and social consequences, and any measures planned regarding employees. This must be done in writing before the transfer takes place. Referring to, Section 111 BetrVG, the Works Council must be informed and consulted if significant changes in the business's structure, such as a transfer, affect the workforce. This is to ensure employee representatives can discuss and negotiate the terms and conditions of the transfer. The new employer must maintain the terms and conditions of employment as they were before the transfer. Any changes require mutual agreement, and the employer cannot unilaterally alter the contracts. As per Section 613a (6) BGB, employees have the right to object to the transfer of their employment contract to the new employer. This objection must be made in writing within one month of receiving the information about the transfer. If an employee objects, their employment with the transferring entity typically ends. Employees who believe their rights have been violated during a transfer can seek legal remedies through the labor courts (Arbeitsgericht). They can challenge the transfer's legality, seek compensation for any losses, or claim reinstatement if they believe their dismissal was unjust.

In Italy, employee transfers are regulated by various legal provisions. The legislation for the transfer of employees aims to protect the position of the employee, to prevent the employer as a strong party from carrying out discriminatory or arbitrary transfers not based on actual technical, organizational and production reasons. Legislation regarding the transfer of employees is contained mainly in paragraph 8 of Article 2103 of the Italian

Civil Code (Codice Civile), in the Workers' Statute (Statuto dei Lavoratori) and in collective agreements.

According to Italian legislation, employee transfer refers to the movement of an employee between different offices of the same company, without changing the duties assigned to the employee. Although the transfer can also be initiated by the employee, it is primarily a tool in the hands of the employer to meet the company's needs through the redistribution of personnel. According to paragraph 8 of Article 2103 of the Civil Code, an employee cannot be transferred from one production unit to another except for justified technical, organizational, and production reasons, with reference to both the place of origin and the destination. This can occur, for example, when the presence of an employee is no longer beneficial in the initial unit but is needed in another sector, always considering his qualifications and abilities (Cardarello, 2000).

Regarding the transfer procedures, a written form is not necessary, as the transfer can also be communicated orally or through any other means. Additionally, generally, there is no requirement to disclose the reasons for the employee transfer, nor is there a specified deadline. Nevertheless, some collective agreements may require a written form for the transfer letter and a notice period. The absence of prior notice for the transfer does not invalidate it but gives the employee the right to seek compensation in the event of harm resulting from the disruption of employment.

The transfer rules that apply to the private sector are also applicable to the public sector, except where otherwise specified. In the public sector, transfers play a role in optimizing human resources employed in various offices and meeting the administrative needs. For instance, when it is not feasible to wait for the development of a public competition, a public entity may relocate employees from one office to another to fulfill a specific personnel need. Transfers of public jobs "with authority" are regulated by Article 30 of Legislative Decree No. 165/2001 (Legislative Decree of March 30, 2001, No. 165, General Rules on the Organization of Work in the Public Administration). This article provides that "employees may be transferred within the same administration or, through agreement between different administrations, to another administration. These transfers may be carried out in offices located in the territory of the same municipality or at a distance of no greater than fifty kilometers from the headquarters for which they are used". Different situations are related to the topic of mobility. Among these, we can mention the direct transfer of personnel between different administrations, staff redundancies, collective mobility, exchange of officials belonging to different countries, transfer of employees due to transfer of activities, or the simple transfer of duty or due to environmental incompatibility.

The labor law provides for special provisions for special categories of workers, such as the case of the transfer of a working mother and the transfer of a disabled worker. According to article 56, point 1, of the Legislative Decree no. 151/2001 (Decreto Legislativo 26 marzo 2001, n.151, Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternità e della paternità, a norma dell'articolo 15 della legge 8 marzo 2000, n. 53), the working mother has the right to keep her job even after the end of the maternity period, unless she gives it up. She has the right to return with the same duties and to the same production unit where she was employed before the pregnancy or to another one, provided that it is in the same municipality. Also, the law prohibits the transfer of a working mother until her child is 1 year old.

The employee with limited skills, even if employed on the basis of recruitment from protected categories, in general, except for some exceptional cases, can be transferred only if he gives his consent.

The transfer of a company is one of the company events that most affects the continuation of the employment relationship between the employer and the employee. According to Article 2112 of the Italian Civil Code, in these cases, the legislator guarantees the continuation of the employment relationship, leaving the salary and classification of the employee unchanged within the new work reality. The employment relationship with the transferor continues with the transferee and the employee retains all rights derived from it and all previously acquired rights. Therefore, the transfer of a company cannot be a direct cause of dismissal of employees. Even in relation to job transfers, Article 2103 of the Italian Civil Code continues to apply and therefore the transfer of employees is legal only for important and effective technical, organizational and production reasons. It may happen that the transferred worker does not intend to move to the new place of work, for example, when he is too far away from the place of residence. In the majority of cases where the relocation of the workplace is refused, the company may proceed with termination for just cause due to the unjustified absence of the employee at the workplace. Another perspective, however, asserts that an employee may legitimately refuse the job transfer when the employer's decision appears to lack the required legal grounds (Italian Supreme Court of Cassation Judgement no. 11180/2019). Finally, the Italian legislation outlines the conditions and procedures for challenging the relocation of an employee.

Conclusions

Albanian legislation on employee transfers has undergone numerous changes over time. While there has been previous regulation of employee transfers, we now observe a regression in this area, whereas the legislation should be more comprehensive and refined.

In the Albanian Labor Code, we have a harmonized regulation of external transfers. There are no legal provisions in the Labor Code regarding internal employee transfers. The current Albanian legislation only provides for the internal transfer of civil servants.

Therefore, the Labor Code should include specific regulations for the institution of internal employee transfers. As noted earlier, the legislation of the analyzed countries regulates not only external transfers but also internal transfers of employees.

In drafting norms, restrictions on internal employee transfers must be established. Transfers can only occur in the presence of proven technical, organizational, and production-related reasons. In this context, it is important to adhere to the criteria of fairness and good faith. Transfers should not be allowed if they aim to discriminate against an employee for reasons related to trade union, political, religious, racial, sexual, or linguistic factors. Additionally, transfers should not be permitted if they are made solely to exert unfair pressure to force the acceptance of early retirement or to induce resignation, or because there is a vacancy in the destination production unit. Transfers should be carried out to distribute personnel based on the criterion of production functionality and individual skills, with the aim of achieving the most satisfactory performance of the company's services.

In relation to transfers, it is important to assess the personal conditions of the employee. The employer must take into account the employee's personal and family circumstances before the transfer, such as seniority, family responsibilities, and health issues. In such cases, the employee's reasons should prevail.

Specific situations should be defined in which the employee has the right to request a transfer. For example, a parent or family member who continuously cares for a relative or acquaintance up to the third degree with disabilities and living with them, has the right to choose, when possible, the workplace closest to their residence. Additionally, in the case of a transfer, their consent must be obtained.

It is also important to consider cases of 'disciplinary transfers,' where there is a substantial mismatch between the employee requesting the transfer and their colleagues.

In the case of a transfer, it is important for the employer to communicate the reasons for the transfer to the employee being transferred.

Finally, Albanian current legislation does not provide for career development transfers at the employee's request. Employees can acquire knowledge and qualifications beyond the opportunities offered by their current job as part of personal progress. Career-focused employee transfer processes are positively associated with employees' satisfaction with developmental opportunities and their perception of support for career development (Prince,

2005). However, none of the current legal provisions consider qualifications, progress, or various licenses for facilitating transfers to redistribute skills and capacities of human resources. Instead, transfers are viewed more as a tool for the employer rather than the employee.

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20. Decision No. 143, dated March 12, 2024 On Recruitment Procedures, Selection, Probation Period, Parallel Transfers, and Promotions for Executive, Lower, and Middle Management Civil Servants Official Gazette No. 35, dated March 24, 2024
21. Decision No. 125, dated February 17, 2016, On Temporary and Permanent Transfers of Civil Servants Official Gazette, Year 2016, No. 28
22. Decision of the Council of Ministers No. 171, dated March 26, 2014 "On Permanent and Temporary Transfers of Civil Servants, Suspension, and Release from Civil Service"
23. Decision of the Council of Ministers No. 816, dated October 7, 2015 "On the Approval of the Regulation of the Foreign Service of the Republic of Albania"
24. Decision of the Council of Ministers No. 109, dated February 26, 2014 "On the Evaluation of the Work Performance of Civil Servants" (Amended by Decision No. 252, dated March 30, 2016)
25. Decision No. 68, dated June 10, 2021, of the Commissioner for the Oversight of Civil Service
26. Decreto Legislativo 30 marzo 2001, n.165, Norme generali sull'ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche (Legislative Decree of March 30, 2001, No. 165, General Rules on the Organization of Work in the Public Administration)
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 33. Labor Code of the People's Republic of Albania, approved by Law No. 22250, dated April 3, 1956
 34. Labor Code of the People's Republic of Albania, approved by Law No. 4147, dated September 12, 1966
 35. Labor Code of the Socialist People's Republic of Albania, approved by Law No. 6200, dated June 27, 1980, effective from October 1, 1980
 36. Law No. 152/2013, "On the Civil Servant," as amended
 37. Law No. 7961, dated July 12, 1995, Labor Code of the Republic of Albania, as amended
 38. Law No. 22, dated December 15, 1944, of the Presidium of the National Liberation Anti-Fascist Council
On the Civil Mobilization of Specialists
 39. Law No. 48, dated April 13, 1945
On the Extension of Civil Mobilization Provisions to All Persons Called to State Service
 40. Law No. 82, dated July 9, 1945, of the National Anti-Fascist Liberation Committee (KANÇ) "On Working Time, Protection, and Remuneration of Labor"
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 42. Unifying Decision of the Joint Colleges of the High Court, No. 7, dated 01.06.2011

La Révision des Jugements en Droit Burundais

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Résumé

Le pourvoi en révision consiste à demander au juge le réexamen d'une décision définitive par l'évaluation des circonstances extraordinaires limitativement énumérées par la loi. Le contrôle de pleine juridiction recommande au juge de traiter ce recours en observant les garanties d'indépendance, d'impartialité et de séparation de pouvoirs. La plénitude de juridiction permet d'exercer le contrôle judiciaire effectif en statuant d'abord sur la recevabilité de la demande par l'examen des conditions du pourvoi et de vider le fond de l'affaire le cas échéant. Or, tel n'est pas le cas en droit burundais. La procédure en révision reste problématique d'autant plus que les articles 163 et 171 de la loi organique n°1/21 du 3 août 2019 freinent l'exercice effectif du contrôle de pleine juridiction, en enjoignant au juge de la Cour suprême de statuer obligatoirement au fond; sans analyser les conditions de recevabilité inhérentes à la forme, au motif que ces conditions ont été analysées par le Ministre de la justice à qui la demande est adressée en premier lieu. Etant donné que le juge de l'action est aussi juge de l'exception, interdire le juge d'examiner la question préalable de recevabilité revient à remettre en cause la plénitude de juridiction. Les résultats de notre recherche sont constitués de la doctrine, de la jurisprudence du Comité des droits de l'homme, de la jurisprudence de la Cour européenne des droits de l'homme et de la Cour africaine des droits de l'homme et des peuples. Dans le cadre du droit comparé, ils portent sur le droit et la jurisprudence du droit belge et français, sur le droit congolais ainsi que sur la jurisprudence nationale à travers les jugements et arrêts rendus. Le choix de ces pays est motivé par le fait qu'ils partagent la même tradition juridique et le même système romano germanique avec le

Burundi. La discussion de ces résultats est réalisée sur base d'une méthodologie documentaire d'analyse des textes de lois, des ouvrages, des jugements et arrêts, de la jurisprudence nationale et internationale. Le présent article se propose d'examiner les défis et les incohérences affectant la procédure de révision des jugements en droit burundais. Compte tenu des avancées de la jurisprudence internationale dans l'encadrement du procès équitable, il apparaît plus qu'indispensable, pour le droit positif burundais, d'aller vers une « culture de séparation des pouvoirs », en confiant la mission de rendre la justice uniquement aux cours et tribunaux, sans immixtion. Le respect des pouvoirs du juge conférés par les instruments internationaux ratifiés par le Burundi et par la Constitution contribuerait à crédibiliser la justice.

Mots-clés: Révision, contrôle de pleine juridiction, séparation des pouvoirs, conditions de recevabilité, incohérence normative, Cour suprême

Revision of Judgments Under Burundian Law

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Abstract

By assessing the extraordinary circumstances listed exhaustively by law, an application for judicial review consists of asking the court to reconsider a final decision. The full judicial review recommends that the court deal with this appeal in compliance with the guarantees of independence, impartiality, and separation of powers. Full jurisdiction makes it possible to exercise effective judicial control by first ruling on the admissibility of the application by examining the conditions of the appeal and then, if necessary, deciding the merits of the case. However, this is not the case under Burundian law. The review procedure remains problematic, especially as articles 163 and 171 of Organic Law n°. 1/21 of 3 August 2019 hinder the effective exercise of full jurisdiction by requiring the Supreme Court judge to rule on the merits of the case without analysing the conditions of admissibility inherent in the form on the grounds that these conditions have been analysed by the Minister of Justice to whom the application is first addressed. Given that the judge of the action is also the judge of the exception, prohibiting the judge from examining the preliminary question of admissibility amounts to calling into question the plenitude of jurisdiction. The results of our research are based on legal doctrine, the case law of the Human Rights Committee, the case law of the

European Court of Human Rights, and the African Court of Human and Peoples' Rights. In the context of comparative law, the results cover the law and case law of Belgian and French law, Congolese law, and national case law through judgments and rulings. These countries were chosen because they share the same legal tradition and the same Romano-Germanic system as Burundi. The discussion of these results is based on a documentary methodology of analysis of legal texts, books, judgments, and national and international case law. This article sets out to examine the deficiencies of the law in this area. Given the advances made by international case law in the area of fair trial, it would seem more than essential for Burundian positive law to move towards a "culture of separation of powers", by entrusting the task of dispensing justice solely to the courts and tribunals, without interference. Respect for the powers of the judge conferred by the international instruments ratified by Burundi and by the Constitution would contribute to the credibility of justice.

Keywords: Revision, full control jurisdiction, separation of powers, conditions of admissibility, normative inconsistency, Supreme Court

Introduction

« *Si (...) l'administration se substituait à la justice, elle serait exposée à subordonner les droits privés à l'intérêt public, à méconnaître, en vue du salut de l'Etat, la propriété, la liberté et à mettre l'arbitraire à la place du droit. Le jour où la justice tomberait entre les mains de l'administration, il n'y aurait plus pour les citoyens ni garanties, ni sécurité* » (Auguste Vivien, 1859).

Le recours en révision est une voie de recours extraordinaire qui tend à faire rétracter un jugement passé en force de chose jugée pour qu'il soit à nouveau statué en fait et en droit. Cette procédure permet au juge, dans des cas limités, à réexaminer ce jugement, en raison de nouveaux éléments et tend à purger tout jugement des vices dont il peut être affecté (Maia, 2019). Elle peut être utilisée dans les instances civiles et pénales. Une nouvelle décision remplace celle qui est entreprise: c'est la rétractation du jugement.

Quant à son origine, depuis 1929, le droit international humanitaire reconnaît ladite garantie procédurale, à tout prisonnier de guerre (Ibidem). Ce dernier a le droit de recourir contre tout jugement rendu à son égard, de la même manière que les individus appartenant aux forces armées de la Puissance détentrice (article 64 de la Convention relative au traitement des prisonniers de guerre, 1929). Ce droit de recours a, par la suite, été confirmé encore par l'article 106 de la III^e Convention de Genève relative au traitement des prisonniers de guerre mise en place en 1949. Comme l'indique à juste titre cette convention à travers son commentaire, ce recours s'avère indispensable

pour les prévenus qui n'ont pas eu la possibilité de produire des preuves, surtout s'il s'agit de délits commis avant la captivité (Pictet, 1958).

Bien plus, les instruments juridiques internationaux ont fait émerger cette procédure dans les pays de tradition romano-germanique et de common law (PIDCP, 1966, article 14 al.6). Relativement au droit d'accès au tribunal qui confère le droit aux voies de recours, la jurisprudence du Comité des droits de l'homme sur l'interprétation de l'article 14 du Pacte international relatif aux droits civils et politiques (Comité des droits de l'homme, Observation générale n°32), celle de Strasbourg bâtie sur l'article 6 de la Convention européenne des droits de l'homme (CEDH: Arrêt Strasbourg H. c. Belgique, 1987; affaire Beaumartin c. France, 1994; affaire Obermeier c. Autriche, 1990), celle de la Cour africaine (affaire Wilfred Onyango Nganyi et 9 autres c. Tanzanie du 23 juillet 2013; affaires Diocles William et Minani Evarist c. Tanzanie, 2018) convergent sur le droit de se pourvoir en justice et de jouir de toutes les garanties procédurales en l'occurrence le contrôle judiciaire effectif. En ce sens, la Commission du droit international a déclaré qu'une telle action judiciaire constitue une garantie indispensable contre d'éventuelles erreurs concernant les éléments dont ne disposait pas un justiciable et qui, par conséquent, n'ont pas été portés à l'attention de la juridiction au moment du procès lui-même ou de toute procédure de recours ultérieure (Maia, 2019).

Soulignons à toutes fins utiles que le Burundi est lié par le Pacte international relatifs aux droits civils et politiques (Décret-loi n° 1/009 signé le 14 mars 1990), la Charte africaine des droits de l'homme (ratification de la Charte par Décret-loi n° 1/029 du 28/ 7/ 1989) ainsi que par le protocole portant création de la Cour africaine (ratification le 27/6/2000). La Constitution du Burundi entérine ces ratifications en les incorporant au droit positif. Selon l'article 19 de cette loi suprême, les droits et devoirs proclamés et garantis par les textes internationaux relatifs aux droits de l'homme régulièrement ratifiés font partie intégrante de la Constitution.

Dans le cadre du droit comparé, la référence au droit belge et français ainsi qu'au droit congolais partageant les mêmes traditions juridiques avec le Burundi nous paraît indispensable; pour la simple raison que les deux pays voisins ont connu le même colonisateur belge et s'inspirent du même droit romano germanique. Ce qui est évident, les juridictions de ces pays étrangers jouissent du contrôle de pleine juridiction en évaluant aussi bien la forme que le fond s'il échet, lors de l'examen du pourvoi en révision. La philosophie d'analyse de la recevabilité de l'affaire avant de statuer sur le fond est une réalité qui transparaît dans les arrêts rendus par la Cour française de révision et de réexamen ainsi que par la Cour de cassation belge. Ces arrêts font l'objet d'analyse dans la partie discussion.

Concrètement, l'étude a pour objet d'analyser si les dispositions en matière de recevabilité du pourvoi en révision limitent ou non les pouvoirs du

juge et examine leur conformité aux normes internationales. Elle vise également à évaluer si l'esprit du législateur actuel serait ou non en droite ligne avec la philosophie qui a animé les initiateurs de cette procédure. Du coup, elle tend à mettre en exergue la problématique du contrôle de pleine juridiction affectant l'analyse de la recevabilité du pourvoi et les incohérences normatives qui affectent la procédure de révision en droit burundais. Pour atteindre cet objectif, l'analyse de la problématique, la méthodologie à suivre, la réponse à la question principale et aux questions secondaires dans la discussion des résultats retiennent notre attention et font l'objet de développement. Pour mener à bon port notre réflexion, une conclusion générale mettra fin à notre analyse.

La problématique scientifique

En ce qui est de la législation sur la procédure en révision, particulièrement la recevabilité du pourvoi, le droit burundais renferme des incohérences normatives. Sous le premier angle, la Constitution, en son article 38 dispose que toute personne a droit, dans une procédure judiciaire ou administrative, à ce que sa cause soit entendue équitablement. Elle renchérit en son 39 que nul ne peut être distrait, contre son gré du juge que la loi lui assigne. Le droit de la défense constitue une garantie fondamentale devant toutes les juridictions, martèle le législateur. La recevabilité du pourvoi est organisée par le chapitre IV qui traite de la compétence de la Cour suprême siégeant toutes Chambres réunies (Loi sur la Cour suprême, 2019, articles 52, 53 et 54). La lecture de ce chapitre montre clairement que le pourvoi doit être analysé conformément à ces dispositions dans tous les domaines judiciaires. En matière répressive, la haute Cour connaît de la révision des arrêts et jugements, rendus par toutes les juridictions de la République en se référant aux conditions prévues par l'article 52 de la loi régissant la Cour suprême. En matière civile, la compétence revient à la Cour suprême sous réserves des dispositions particulières relatives à certaines juridictions; en l'occurrence la révision des arrêts rendus par la Cour spéciale des terres et autres biens. Les conditions sont prévues par l'article 53.

Sous cette dimension, dans le cadre de la mise en œuvre de cette garantie procédurale d'entendre équitablement le justiciable, ce dernier doit, à toutes les étapes de la procédure bénéficier de ce droit à travers le traitement de son affaire, sur tous les aspects litigieux, aussi bien sur le fond que sur la forme. Pour ce faire, dans le but de garantir les intérêts de la défense, le juge de la Cour suprême doit bénéficier du contrôle effectif de statuer sur le pourvoi en révision en l'occurrence sur les prétentions inhérentes à la recevabilité de l'affaire, sans influence, sans interférence, ni ingérence de l'autorité ministérielle.

Sous le deuxième angle qui est en contradiction avec la précédente conception, le même droit burundais, dans des termes presque similaires, aux articles 163 et 171 de la loi régissant la Cour suprême précise comment se fait la saisine et l'instruction d'une affaire en révision en excluant la compétence d'analyse de la recevabilité au juge de cette juridiction. Selon ces articles, le pourvoi est adressé au Ministre ayant la justice dans ses attributions. Ce dernier, après avoir estimé que la requête est recevable, enjoint au Procureur Général de la République de saisir la Cour qui doit **statuer obligatoirement au fond**. La problématique réside dans l'injonction envers le magistrat du siège de statuer au fond sans analyser préalablement les conditions de recevabilité du pourvoi en révision limitativement énumérées par les articles 52 et 53.

Au regard de ce qui précède, peut-on conclure que la procédure en révision est conçue de manière à faire respecter le contrôle de pleine juridiction au sens de la jurisprudence et des instruments internationaux ratifiés par le Burundi? Pour répondre convenablement à cette question principale sur laquelle repose la problématique, en traitant tous ses contours, d'autres questions corollaires valent la peine. Force est de nous interroger sur la véracité de ces articles 163 et 171 qui restreignent le contrôle de pleine juridiction. Le fait que cette question de recevabilité soit analysée par l'autorité ministérielle, relevant de l'exécutif, n'est-ce pas une violation de la séparation des pouvoirs? L'amputation de l'analyse de la recevabilité au juge ne véhicule-t-elle une incohérence qui envenime la compétence de la Cour? Quelle est la raison d'être des articles 52 et 53 si le juge n'exerce pas le pouvoir conféré par ces articles? Pourquoi le législateur a énuméré les conditions de recevabilité en révision en attribuant cette mission à la Cour suprême?

La réponse à ces questions se trouve dans les développements de la partie « Discussion des résultats » qui sera abordée d'une façon détaillée après un bref aperçu sur la méthodologie et les résultats.

Méthodologie

Sur base d'une méthodologie documentaire d'analyse des textes de lois, des ouvrages, des jugements et arrêts, de la jurisprudence nationale et internationale, le présent article se propose d'appréhender les défis et les incohérences affectant la procédure de révision des jugements en droit burundais. Du coup, il vise à analyser si les garanties constitutionnelles proclamées et les normes internationales relatives au procès équitable ratifiées par le Burundi sont réellement mises en œuvre. Pour ce faire, le droit belge et français qui a inspiré le droit burundais fait l'objet d'analyse sur ce sujet. Dans ce même cadre du droit comparé, le droit de la République démocratique du Congo qui partage les mêmes traditions juridiques coloniales avec le Burundi contribue à éclairer l'évaluation de cette procédure en révision.

Le recours à cette jurisprudence internationale a pour objet de montrer comment sous d'autres cieux, les juges mettent en œuvre le contrôle de pleine juridiction, en toute indépendance, sous la protection du principe de séparation des pouvoirs. L'analyse vise également à mettre en relief l'importance accordée à cette garantie procédurale par la doctrine et la jurisprudence internationale ainsi que les obstacles entravant le contrôle effectif en droit burundais. Dans l'optique d'évaluer la procédure de révision et les difficultés y relatives, quelques affaires litigieuses traitées par les cours et tribunaux en droit burundais et en droit comparé sont discutées. La discussion des résultats permet de tirer les leçons du droit comparé sur la manière dont le droit burundais pourrait s'inspirer de cette jurisprudence internationale.

Résultats

Les résultats de notre recherche portent sur la doctrine, sur la jurisprudence du Comité des droits de l'homme, sur celle de la Cour européenne des droits de l'homme, sur la jurisprudence du droit belge et français, sur celle de la Cour africaine des droits de l'homme et des peuples, sur le droit congolais ainsi que sur la jurisprudence nationale à travers les jugements et arrêts rendus.

Sur le plan de la jurisprudence du Comité des droits de l'homme, l'Observation générale n°32 a retenu notre attention. Elle porte sur l'interprétation de l'article 14 du Pacte international relatif aux droits civils et politiques.

Relativement à la jurisprudence de la Cour européenne des droits de l'homme sur l'application de l'article 6 de la Convention européenne des droits de l'homme, nous avons consulté les arrêts rendus par cette Cour dans les affaires *Beumartin c. France* de 1994; *Obermeier c. Autriche* de 1990; *H. c. Belgique* de 1987; *Ramos Nunes de Carvalho e Sá c. Portugal* de 2018; *Chevrol c. France* de 2003; *Van de Hurk c. Pays-Bas* de 1994; *Tinnelly & Sons Ltd et autres et Mc Elduff et autres c. Royaume-Uni* de 1998.

En droit belge, les résultats font allusion à loi du 11 juillet 2018 portant des diverses dispositions en matière pénale ; au code de procédure pénale belge; à l'affaire numéro P.21.0849.N inscrite au rôle en date du 21 septembre 2021; à l'affaire numéro P.21.0284.N inscrite au rôle en date du 20 mai 2021.

En droit français, les résultats sont axés sur le code de procédure pénale, sur les décisions rendues par la Cour française de révision et de réexamen: l'affaire n° 19 REV 083 du 10 février 2022; l'affaire n° 20 REV 075 du 10 février 2022; la Décision n° 20 REV 093 du 12 juillet 2022; la requête n° 21 REV 069 du 7 avril 2022; l'affaire n°21 REV 020 du 10 février 2022. En droit congolais, la loi organique n°13/010 du 19 février 2013 relative à la procédure devant la Cour de cassation aux articles 67 à 70 révèle comment se réalise la recevabilité du pourvoi.

Devant la Cour africaine des droits de l'homme et des peuples, la jurisprudence de cette juridiction dans les affaires Diocles William et Minani Evarist c. Tanzanie, de 2018; Wilfred Onyango Nganyi et 9 autres c. Tanzanie du 23 juillet 2013 renseigne sur les bonnes pratiques procédurales applicables en matière de contrôle de pleine juridiction.

En droit burundais, les résultats portent sur certaines lois et dispositions en rapport avec notre sujet. Elles sont contenues notamment dans la Constitution de 2018, dans le code de l'organisation et de la compétence judiciaire du Burundi de 1987, dans la loi n°1/07 du 25 février 2005 ayant régi la Cour suprême, dans la loi organique n°1/21 du 3 août 2019 régissant la Cour suprême et dans la loi n°27 du 28 décembre 2023 portant modification du code de procédure civile. Les arrêts RPS 9; RPC 153, RTC 1096; RTC 1076; RTC 1232 ; RTC 1346 ainsi que les différentes lois ayant régi la Cour suprême alimentent notre réflexion.

Discussion des résultats

« La justice est une aspiration aussi ancestrale qu'universelle mais l'histoire nous a appris que si elle n'était pas exercée par un corps indépendant des pouvoirs constitués et guidée par un objectif de protection des droits, elle pouvait se révéler être un formidable outil d'oppression. La manifestation de la justice est intimement liée à ses organes d'application, les juges, et aux règles qui gouvernent le procès, la procédure ». (Laure Milano, 2006).

Avant d'aborder la discussion sur l'évolution historique de la procédure en révision devant la Cour suprême du Burundi et l'iniquité du processus juridictionnel intimement liée à cette procédure, il sied d'appréhender, dans le cadre du droit comparé, son déroulement dans les pays qui partagent les mêmes traditions juridiques avec le Burundi.

La procédure de révision en droit comparé

En termes de traditions juridiques, le Burundi partage presque les mêmes réalités avec le Congo et les deux pays s'inspirent du droit belge et français pour la simple raison d'avoir connu le même colonisateur belge. En droit belge, depuis la profonde réforme de la procédure en révision de 2018 en matière pénale, le Ministre de la justice ne peut pas introduire la demande en révision. C'est le Procureur général près la Cour de cassation ou près la Cour d'appel qui en a la compétence. Lorsque la demande est fondée sur la survenance d'un fait nouveau, la Cour de cassation belge vérifie d'abord les conditions de recevabilité de la demande et statue, a priori, sur son caractère manifestement fondé ou non. Si elle estime que les indices laissent apparaître une possibilité de révision, elle transmet la demande à la « Commission de révision en matière pénale », composée de magistrats et avocats, qui analysent

le fondement de la demande et rendent un avis non-contraignant. La Cour de cassation, si elle estime que les conditions de recevabilité et de fond sont remplies, peut casser la décision de condamnation et renvoyer l'affaire à une juridiction différente, qui instruira un nouveau procès (Loi du 11 juillet 2018 portant des diverses dispositions en matière pénale: articles 2-6).

Cette analyse des questions préalables sur la forme, notamment la compétence et la recevabilité de l'affaire transparaissent aux points I et III dans la motivation de l'affaire inscrite au rôle en date du 21 septembre 2021 sous le numéro de P.21.0849.N. Après avoir analysé sa compétence et statué sur la recevabilité de l'affaire sur base des conditions du pourvoi en révision, la Cour de cassation belge a déclaré l'affaire irrecevable et a rejeté la demande de réexamen en la qualifiant de manifestation infondée. Le demandeur en révision RR, était représenté par Me Johan Verbist, avocat à la Cour de cassation, ayant son siège à Anvers, Amerikalei 187/302, où le requérant résidait (Cour de cassation belge, 2021: affaire en révision n° P.21.0849.N). La même procédure d'analyse de la forme avant de statuer au fond par la Cour de cassation belge s'observe dans l'affaire inscrite au rôle sous le numéro P.21.0284.N en date du 20 mai 2021. Sur base de l'article 443, deuxième et troisième alinéas, du code de procédure pénale, la demande de réexamen a été déclarée irrecevable (Cour de cassation belge, 2021: affaire en révision n° P.21.0284.N).

De surcroît, cette analyse de la recevabilité par rapport aux conditions qu'impose la loi en matière de révision est également observée en droit français en vertu de l'article 622 du code de procédure pénale. Aux termes de ce texte, la révision d'une décision pénale définitive peut être demandée au bénéfice de toute personne reconnue coupable d'un crime ou d'un délit lorsque, après une condamnation, vient à se produire un fait nouveau ou à se révéler un élément inconnu de la juridiction au jour du procès de nature à établir l'innocence du condamné ou à faire naître un doute sur sa culpabilité. Les décisions rendues par la Cour française de révision et de réexamen analysées à titre illustratif ne révèlent aucune injonction au juge de statuer obligatoirement au fond sans passer par la recevabilité. Cela transparaît dans l'affaire n° 19 REV 083 du 10 février 2022; dans l'affaire n° 20 REV 075 du 10 février 2022; dans la Décision n° 20 REV 093 du 12 juillet 2022 ; dans la requête n° 21 REV 069 du 7 avril 2022; dans l'affaire n°21 REV 020 du 10 février 2022. Il ressort de toutes ces affaires que la question de recevabilité est laissée à l'appréciation du juge.

Qui plus est, la même procédure d'analyse de la recevabilité au sens du droit français et belge est également d'application en droit congolais. Même si ce dernier partage les mêmes traditions coloniales avec le Burundi en termes de droit, pour avoir connu le même colonisateur belge, cette procédure en révision n'est pas appliquée de la même manière. En droit congolais, le juge

de cassation détient cette compétence de pleine juridiction qui lui permet de vider les questions de forme par l'examen des conditions de révision au sens de la loi française et belge. Malgré que le Ministre de la justice détienne le pouvoir de saisir la Cour de cassation, aucune injonction d'obtempérer à son appréciation, ni de statuer obligatoirement au fond sans passer par la forme n'est donnée au juge.

En effet, la compétence de statuer sur la recevabilité est reconnue au juge en ces termes: « *En cas de recevabilité, si l'affaire n'est pas en état, la Cour procède directement, ou par commission, à toutes enquêtes sur les faits, confrontations, reconnaissance d'identité et devoirs propres à la manifestation de la vérité. La Cour rejette la demande si elle l'estime non fondée. Si, au contraire, elle la juge fondée, elle annule la condamnation prononcée. Elle apprécie, dans ce cas, s'il est possible de procéder à de nouveaux débats contradictoires. Dans l'affirmative, elle renvoie le prévenu devant une autre juridiction de même ordre et de même degré que celle dont émane l'arrêt ou le jugement annulé, ou devant la même juridiction autrement composée* » (Loi organique n°13/010 du 19 février 2013 relative à la procédure devant la Cour de cassation: articles 67 à 70).

Au regard de ce qui précède, dans le cadre du droit comparé, il appert que la procédure de révision en droit burundais est organisée différemment par rapport à celle de ces législations belge, française et congolaise. Contrairement à la législation burundaise, ces législations respectent les normes de contrôle de pleine juridiction attribuant la compétence aux cours et tribunaux. La demande du Ministre de la justice ou son appréciation dans ces législations ne doit pas être bénie, mais, sa recevabilité doit être examinée par le juge de la Cour suprême en tenant compte des conditions requises pour se pourvoir en révision. Cela nous incite à confronter ce droit comparé au droit burundais en examinant d'abord son évolution historique.

L'évolution historique de la procédure en révision devant la Cour suprême du Burundi

Pour mieux comprendre cette évolution, il s'avère indispensable d'examiner les premiers arrêts qui ont fait émerger cette procédure: RPS 9 et RPC 153 rendus respectivement par la Chambre judiciaire et celle de Cassation.

Faits et procédure

Les prévenus RW. J. ; KA. C. ; BA. B. et KAN. P jouissant de privilège de juridiction sont accusés de l'infraction de détournement des deniers publics et de main-d'œuvre par le Ministère public. S'étant rallié aux arguments de la partie poursuivante, la juridiction a condamné le prévenu RW.J le 3 octobre 1977 et a acquitté ses coaccusés (Revue de jurisprudence de la Cour, 2012, p.

21). Le condamné a intenté un pourvoi en en révision réfutant sa condamnation. La saisine a eu lieu le 20 décembre 1977 et la requête a été enregistrée sous le RPC 153.

Dans ses moyens et prétentions, le requérant a demandé que l'arrêt RPS 9 soit cassé, arguant que les objets dont le détournement lui est accusé existent et sont aux mains des autorités compétentes qui peuvent le confirmer. Il reproche la partie adverse de n'avoir pas mené une enquête suffisante d'autant plus que les 3 éléments constitutifs d'une infraction ne sont pas réunis. Pour montrer les erreurs qui ont motivé sa condamnation, il souligne qu'en date du 25 septembre 1978, une lettre faisant état de la découverte des objets prétendus détournés a été adressée au Ministre ayant la justice dans ses attributions par l'autorité compétente. Cette dernière demandait de bien vouloir reconsidérer le cas précis de ces objets dont la contrevaletur a été retenue à charge de RW. J.

La motivation de la Cour de cassation

Avant tout, les juges ont d'abord vérifié la compétence, pour savoir s'ils pouvaient recevoir un pourvoi intenté contre un arrêt rendu par la Chambre judiciaire. La Cour a éprouvé des difficultés de se déclarer compétente faute de base légale qui consacre la révision et qui concorde avec le cas à lui soumis. Dans la motivation sur la compétence, la Cassation a souligné qu'il est inconcevable qu'une des Chambres puisse réviser les arrêts rendus par une autre. Étant donné que la cassation est une composante de la Cour suprême et toutes les chambres étant égales, tout en ayant une compétence distincte, les magistrats du siège ne réalisaient pas comment ils pouvaient statuer.

Mais, sur base des débats avec l'avocat du prévenu, le cas sous examen a finalement été reçu en révision et la Cour a entériné l'argumentaire du conseil du prévenu. En effet, dans son raisonnement, le juge a soutenu qu'aucune loi ne lui interdit de réviser les arrêts rendus par l'instance judiciaire au sommet. Selon ce magistrat du siège, même en l'absence de loi qui règlemente la révision, un tel arrêt qui contient des erreurs judiciaires ne peut échapper à la censure. Le cas soumis étant nouveau, la Haute Cour a décidé qu'elle ne peut se réfugier derrière l'absence de texte législatif pour s'abstenir de trancher et doit créer une jurisprudence conformément à l'une de ses grandes missions (ibidem).

A partir de ce moment, l'affaire a été prise en délibéré pour statuer sur la recevabilité. Aux yeux de cette juridiction, la révision, qui pourtant existe dans d'autres pays dont le système judiciaire est apparenté à celui du Burundi, n'est pas prévu par le législateur. Il est important d'organiser un moyen de réparer les erreurs de fait si injustes et terribles pour leurs victimes et la société qui risquent de voir leur confiance dans la justice pénale ébranlée. Il est

indispensable de règlementer avec toutes les précautions, les cas d'ouverture à révision pour éviter qu'il soit porté atteinte trop légèrement à l'autorité de la chose jugée, à la stabilité des décisions et situations judiciaires ainsi qu'à l'ordre social; conclut la Cour (ibidem).

Selon cette dernière, malgré l'imprévision en droit burundais, l'affaire sous examen tombe sous les prévisions des cas d'ouverture à révision dans les législations où ce recours est organisé. Tenant compte de la correspondance attestant la découverte des objets prétendus détournés, la Cour a jugé que cette découverte constitue un fait nouveau susceptible d'établir l'innocence du condamné. Elle a déclaré le pourvoi en révision recevable (Revue de la Cour suprême, dispositif de l'arrêt RPC 153, p. 27).

Commentaire de l'arrêt RPC 153

A notre entendement, le jugement présente un intérêt majeur pour le droit positif burundais d'autant plus qu'il pose les premiers jalons d'une procédure en révision. Il constitue une innovation consacrant les conditions de recevabilité. L'originalité est que la Cour a basé son raisonnement sur l'équité, pour résoudre une situation manifestement injuste. Les magistrats de l'époque ont consacré pour la première fois la procédure en révision, faisant ainsi avancer le droit en la matière. L'absence de texte organisant cette procédure n'a pas handicapé la correction de l'erreur manifestement illégale. Au contraire, la Cour s'est inspirée du droit international et a valorisé son contrôle de pleine juridiction en refusant de se réfugier derrière l'imprécision de la loi; ce qui l'aurait induit à commettre le déni de justice. L'élément nouveau, réel, avancé par le requérant ne pouvait passer inaperçu sous prétexte du défaut de réglementation de la procédure.

Certes, la décision est d'une importance capitale car le juge a suppléé aux problèmes de la loi, en exerçant ses pouvoirs de législateur occasionnel à travers la jurisprudence (BOB n° 4 p.97, 1987), une source du droit qui a par après inspiré les autres juges et le législateur. Ce dernier a consigné ultérieurement la révision dans le code de l'organisation et de la compétence judiciaire du 14 janvier 1987 en son article 64. Au fur et à mesure de l'évolution de la législation, cette voie de recours a été confiée aux toutes Chambres réunies de la Cour suprême. (arts.163 et 171, 2019).

En droit burundais, ce qui est récurrent, comme il en est d'ailleurs actuellement le cas, les magistrats interprètent littéralement la loi, au détriment de l'interprétation logique et téléologique qui se base sur la finalité et le but que poursuit la règle de droit. Il serait incompréhensible que le raisonnement de ces juges de l'époque ne soit pérennisé en observant la procédure d'analyse de la recevabilité du pourvoi sous prétexte du prescrit des articles 163 et 171. Depuis cet arrêt RPC 153, rendu le 18 janvier 1979 jusqu'au 3 août 2019, date à laquelle la nouvelle loi organique a été promulguée, la procédure d'analyse

de la recevabilité du pourvoi était de mise. Le fait que cette nouvelle loi oblige le juge à statuer obligatoirement au fond témoigne une injonction qui ne devrait pas tenir debout, sous peine de violer le contrôle de pleine juridiction.

En définitive, l'arrêt RPC 153 a le mérite d'introduire, à travers la jurisprudence, la révision en droit burundais, l'analyse de la recevabilité du pourvoi et d'avoir inspiré le législateur. Au fur et à mesure de l'évolution du droit, ce dernier a élargi les conditions de la recevabilité. Cela nous amène à analyser concrètement le déroulement de cette procédure jonchée actuellement de certaines irrégularités.

L'ambivalence entre l'équité et l'iniquité du processus juridictionnel inhérente à la procédure en révision

Les conditions de recevabilité d'un pourvoi en révision

Le pourvoi en révision est recevable lorsqu'il satisfait aux conditions énoncées par l'article 52 de la loi régissant la Cour suprême qui dispose:

«Sous réserve des dispositions particulières relatives à certaines juridictions, en matière répressive, la Cour suprême siégeant toutes Chambres réunies connaît de la révision des arrêts et jugements coulés en force de chose jugée, rendus par toutes les juridictions de la République dans les cas suivants:

- 1. lorsque, après une condamnation pour homicide, des pièces propres à faire naître des indices suffisants sur l'existence de la prétendue victime de l'homicide sont présentées;*
- 2. lorsque, après une condamnation pour crime ou délit, un nouvel arrêt ou jugement a condamné pour le même fait un autre prévenu et que, les deux condamnations ne pouvant se concilier, leur contradiction est la preuve de l'innocence de l'un ou de l'autre condamné;*
- 3. lorsqu'un des témoins entendus a été, postérieurement à la condamnation, déclaré ou reconnu judiciairement coupable de faux témoignage contre l'accusé ou le prévenu;*
- 4. lorsqu'il est prouvé qu'un témoin cité au 1er degré ou au 2^{ème} degré de juridiction n'a pas été physiquement disponible pour être entendu, sauf si le requérant a accepté que l'affaire soit prise en délibéré malgré l'absence de ce témoin;*
- 5. lorsqu'en vertu d'une décision rendue par une juridiction internationale ou une institution quasi-juridictionnelle supranationale, il a été confirmé qu'il y a eu violation d'une disposition substantielle d'une convention internationale ratifiée par l'Etat du Burundi;*
- 6. lorsque, après une condamnation, un fait vient à se produire ou à se révéler ou que des pièces inconnues lors des débats sont présentées, établissant l'innocence du condamné;*

7. *lorsqu'en vertu d'une loi particulière ou d'une convention internationale, il s'avère que la réformation de l'arrêt ou jugement, quelle que soit la juridiction qui l'a rendu, s'impose pour corriger une erreur de droit ou de fait;*
8. *lorsqu'il s'agit d'une décision judiciaire entachée d'un mal jugé manifeste qui n'a pas pu être corrigé* ». (Loi organique n°1/21 du 3 août 2019, art. 52).

Force est de souligner que le **recours n'est recevable** que si son auteur n'a pu, sans faute de sa part, faire valoir la cause qu'il invoque avant que la décision ne soit passée en force de chose jugée (idem, art.54). L'usage de ces expressions montre que la recevabilité s'analyse devant le juge de la haute juridiction. Les conditions étant clairement énumérées par le législateur, qu'est ce qui empêche la Cour suprême de les appliquer en leur restituant leur propre quintessence? Cette question nous amène à analyser la contradiction résidant entre les dispositions régissant ladite procédure.

L'incohérence normative entre les dispositions régissant la procédure en révision

En ce qui est de la recevabilité, les articles 52, 53 et 54 édictent la procédure à suivre. Quant à la saisine et l'instruction, dans des termes presque similaires, respectivement en matière pénale ainsi qu'en matière civile et administrative, les articles 163 et 171 disposent: « *la requête en révision est adressée au Ministre ayant la justice dans ses attributions. Si ce dernier estime que la requête est recevable, il donne un ordre exprès au Procureur Général de la République qui en saisit la Cour. Cette dernière doit statuer obligatoirement au fond* ».

Evidemment, l'injonction véhiculée par ces dispositions témoigne que le juge est contraint de bénir la décision de recevabilité prise par l'autorité ministérielle. Sa compétence d'analyser les points litigieux relatifs à la forme, en l'occurrence la recevabilité est exclue. Or, en principe, le juge de l'action est aussi celui de l'exception. Par conséquent, le juge à qui l'on soumet une exception de procédure sur la recevabilité est normalement obligé de la vider ou tout au moins, doit statuer sur les deux dans un même jugement qui joint le fond à la forme.

Lorsque, sur base d'un moyen de droit, une partie au procès soulève une exception et demande au juge de statuer, il attend un jugement sur la forme qui décide si la demande répond ou non aux conditions exigées par la loi. Le refus de statuer sur ce moyen sous prétexte de l'injonction des articles 163 et 171 témoigne à suffisance que la compétence d'analyser la recevabilité revient en grande partie à l'autorité ministérielle. Cela constitue un déni de justice dans le chef du juge, une entorse aux droits de la défense et à l'équité

procédurale. Du coup, il s'agit d'une incohérence entre les dispositions prévoyant les conditions de recevabilité (articles 52 et 53) et celles qui prévoient la saisine et le jugement (articles 163 et 171). Ces dernières dispositions sont également en contradiction avec le code de procédure civile d'autant plus qu'elles empêchent de vider les questions préalables se rapportant aux exceptions et fins de non-recevoir (code de procédure civile, 2023: articles 62 et 80).

Concrètement, l'origine de la problématique réside dans l'injonction envers le juge de statuer au fond sans analyser préalablement les conditions de révision limitativement énumérées par ces articles, ce qui constitue même une entorse envers la Constitution. En effet, en pareille situation, il appert que le magistrat du siège est privé du contrôle juridictionnel que lui reconnaît la Constitution. Selon cette dernière, la Cour suprême est la plus haute juridiction ordinaire de la République. Elle est garante de la bonne application de la loi par les cours et tribunaux (Constitution du Burundi, 2018: article 227). De même, l'article 36 précise que cette juridiction exerce un contrôle administratif et juridictionnel sur toutes les juridictions, autres que la Cour Constitutionnelle et la Cour des terres et autres biens. Bien plus, la loi sur la Cour suprême renchérit en précisant que, dans l'exercice de leurs fonctions, les juges ne se soumettent qu'à la Constitution, à la loi et à leur conscience. Ils veillent en toute impartialité à la bonne application de la loi par les cours et tribunaux (Loi sur la Cour suprême, 2019: article 2).

Qui plus est, l'article 214 de la loi fondamentale clarifie le principe de la séparation des pouvoirs en soulignant que le pouvoir judiciaire est impartial et indépendant du pouvoir législatif et du pouvoir exécutif. Cette loi fondamentale martèle en soulignant que la justice est rendue par les cours et tribunaux sur tout le territoire de la République au nom du peuple burundais (Constitution du Burundi, 2018: article 210).

Au regard de toutes ces dispositions, il est clair comme l'eau de roche que le magistrat de la haute juridiction a les pleins pouvoirs d'exercer le contrôle de pleine juridiction sur toutes les décisions rendues par les cours et tribunaux sauf pour la Cour constitutionnelle et la Cour spéciale des terres et autres biens. Néanmoins, suite aux incohérences normatives ci-haut discutées, la mise en œuvre de cette compétence devient problématique. D'après la jurisprudence de la Cour européenne des droits de l'homme, au sens de l'article 6, le seul organe qui mérite l'appellation de tribunal ou de cour est celui jouissant de la plénitude de juridiction, permettant aux cours et tribunaux d'exercer un contrôle judiciaire effectif (CEDH, affaires Beaumartin c. France, 1994, §38; Obermeier c. Autriche, 1990, §70). Dans le même ordre d'idées, la jurisprudence de la Cour africaine fondée sur l'article 7 partage la même vision d'équité procédurale et d'impartialité que doit incarner le juge

(Cour africaine des droits de l'homme et des peuples, affaire Wilfred Onyango Nganyi et 9 autres c. Tanzanie du 23 juillet 2013).

Cependant, cet état d'évolution de la jurisprudence internationale n'est pas en harmonie avec le droit burundais qui ne garantit pas le principe fondamental de la séparation des pouvoirs protégeant contre l'arbitraire et le risque de sujétion des magistrats (Kuty, 2006). A ce sujet, le discours du Procureur Général belge KRINGS nous paraît pertinent: «*Si le juge n'était pas tout à fait indépendant du pouvoir législatif ou du pouvoir exécutif, il est évident qu'il ne serait plus, en fait, que le porte-parole de l'un de ces deux autres pouvoirs et qu'il n'aurait plus aucune raison d'être*» (KRINGS, 1990). Poursuit-il : «*L'on ne peut tolérer sous aucun prétexte d'immixtion du législateur ou du Gouvernement dans les compétences qui ont été dévolues au pouvoir judiciaire*» (ibidem). Nous sommes du même avis qu'en l'absence de cette nette séparation de pouvoirs au sens de cet auteur, la plénitude de juridiction reste problématique et illusoire comme il en est le cas en droit burundais. Cela nous amène à analyser la remise en cause de cette garantie procédurale.

Remise en cause de la plénitude de juridiction devant la Cour suprême par la procédure en révision

Selon le lexique des termes juridiques, une juridiction a des pouvoirs de pleine juridiction quand elle peut à la fois connaître de tous les éléments d'un litige et prendre toute décision de nature à corriger pleinement la violation du droit qui était intervenue (Guinchard, Debard, 2014). Autrement dit, le juge est compétent pour vider tous les aspects du contentieux et peut annuler une décision administrative qui ne s'inscrit pas en droite ligne avec la loi.

Quant à la jurisprudence du Comité de droits de l'homme, l'article 14 s'entend du droit d'accès aux tribunaux de toute personne qui fait l'objet d'une accusation en matière pénale ou dont les droits et obligations de caractère civil sont contestés. L'accès à l'administration de la justice doit être garanti effectivement dans tous les cas afin que personne ne soit privé, en termes procéduraux, de son droit de se pourvoir en justice (Comité des droits de l'homme, 2007: Observation générale n°32).

Selon la jurisprudence de la Cour européenne bâtie sur l'article 6 §1 de la Convention, les attributions de nature administrative, réglementaire, contentieuses, consultatives ou disciplinaire cumulées ne sauraient priver une institution de la qualité de « tribunal » (Arrêt Strasbourg H. c. Belgique, 1987). Une juridiction devrait avoir compétence pour se pencher sur toutes les questions de fait et de droit pertinentes pour le litige dont elle se trouve saisie. (CEDH, affaire Ramos Nunes de Carvalho e Sá c. Portugal [GC], 2018, §§ 176-177). L'exercice de la plénitude de juridiction par un tribunal suppose que

ce dernier ne renonce à aucune des composantes de la fonction de juger (CEDH, affaire Chevrol c. France, 2003, § 63). Cette conception jurisprudentielle prêchant le contrôle judiciaire effectif est également consacrée dans l'affaire Beaumartin contre la France rendue en 1994, dans son paragraphe 38 et dans celle opposant Obermeier contre Autriche, tranchée en 1990, dans son paragraphe 70. La même jurisprudence est d'application devant la Cour africaine. Le contrôle de pleine juridiction est raffermi par l'article 7 de la Charte africaine des droits de l'homme et des peuples (affaires Diocles William et Minani Evarist c. Tanzanie, 21 septembre 2018). Après ce bref aperçu sur la doctrine et la jurisprudence internationale, il revient à examiner l'état des lieux en droit burundais.

En matière de révision, le droit burundais confie au juge le pouvoir de se pencher point par point sur chacun des moyens du plaignant tant sur la forme que sur le fond, sans refuser d'examiner aucun d'entre eux (Loi régissant la Cour suprême, 2019: articles 50 à 54) tandis que les articles 163 et 171 enjoignent au juge de statuer obligatoirement au fond. A cet égard, empêcher le magistrat du siège d'examiner la forme et surtout les critères de recevabilité du pourvoi revient à substituer son appréciation à celle du Ministre de la justice qui analyse dans le cadre administratif. C'est une entorse au respect des droits de la défense dans le chef d'un justiciable qui sollicite d'abord l'analyse de la recevabilité.

Force est de constater que la loi en ses articles 163 et 171 accorde des pouvoirs exorbitants à l'autorité ministérielle qui compromettent le principe de la séparation des pouvoirs et l'équité procédurale. Les attributions de nature administrative ne devraient pas empêcher à la juridiction d'exercer la pleine juridiction en statuant sur une question préjudicielle lui soumise par une partie au procès, sous peine de lui enlever son statut. Est inhérent à la notion même de tribunal le pouvoir de rendre une décision obligatoire ne pouvant pas être modifiée par une autorité non judiciaire au détriment d'une partie (CEDH, arrêt Strasbourg Van de Hurk c. Pays-Bas, 1994, § 45). Cela va de pair avec l'indépendance et l'impartialité qui constituent des garanties fondamentales d'une juridiction.

Curieusement, avant l'actuelle loi régissant la Cour suprême, une telle injonction de statuer obligatoirement au fond n'existait pas et la pratique jurisprudentielle qui était observée consistait à statuer d'abord sur la recevabilité. Sous l'ancienne loi, la forme et le fond étaient de la compétence du juge (Cour suprême, loi n°1/07 du 25 février 2005). Depuis l'arrêt RPC 153 innovateur de la procédure en révision en droit burundais, la jurisprudence et la pratique d'analyser les conditions de recevabilité par le juge de la haute juridiction ont émergé jusqu'à l'entrée en vigueur de la loi n°1/21 du 3 août 2019.

A titre illustratif, l'arrêt sur la recevabilité dans l'affaire RTC 1096 en révision a été rendu le 31/8/2016. Le dispositif déclare recevable la requête et remet l'affaire en prosécution sur le fond de l'affaire prononcé le 4/8/2020. La philosophie d'analyse de la recevabilité devant la Cour suprême s'observe également dans l'arrêt RTC 1076 rendu sur la forme le 23/6/2016. Même si le pourvoi a été déclaré irrecevable, les juges ont analysé minutieusement si le pourvoi répond ou non aux conditions de révision (article 44, loi de 2005 qui régissait la Cour suprême). Le fait de déclarer l'affaire irrecevable constitue un argument de taille qui milite pour l'analyse des conditions de recevabilité devant cette Cour. En effet, ledit pourvoi avait été validé par l'autorité ministérielle, mais cela n'a pas empêché le magistrat du siège de l'infirmier.

Dans la même veine, l'affaire RTC1232 dont le pourvoi a été soumis à la haute juridiction le 8/8/2016 et prise en délibéré en audience publique du 12/9/2018 a été examinée sur la recevabilité. Après l'analyse des conditions de recevabilité, l'affaire a été déclarée irrecevable en date du 6/2/2019. Le même scénario s'observe également dans l'affaire RTC 1346. N'eût été cette jurisprudence consistant à vider d'abord la forme, le traitement automatique du fond pouvait changer l'issue du procès. En effet, un justiciable qui n'a pas gain de cause sur la forme en raison de forclusion de délais par exemple, peut avoir raison sur le fond si les délais de retard n'ont pas fait l'objet d'analyse. En effet, le délai de recours en révision étant de 60 jours, il court à compter de la date où la partie a eu connaissance de la cause qu'elle invoque (Loi organique n°1/21 du 3 août 2019, article 16). Ce délai de prescription conditionne la révision. Si une partie l'invoque alors que le juge n'est pas autorisé de statuer sur la recevabilité, ça devient injuste et inéquitable. Malheureusement, avec l'actuelle loi restreignant la compétence du juge, de telles irrégularités peuvent se produire d'autant plus que ce dernier ne statue plus sur la recevabilité.

En somme, au sens de la jurisprudence internationale, lorsque le magistrat du siège refuse de trancher les questions essentielles au motif qu'elles ont été tranchées au préalable par l'autorité administrative de manière à lier la juridiction, cela traduit une violation du droit au procès équitable (CEDH, arrêts *Tinnelly & Sons Ltd et autres* et *Mc Elduff et autres* c. Royaume-Uni, 1998, §§ 76-79). Telles décisions jurisprudentielles devraient inspirer le législateur burundais et l'inciter à promouvoir le contrôle de pleine juridiction devant la Cour suprême, en édictant des dispositions qui ne freinent pas le juge dans sa mission de dire le droit car comme le disait Jean De La Bruyère « *Le devoir des juges est de rendre la justice; leur métier de la différer* » (De La Bruyère, 1688, cité par Cholet, 2006).

Conclusion

En définitive, même si la Constitution burundaise confie la mission de trancher les litiges aux cours et tribunaux, la procédure en révision en compromet l'effectivité par l'attribution de cette compétence au Ministre de la justice en ce qui est de la recevabilité. La présente étude a mis en exergue les incohérences normatives, sources de l'iniquité des procédures judiciaires inhérente à l'injonction du législateur au juge, l'obligeant de bénir la décision prise par l'autorité ministérielle.

A ce propos, l'analyse conjointe des dispositions sur les critères de recevabilité et celles obligeant de statuer obligatoirement au fond révèle une incohérence normative qui devrait être corrigée pour les besoins d'une bonne administration de la justice. Eu égard aux instruments internationaux dont certains d'entre eux lient le Burundi, force est de constater que la compétence de statuer sur la recevabilité incombe aux cours et tribunaux. La doctrine et la jurisprudence internationales emboîtent le pas à ces instruments internationaux en reconnaissant l'incontournable compétence de pleine juridiction qui permet à ces institutions judiciaires de statuer aussi bien sur la forme que sur le fond durant le traitement du pourvoi en révision. Néanmoins, en droit burundais, il est avéré que la compétence du juge de statuer sur la recevabilité du pourvoi est entachée d'irrégularités pour cause du prescrit des articles 163 et 171. Curieusement, cette irrégularité procédurale d'interférer les compétences du juge en matière de révision ne date pas de longtemps, d'autant plus que sous l'empire des précédentes lois qui ont suivi l'arrêt pilote RPC 153, la recevabilité du pourvoi était analysée « au grand jour ». Cet arrêt qui a consacré pour la première fois la jurisprudence d'analyse des conditions de révision et qui s'inscrit en droite ligne avec le droit comparé a le mérite d'avoir promu un contrôle judiciaire effectif qui respecte les droits de la défense du justiciable soucieux de l'analyse du juge sur la forme .

Peut-on conclure que la nouvelle loi interdisant l'analyse de la recevabilité du pourvoi est plus qualitative que celle qu'elle a abrogée et à cet arrêt pilote? C'est une question qui laisse une ouverture aux autres chercheurs. Mais à notre entendement, il s'agit d'une régression jonchée d'incohérences et de contradictions qui enveniment la qualité de la législation et le contrôle de pleine juridiction.

Véritablement, l'incohérence normative et la contrariété de ces dispositions ci-haut analysées font que les pouvoirs dévolus normalement aux juges sont exercés par l'autorité de l'exécutif. Pour cause d'incohérences législatives inhérentes aux dispositions qui prêchent d'un côté l'indépendance du juge mais le remettent en cause de l'autre, la procédure de révision devient inéquitable. Cette logique démonstrative de la problématique nous incite à cautionner l'idée d'Alexandre François Auguste Vivien qui a souligné les dangers du cumul des pouvoirs ou de l'immixtion dans la sphère judiciaire.

L'injonction empêchant d'exercer le contrôle judiciaire exhaustif constitue une incohérence qui remet en question la qualité de cour ou de tribunal à la juridiction suprême. Sous peine de remettre constamment en cause le contrôle de pleine juridiction, d'heurter et de contraster la doctrine ainsi que la jurisprudence internationale, le législateur burundais devrait lever l'incohérence quitte à permettre au magistrat du siège de la haute juridiction d'examiner les conditions de recevabilité du pourvoi sous la protection du principe de séparation des pouvoirs, sans aucune limite, sans influence ni ingérence des forces extérieures.

Même s'il y a encore du pain sur la planche en droit burundais, le sursaut du législateur vers la référence au droit comparé peut être salutaire pour le justiciable. L'analyse du droit comparé nous révèle que les droits belge, français et congolais mettent en œuvre cette garantie procédurale de pleine juridiction et s'inscrivent en droite ligne avec la jurisprudence du Comité des droits de l'homme, de la Cour européenne et celle de la Cour africaine qui reconnaissent au tribunal la compétence exhaustive de se pencher sur toutes les questions de fait et de droit pertinentes pour le litige dont il se trouve saisi. Il s'agit de compétences d'une étendue suffisante ou de l'exercice d'un contrôle juridictionnel suffisant pour traiter l'affaire en cause.

En vue de promouvoir le droit au procès équitable, les autorités législatives burundaises devraient s'inspirer de ce droit comparé pour moderniser la législation en la rendant conforme à la Constitution et aux instruments internationaux ratifiés par le Burundi. Du coup, cette volonté législative contribuerait à promouvoir le droit d'accès à la justice, à protéger les droits privés, la propriété, la liberté en évitant de mettre l'arbitraire à la place du droit et à crédibiliser la justice; car comme le souligne Cançado Trindade: « *It is clear that the right of access to justice comprises not only the right to initiate proceedings before (...) tribunal, but also the guarantee of due process of law (...)* » (Trindade, 2011, cité par Niyonkuru, 2016). Nous épousons l'idée de ces auteurs en affirmant dans le même ordre d'idées que le droit d'accès à la justice burundaise comprend non seulement le droit d'engager une procédure de révision devant la Cour suprême, mais aussi la garantie d'une procédure régulière respectant l'analyse de la recevabilité du pourvoi par le juge de cette Cour.

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Pedagogical Reforms in the Initial Training of Moroccan Teachers: The Emergence of a New Training Paradigm and New Concepts

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Abstract

In recent decades, countries around the world, including Morocco, have undertaken far-reaching reforms of their education systems to improve performance and efficiency. The initial training of future Moroccan teachers has been the subject of an innovative reform, introducing a new paradigm conveying concepts conducive to change. This article examines why the change envisaged by the reforms has not taken place, focusing on the epistemological dimension. It analyzes the relationship between the signifier and the signified of three key concepts: professionalization, integrative alternation, and reflexivity. The reforms failed to bring about the desired changes because of epistemological drifts caused by semantic distortions and cognitive biases in the implementation of the transformation project. The success of the new educational paradigm depends not only on the intrinsic quality of the concepts but, above all, on their understanding, assimilation, and translation into practice. The major challenge lies in the ability to preserve the integrity of the paradigm throughout its deployment, from its theoretical conception to its application in the field.

Keywords: Recent reforms, New training paradigm, New concepts, expected changes

Introduction

In response to the growing needs of Moroccan society, educational reforms have been introduced to improve the education and training system. These reforms aim to introduce a new training paradigm that emphasizes professionalization, alternation and reflexivity. Professionalization aims to produce competent and qualified teachers, while alternation involves collaboration between training in the university environment and training in the workplace. Reflexivity aims to encourage teachers to reflect on their own practice and adapt to the needs of their pupils. The aim of these innovative concepts is to enhance the quality of teaching and improve educational outcomes for Moroccan pupils.

Two decades have passed since the introduction of the National Education and Training Charter (CNEF), and a decade since the launch of the Emergency Plan; both reforms led to strategic decisions being taken to create both university education streams (FUE) and regional education and training centers (CRMEF).

In this respect, we ask ourselves the following question : how much have we gained from the new training policy, and what is its added value ? Bouzidi, H., Belghiti, K., & Errami, H. (2020)

Most reforms introduced by the Moroccan government fail to bring about the envisioned changes. Is this due to the ideas put forward by the reform itself, or rather because users are not prepared to mobilize the desired change ?

It is possible that the reforms driven by the Moroccan state do not succeed in introducing the envisioned changes due to several factors. Firstly, it is likely that the ideas brought forth by the reform itself are not sufficiently well-defined or are not adequately adapted to the real needs of the Moroccan educational environment. It is also possible that the reforms are not sufficiently supported by the relevant authorities, or that the human and financial resources needed to implement them are insufficient.

Moreover, users may not be well-prepared to mobilize the desired change. Teachers, school administrators, and students may not be sufficiently trained to use the new ideas and tools proposed by the reform or may not be sufficiently motivated to change their existing practices. Reforms can also face resistance, particularly when they deviate from established norms and practices.

It is therefore important to take all these factors into account when introducing educational reforms and to integrate them into a comprehensive approach that considers the real needs of the educational environment. It is also important to implement a monitoring and evaluation system to measure the results of the reform and to adjust policies and practices accordingly.

It is vital to encourage the active participation of key education stakeholders, such as teachers, school principals, and students, in all stages of

the reform, from planning to implementation and evaluation. This will ensure that the ideas and practices proposed by the reform align with the real needs of the educational environment and that key players are committed and empowered to implement them.

Training mechanisms should be provided for key education stakeholders to enable them to adapt to the new ideas and tools proposed by the reform. This will certainly provide ongoing support for the active education players involved in implementing the reform reliably and without deviation.

In summary, reforms must be planned based on the real needs of the educational environment, and education stakeholders must be involved and supported throughout the reform process. Bakkali, S. (2018).

1. Emergence of a new training paradigm

Current educational reforms prescribe the development of training programs with new epistemological frames of reference: there is currently a trend in training that emphasizes the development of skills rather than specific objectives, an approach that opts for constructivism rather than behaviorism, meaningful learning situations rather than decontextualized subject content, and a focus on the learner rather than the teacher.

This new training paradigm also emphasizes active learning, aiming to encourage learners to be the authors of their own learning and to prepare them to meet the challenges of their professional and personal lives. Current educational reforms seek to promote a more flexible and personalized approach to teaching, with an emphasis on cross-curricular skills such as problem-solving, critical thinking and collaboration. (Errami, H., & Elqorchi, M., 2018)

1.1. Modernizing training curricula.

For the new training paradigm to be effective, it requires curricula to be modernized. Indeed, curricula need to be updated to include the latest skills and knowledge to prepare students for success in their future careers. This may include skills in digital technologies, complex problem-solving and critical thinking, as well as opportunities for in-company training for practical work experience. (Boukhatem, A., & Belghiti, K., 2020)

1.2. Conceptual renewal

The new training paradigm involves a change in the way learning is approached and organized. It is increasingly focused on practical skills and knowledge rather than on the transmission of theoretical knowledge. This involves more active learning methods, such as project-based learning, problem-based learning and peer learning. It also focuses on the needs of

students and the skills they will need to succeed in their future careers. Finally, it is increasingly focused on lifelong learning to enable individuals to continue to develop their skills throughout their working lives. (Ben Jaafar, S., & Elmeski, M., 2018)

1. 3. Focus on the learner as an individual rather than on the teacher

The new training paradigm focuses on the learner as an individual rather than the teacher (source of knowledge). This means that learning methods are designed to adapt to the unique needs of each student, taking into account their interests, learning styles and long-term goals. This can involve learning tracking tools to assess each student's progress, as well as personalized pathway options to allow students to choose the courses and experiences that best meet their needs. In addition, learners are seen as active participants in their own learning, rather than passive recipients of knowledge.

1. 4. Integrating new approaches into existing practices

The new education paradigm involves rethinking teaching practices to adapt to the needs of students in a constantly changing learning environment. This may involve approaches such as project-based teaching and competency-based teaching to enhance learning. Teachers can also renew their assessment methods by inventing alternative ways of assessing students' skills. In addition, teachers can become social actors or agents of development rather than just sources of information, helping students develop skills in critical thinking, problem-solving and teamwork.

New concepts have emerged, and their emergence is certainly helping to bring about the desired change. The new training paradigm based on the competency approach requires a change of mindset and mentality if it is to be feasible and achievable. At present, the traditional approach is no longer adequate, which is why the integration of a new approach into teaching practices is of paramount importance. (Lamati, B., & El Akhrasse, A., 2020)

1. 5. The desired change cannot be improvised, nor can it be decreed

Introducing a new training paradigm requires careful planning and implementation. It is important to consult stakeholders, gather data and test approaches before rolling them out on a large scale. In addition, it is best to continue to evaluate the effectiveness of new methods and adjust them accordingly.

Implementing the training paradigm is difficult, if not impossible, with the current use of concepts from the old paradigm

It is true that adopting a new training paradigm can be difficult because of the ideas and concepts that were embedded in the old paradigm. Teachers, administrators and other stakeholders often have years of experience using the

methods and tools of the old paradigm, so they may find it difficult to adapt to the new approaches. It is important to provide resources and support to help people understand and adapt to the benefits of the new paradigm. It is also important to create opportunities for teachers and administrators to explore and experiment with the new methods before adopting them on a large scale. (Bouguerra, A., & Ouakrime, M., 2019)

The new training paradigm can only be achieved through the use of new concepts, but not in the wrong way

It is true that adopting a new training paradigm may require the use of new concepts and methods to be effective. However, it is important to ensure that these new concepts and methods are based on research and evidence to guarantee their effectiveness. It is also important to consult with stakeholders, including teachers and students, to ensure that new concepts and methods are appropriate and relevant to the needs of the learner. Continuously evaluating the effectiveness of new concepts and methods and adjusting them accordingly would undoubtedly ensure their desired effects. (Ouakrime, M., & Kharbouch, A., 2021)

2. Appearance of new concepts

Epistemological mistrust or even caution should be exercised with regard to the concepts evoked; signifiers and signified should be consistent. Their attributes should all be respected.

The concept is a fundamental element of human thought. It represents an idea, a notion or an abstract category that enables us to group and organize the information and experiences we encounter in our environment. Some concepts may simply be abstractions used to describe existing phenomena or realities, without necessarily having any effect on the real world. The notion of a concept is closely linked to the way in which we apprehend reality and construct our knowledge. Concepts form the basis of the meaning of words and sentences. Words are signs that refer to concepts.

The relevance of concepts lies in their ability to organize and give meaning to our experience of the world, as well as their potential to trigger transformations in our understanding and action.

If these concepts are foreign to the education system, an effort to objectify and adapt them is the best guarantee of maximizing good results. Some poorly chosen concepts have no impact on teaching practice and add almost nothing to what already exists, while others, on the contrary, are conducive to change, but their use is somewhat clumsy.

A concept that has a strong impact on practice comes down to the effects of its associated attributes. Without them, it becomes an empty word; the concept is only truly powerful when the attributes attached to it and those

that give it meaning are respected. By ignoring one of its attributes, we run the risk of emptying the concept of its deepest meaning. (Khodabandeh, F., 2018)

2. 1. Reforms

Reform is a form of social change that is particularly characteristic of the civilization of modern democracy. It is a planned form of social change that takes the form of a project.

Three conditions must be met for any change to take place:

- The curriculum change process should be designed and implemented using a participatory and pluralist approach.
- Replace these reforms in their own social, cultural, political, ethical and economic contexts.
- A systemic approach to curriculum reform processes would seem to be of interest today. (Fullan, M., 2007)

2. 2. Curriculum

A curriculum is a plan of action. It is inspired by the values that a society wishes to promote; these values are expressed in the aims assigned to the education system as a whole.

The curriculum provides an overall, planned, structured and coherent vision of the pedagogical guidelines according to which learning is organized and managed in terms of expected outcomes.

The curriculum refers to the design, organization and programming of teaching/learning activities along an educational pathway. It brings together the statement of aims, content, activities and learning approaches, as well as the methods and means of assessing student learning. (Taba, H., 1962)

2. 3. Professionalization

The initial training of future Moroccan teachers has undergone a supposedly innovative reform. The aim was to use professionalization to train competent people capable of dealing with the many challenges and issues of the day.

The professionalization of teachers is based on the following principles:

- Teacher training is professional training,
- Professional training is based on an analysis of teachers' actual activities with a view to their future development.
- Professional training involves learning in real-life work situations.

Recent educational reforms driven by the relevant authorities have given rise to new concepts that are closely linked to the workplace. One of these concepts is professionalization.

The professionalization of the initial training of future teachers is one of the new concepts.

How much has teacher training gained from the advent of this concept and its pedagogical use? What is its added value ?

According to the sociology of professions, it took 4 key periods for the professionalization of initial teacher training to be achieved. (Bouderballah, M., 2015)

2.3.1. Four key periods :

Stage 1 : Universitarisation ;

This first stage took place mainly in the 1960s and 1970s. It consisted of placing the initial training of teachers in universities in order to raise the level of training and guarantee a solid theoretical basis for the practice of the profession. This development was accompanied by a significant increase in academic requirements, particularly in terms of qualifications (masters, doctorate).

Stage 2 : Standardization and normalization ;

The second stage, which took place between 1980 and 1990, was characterized by a desire to standardize teacher training. The aim was to define the skills and knowledge that needed to be mastered in order to be considered a good teacher and to incorporate them into codified training programs. This standardization of training was supported by professional bodies (for example, training programs had to be validated by the Ministry of Education).

Stage 3: Rapprochement and Proliferation;

The third stage, which began in the 2000s, was marked by a rapprochement between those involved in teacher training and a proliferation of training schemes. The range of courses was diversified, with professional master's degrees, continuing education schemes, sandwich courses and so on. This proliferation of training courses raises questions about the notion of skills and calls for reflection on the professionalization of training.

Stage 4: Professionalization

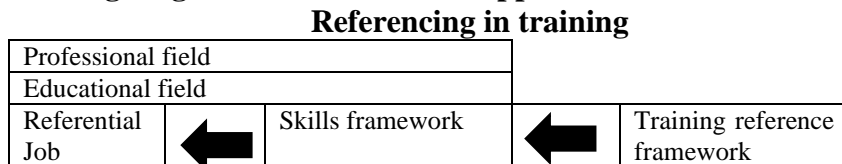
The fourth and final stage is professionalization, which is currently being developed. This stage involves recognizing initial teacher training as a genuine profession, requiring specific skills and ongoing professional training throughout the teacher's career.

In particular, this professionalization involves recognizing the practical dimension of teaching and taking account of professional experience in the assessment of skills. It is also accompanied by a reflection on the place of teachers in society and their role in transmitting knowledge and values. (Bourdoncle, R., 1991)

2.3.2. Aims of Professionalizing Training

The professionalization of training requires a shift from fixed, conventional disciplinary training to vocational training that seeks the best training/employment fit, and from a training program that is disconnected from the workplace to a contextualized program that contributes to professional integration right from the start of the training course. (Wittorski, R., 2008)"

The following diagram summarizes this approach.



Bourdoncle, R., & Demailly, L. (1998).

In the socio-educational field, referencing has led to the development of three reference frameworks : Employment, Skills and Training.

Professionalization, which aimed to bring together the worlds of training and actual employment, illustrates well the idea of establishing a new training paradigm.

The job reference framework allows for identifying the purpose, meaning, and activity of the job.

The skills reference framework is derived directly from the activity reference framework. It sets out all the professional knowledge and attitudes required to do a job.

Professionalization has not only led to the emergence of new concepts but also to the introduction of a new epistemological paradigm known as the empiricist paradigm. (Bourdoncle, R., 1993)

2.4. Alternation

Work-linked training is not just a way of organizing teaching; it is also a training method that allows "recourse to work situations as a means of acquisition". It is an approach that brings together two seemingly separate worlds: the academic world and the professional world.

2.4.1. Juxtaposition or false alternation

In this juxtaposition scheme, the work placement appears as a field of application. The knowledge acquired at the educational institution should be put to the test in the workplace. Malglaive speaks of a false alternation, which may indeed be the case in a training program that claims to offer an alternation approach by suggesting that there is support for this alternation. (Malglaive, G., 1990)

2.4.2. Integrative alternation or real alternation

The ideal form of real alternation recommends a so-called iterative approach linking the two training areas, where links are ensured by the use of mutual experiences. In contrast to this form of alternation, real alternation would be an engineering approach where theory and practice have been developed around activities organized in such a way that, on the one hand, the experiences gained in the professional field can be worked on in the classroom and, on the other hand, they encourage practical use of the classroom input in light of the professional field.

The prescribed integrative alternation values iteration and the clinical approach; it prepares the subject to be both consumer and producer; it ensures that the subject is a learner at school and then a producer and mediator in the workplace. The knowledge acquired at the training center must be put to the test in the teaching profession.

The relevant authorities have prescribed a new approach to teaching placement, based on an integrative alternation approach and accompanied by a new spirit of professional socialization. The added value of the new concept is explained by a new approach to improving the training/job match. It involves adopting a reflective posture to maximize the relationship between theoretical foundations and teaching practices.

The training includes both deductive activities aimed at applying the knowledge acquired from the courses given by the educational institution and inductive activities acquired from professional action and knowledge gained from experience. (Malglave, G., 1990)

2.4.2.1. Rationalist paradigm

Teacher training based on the rationalist paradigm has always valued the primacy of learned knowledge acquired by giving great importance to learned doctrines over experience and its accumulation.

2.4.2.2. Empiricist paradigm

Conversely, teacher training according to the empiricist paradigm favors investment in experience by relying on professional knowledge much more than on academic knowledge. (Schön, D. A., 1994)

2.5. Reflexivity

The added value of the new concept of teaching practice placement is explained by a new way of going about improving the training/job match. This involves adopting a reflective stance to maximize the relationship between theoretical foundations and teaching practice.

Developing reflective practice means adopting a reflective stance regularly and intentionally, with the aim of becoming aware of the way you act.

In the human professions, professional practice is not reflective simply because the practitioner reflects. It becomes reflective when the practitioner (the professional) takes himself as the object of his reflection. (John Dewey)

2.5.1. Complexity

Teachers are faced with tasks of increasing complexity, requiring a high level of skills to deal with situations that are not always controllable.

2.5.2. Systemic approach

In an uncontrolled environment where there is complexity, the systemic approach encourages understanding and the adoption of an appropriate solution. (Edgar Morin, 1990)

2.5.3. Reflection on action

Recourse to the rationalist paradigm is an absolute requirement, but in the presence of complexity, it remains insufficient, which is why recourse to the empiricist paradigm is essential.

2.5.4. Recourse to a new epistemological paradigm

Teachers are faced with tasks of increasing complexity, requiring high-level skills to deal with situations that are not always controllable.

Reflective practice involves a dual process described by Schön (1994): reflection in action, which enables a subject to think consciously as events unfold and to react in the event of an unforeseen situation, and reflection on action, during which the subject analyses what has happened and evaluates the effects of his or her action. (Chris Argyris et Donald Schön, 1996)

The term reflective practitioner was put forward by Schön (1994) in order to construct an epistemology of professional action aimed at identifying all the tacit or hidden knowledge that structures the subject's thinking. The aim is to analyze, within the framework of science-action (Argyris, 1990), the relationship between academic knowledge and professional practice.

The two authors put forward the idea that practitioners often proceed by trial and error, their professional activity being totally removed from scientific activity.

- The workplace is no longer a place for applying knowledge gained through training. Work situations are also formative.
- Iteration between two types of training : one academic and the other professional.
- A new spirit of professional socialization.

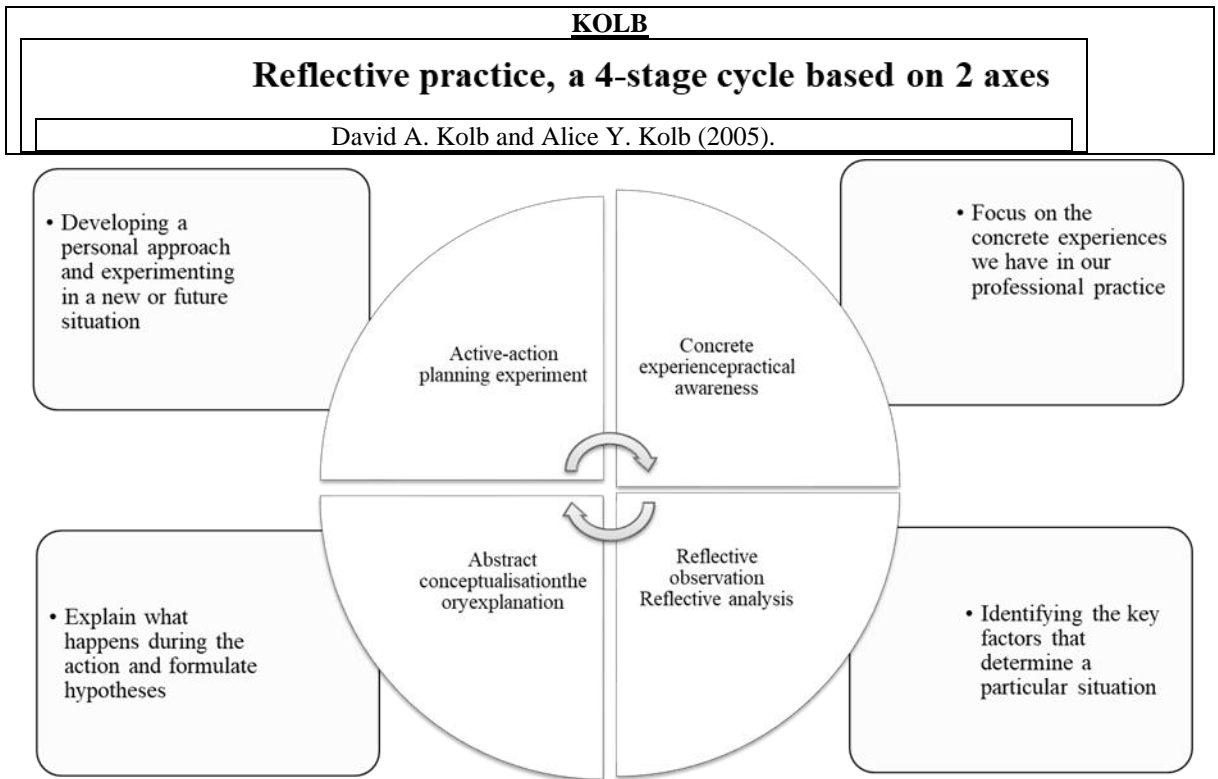
2. 5. 5. Universal models expressing reflexivity

J.DEWEY (1983)	
The indeterminate situation	The situation determined
The investigation begins when the subject is confronted with phenomena, objects or processes that he or she cannot immediately explain and which make the situation dubious, unstable or disturbing.	The next step is to determine the nature of the problem, embarrassment or disturbance. This involves defining not only the type of confusion or indeterminacy that arises, but also the causes of the disorder.
Determining the solution to the problem.	Reasoning.
One or more suggestions likely to provide a possible solution to the problem encountered are drawn up. The function of the suggestion is to suggest a response, to link the elements present to the elements that are missing or deficient.	This process, sometimes referred to as "suggestion experimentation", involves a series of tests designed to assess the degree of relevance and appropriateness of the proposed suggestion(s). The test consists of identifying the implications of a given suggestion or problem-solving hypothesis in relation to other possible proposals.
The operational nature of the facts and their significance.	
If the experimentation with a suggestion or action plan is conclusive, a judgment can then be formulated. This provides a solution to the problem encountered and enables the situation to be converted into a unified whole. The investigation ends when the suggestions are sufficiently corroborated to allow a conclusion to be drawn and a practical judgment to be formulated.	

Theories de l'enquette de J : Dewey

This problem-solving methodology, based on Dewey's reflective inquiry, offers a structured framework for tackling complex situations. It emphasizes the importance of systematic and critical reflection at every stage of the process, from the initial recognition of the problem to the final evaluation of the results. This approach is perfectly aligned with the principles of the new training paradigm, encouraging learning that is active, contextualized and deeply rooted in critical reflection. In each of the stages of J. Dwey's model, reflective thinking plays a central role:

- It enables people to step back from the situation and their own thoughts.
- It encourages constant critical examination of ideas, hypotheses and actions.
- It facilitates the link between theory and practice, between thought and action.
- It promotes continuous learning by encouraging us to learn from each experience.



Cycle d'apprentissage expérimental de Kolb

Kolb's model, analyzed from the perspective of reflective thinking, offers an enriching perspective on the experiential learning process, presenting learning as a dynamic and iterative process of critical reflection on experience. Reflexivity is not confined to a single stage but permeates the entire cycle, enabling a deep integration of experience and theory. This reflective approach to experiential learning aligns perfectly with the objectives of the new training paradigm, emphasizing learning that is active, contextualized, and deeply rooted in ongoing critical reflection.

3. Analysis and discussion

As a reminder, our research problem focuses on the recent pedagogical reforms in Morocco aimed at implementing a new paradigm for teacher training. This new paradigm involves shifting from an objective-based pedagogy to a competency-based approach, from behaviorism to constructivism, from teacher-centered to learner-centered education, and from

decontextualized to socially meaningful learning situations. However, the expected changes have not fully materialized, and the reforms have not achieved their intended goals.

The fundamental idea underlying our research problem can be articulated as follows :

The gap between the intention of pedagogical reforms and their effective implementation in Morocco can be largely attributed to epistemological drifts and cognitive biases that occur in the process of transmitting and interpreting new educational paradigms.

This fundamental idea is supported by several key elements from recent literature :

3.1. Complexity of paradigm shift :

Studies by Kuhn (revised 2022), Biesta and Priestley (2023) highlight the inherent difficulty in changing educational paradigms. The transition from objective-based pedagogy to a competency-based approach, from behaviorism to constructivism, involves a profound transformation of pedagogical conceptions and practices.

This shift is not merely a superficial change in teaching methods, but a fundamental reimagining of the entire educational process. It requires educators to reconsider their roles, moving from being transmitters of knowledge to facilitators of learning experiences. Students, in turn, are expected to evolve from passive recipients to active constructors of their own understanding.

The challenges of this paradigm shift are multifaceted :

1. Cognitive restructuring : Teachers and administrators must undergo a significant cognitive shift, questioning long-held beliefs about learning and teaching.
2. Institutional inertia : Educational institutions, often slow to change, must overcome systemic resistance to new approaches.
3. Assessment recalibration : Traditional assessment methods may no longer be suitable, necessitating the development of new evaluation tools that align with competency-based learning.
4. Resource reallocation : New paradigms often require different resources, both material and human, which can strain educational budgets.
5. Stakeholder buy-in : Parents, policymakers, and the broader community need to understand and support these changes for them to be effective.
6. Teacher training : Extensive professional development is necessary to equip educators with the skills and knowledge to implement new pedagogical approaches.

This paradigm shift represents a complex, long-term process that requires patience, persistence, and a willingness to embrace uncertainty and experimentation in the pursuit of more effective educational practices.

3.2. Cognitive biases in reform implementation

Research by Kahneman and Tversky (2022) and Fullan and Hargreaves (2023) illuminates the significant impact of cognitive biases on the perception and interpretation of educational reforms. These biases can lead to distortions between reformers' original intentions and practitioners' understanding.

The influence of cognitive biases in the implementation of educational reforms is a critical factor that is often overlooked. These mental shortcuts or tendencies can significantly affect how reforms are perceived, interpreted, and ultimately implemented. Some key biases identified in this context include :

1. **Confirmation bias** : Educators may selectively interpret reform initiatives in ways that confirm their pre-existing beliefs about teaching and learning, potentially overlooking crucial aspects of the reform.
2. **Status quo bias** : There's often a preference for the current state of affairs, leading to resistance to change even when reforms promise improvements.
3. **Anchoring bias** : Initial impressions or information about a reform can disproportionately influence subsequent judgments, potentially skewing the understanding of the reform's full scope.
4. **Optimism bias** : Reformers might overestimate the ease of implementation and underestimate potential obstacles, leading to unrealistic expectations.
5. **Dunning-Kruger effect** : Some educators might overestimate their understanding of the reform, leading to flawed implementation.
6. **Availability heuristic** : Recent or vivid experiences with past reforms (successful or not) may disproportionately influence perceptions of new initiatives.

These biases can create a significant gap between the intended outcomes of educational reforms and their actual implementation. For instance, a reform aimed at promoting student-centered learning might be interpreted through the lens of existing teacher-centered practices, resulting in a hybrid approach that doesn't fully achieve the reform's goals.

To mitigate these effects, Fullan and Hargreaves (2023) suggest :

- Comprehensive training programs that explicitly address cognitive biases
- Creating opportunities for collaborative sense-making of reforms

- Establishing feedback loops between policymakers and practitioners
- Encouraging reflective practice to help educators recognize and challenge their own biases

Understanding and addressing these cognitive biases is crucial for bridging the gap between reform intentions and classroom realities, ultimately enhancing the effectiveness of educational change initiatives.

3.3. Preserving paradigm integrity

Work by Tardif and Lessard (2024) on resistance to fragmentation of educational paradigms, and by Perrenoud and Gather Thurler (2024) on the role of "paradigm guardians," underscores the challenges in maintaining the conceptual integrity of reforms throughout their implementation.

The preservation of paradigm integrity during educational reforms is a critical yet often overlooked aspect of change management in education. As reforms are implemented across diverse educational contexts, there's a risk of fragmentation, dilution, or misinterpretation of the core principles underlying the paradigm shift.

Tardif and Lessard (2024) highlight several key factors contributing to paradigm fragmentation :

1. Contextual adaptation : As reforms are adapted to local contexts, there's a risk of losing sight of the fundamental principles driving the change.
2. Selective implementation : Educators may cherry-pick aspects of the reform that align with their existing practices, potentially undermining the holistic nature of the paradigm shift.
3. Misinterpretation : Without proper training and support, educators may misunderstand key concepts, leading to inconsistent implementation.
4. Resource constraints : Limited resources may force compromises that deviate from the intended reform model.
5. Resistance to change : Deep-seated beliefs and practices can lead to resistance, resulting in a superficial adoption of new paradigms.

To combat these challenges, Perrenoud and Gather Thurler (2024) introduce the concept of "paradigm guardians." These are individuals or groups within the educational system who take on the responsibility of maintaining the integrity of the reform paradigm. Their roles include :

1. Clarification : Continuously articulating and reinforcing the core principles of the paradigm.
2. Training and support : Providing ongoing professional development to ensure deep understanding of the reform.

3. Monitoring : Observing implementation and identifying deviations from the intended paradigm.
4. Adaptation guidance : Helping educators adapt the reform to their contexts while preserving its essential elements.
5. Feedback loops : Creating channels for educators to share challenges and successes, allowing for refinement of the implementation process.
6. Mediation : Bridging the gap between policymakers and practitioners to ensure mutual understanding.

The authors argue that effective paradigm guardians are not rigid enforcers but rather facilitators who help the educational community navigate the complexities of paradigm shifts. They emphasize the importance of balancing fidelity to the core principles with the flexibility needed for successful implementation across diverse educational settings.

This work highlights the need for a more nuanced approach to educational reform, one that recognizes the importance of preserving the integrity of new paradigms while allowing for necessary adaptations. It suggests that successful reform implementation requires not just the introduction of new ideas, but also the cultivation of a community of practice dedicated to understanding, protecting, and evolving these ideas in authentic educational contexts.

3.4. Adaptation to the Moroccan context

Studies by Akkari and Dasen (2023, 2024) on adapting international models to the Moroccan context highlight the challenges of "cultural translation" of pedagogical approaches. These challenges can contribute to epistemological drifts when adapting new paradigms to the local context.

The process of adapting international educational models to specific national contexts, such as Morocco, is complex and fraught with potential pitfalls. Akkari and Dasen's work (2023, 2024) sheds light on the intricate nature of what they term "cultural translation" in education, particularly in the context of Morocco's efforts to reform its educational system.

Key aspects of their findings include :

1. Cultural dissonance : International models often embody cultural assumptions that may not align with Moroccan values, traditions, and social structures. This misalignment can lead to resistance or misinterpretation of reforms.
2. Linguistic challenges: The translation of key educational concepts from their original language (often English or French) to Arabic or Berber languages can result in subtle but significant shifts in meaning.

3. Socioeconomic realities : Models developed in more affluent countries may not account for the resource constraints and socioeconomic disparities present in Morocco.
4. Historical and political context : Morocco's colonial history and current political landscape influence how international models are perceived and implemented.
5. Educational traditions: Existing pedagogical practices in Morocco, some deeply rooted in religious and cultural traditions, may conflict with imported models.
6. Teacher preparation: The level and nature of teacher training in Morocco may differ from what is assumed in international models, affecting implementation.

These factors can contribute to what Akkari and Dasen term "epistemological drift" - a gradual shift away from the original principles and intentions of the educational paradigm as it is adapted to the Moroccan context. This drift can manifest in several ways :

1. Superficial adoption : Reform principles may be adopted in name only, without substantive changes in practice.
2. Hybrid practices : Educators might blend new approaches with existing methods in ways that dilute the intended impact of the reform.
3. Misinterpretation : Key concepts may be understood and implemented in ways that diverge from their original intent.
4. Selective implementation : Parts of the model that align more closely with existing practices may be emphasized, while more challenging aspects are downplayed.

To address these challenges, Akkari and Dasen (2024) propose several strategies :

1. Collaborative model development : Involving Moroccan educators and policymakers in the early stages of adapting international models.
2. Contextual analysis : Conducting thorough analyses of the Moroccan educational, cultural, and socioeconomic context before implementing reforms.
3. Pilot studies : Implementing small-scale pilot projects to identify and address potential issues before large-scale rollout.
4. Continuous dialogue : Establishing ongoing communication channels between international experts and local practitioners.
5. Cultural mediators : Employing individuals with deep understanding of both the international models and the Moroccan context to facilitate adaptation.

6. Flexible implementation : Allowing for local adaptations while maintaining the core principles of the reform.

The authors emphasize that successful adaptation of international educational models in Morocco requires a delicate balance between fidelity to the original paradigm and sensitivity to local contexts. This process of "cultural translation" is not merely linguistic, but involves a deep engagement with the cultural, historical, and socioeconomic realities of Morocco.

3.5. Teacher training and understanding of new paradigms

Research by Benmansour and Bennani (2023) on continuous teacher training in Morocco emphasizes the crucial importance of teachers' deep understanding of new paradigms for effective reform implementation.

Benmansour and Bennani's (2023) study highlights the central role that teacher training plays in the success of educational reforms in Morocco. Their work reveals several key aspects :

1. Conceptual understanding : The authors found that many teachers had a superficial or fragmented understanding of the new pedagogical paradigms introduced by the reforms. This gap often hinders the effective implementation of new approaches in the classroom.
2. Resistance to change : The lack of deep understanding of the theoretical foundations and potential benefits of new paradigms can generate resistance to change among some teachers.
3. Mismatch between theory and practice : Even when teachers intellectually adhere to new paradigms, they may experience difficulties in translating them into concrete pedagogical practices.
4. Variability in training : The study revealed significant disparities in the quality and intensity of continuing education offered to teachers across Morocco, leading to uneven implementation of reforms.
5. Socio-cultural context : The researchers emphasize the importance of contextualizing teacher training to align with Moroccan socio-cultural realities.

To address these challenges, Benmansour and Bennani (2023) propose several recommendations :

1. In-depth training : Implement more intensive and long-term continuing education programs, allowing teachers to explore in depth the theoretical and practical foundations of new paradigms.
2. Reflective approach : Encourage teachers to critically reflect on their current practices and relate them to new paradigms.

3. Learning communities : Create spaces for sharing and collaboration among teachers to promote the exchange of experiences and best practices in implementing new paradigms.
4. Continuous support: Implement a mentoring and coaching system to support teachers in applying new approaches in the classroom.
5. Contextual adaptation : Develop training modules that demonstrate how to adapt new paradigms to the specific context of Moroccan schools.
6. Evaluation and feedback : Establish mechanisms for continuous evaluation of the effectiveness of training and its impact on classroom practices, with feedback loops to constantly improve training programs.
7. Teacher involvement : Involve teachers in the process of designing and evaluating training programs to ensure their relevance and effectiveness.

The authors conclude that investing in high-quality teacher training, focused on a deep understanding of new paradigms, is essential for the long-term success of educational reforms in Morocco. They emphasize that this training should not be seen as a one-time event, but as an ongoing process of learning and professional development throughout teachers' careers.

3.6. The gap between theory and practice :

There is often a gap between the theoretical conceptualisation of a reform and its practical implementation in the classroom. This gap can be exacerbated by epistemological drift. Teachers, faced with the day-to-day reality of the classroom, may unconsciously reinterpret new concepts to fit in with their existing practices, rather than fundamentally transforming their pedagogical approach.)

This phenomenon, often referred to as the "theory-practice gap," is a persistent challenge in educational reform efforts worldwide, and Morocco is no exception. The gap manifests in several ways :

1. Conceptual misalignment: Teachers may grasp the theoretical concepts of a reform but struggle to translate them into concrete classroom practices.
2. Contextual constraints: The idealized conditions assumed in theoretical models often don't match the realities of overcrowded classrooms, limited resources, or diverse student needs.
3. Cognitive dissonance : New pedagogical approaches may conflict with teachers' deeply held beliefs about teaching and learning, leading to resistance or superficial adoption.

4. Implementation challenges : Practical obstacles such as time constraints, assessment pressures, or lack of support can hinder the full implementation of new approaches.
5. Epistemological drift : As mentioned, teachers may unconsciously adapt new concepts to fit their existing mental models and practices, rather than fully embracing the intended paradigm shift.

The concept of epistemological drift, in particular, deserves closer examination. This phenomenon occurs when :

- Teachers interpret new concepts through the lens of their existing knowledge and beliefs, potentially distorting the original intent.
- The practical constraints of the classroom environment lead to compromises in implementation that gradually shift away from the reform's core principles.
- The lack of ongoing support and reinforcement allows teachers to slowly revert to more familiar practices while believing they are implementing the new approach.

To address these challenges and narrow the theory-practice gap, several strategies can be considered :

1. Practice-oriented training : Provide teachers with concrete examples, demonstrations, and opportunities to practice new approaches in realistic settings.
2. Ongoing support : Implement mentoring programs, peer observation, and professional learning communities to help teachers navigate the challenges of implementation.
3. Contextual adaptation : Work with teachers to adapt theoretical models to the specific contexts of their classrooms, acknowledging and addressing practical constraints.
4. Reflective practice : Encourage teachers to regularly reflect on their implementation efforts, identifying areas where they may be drifting from the intended approach.
5. Gradual implementation : Allow for a phased approach to reform implementation, giving teachers time to adjust their practices and beliefs incrementally.
6. Feedback loops : Create mechanisms for teachers to provide feedback on implementation challenges, allowing for iterative improvements to the reform strategy.
7. Address underlying beliefs : Engage teachers in exploring and potentially challenging their fundamental beliefs about teaching and learning that may conflict with new approaches.

8. **Realistic expectations :** Recognize that perfect fidelity to theoretical models is often unrealistic, and allow for some level of adaptation as long as core principles are maintained.

By acknowledging and actively addressing the theory-practice gap and the potential for epistemological drift, educational reforms in Morocco can better bridge the divide between ambitious theoretical models and the complex realities of classroom implementation. This approach can lead to more sustainable and effective changes in pedagogical practices, ultimately benefiting student learning outcomes.

3.7. Resistance to change as a cognitive protection mechanism :

Resistance to change is not simply a matter of active opposition, but often the result of cognitive mechanisms to protect against uncertainty and complexity.

These protective mechanisms can lead to a selective interpretation of new paradigms, where the most familiar aspects are retained and amplified, while the most innovative or destabilising elements are minimised or ignored, leading to a partial or distorted implementation of the reform.)

This perspective on resistance to change in the context of educational reforms in Morocco highlights several important aspects :

1. **Cognitive nature of resistance :**
 - Resistance to change is not always conscious or intentional.
 - It can be the result of automatic cognitive processes aimed at maintaining stability and reducing stress related to uncertainty.
2. **Protection against uncertainty :**
 - New educational paradigms often introduce considerable uncertainty into teachers' professional practice.
 - Cognitive protection mechanisms allow teachers to manage this uncertainty by clinging to familiar elements.
3. **Complexity management :**
 - Educational reforms typically involve complex changes in pedagogical approaches and classroom practices.
 - Cognitive simplification can be a strategy to cope with this complexity, even if it leads to an incomplete or distorted understanding of new approaches.
4. **Selective interpretation :**
 - Teachers may unconsciously filter information about new paradigms, retaining what matches their existing beliefs and practices.
 - This selectivity can lead to a partial or biased understanding of reforms.
5. **Amplification of the familiar :**

- Aspects of new approaches that resemble existing practices may be exaggerated or overestimated.
- This can give teachers the illusion of implementing the reform while largely retaining their old methods.
- 6. Minimization of innovation :
 - The most innovative or destabilizing elements of reforms may be unconsciously ignored or minimized.
 - This can lead to superficial implementation that misses the essential transformative aspects of the reform.
- 7. Partial or distorted implementation :
 - As a result of these protection mechanisms, the implemented reform may differ significantly from what was initially intended.
 - This can create a gap between the objectives of the reform and actual classroom practices.

To effectively address these challenges in the Moroccan context, several strategies can be considered :

1. Self-awareness training : Help teachers recognize their own cognitive protection mechanisms and reflect on their reactions to change.
2. Gradual approach to change : Introduce reforms in stages, allowing for gradual adaptation and reducing the sense of overwhelming uncertainty.
3. Creation of safe environments for experimentation : Provide spaces where teachers can try new approaches without fear of failure or negative evaluation.
4. Psychological support : Offer coaching that addresses not only the technical aspects of reforms but also the emotional and psychological reactions to change.
5. Modeling and demonstration : Concretely show how new paradigms work in practice, thus reducing perceived uncertainty and complexity.
6. Communities of practice : Encourage sharing of experiences among teachers to normalize challenges and promote collective learning.
7. Constructive feedback: Implement feedback systems that help teachers identify areas where their interpretation or implementation of reforms might be partial or distorted.
8. Cultural adaptation : Ensure that reforms are presented in a way that resonates with Moroccan cultural values and practices, thus reducing the sense of threat to professional identity.

By recognizing and addressing resistance to change as a complex cognitive phenomenon rather than simple opposition, educational leaders in Morocco can develop more nuanced and effective strategies for implementing

reforms. This approach can lead to a deeper and more sustainable transformation of educational practices, in harmony with the objectives of reforms while respecting the psychological needs of teachers.

Conclusion

The pedagogical reforms of Moroccan initial teacher training were introduced to improve the quality of teaching and adapt training to the real needs of Morocco's educational environment. These reforms introduced a new training paradigm based on professionalization, alternation, and reflexivity.

Professionalization aims to train competent, qualified teachers capable of meeting today's educational challenges. Integrative alternation, combining training in a university environment with training in a professional environment, enables future teachers to acquire both academic knowledge and practical skills. Reflexivity encourages teachers to reflect on their own practice, adapt to students' needs, and constantly improve their teaching.

However, implementing these reforms does not automatically guarantee success. Several factors can hinder the process of change, such as ill-defined ideas, a lack of support from relevant authorities, insufficient resources, and resistance to change from those involved in education. It is therefore important to consider these factors when planning and implementing reforms.

It is also crucial to actively involve key education stakeholders, such as teachers, headteachers, and students, throughout the reform process. Their participation helps ensure that the proposed ideas and practices align with the real needs of the Moroccan education system and fosters their support and motivation to implement the changes.

Additionally, it is essential to provide ongoing training mechanisms for those involved in education to help them adapt to the new ideas and tools introduced by the reform. This will help overcome difficulties encountered during implementation and ensure ongoing support to guarantee the success of the reforms.

In summary, the pedagogical reform of Moroccan initial teacher training represents an important step towards improving education in Morocco. However, for these reforms to fully achieve their objectives, it is necessary to consider potential challenges and actively involve all education stakeholders in the process. This will create a quality educational environment, encourage innovative teaching practices, and help to improve the educational outcomes of Moroccan pupils.

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Application de la géomatique et de l'analyse multicritère à l'analyse du risque d'inondation dans la ville d'Agboville (Sud de la Côte d'Ivoire)

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Résumé

Depuis quelques années, les villes ivoiriennes dont Agboville, subissent durant les saisons pluvieuses des inondations dévastatrices et meurtrières. La récurrence et les dégâts matériels et humains causés par ce phénomène sont devenus une préoccupation majeure pour les populations. La présente étude se fixe comme objectif, d'analyser à partir des Systèmes d'Informations Géographiques (SIG) et de l'analyse multicritère de Saaty, le niveau de risque d'inondation dans la ville d'Agboville. Le but visé est la cartographie des zones à risque d'inondation afin qu'elle soit intégrée dans les plans d'aménagement et aide également dans les prises des décisions. Ainsi, à partir des SIG, les facteurs susceptibles d'intervenir dans la manifestation de l'aléa inondation (pente, altitude, pluie, réseau de drainage) et des éléments qui pourraient être endommagés (enjeux matériels et humains) ont d'abord été cartographiés au moyen des données topographiques (Alos Palsar), démographiques et d'occupation du sol (images Maxar). Ensuite, l'utilisation de l'analyse multicritère de Saaty a conduit à la hiérarchisation ainsi qu'à la pondération des facteurs afin de déterminer leur poids dans la manifestation de l'inondation. Enfin, le recours à la méthode combinatoire de Voogd a abouti à la détermination des fonctions d'aléa, de vulnérabilité et du risque

d'inondation. L'application de ces différentes fonctions dans un SIG a permis de produire les cartes des zones d'aléa, de vulnérabilité et du risque d'inondation de la ville d'Agboville. La carte des zones à risque d'inondation, validée par l'exploitation des données du terrain révèle que 38 % de l'espace urbain d'Agboville est exposé à un risque d'inondation allant de moyen à très élevé. L'insuffisance de réseaux de drainage des eaux pluviales est un facteur favorisant le risque d'inondation dans la ville. Plusieurs quartiers comportent des zones à risque d'inondation, à l'instar de ceux du centre-ville.

Mots-clés: Aléa, Vulnérabilité, Risque, Inondation, Analyse multicritère, Agboville

Application of geomatic and multicriteria analysis flood risk analysis in the city of Agboville (Southern Côte d'Ivoire)

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Abstract

For several years now, Ivorian towns, including Agboville, have suffered devastating and deadly floods during the rainy seasons. The recurrence and the material and human damage caused by this phenomenon have become a major concern for the population. The aim of this study is to use geographic information systems (GIS) and Saaty's multi-criteria analysis to analyze the level of flood risk in Agboville City. The aim is to map areas at risk of flooding so that they can be incorporated into development plans, and also help in decision-making. Using GIS, the factors likely to contribute to the occurrence of flood hazards (slope, altitude, rainfall, drainage network) and the elements that could be damaged (material and human challenge) were first mapped using a digital elevation model from Alos Palsar, demographic and land-use data (Maxar images). Next, Saaty's multi-criteria analysis was used to prioritize and weigh the factors in order to determine their contribution to flooding. Finally, the use of Voogd's combinatorial method led to the determination of hazard, vulnerability, and flood risk functions. These functions were then applied in a GIS to produce maps of hazard, vulnerability, and flood risk zones. The map of flood risk zones, validated by field data, reveals that 38% of Agboville's urban area is exposed to a medium to very high risk of flooding. The inadequacy of stormwater drainage systems is a

factor contributing to the risk of flooding in the town. Several parts of town except the city center are at risk of flooding.

Keywords: Hazard, Vulnerability, Risk, Flooding, Multicriteria analysis, Agboville

Introduction

Les inondations constituent un des principaux risques naturels auxquels les sociétés actuelles sont confrontées (Calvo & Longuépée, 2010, p. 315). Ces dernières années, elles sont devenues plus fréquentes, intenses et meurtrières avec le changement climatique qui accentue les risques en augmentant la fréquence et l'intensité des événements climatiques extrêmes.

C'est le cas en Afrique de l'Ouest, où de fortes précipitations survenues en 2009 ont induit des inondations qui ont affecté près de 600 000 personnes tandis que 159 autres auraient perdues la vie (OCHA, 2010, p. 2). De la région dakaraise à Cotonou en passant par Niamey, certains quartiers sont inondés d'une année à l'autre et de manière croissante (Wallez, 2010, p.1). Selon plusieurs auteurs (Desbordes, 1994, p. 491; Wallez, 2010, p.1; Assouman, 2019, p.43; Kangah, 2022, p. 46), ces inondations urbaines trouvent leur origine très souvent dans l'explosion de la démographie urbaine. En effet, les faibles capacités économiques et les difficultés de gestion de la croissance urbaine dans la majorité des villes africaines, se traduisent par une occupation anarchique de l'espace urbain avec des constructions dans les secteurs inondables (Kangah, 2022, p. 46).

En Côte d'Ivoire, les inondations sont parmi les risques naturels les plus importants (Kangah & Alla, 2015, p. 298). Dans la majorité des cas, elles sont causées par le ruissellement des eaux pluviales. Chaque année, pendant la saison pluvieuse, de violentes pluies suivies d'inondations dévastatrices et meurtrières touchent un grand nombre de villes ivoiriennes, particulièrement celles du Sud. Cette recrudescence des inondations constitue un véritable problème pour les populations et les dirigeants. C'est à ce problème qu'est confrontée la ville d'Agboville située au Sud de la Côte d'Ivoire, plus précisément au Nord d'Abidjan.

En effet, la ville d'Agboville fait face à des inondations récurrentes qui endeuillent de nombreux foyers, occasionnent d'importants dégâts matériels et le déplacement des populations. C'est le cas en Juin 2018, où les inondations ont fait 1400 victimes. L'année suivante (Juin 2019), la ville a subi à nouveau les effets des inondations qui ont enregistré 271 victimes. En 2022, selon le rapport de la direction régionale de la solidarité et de la lutte contre la pauvreté de la région, la ville d'Agboville a connu de nouvelles inondations qui ont fait 1182 victimes. Le constat qui se dégage est que la plupart des victimes de ces

inondations ont une méconnaissance des risques encourus en occupant ces espaces. Si rien n'est fait, ces populations subiront toujours les mêmes drames. Vu la recrudescence et l'ampleur de ce phénomène, il s'avère nécessaire de circonscrire les zones inondables afin de mener des actions de prévention pour limiter les inondations et leurs effets sur les populations et leurs biens.

Ces inondations impliquant plusieurs facteurs, il est important de recourir comme le font savoir Renard & Chapon (2010, p. 37) à des méthodes d'aide à la décision pour faciliter les choix nécessaires. Au nombre de celles-ci, il y a la méthode d'analyse multicritère développée par Saaty (1980). Cette méthode a été utilisée par plusieurs auteurs (Kouassi, 2021, p. 32; Kouadio *et al.*, 2023, p. 119) car présentant l'avantage d'être simple d'utilisation et permet de vérifier la cohérence des jugements (Renard & Chapon, 2010, p 38). Par ailleurs, les Systèmes d'Informations Géographique (SIG) demeurent également selon Dembele & Ouattara (2019, p. 258), des outils essentiels d'évaluation du risque et jouent pleinement un rôle dans l'aide à la prise de décisions et la gestion des stratégies d'adaptation des populations vulnérables. La présente étude se fixe comme objectif, d'analyser à partir de l'analyse multicritère et du SIG, le niveau du risque d'inondation dans la ville d'Agboville. Elle s'inscrit dans une démarche de prévention du risque avec pour but de mettre à disposition des décideurs, des cartes qui localisent les zones à risque d'inondation en vue de faciliter les prises de décision.

De façon spécifique, il s'agira dans un premier temps, de déterminer les facteurs intervenants dans le processus (aléa et vulnérabilité) ; ensuite, il faudra cartographier ces facteurs ; enfin, compiler toutes ces cartes thématiques conçues afin de produire une carte de synthèse qui présente les zones à risque d'inondation de la ville d'Agboville et procéder à leurs analyses.

1. Présentation de la zone d'étude

La ville d'Agboville est située dans le Sud de la Côte d'Ivoire, à 85 km de l'agglomération Abidjanaise. Elle s'étend sur une superficie de 12 000 km² et est localisée entre les longitudes 4°11'30'' et 4°14'0'' Ouest et les latitudes 5°54'30'' et 5°57'30'' Nord.

La ville est bâtie sur un plateau dont l'altitude moyenne est de 83 mètres. L'Agneby, principal cours d'eau, traverse la ville dans sa moitié Sud en la scindant en deux blocs. Celui situé au Sud du fleuve présente une structure plus ou moins massive avec très peu de vallées. Par contre, le bloc situé au Nord se trouve fortement disséqué par la présence de plusieurs vallées orientées du Nord vers le Sud en direction de l'Agneby. Ces vallées ont un fond généralement effilé vers l'amont qui s'élargit progressivement vers l'aval, aux abords de l'Agneby. Les plus hautes altitudes sont situées aux

extrémités Nord et Sud de la ville et diminuent progressivement vers le fleuve Agneby où se trouvent les plus basses altitudes.

Par ailleurs, la ville appartient à un climat de type subéquatorial comprenant quatre (04) saisons dont deux (02) saisons de pluie et deux (02) saisons sèches. La grande saison des pluies part d'avril à juillet au cours de laquelle tombent les 2/3 des précipitations annuelles avec une hauteur des pluies qui dépasse 2700 mm. La petite saison sèche s'étend d'août à septembre, la petite saison des pluies d'octobre à novembre et la grande saison sèche de décembre à mars. La température moyenne oscille entre 25°C pendant la saison des pluies et 27°C en saison sèche (Eldin, 1971, p. 107).

Au plan de la démographie, la ville compte au dernier recensement de la population (RGPH 2021), 135 082 habitants réparties dans 16 quartiers. La population est majoritairement de l'ethnies Abey, Krobou et Attié. Toutefois, on retrouve des ethnies d'autres régions de la Côte d'Ivoire (Baoulé, Agni, ...) et de la sous-région ouest Africaine (Burkina Faso, Mali, Guinée). Les activités principales rencontrées dans la ville sont le commerce, l'artisanat et les services.

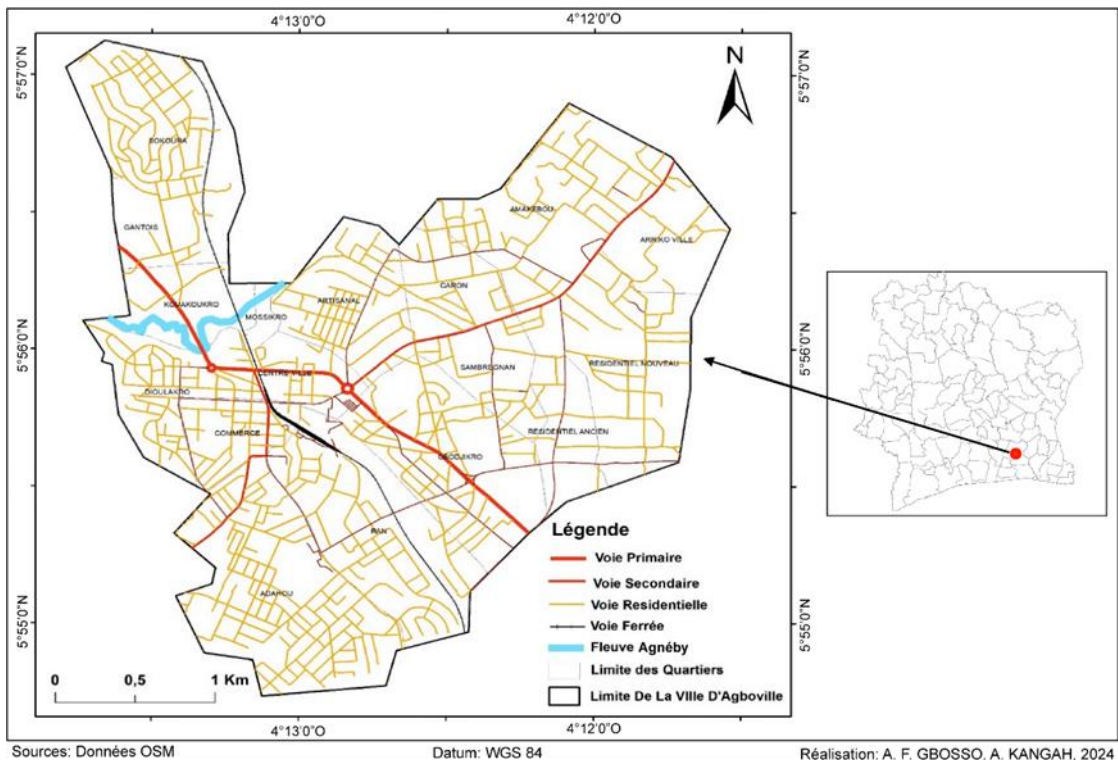


Figure 1 : Localisation de la ville d'Agboville

2. Approche méthodologique

2.1 Données disponibles

Diverses sources de données ont été utilisées au cours de la présente étude. Il s'agit :

- des données topographiques ALOS PALSAR - Radiometric Terrain Correction (RTC) de résolution 12,5 m disponibles sur le site Alaska Satellite Facility (<https://search.asf.alaska.edu/>). Elles ont servi à mettre en évidence la topographie de la ville et à l'extraction du réseau hydrographique, des pentes, des altitudes et la densité de drainage de la ville.
- des données pluviométriques, facteur déterminant dans le déclenchement de l'aléa inondation. Au niveau de la zone d'étude (très peu étendue), les variations spatiales de l'intensité des pluies sont insignifiantes et ne sont pas susceptibles d'influencer les inondations dans la ville. Les données recueillies portent sur des précipitations mensuelles de 1961 à 2020. Elles ont été mesurées au poste pluviométrique d'Agboville par la Société d'Exploitation et de Développement Aéroportuaire, Aéronautique et Météorologique (SODEXAM). Elles ont concouru à mettre en évidence les mois les plus pluvieux susceptibles de provoquer des inondations dans la ville.
- une image satellitaire Maxar de résolution 1 mètre fourni par World Imagery. Cette image est disponible gratuitement sur la plateforme de cartographie en ligne de ArcGIS (ArcGIS Online). Elle a servi de support à la cartographie des types d'occupation du sol dans la ville d'Agboville.
- des données démographiques issues du RGPH 2021, obtenues auprès de l'Institut National de la Statistique (INS), elles ont servi au calcul de la densité de population par quartier.
- une carte de la ville d'Agboville et ses quartiers, obtenue auprès de l'Institut National de la Statistique (INS).

2.2 Processus de cartographie des zones à risque d'inondation

L'inondation dont il est question dans la présente étude est celle causée par le ruissèlement des eaux pluviales. Elle est la résultante de la conjugaison des facteurs d'aléa et de vulnérabilité.

Se référant à la littérature (Kouassi et *al.*, 2021, p. 32; Kouadio et *al.*, 2023, p. 118) et des connaissances du terrain (zone d'étude), quatre (4) facteurs d'aléa inondation (intensité des précipitations, pentes, altitudes, densité de drainage) et deux (2) facteurs de vulnérabilité (densité du bâti, densité de population) jugés pertinents ont été retenus. Ceux-ci ont été cartographiés puis confrontés pour produire la carte des zones à risque d'inondation.

2.2.1 Cartographie des facteurs d'aléa inondation

- *Carte d'intensité de précipitation*

Pour une petite ville comme Agboville, les variations spatiales de l'intensité pluviométrique ne sont pas suffisantes pour influencer sur les inondations. L'intensité de la pluie est la même en tout point de la ville. L'analyse des quantités de pluie de la station pluviométrique située au centre de la ville a permis de mettre en évidence les mois les plus pluvieux susceptibles de provoquer des inondations.

- *Carte des pentes*

La pente est un facteur déterminant dans les inondations par ruissèlement d'eau pluviale. Un Modèle Numérique de Terrain (MNT) de la ville a d'abord été conçu à partir de l'image ALOS PALSAR RTC. Ensuite, les pentes ont été générées automatiquement en pourcentage du MNT à l'aide du logiciel ArcMap et reclassifiées pour enfin constituer une carte des pentes. Quatre (4) classes de pente (très faible, faible, Moyenne et élevé) ont été retenues.

- *Cartes des altitudes*

En plus des pentes, l'altitude est également un facteur important du risque d'inondation par ruissèlement d'eau pluviale. En effet les eaux pluviales ruissèlent des hautes altitudes vers les plus basses où elles s'accumulent. Il est donc important de distinguer les pentes situées dans les hautes altitudes (surfaces de ruissèlement) de celles situées en basses altitudes (collecteurs). La carte des altitudes a été générée automatiquement à partir de l'image ALOS PALSAR RTC. Elle comprend cinq (5) niveaux d'altitude (très faible, faible, Moyenne, élevé et très élevé).

- *Carte de densité de drainage*

La cartographie du réseau de drainage a été faite en deux phases. D'abord l'extraction du réseau hydrographique à partir de l'image ALOS PALSAR RTC qui a consisté à définir successivement avec le logiciel ArcGIS : 1) les directions du flux ; 2) le sens d'écoulement des eaux ; 3) les zones d'accumulation des eaux ; 4) la vitesse d'écoulement de la masse d'eau ; 5) l'ordre d'écoulement des eaux. Le raster issu de ce processus a été converti en fichier vecteur pour obtenir la carte du réseau hydrographique. Cette dernière a par la suite été interpolée dans le logiciel ArcGIS pour générer la carte de densité de drainage en quatre (4) classes (très faible, faible, moyen, élevé).

2.2.2 Cartographie des facteurs de vulnérabilité (enjeux matériels et humains)

L'inégale répartition des enjeux en milieu urbain mettent en évidence différents niveaux de vulnérabilités

- *Carte du mode d'occupation du sol (enjeux matériels)*

Elle met en évidence la distribution spatiale des enjeux matériels. Elle a été obtenue par interprétation visuelle de l'image satellite Maxar de la ville d'Agboville sur la plateforme de cartographie de ArcGIS Online. Elle a consisté, avec les outils de cartographie du logiciel ArcGIS à numériser à l'écran l'ensemble des surfaces bâties (maisons, types d'équipements et infrastructures) et non bâties (espace verts, broussaille, parc à bois, sols nus, etc.) rencontrés dans la ville. Quatre (4) classes ont été retenues : bâtis densifié, bâtis moyen, bâtis faible et sols nus/broussailles).

- *Carte de densité de population (enjeux humains)*

Il était question de faire ressortir les différents niveaux de concentration spatiale de la population au sein de la ville. La carte de densité de population a été conçue en affectant à chaque unité spatiale qui est le quartier, son volume de population respectif. Elle comporte une légende avec quatre niveaux de densité (Faible, Moyen, élevé, Très élevé).

2.2.3 Détermination de la fonction du risque

La détermination de la fonction du risque d'inondation précède la spatialisation des zones à risque. Le processus de détermination est le suivant :

- *Pondération des facteurs*

Les facteurs d'aléa et de vulnérabilité contribuent différemment à la manifestation de l'inondation. La pondération consiste à rendre d'abord les facteurs comparables en construisant une matrice carrée dans laquelle l'on évalue l'importance relative d'un facteur par rapport à un autre. Saaty (1984) propose à cet effet une échelle de comparaison (tableau 1).

Tableau 1 : échelle de comparaison binaire proposée par Saaty

Degré d'importance	Degré d'importance verbale
1	Importance égale de deux éléments
3	Faible importance d'un élément par rapport à l'autre
5	Importance forte d'un élément par rapport à un autre
7	Importance attestée d'un élément par rapport à un autre
9	Importance absolue d'un élément par rapport à un autre
2 ;4,6 ;8	Valeurs intermédiaires entre deux appréciations voisines
1/2, 1/3, 1/4, 1/5, 1/6, 1/7, 1/8, 1/9	Valeurs réciproques des appréciations précédentes

Source : Saaty, 1984

S'appuyant sur l'échelle de comparaison proposée par Saaty, l'on a attribué à chacun des facteurs, une valeur "poids" qui correspond à l'importance du rôle qu'il joue dans la manifestation de l'inondation (tableau 2).

Après l’attribution des valeurs s’en est suivi le calcul du coefficient de pondération (Cp) de chaque facteur. Il s’obtient en faisant successivement les opérations suivantes dans la matrice :

- la sommation de chaque colonne de la matrice ;
- la normalisation de la matrice en divisant chaque valeur d'une colonne par la somme de cette colonne ;
- calcul de la moyenne de chaque ligne. Cette dernière opération a permis d'obtenir le coefficient de pondération de chaque facteur dans la manifestation de l’inondation.

Les tableaux 2 et 3 situe l’importance d’un facteur par rapport à un autre ainsi que le coefficient de pondération de chaque facteur.

Tableau 2 : Matrice de comparaison par paire et coefficient de pondération des facteurs d’aléa

	Altitude	Pente	Densité drainage	Cp (Poids)
Altitude	1	3	5	0,63
Pente	1/3	1	3	0,26
Densité de drainage	1/5	1/3	1	0,11
Σ	1,53	4,33	9	

Source : A. KANGAH

Tableau 3 : Matrice de comparaison par paire de coefficient de pondération des facteurs de vulnérabilité

	Densité Bâties	Densité population	Cp (Poids)
Densité Bâties	1	1/7	0,12
Densité population	7	1	0,88
Σ	8	1,14	

Source : A. KANGAH

• *Détermination de la cohérence des jugements*

Cette étape a consisté à vérifier le degré de cohérence des jugements en déterminant le Ratio de Cohérence (Rc). Si celui-ci est inférieur à 1, cela traduit une bonne cohérence des jugements, mais s’il est supérieur à 1, il indique un niveau trop élevé d’incohérences. Elle s’est faite en plusieurs étapes et consiste à : 1) déterminer les vecteurs prioritaires en multipliant chaque valeur de la matrice par la priorité du critère (Cp) ; 2) déterminer la priorité globale en faisant la somme des valeurs de chaque rangée ; 3) déterminer la priorité rationnelle en divisant les valeurs de la priorité globale par les coefficients de pondération ; 4) déterminer la moyenne des priorités rationnelles (λ_{max}) ; 5) déterminer l’indice de cohérence (Ic) et le ratio de cohérence (Rc) dont les formules sont les suivantes :

$$R_C = \frac{I_C}{I_A} \qquad I_C = \frac{\lambda_{max} - n}{n - 1}$$

Avec

Ia = index de cohérence, n = nombre de critères comparés. IA=0 pour n inférieur à 3.

Lorsque Rc <10 %, cela montre que les jugements des experts sont cohérents.

Dans la présente étude, les calculs ont donné ce qui suit :

- 1) *Au niveau des facteurs d'aléa, n= 3, Ia= 0,58 ; λmax = 3,04 ; Ic= 0,2 ; Rc=0,033, soit 3,3%.*
- 2) *concernant les facteurs de vulnérabilité, n=2, donc Ia =0 ; ce qui donne Rc=0*

Le Rc calculé étant de 3,3 % (<10 %) pour les facteurs d'aléa et 0 pour les facteurs de vulnérabilité, les jugements sont qualifiés de cohérents.

- *Détermination des fonctions d'aléa et de vulnérabilité*

Après vérification de la cohérence a suivi la détermination des fonctions d'aléa et de vulnérabilité. Ces fonctions ont été nécessaires pour la spatialisation des zones d'aléa inondation et de la vulnérabilité. La méthode combinatoire de Voogd (1983, p.173) exprimée par l'équation suivante a été utilisée :

$$I = \sum_{j=1}^n W_j w_{ij}$$

Avec :

I = l'indice lié à l'indicateur, Wj = le poids du paramètre j, wij : le poids de la classe i dans le paramètre j et n = le nombre de paramètres.

Les fonctions d'aléa inondation et de vulnérabilité qui sont des combinaisons linéaires des couches (facteurs) avec leurs poids respectifs s'écrivent comme suit :

*Aléa inondation= 0,63*Altitude (Alt) + 0,26*Pente (P) + 0,11*Densité de drainage (Dd)*

*Vulnérabilité = 0,12*Densité du bâtis (Db) + 0,88*Densité de population (Dp)*

- *Détermination de la fonction du risque d'inondation*

Le risque étant la conjugaison de l'aléa et de la vulnérabilité, la fonction du risque a été obtenue en croisant celle de l'aléa à celle de la vulnérabilité. Elle s'écrit comme suit :

*Risque = Aléa x vulnérabilité = ((0,63*Altitude (Alt) + 0,26*Pente (P) + 0,11*Densité de drainage (Dd)) x (0,12*Densité du bâti + 0,88*Densité de population)).*

2.2.4 Spatialisation des zones à risque d'inondation

La spatialisation des zones à risque d'inondation a été précédée des celles des zones d'aléa et de vulnérabilité.

- *Cartes d'aléa inondation et de la vulnérabilité*

Il s'est agi de traduire sous forme de cartes, les fonctions d'aléa et de la vulnérabilité. Ces différentes fonctions ont été exécutées dans le logiciel ArcGIS avec les couches (cartes) et coefficients (poids) respectifs qui leurs sont associés. Deux cartes ont été obtenues. Celle des zones d'aléa avec cinq (5) classes (très faible, faible, moyen, élevé, très élevé) et celle de la vulnérabilité avec quatre (4) classes (très faible, faible, moyen, élevé).

- *Carte des zones à risque d'inondation*

Il était également question de traduire sous forme de carte la fonction du risque inondation. Cette fonction a été exécutée dans le logiciel ArcGIS avec les couches (cartes) et coefficients (poids) respectifs qui leur sont associés. La carte issue de cette fonction présente cinq (5) niveaux de risque (très faible, faible, moyen, élevé, très élevé).

3. Présentation des résultats

3.1 Analyses des cartes des facteurs d'aléa et de vulnérabilité

3.1.1 Analyses des cartes des facteurs d'aléa

Quatre facteurs d'aléa ont été identifiés dont trois (pente, altitude, drainage) ont pu être spatialisés et pris en compte dans la cartographie des zones à risque d'inondation (Planche 1). Le quatrième facteur (intensité pluviométrique) est uniforme en tout point de la ville. Il a toutefois été analysé.

- *Carte des pentes*

La carte des pentes présente quatre classes d'inclinaison qui se situent entre 0 et 30 %. Les inclinaisons de pentes très faibles et faibles (0 à 8 %) participent fortement à l'accumulation des eaux. Elles occupent sur 77 % des terres de la ville et se rencontrent soit, sur les sommets des interfluves, soit dans les basfonds. En revanche, les pentes moyennes et élevées (plus de 8 %) favorisent le ruissellement des eaux pluviales. Elles se situent sur les versants des vallées et occupent 23 % de l'espace urbain (planche 1, figure a).

- *Carte d'altitudes*

Elle fait ressortir cinq niveaux d'altitudes allant de très faible (49 m) à très élevé (116 m). Les altitudes élevées et très élevées constituent des surfaces de ruissèlement. Elles occupent 37 % de l'espace urbain et sont situées à l'extrémité nord de la ville. Les altitudes moyennes concernent 28 % des terres urbaines et constituent des surfaces de transit des eaux de ruissèlement provenant des altitudes élevées vers les basses altitudes. Les zones de faibles et très faibles altitudes constituent d'importantes surfaces d'accumulation des eaux de ruissèlement provenant des altitudes élevées et qui sont susceptibles de créer des inondations. Ces zones représentent 35 % de l'espace urbain (planche 1, figure b).

• *Carte de densité de drainage*

La carte présente quatre niveaux de densité de drainage (planche 1, figure c). Les espaces de très faible et faible densité de drainage correspondent à des surfaces de ruissellement situées généralement sur les interfluvés. Elles concernent 83 % de l'espace urbain. Les zones de densité moyenne et élevée sont situées dans les vallées et surtout dans les zones de confluence des vallées. La densité du drainage dans ces zones peut être sujette à des inondations. Elles représentent 17 % de l'espace urbain.

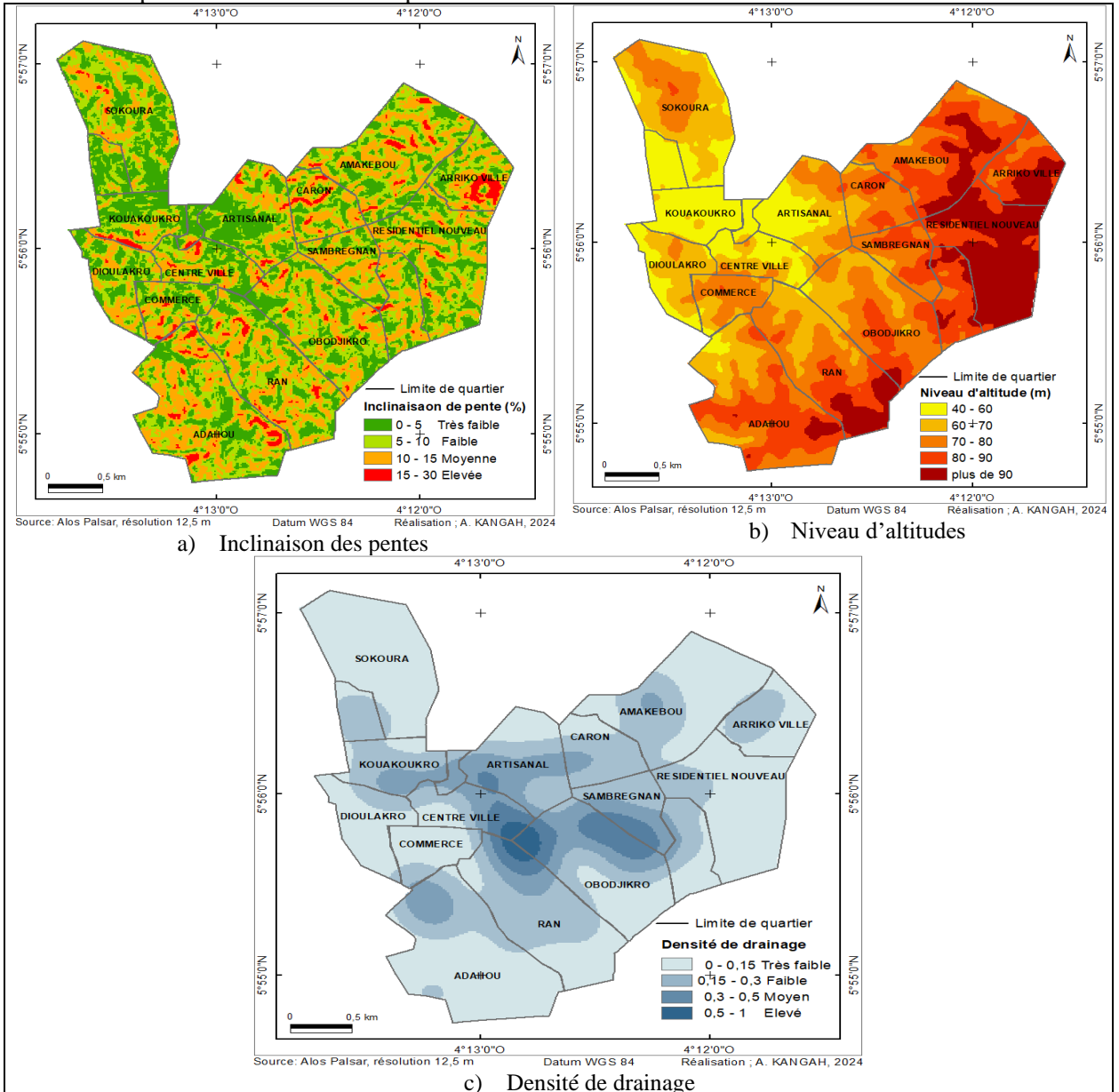
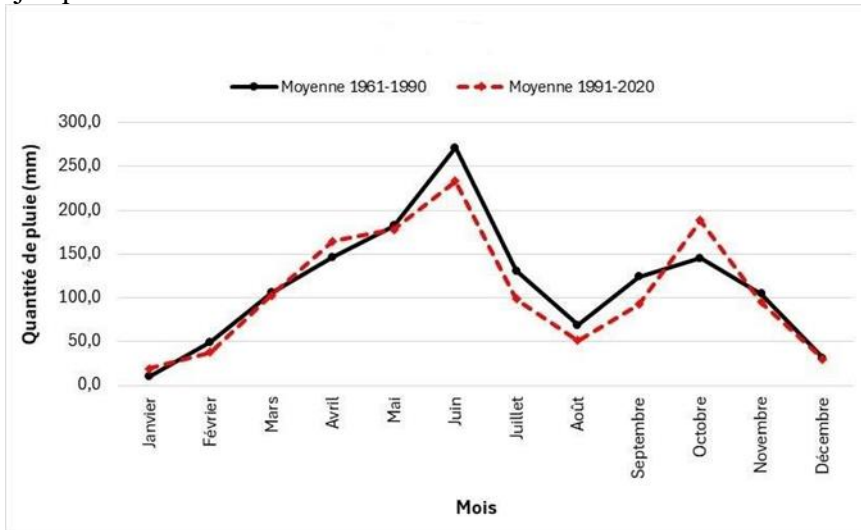


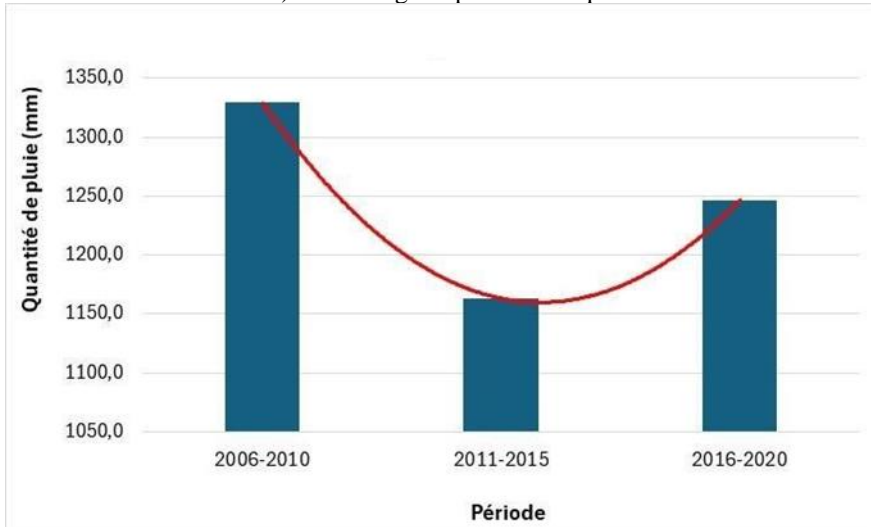
Planche 1 : Cartes des facteurs d'aléa

- *Intensité pluviométrique*

La ville d'Agboville dispose d'un seul site de relevé pluviométrique. A cet effet, le facteur intensité pluviométrique n'a pu être cartographié. Il a été admis que la quantité de pluie tombée sur la ville ne varie pas d'un espace à un autre. La planche 2 montre la variation des quantités de pluie à Agboville depuis 1961 jusqu'en 2020.



a) Régime pluviométrique



b) Quantité de pluie annuelle quinquennale

Source : Relevés pluviométriques 1961-2020 du poste pluviométrique d'Agboville

Planche 2 : Régime pluviométrique et quantité de pluie annuelle quinquennale à Agboville

Le régime pluviométrique d'Agboville indique qu'il y a deux saisons de pluie. La première et grande saison est centrée sur avril-mai-juin-juillet avec le pic de pluie d'environ 250 mm en juin. La deuxième saison centrée sur

septembre-octobre-novembre est plus courte et moins intense avec le maximum de pluie de 150 à 200 mm en octobre. Ces saisons constituent les périodes à risque d'inondation à Agboville. La comparaison des périodes à long terme 1961-1990 et 1991-2020 indique une baisse des quantités de pluie au cours de la période 1991-2020 pendant la première saison des pluies. Cependant, la deuxième saison enregistre une hausse des quantités de pluie sur la période 1991-2020.

L'analyse des quantités annuelles de pluie sur des périodes de cinq ans depuis 2006 jusqu'en 2020 indique une baisse de 12,5% au cours de la période 2011-2015, suivi d'une hausse de 7% au cours de la période récente 2016-2020. Cette reprise des quantités de pluie pourrait être l'une des causes des récentes inondations observées dans la ville d'Agboville.

3.1.2 Analyse des cartes des facteurs de vulnérabilité

Deux cartes de facteurs de vulnérabilité ont été réalisées. Il s'agit d'une part, la carte des enjeux matériels représentés par la densité du bâti et d'autre part, la carte des enjeux humains représenté par la densité de la population (planche 3).

- *Carte de densité de bâti*

Cette met en évidence la répartition des enjeux matériels (densité du bâti) dans l'espace urbain. Quatre niveaux (non bâti à densément bâti) ont été identifiés. Les surfaces densément bâties occupent 41 % de l'espace urbain. Sur ces espaces, les maisons sont très resserrées les unes contre les autres. Une inondation de ces zones causerait beaucoup de dégâts matériels et humains. Les surfaces moyennement bâties représentent 26 % de l'espace urbain. Sur ces dernières, les maisons sont moins resserrées. Quant aux surfaces faiblement bâties, elles s'étendent sur 18 % de l'espace urbain. Sur ces espaces, les maisons sont très espacées à cause de nombreux lots non encore construits. Enfin, les surfaces non construites représentent 20 % des terres urbaines (planche 3, figure a). Une inondation de ces espaces (généralement des fonds de vallées) ne causerait aucun dégât matériel et humain.

- *Carte de densité de population*

Elle met en évidence quatre niveaux de densité de la population. Les zones à faible densité de population couvrent 6 % de l'espace urbain. Les espaces à densité moyenne concernent près de la moitié (49 %) de la ville. Les espaces à forte et très forte densité de population s'étendent sur 45 % du territoire urbain. Une inondation de ces espaces causerait d'énormes dégâts humains vu la forte concentration de la population.

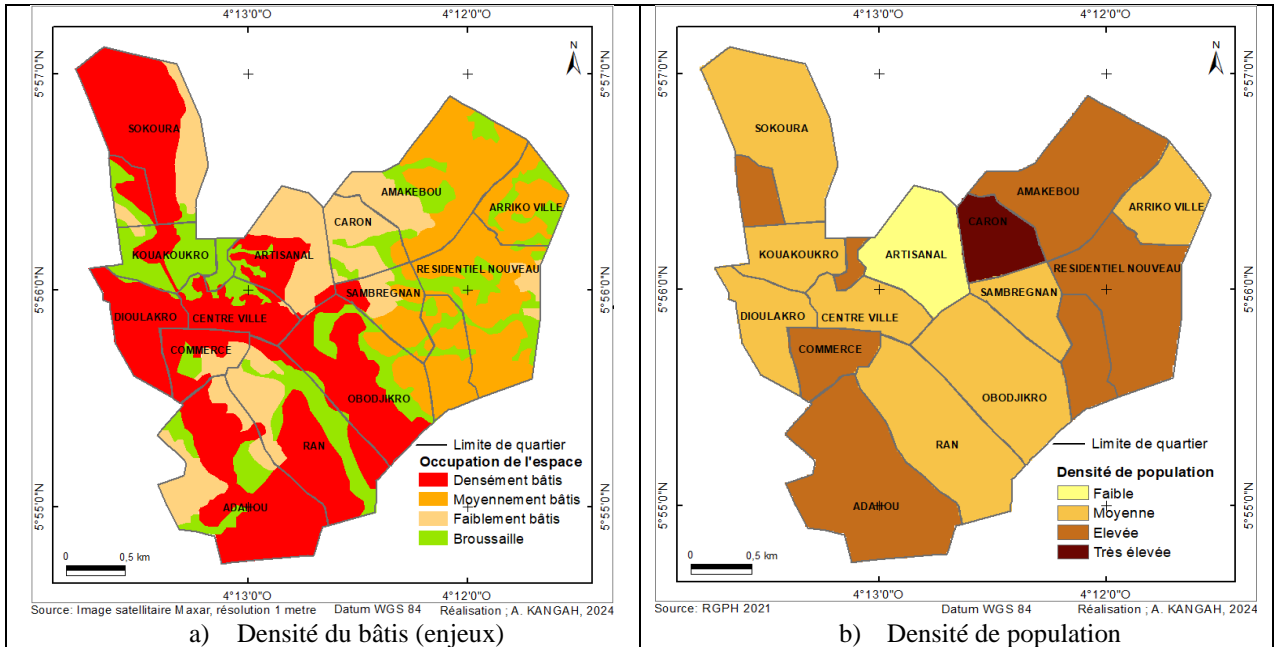


Planche 3 : Cartes des facteurs de vulnérabilité

3.2 Analyse spatiale du risque d'inondation

3.2.1 Cartes d'aléa inondation et de vulnérabilité

- *Carte d'aléa inondation*

La carte d'aléa inondation est issue de la confrontation des cartes des facteurs d'aléa (pente, altitude et densité de drainage). Elle met en évidence les niveaux de susceptibilité à l'inondation par ruissellement dans la ville d'Agboville. Quatre niveaux d'aléa allant de très faible à élevé ont été identifiés dans la ville (Planche 4, figure a).

Les zones de très faible et de faible aléa

Elles correspondent au sommet des interfluves et leurs versants. Elles couvrent 44 % de la surface de la ville. Les susceptibilités à l'inondation de ces zones demeurent très faibles car les interfluves et leurs versants constituent des surfaces de ruissellement et d'orientation des eaux de pluie vers les collecteurs. La quantité d'eau ruisselée fut-elle importante ne suffirait pas à inonder ces zones. Sont concernés, les quartiers RAN et Adahou localisés dans le Sud et les quartiers Résidentiel nouveau, Arriko ville et Amakebou localisés dans le Nord-est.

Les zones d'aléa moyen

Ces zones s'étendent sur 23 % des terres urbaines. Il s'agit généralement des têtes de vallées (vallon) qui jouent le rôle de collecteur de

premier niveau et des zones planes situées au contre bas des versants des interfluves. Ces zones reçoivent directement les eaux de ruissellement en provenance des sommets des interfluves et les orientent vers des collecteurs (vallées) plus grands. La quantité d'eau ruisselée dans ces zones fut-elle importante ne suffirait pas à créer une inondation à moins qu'elle rencontre des obstacles. Ces zones se rencontrent dans les quartiers Ran, Adahou, Obodjikro, Amakebou, Karon, Commerce et Sokoura.

Les zones d'aléa élevé et très élevé

Ces zones correspondent aux espaces occupés par les axes de concentration de niveau 2 ; 3 et des terrasses alluviales. Les axes de concentration sont constitués généralement de vallées dont les points de confluence (niveau 2 et 3) sont parfois très larges et plats. Ces axes reçoivent directement les eaux de ruissellement en provenance des collecteurs de niveau 1 et également des eaux de ruissellement en provenant des interfluves. Passage obligé, c'est une quantité importante d'eau qui transite dans ces zones et qui est susceptible de les submerger. Elles s'étendent sur 33 % de l'espace urbain et sont localisées dans leur majorité dans le centre-ville plus précisément dans les quartiers Artisanal, Kouakoukro, Centre-ville, Mossikro et Gantois.

- *Carte de vulnérabilité*

La carte de vulnérabilité est issue de la confrontation des cartes des facteurs de vulnérabilité (densité de population et densité du bâtis). Elle présente une répartition spatiale de la vulnérabilité à quatre niveaux (Planche 4, figure b).

Zones de très faible et faible vulnérabilité

Dans ces zones, les effets d'une inondation seraient négligeables à cause de la faible présence des enjeux (l'homme, les infrastructures et les biens d'équipements). Elles s'étendent sur 28 % de l'espace urbain. Il s'agit pour la plupart des basfonds, des vallées, des zones peu bâties et moins peuplées. Sont concernés, les quartiers d'Aprikro, Artisanal, Ran, Sambregnan, Sokoura.

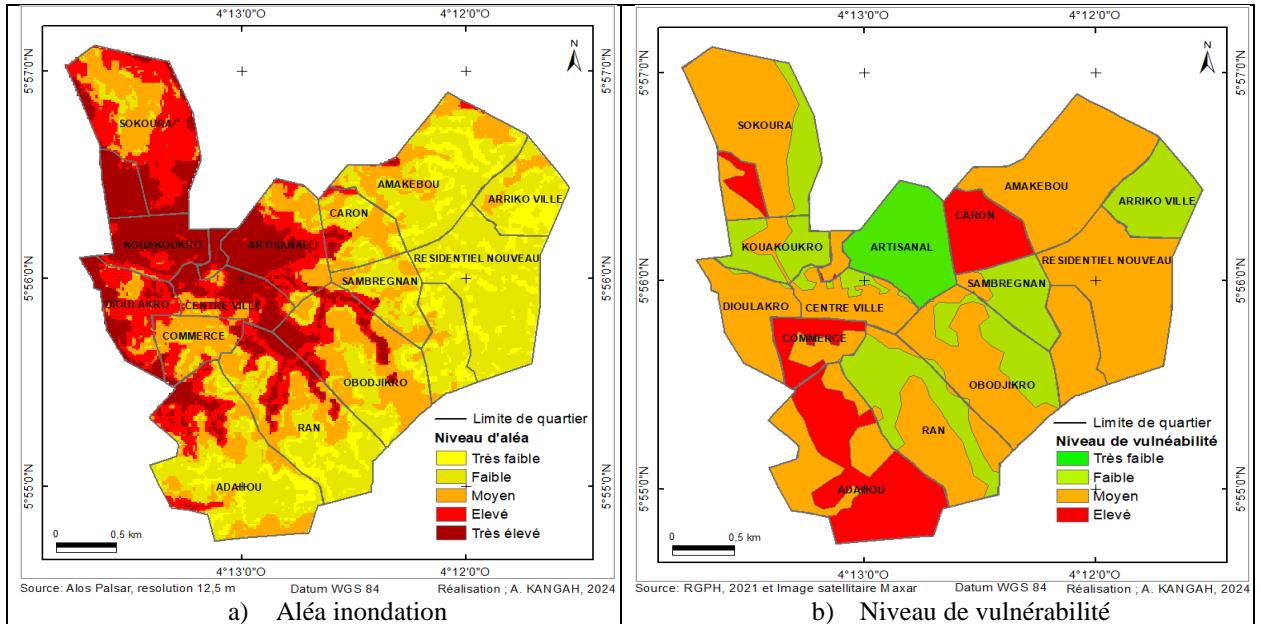


Planche 4 : Cartes d'aléa inondation et de vulnérabilité

Zones de moyenne vulnérabilité

Ces zones s'étendent sur plus de la moitié (58 %) des terres de la ville. Une inondation de ces zones entrainerait des dégâts non négligeables à cause de la présence des habitations, des infrastructures et également de la population. Elles se retrouvent dans les quartiers Résidentiel ancien et nouveau, Amakebou, Dioulakro, Sokoura.

Zones de forte vulnérabilité

Ces zones couvrent 15 % de l'espace urbain. Elles concernent principalement quatre quartiers que sont : Adahou, Commerce, Gatois et Garon. Une inondation de ces zones causerait beaucoup de dégâts matériels et humains à cause de la forte concentration des habitations, des infrastructures, des activités et des personnes.

3.2.2 Carte du risque d'inondation

Cette carte est la résultante de la confrontation de la carte des facteurs d'aléa inondation et celle de la vulnérabilité. Elle révèle que le risque d'inondation dans la ville d'Agboville est réel. Les cinq niveaux de risque déterminés montrent que toute la ville n'est pas au même niveau de risque. Pendant que le risque est élevé dans certaines zones, il est très faible dans d'autres (figure 2).

Zone de très faible et faible risque

Dans ces zones, non seulement les susceptibilités à l'inondation sont très faibles mais également le niveau de vulnérabilité est très faible, faible ou moyen. Elles couvrent 62 % du territoire urbain et sont situées en haute altitude sur les interfluves précisément dans le Sud-est et à l'Est de la ville. Certains quartiers comme Arriko sont entièrement bâtis sur ces zones, donc à l'abri du risque. En revanche, d'autres quartiers comme Ran, Obodjikro, Sambregnan et Résidentiel nouveau le sont partiellement.

Zone à risque moyen

Elles couvrent 20 % de la ville et correspondent aux axes de concentration de niveau 1. Ces zones reçoivent des eaux de ruissellement en provenance des interfluves et des versants de vallées. Sont concernées, des constructions individuelles entièrement bâties où dont le prolongement se retrouve dans les axes de concentration des eaux de ruissellement (vallées). Sont concernées également les habitations érigées dans les zones à pente très faible où l'eau ruisselle difficilement. Ces zones se retrouvent dans les quartiers Adahou, Ran, Obodjikro, Commerce, Sokoura, Amakebou.

Zone à risque élevé

Elles correspondent aux zones à forte susceptibilité à l'inondation et occupées par des populations, des infrastructures et équipements. Elles concernent 12 % du territoire urbain. Il s'agit principalement des axes de concentration des eaux de ruissellement de niveau 2 (vallées) investis partiellement par l'habitat. Elles occupent partiellement les quartiers Adahou, Obodjikro, Centre-ville, Kouakoukro, Sokoura.

Zone à risque très élevé

Les zones à risques d'inondation très élevé s'étendent sur 6 % de l'espace urbain. Elles occupent les plus basses altitudes de la ville et concernent les terrains plats, les basfonds, les fonds plats des zones de confluence des vallées et des terrasses alluviales. Ces zones ont été investies par des constructions individuelles, des infrastructures et équipements. Elles sont situées dans les quartiers Adahou, Centre-ville, Kouakoukro, Gantois, Garon et Mossikro.

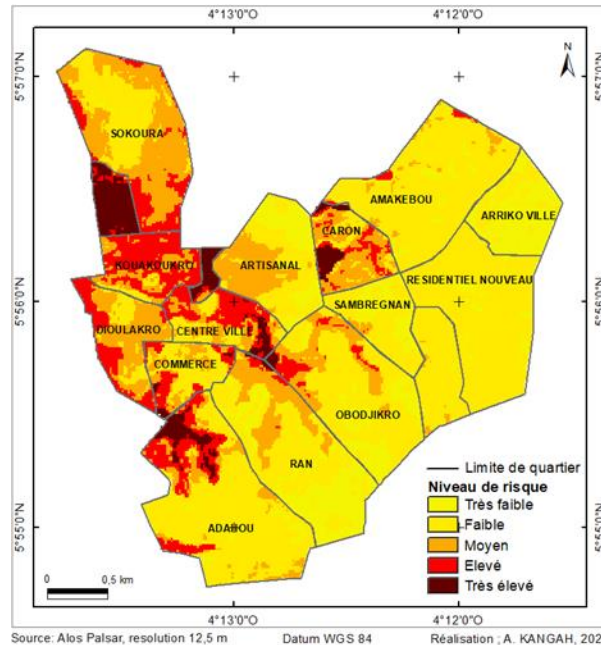


Figure 2 : Niveaux du risque d'inondation dans la ville d'Agboville

4. Discussion

L'utilisation de la méthode d'analyse multicritère de Saaty et de la géomatique a permis d'atteindre l'objectif principal de la présente étude qui est celui de l'analyse du niveau du risque d'inondation dans la ville d'Agboville.

Cette approche méthodologique qui combine à la fois l'analyse multicritère et le SIG a déjà été utilisée par Kouadio *et al.*, (2023, p. 119) pour la cartographie des zones à risque d'inondation par débordement de cours d'eau dans la région semi-montagneuse de Man. Si cet auteur a utilisé cette approche méthodologique pour l'évaluation de l'inondation à l'échelle régionale, d'autres auteurs l'ont utilisé dans le cas des inondations urbaines. C'est le cas de Kouassi *et al.*, (2021, p.32) et Eba *et al.* (2021, p. 289) qui ont utilisé cette approche respectivement pour l'évaluation et la prévention du risque dans la commune d'Abobo et pour l'évaluation de la vulnérabilité à l'inondation dans la commune de Bingerville. Cela démontre que la combinaison de la méthode d'analyse multicritère de Saaty et la géomatique s'adapte parfaitement à la présente étude. Que ce soit à l'échelle régionale ou urbaine, l'utilisation combinée de l'analyse multicritère de Saaty et du SIG produit des résultats satisfaisants et permet une bonne compréhension du phénomène étudié.

Cependant, l'application de l'analyse multicritère présente des difficultés au niveau de la hiérarchisation et de la pondération des facteurs. En effet, étant donné que les facteurs contribuent différemment dans la

manifestation de l'inondation, l'attribution des poids pose quelques difficultés. A ce sujet, Kouadio et *al.*, (2023, p.130), révèlent qu'elle a l'inconvénient de créer beaucoup de subjectivités lors de la pondération des facteurs. Cette étape très subjective de la pondération peut conduire parfois à surestimer ou sous-estimer un facteur par rapport à un autre si l'on n'a pas une bonne connaissance des facteurs ou du phénomène étudié. Elle reste subordonnée à la sensibilité de l'expert et à sa connaissance du phénomène. Cette subjectivité constitue comme le font savoir Eba et *al.*, (2021, p. 295) un facteur limitant dans l'application de l'analyse multicritère.

Bien que présentant certaines difficultés, l'analyse multicritère couplée au SIG présente toutefois l'avantage d'exploiter en synergie des données multi sources et de parvenir à la résolution des problèmes variés et complexes.

Par ailleurs, les facteurs d'aléa inondation et de vulnérabilité pris en compte dans la spatialisation du risque d'inondation sont sensiblement les mêmes que ceux utilisés par Kouassi et *al.*, (2021, p.32) pour l'évaluation et la prévention du risque dans la commune d'Abobo, et Eba et *al.*, (2021, p. 295) pour l'évaluation de la vulnérabilité à l'inondation dans la commune de Bingerville. Cependant, contrairement à ces auteurs, le facteur altitude a été pris en compte dans la présente étude. En effet, bien souvent sur les interfluves et dans les basfonds, les pentes sont sensiblement les mêmes. Or, ces deux espaces sont très différents, l'un constitue une surface de ruissellement et l'autre une surface d'accumulation avec une forte susceptibilité à l'inondation. Il y a lieu de les différencier au risque d'avoir des résultats qui ne correspondent pas à la réalité du terrain. Le facteur qui permet de les différencier est bien l'altitude. Sa prise en compte dans la présente étude a largement rehaussé la précision de la carte des zones d'aléa inondation.

Pour la validation des cartes d'aléa inondation, de vulnérabilité et du risque d'inondation, des coordonnées prélevées sur les différentes cartes, puis rentrés dans un GPS ont été confrontés aux données du terrain. Il s'est avéré une bonne conformité entre les informations recueillies sur les cartes et les données du terrain, notamment avec le réseau naturel de drainage (vallées) des eaux de pluie. Cette méthode de validation a également été utilisée par Kouassi et *al.*, (2021, p.34) pour la validation de la carte d'aléa inondation dans la commune d'Abobo en comparant les données recueillies sur la carte avec les informations de terrain.

La conformité entre la carte des zones à risque et la réalité du terrain a révélé que 18 % de l'étendue spatiale de la ville d'Agboville sont constituées de zones à risque élevé et très élevé. Également, 20 % constituent des zones à risque moyen. Toutes ces zones à risque sont situées dans les axes d'accumulation et de drainage des eaux de pluie. Cela démontre bien clairement que les inondations dans la ville d'Agboville sont liés à la configuration du relief de la ville. Ces résultats concordent avec ceux de

Kouassi et *al.*, (2021, p.35) qui lors de l'étude portant sur l'évaluation et la prévention du risque dans la commune d'Abobo ont affirmé que les inondations dans cette commune sont généralement liées à la configuration de son relief.

L'occupation anarchique des zones inondables sans le moindre aménagement est à la base des inondations récurrentes dans la ville d'Agboville. Un aménagement de ces sites par la construction d'un réseau de canalisation approprié pourrait réduire considérablement les risques d'inondation.

Au vu des résultats de cette étude, l'on peut affirmer au même titre que Dembele & Ouattara (2019, p. 258), que le SIG demeure un outil essentiel d'évaluation du risque. Il constitue avec l'analyse multicritère de Saaty de véritables moyens d'évaluation du risque en milieu urbain et d'aide à la prise de décisions.

Conclusion

S'inscrivant dans une démarche de prévention du risque d'inondation, le but visé par la présente étude était de produire la carte des zones à risque d'inondation de la ville d'Agboville afin qu'elle soit intégrée dans les plans d'aménagement et aide à la prise de décision. L'utilisation combinée de la méthode d'analyse multicritère de Saaty et la géomatique a permis d'atteindre ce but.

Cette approche méthodologique a en effet été d'une grande efficacité dans le traitement des diverses sources de données de l'étude. Elle a facilité la cartographie, la pondération et la confrontation des différents facteurs intervenant dans le processus d'inondation. Ce qui a abouti à la cartographie des zones à risque d'inondation dans la ville d'Agboville. Cette approche méthodologique s'avère donc très indiquées dans l'étude des inondations en milieu urbain.

Au niveau des résultats, la carte d'aléa inondation indique que 44 % des terres urbaines ont une très faible susceptibilité à l'inondation. Ces terres, situées en hauteur sur les interfluves constituent des surfaces de ruissellement et non des axes de concentration des eaux de pluie. Elles ne peuvent donc pas accumuler d'importantes quantités d'eau pouvant entraîner une inondation.

La même carte d'aléa révèle également que 23 % des terres dans la ville d'Agboville ont une susceptibilité moyenne à l'inondation. Ces zones par contre constituent des axes naturels de collecte et de transit vers des collecteurs plus grands des eaux de ruissellement. Ils sont très étroits et ne peuvent être investis par les habitations, mais une obstruction de ces axes peut créer une inondation des installations humaines environnantes. Le reste des terres urbaines estimées à 33 % présentent de fortes à très fortes susceptibilités à l'inondation. Ces terres inondables sont des zones de dépression de la ville.

Elles occupent les plus basses altitudes de la ville et présentent l'avantage d'être plates et étendues. Elles constituent des zones d'accumulation et d'évacuation des eaux de pluie de la ville collectées depuis les sommets des interfluves. Une pluie diluvienne n'épargnera pas ces terres d'une inondation.

Au niveau du risque inondation, la carte des zones à risque a révélé plusieurs niveaux de risque dans la ville d'Agboville. Ces zones à risque ne sont autres que les espaces inondables qui ont été colonisés par l'habitat humain. Respectivement 12 et 6 % des terres urbaines sont des zones à risque élevé et très élevé. Dans ces zones, des habitations sont entièrement construites ou leur prolongement se retrouve dans les zones à très forte susceptibilité à l'inondation. Ces zones se retrouvent principalement dans les quartiers du centre-ville. Les habitants de ces quartiers ont déjà été victimes des inondations.

Fort heureusement, 62 % du territoire urbain se retrouvent dans des zones à faible risque d'inondation. Ces zones, situées dans leur majorité sur les interfluves présentent de très faible susceptibilité à l'inondation. Si une inondation se produisait, elle ne causerait pas d'importants dégâts matériels, car ces espaces ne constituent pas des zones d'accumulation des eaux de ruissellement.

En définitif, toute la ville d'Agboville n'est pas sujette à de hauts risques d'inondation. Cependant, pour les zones qui le sont, il revient aux autorités locales de sensibiliser les occupants de ces sites aux dangers auxquels ils sont exposés puis de procéder à leur déguerpissement. Aussi, des aménagements adéquats doivent être effectués en construisant des canalisations pour faciliter le drainage des eaux de pluie. Les cartes des zones à risque doivent aider à la prise de décision et être intégrées dans les plans d'aménagement de la ville. Cela contribuerait à réduire les risques d'inondation dans la ville d'Agboville.

Conflit d'intérêts : Les auteurs n'ont signalé aucun conflit d'intérêts.

Disponibilité des données : Toutes les données sont incluses dans le contenu de l'article.

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Examining Users' Assessment of Indigenous Beliefs and Practices of Alternative Medicine in Nde Division, Cameroon

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Abstract

Despite the prevalence of conventional medical services, alternative medicine (AM) remains a vital component of healthcare-seeking choices in many communities across Africa. The persistence of indigenous beliefs and practices in healthcare decisions among the population of Nde Division, Cameroon, despite the availability of conventional Western medicine, poses a complex challenge for healthcare providers seeking to deliver effective and culturally sensitive care. This study addresses this phenomenon by exploring the role of indigenous beliefs and practices in shaping healthcare choices, using a mixed-methods approach that combines questionnaires and semi-structured interviews. Questionnaire findings reveal a significant reliance on alternative medicine, with 79.59% of participants believing in the efficacy of indigenous healing traditions and 80% from the semi-structured interviews, using alternative medicine due to cultural and spiritual beliefs. Also, the strong reliance on AM is influenced by economic, social, cultural, and individual factors. Concerns around the safety and efficacy of AM highlight the need for more education, regulation, and integration with conventional healthcare, ultimately informing the development of culturally sensitive healthcare approaches.

Keywords: Indigenous, beliefs, practices, alternative medicine, Nde Division

Introduction

While alternative medicine has proven to be beneficial, (Vinker 2023) highlights its potential risks due to the lack of regulation by government agencies or professional organizations, making it challenging to guarantee safety and efficacy. Nevertheless, alternative medicine remains a crucial aspect of healthcare-seeking behaviors in many African communities, coexisting with conventional medical services that offer more secure therapies (Ozioma & Chinwe, 2019). This study investigates the indigenous beliefs and practices of alternative medicine (AM) in Cameroon's Nde Division, specifically examining how users perceive and experience traditional remedies and spiritual healing. By exploring the cultural significance and effectiveness of alternative medicine, this research aims to understand the role of indigenous beliefs and practices in healthcare decisions and inform culturally sensitive healthcare approaches.

Specifically, for the Nde Division in Cameroon, traditional beliefs and practices play a significant role in the daily lives of the people because it guides them on decisions related to healthcare (Kabir 2004). Indigenous religions, rituals, and ceremonies are deeply rooted in the culture of the people (Babila, 2022). These beliefs revolve around the worship of ancestors, spirits, and various deities that are believed to influence different aspects of life such as illness, the treatment of diseases and protection from harm. To better understand the background of healthcare in Nde, it is fair to mention that besides the indigenous beliefs and practices related to illness, there is also heavy presence of conventional medical care in the division. There are 17 health areas, 41 health units including 38 functional (28 public, 5 private denominational and 5 private), which are considered to be adequate by Cameroon's standard.¹

In the Nde Division, traditional healers, revered as 'menyi nsi', 'nchumsi', 'ngaka', and 'nkopfu', hold esteemed positions within the community, serving as herbalists, diviners, spiritual healers, traditional birth attendants, and bone setters (Agbor, 2011). They employ a range of items, including herbal remedies, animals, and other substances, to perform incantations, rituals, and spiritual practices passed down through generations, often within the same family or lineage. Historically, traditional healers treated a wide array of physical, mental, and spiritual ailments, playing a crucial role in maintaining the community's health and harmony. Despite the advent of modern medicine in Cameroon, alternative healing practices remain significant in Nde Division, reflecting the area's cultural diversity and complex healthcare landscape where traditional and conventional medicines coexist (Lizama, 2010).

¹ District report, BP du DS T3 2020.

Traditional healers are at the forefront of indigenous healing practices, responsible for implementing cultural beliefs and practices, as well as preventive and healing rituals (Agbor, 2011). They have gained popularity among the literate younger generation seeking alternative healthcare, leading to a shift towards traditional healing approaches (Mokgobi, 2014). As a result, conventional healthcare providers have faced financial challenges, indicating that traditional healers effectively address the community's needs, particularly in terms of cultural and spiritual practices (Lizama, 2010). Consequently, traditional healers have earned a strong social standing and are trusted by the community, providing a service that competes successfully with conventional healthcare. They play a significant social role in the community, offering an alternative that resonates with a growing segment of the population in times of need.

This study explores the beliefs and practices surrounding alternative medicine in Nde Division, Cameroon, by examining how traditional remedies and spiritual healing intersect with conventional healthcare options. By assessing users' perceptions and experiences, it aims to foster a deeper understanding of how these beliefs and practices influence health-seeking behaviors and intersect with the modern healthcare system. The research seeks to shed light on the factors influencing indigenous medicine practices, uncover related health and illness practices, and identify potential areas of synergy or conflict. Ultimately, the findings will inform culturally sensitive healthcare policies, contribute to the discourse on integrative healthcare and cultural competence, and improve health outcomes in Nde Division, Cameroon.

In Nde, healthcare decisions are made from a variety of choices, offering flexibility and autonomy. While some residents prefer conventional medicine for its scientific approach and advanced technologies, others incorporate indigenous practices, traditions, and customs that are deeply rooted in the beliefs and traditions of the community, in their treatment regimen (Fokunang 2011). To administer treatments, practitioners of alternative healthcare employ various methods such as, herbal medicine, spiritual healing, divination and ritualistic healing, scarification, diet and nutrition, massage, bone setting, and many more, to diagnose and treat illnesses. Additionally, some individuals consult traditional healers and use alternative medicine before or alongside seeking conventional medical care. This blend of approaches reflects the community's diverse cultural beliefs and preferences.

This study investigates how users of AM in Nde Division, Cameroon, integrate indigenous beliefs and practices into their healthcare choices. The objectives are:

- To examine consumer attitudes towards indigenous healing traditions
- To identify factors influencing the use of indigenous medicine practices
- To assess the perceived effectiveness and safety of indigenous medicine
- To explore opportunities for collaboration and challenges in integrating indigenous medicine into the broader healthcare system.

Background of Study

To provide a foundation for this study, it is necessary to define and contextualize key concepts related to alternative medicine, which include its various forms, cultural significance, and global usage. Alternative medicine refers to a range of treatments for medical conditions that people use instead of or alongside conventional Western medicine (Tuncel 2014). These therapies encompass a wide range of approaches, including herbal medicine, acupuncture, chiropractic care, meditation, yoga, and many others (Mahomoodally 2013). The extensive use of AM in Africa, composed mainly of medicinal plants, has been argued to be linked to cultural and economic reasons (Fokunang 2011). The World Health Organization (WHO) reported that 80% of the emerging world's population relies on alternative medicine for therapy (WHO, Fact sheet N° 134, 2008).

Indigenous beliefs and practices are the spiritual and cultural traditions of native peoples, deeply connected to their ancestral lands and natural environments (Malaudzi 2007). These beliefs emphasize living in harmony with nature, respecting the balance of ecosystems, and honoring ancestors and the spiritual realm. Indigenous cultures prioritize community and collective well-being, and possess traditional knowledge passed down through generations. From the perspective of AM, indigenous beliefs and practices embody the holistic and integrative approaches to health and wellness that have been refined over centuries. By embracing the complexities and richness of Indigenous beliefs and practices, alternative medicine supports the reclamation of traditional knowledge, the revitalization of cultural heritage, and the empowerment of Indigenous communities (Mahomoodally, 2013).

Alternative medicine practices globally share commonalities, that include a focus on harmony with nature, ecosystem balance, and reverence for ancestors and the spiritual realm. In Africa, AM is deeply rooted in cultural and economic contexts, with medicinal plants being a pivotal component (Mahomoodally, 2013). In Asia, emphasizing the importance of balance and harmony in maintaining health and well-being, traditional Chinese medicine and Ayurveda have been practiced for centuries (Arabiat 2021). In the Americas, indigenous beliefs and practices of AM have been shaped by the historical and contemporary experiences of native peoples, encompassing a

wide range of practices that harmonize physical, emotional, spiritual, and environmental aspects of well-being (Isaac, 2018). To them, Language, ceremony, art, and land use are all integral to the reproduction of Indigenous social formations, identities, and resistance strategies.

The use of folk remedies to manage illness is influenced by family beliefs and the natural or social environment (Bell et al., 2015). Understanding the relationship between health beliefs and traditional practices is important in conceptualizing the capacity of families to manage illness during acute or chronic illness (Arabiya, 2021). (Liddell 2005) emphasizes the significance of understanding cultural beliefs and practices related to illness in Sub-Saharan Africa to develop effective and culturally sensitive healthcare approaches. Therefore, indigenous beliefs and practices of AM embody the holistic and integrative approaches to health and wellness that have been refined over centuries. By embracing the complexities and richness of these beliefs and practices, AM learns from and support the reclamation of traditional knowledge, the revitalization of cultural heritage, and the empowerment of indigenous communities to assert their rights, reclaim their histories, and reimagine their futures.

Nde Division reflects, Cameroon's rich heritage and diverse traditional healing practices, which offers a unique lens to facilitate the exploration of the intersection of indigenous beliefs, traditional practices, and AM. It is shaped by a complex interaction of cultural, economic, social, and historical factors, which have given rise to a strong tradition of alternative healing practices. Home to several ethnic groups, each with their unique cultural beliefs and practices, the Division showcases a fascinating array of healing traditions. The Bangangte and Bazou people who are part of this Division have a long-standing tradition of using herbal remedies, while the Bassamba people boast a rich culture of spiritual healing, with renowned traditional healers in the community.

This cultural heritage is characterized by a strong emphasis on community and collective well-being, which is reflected in the use of alternative healing practices that prioritize both individual and community well-being (Namboze, 1983). This emphasis is also reflected in the widespread use of AM in Cameroon, where approximately 80% of the population rely on it for therapy (Agbor, 2011; WHO, 2008). The country's rich cultural diversity has contributed to a vibrant tradition of indigenous beliefs and practices, with scholars noting the significance of this heritage in shaping healthcare choices (Fokunang, 2011). As a result, understanding the cultural context of health and illness is crucial to developing effective healthcare strategies in the Nde Division.

Studies have shown that cultural representation of illness shapes treatment choices, with alternative medicine often being closely tied to

cultural practices and traditions (Fokunang et al., 2011; Makoge et al., 2013). However, the literature also highlights the limitations of existing research, including a lack of understanding of the specific cultural beliefs and practices that influence healthcare decisions in this division. This study aims to address this knowledge gap by exploring the cultural beliefs and practices related to health and illness in the Nde Division. Furthermore, economic factors also significantly influence healthcare choices, particularly in resource-constrained settings where the cost of conventional healthcare may be a substantial barrier.

The cost of affording conventional healthcare has been found to be a significant motivator for the use of indigenous medicine in low-income communities, particularly in Sub-Saharan Africa (Liddell, 2005). Studies have consistently shown that the high cost of healthcare services and medications is a major barrier to accessing conventional healthcare, leading individuals to seek alternative, more affordable options (Fokunang, 2011; Kuete & Efferth, 2010; Ntembe, 2017). In Cameroon, for instance, the cost of hospital consultation, diagnosis, and medication is prohibitively expensive for many individuals, leading to a reliance on indigenous medicine as a more affordable alternative (Kuete & Efferth, 2010). This body of research highlights the critical role of cost in shaping healthcare-seeking behavior and underscores the need for policymakers to address the affordability of healthcare services, in order to reduce reliance on indigenous medicine. Moreover, the interplay between economic factors and healthcare decisions is further complicated by social factors, which also significantly influence healthcare-seeking behavior, as evident in the complex relationships between social support, social networks, and indigenous beliefs and practices.

The intersection of social factors and indigenous beliefs and practices has been a burgeoning area of research in African healthcare. However, a critical examination of the existing literature reveals a complex web of influences, with social support, social networks, and social influence exerting a profound impact on healthcare seeking behavior (Olagbemide, 2021; Gyasi, 2020; R. M Alesane, 2018). Notably, social influence emerged as a significant predictor of healthcare seeking behavior, with individuals more likely to seek care if they perceive that others in their social network or community are also seeking care (Latunji, 2018; Low, 2016). Nevertheless, the literature also highlights the need for a more comprehensive insight of the interaction between social contextual factors and indigenous beliefs and practices, particularly when making healthcare decisions. This complex interplay is further illuminated by the evolution of traditional healing practices in Cameroon, which has been shaped by historical factors as well.

For example, during the colonial era, the introduction of Western medicine led to a complex blend of conventional and alternative approaches (Enang, 2019). The intersection of Western medicine and alternative medicine

(AM) in Cameroon has been marked by power imbalances, with Western medicine prioritized over AM, often undermining the value of traditional practices (Fokunang, 2011). This has led to ongoing debates about integrating traditional healing practices into modern healthcare frameworks, particularly after Cameroon gained independence and maintained the colonial healthcare system (Fokunang, 2011). Despite this, AM continues to play a vital role in rural areas due to limited access to conventional healthcare (Fokunang, 2011). The widespread use of herbal remedies like Aloe Vera, lemon grass, and hibiscus highlights the significance of AM in addressing physical and spiritual health needs (Ozioma, 2019). Nevertheless, the effectiveness of these remedies is not universally accepted, and further research is needed to fully understand their potential benefits and limitations. As we delve deeper into the complexities of alternative healing practices in Cameroon, it becomes evident that the administration of plant-based medicines is a nuanced and multifaceted process that warrants further exploration.

The administration of plant-based medicines varies depending on the nature of the illness, age, and state of the patient, and may involve traditional practices like boiling, squeezing, or grinding plants into powders or oils (Foncham, 2022). While these practices have been passed down through generations, there is a need for more systematic documentation and evaluation of their efficacy. Traditional healing practices in Cameroon offer a rich and complex landscape of indigenous knowledge, shaped by historical and cultural contexts. However, their integration into modern healthcare frameworks requires careful consideration of their relative merits and limitations, as well as the power dynamics that have historically marginalized indigenous knowledge related to healthcare. This integration is further complicated by the fundamentally different approaches to healthcare that underlie conventional Western medicine and indigenous healing practices, highlighting the need for a nuanced understanding of their distinct epistemologies and ontologies.

Indigenous healing practices and conventional western medicine exhibit distinct approaches to healthcare, rooted in disparate epistemologies and ontologies (Asonganyi, 2013). Conventional Western medicine prioritizes scientific testing, standardized protocols, and pharmaceuticals, focusing on specific diseases or symptoms (WHO, 2019). In contrast, indigenous healing practices employ holistic, spiritual, and natural remedies, which address interconnected physical, emotional, and spiritual aspects of well-being (Fokunang, 2011). While conventional medicine excels in treating physical ailments, AM is preferred for spiritual and psychological issues, highlighting the need for a more inclusive understanding of health and wellness.

The efficacy of both approaches is evident, as indigenous healing practices demonstrate success in treating chronic and acute conditions, such as diabetes and mental health disorders (Mahomoodally, 2013), and

conventional Western medicine establishing efficacy in treating infectious diseases, injuries, and surgical interventions (WHO, 2019). However, societal perceptions differ significantly, with indigenous healing practices being marginalized or stigmatized (Abdullahi, 2011), and conventional Western medicine generally accepted and trusted (WHO, 2019). This disparity underscores the importance of acknowledging and respecting the value of both approaches, recognizing their unique strengths and limitations to foster collaborative relationships and promote inclusive, culturally sensitive healthcare approaches (Asonganyi, 2013).

Theoretical framework

This study is grounded in Pierre Bourdieu's habitus theory, which posits that individuals' beliefs, behaviors, and choices are shaped by the interplay between social structures, cultural norms, and personal agency (Ngarachu, 2014; Scambler, 2015). Bourdieu's structural constructivism emphasizes the dialectical relationship between objective structures (social class, education, cultural norms) and subjective phenomena (individuals' perceptions, experiences, and choices). This framework recognizes that social structures constrain thought, action, and interaction, while also acknowledging the role of individual agency in shaping practices (Bourdieu, 1990). In the context of Alternative Medicine (AM) in Nde Division, this theory suggests that people's decisions to use AM are influenced by their social environment, cultural traditions, and community values. Social structures, such as access to healthcare resources, socioeconomic status, and cultural beliefs, shape individuals' attitudes towards AM. Simultaneously, individuals' agency and unique circumstances, such as personal experiences and social networks, also play a role in their healthcare choices.

By applying structural constructivism, this study aims to understand how societal and cultural factors shape healthcare practices and behaviors in Nde Division. Specifically, it explores how social structures and cultural norms influence individuals' decisions to use AM, and how these influences interact with access to healthcare resources. This framework allows us to examine the complex interplay between structure and agency, and how they shape healthcare outcomes in the region. In doing so, this study addresses some of the limitations of structural constructivism, such as the tendency to overlook individual agency, overemphasize stability, and ignore power dynamics. By acknowledging the role of personal agency and unique circumstances, this study provides a more nuanced understanding of how individuals navigate and respond to their social contexts.

Materials and Methods

Study area

The Nde Division, situated in Cameroon's West Region, is renowned for its vibrant culture and strong adherence to traditional beliefs and practices. Comprising four subdivisions, Tonga, Bangangte, Bazou, and Bassamba, it has a combined population of 304,800 as of 2019.² The study focused on the Bangangte, Bazou, and Bassamba, due to their cultural (beliefs and practices), and geographical similarities, which offer a representative sample for exploring the Division's cultural health beliefs and practices. On the cultural platform, Nde Division as a whole is partitioned into 14 kingdoms or cultural groups³. It is further made up of 208 communities, all headed by chiefs. The Nde Division is also known for its traditional rulers, who play a vital role in upholding its customs and traditions. These traditional leaders are highly respected figures and serve as mediators, arbitrators, and custodians of the cultural heritage of their respective communities.

Methodology

This study employs a descriptive cross-sectional mixed-methods design, combining both qualitative and quantitative approaches to provide an understanding of healthcare-seeking behavior in Nde Division. The quantitative approach involved administering questionnaires to 102 users of AM in three subdivisions of Nde Division, with 99 questionnaires retrieved and analyzed. Stratified random sampling was employed to ensure a representative sample, with participants selected based on demographic characteristics such as age, gender, ethnic group, occupation, education level (Elfil & Negida, 2017), and their usage of AM. Data was analyzed using EPI INFO software, with results presented using descriptive statistical tools such as tables and bar charts.

The qualitative approach involved conducting semi-structured individual interviews with 60 participants, selected using purposive sampling techniques. This study obtained approval from the University of Dschang's Graduate School and adhered to rigorous ethical standards, ensuring informed consent through a comprehensive process where participants signed a written consent form, were fully briefed on the research purpose, benefits, and potential risks, and were assured of voluntary participation, anonymity, and data protection. Participants were also provided with contact information for the researcher and an independent ethics committee, informed of their right to withdraw data, and offered a debriefing session. The study ensured sufficient time for consideration, protected vulnerable populations, translated study

³ KINGDOMS; Bangangte, Bangoua , Balengou, Batchingou, Bazou, Bamah, Bakong, Bagnoun, Bamera, Badounga (Tonga), Bahouoc, Bagang- Fokam, Bawock, Bangoulap

materials when necessary, and had an independent ethics committee review and monitor the consent process. Participants were advised that the study was privately-funded for a PhD research project, and that their participation would take 20-60 minutes for the quantitative study or 30 minutes to one hour for semi-structured interviews. Every effort was made to minimize potential harm and ensure participants' well-being. These interviews were recorded using a tape recorder, whose content was later transcribed, and then coded.

Participants included traditional authorities, traditional practitioners, vendors of alternative medicine, users/consumers of alternative medicine, and conventional medical personnel. Content analysis was used to identify key themes, emotions, perceptions, and experiences related to the use of alternative medicine. The mixed-methods approach was chosen to capture both the breadth and depth of data, allowing for an understanding of healthcare-seeking behavior in Nde Division (Wasti et al., 2022). The quantitative approach provided demographic information of healthcare-seeking decision making, while the qualitative approach captured detailed emotions, perceptions, and experiences.

Purposive sampling was used for the qualitative study, targeting specific groups known for their relevance to the study. Stratified random sampling was used for the quantitative study, ensuring a representative sample. Inclusion criteria included, being residents of Bangangte, Bazou, or Bassamba, adults aged 18 and above, and experience with alternative medicine within the past 12 months. Exclusion criteria included non-residents, non-users of alternative medicine, and individuals who refused to participate.

Results

This study explores the use of AM among users in the Nde Division, with a focus on the role of indigenous beliefs and practices in shaping healthcare choices. Through interview with 15 Traditional practitioners, 5 traditional authorities, 10 Vendors, 20 members of the local Population (consumers of AM), 10 conventional medical personnel, totaling 60 qualitative interviews and 99 questionnaires in the quantitative follow-up study. The findings reveal a strong belief in the effectiveness of indigenous healing traditions and practices, with 80% of participants believing in their efficacy and 70% using AM due to cultural and spiritual beliefs.

Table 1: Population Under Study

N°	Description of population	Actual figures	Percentages
1	Notables (Traditional authorities)	5	8.3%
2	Traditional practitioners	15	25%
3	Vendors	10	16.7%
4	Population (consumers)	20	33.3%
5	Medical personnel	10	16.7%
Total		60	100%

The study reveals that societal attitude towards alternative medicine in Nde communities is characterized by a blend of reverence for traditional healing practices and cautious openness to modern medical interventions. Users of AM perceive it as a complementary or alternative form of healthcare that seeks to identify the origin of illnesses and address the root cause rather than just treat symptoms. The majority of users 30.61% were over 48 years old, married, and have completed secondary education, 57.58%. The gender balance among users of alternative medicine leaned slightly towards males, who made up 52.53% of the population, with females constituting 47.47%.

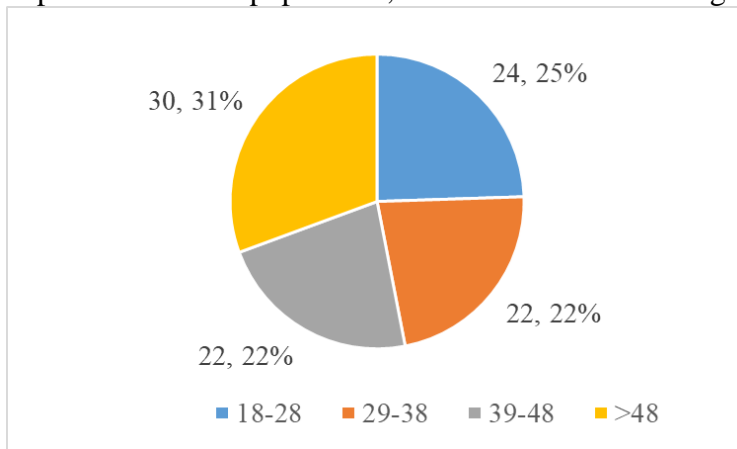


Figure 1: The age range of participants

They use AM for various health issues, including malaria, typhoid, epilepsy, and mental illnesses, liver and kidney diseases, diabetes, difficult pregnancies and deliveries, sprains, cough, cold, etc. and believe it offers a certain level of perceived efficacy and benefit. The results also highlight the significance of cultural beliefs, healthcare accessibility, and personal health preferences in the adoption of alternative healing methods, with users relying on natural remedies such as herbs and tree barks, and spiritual healing practices passed down through generations.

This data suggest that the utilization of AM practices in Nde is influenced by a combination of economic, social, cultural, and individual factors. Economically, 30.21% of users opted for AM due to financial constraints, finding it more affordable than conventional healthcare, while 5.21% chose it due to prolonged waiting times in hospitals. Socially, 9.38% of users were influenced by positive experiences and testimonials from friends and family members, and another 9.38% chose alternative medicine due to the proximity of alternative health facilities. Culturally, 5.21% of users relied on traditional healing practices passed down through generations, and many trusted in the effectiveness of these practices due to their extensive history of use in the community. Individually, 21.88% of users opted for alternative

medicine due to unsatisfactory experiences with conventional healthcare, while 18.75% chose it for personal reasons not captured in the other categories. In sum, these results highlight the complex interplay of factors that drive the use of alternative medicine in Nde, thereby, reflecting a blend of economic, social, cultural, and individual motivations.

Table 2: Reasons for using alternative medicine in Nde

Reasons for choosing to use alternative medicine	Frequency	Percentages
Cost	29	30.21%
Dissatisfaction with the previous course of treatment	21	21.88%
Other reasons	18	18.75%
Distance	9	9.38%
Recommendation from friends	9	9.38%
Delays in hospital	5	5.21%
It is our culture to use their services	5	5.21%
Total	96	100.00%

The safety and efficacy of alternative medicine (AM) in Nde is a matter of consideration, particularly from the perspective of conventional healthcare personnel. While 79.59% of participants reported satisfaction with the results of AM, they lacked knowledge on potential interactions and toxicity. This lack of understanding is compounded by the absence of precise measurements and regulation, leading to uncertainty in dosages. Notably, 14 out of 15 interviewees relied on household utensils for measurements, which could lead to inconsistent dosing. Furthermore, negative interactions between herbal products and conventional medicine are likely to pose a significant risk to patients. Despite 57.58% of participants having secondary education, they still relied on referrals and word of mouth to use AM, thereby, highlighting the need for education and awareness.

Moreover, the risk of toxicity is high due to the use of plants with properties similar to conventional medicine, such as arthemisia and "kenkeliba", which have the ability to suppress germs and affect lab tests, as noted by clinical laboratory personnel in the study. Additionally, poor hygienic conditions in which the medicine is produced, as well as counterfeit herbal medicines on the market, pose significant safety concerns.

Discussion

The following discussion elaborates on the study's findings, which reveal the complex dynamics of economic, social, cultural, and spiritual factors influencing healthcare choices in the Nde Division, highlighting the significance of cultural sensitivity and inclusivity in healthcare delivery.

The study highlights the significance of indigenous medicine in the healthcare system, including the crucial role of practitioners known as "Menyi" and the importance of community engagement and support.

The study's findings highlight the significance of economic, social, cultural, and spiritual factors in healthcare delivery. A strong belief in the effectiveness of indigenous medicine is evident among users in the Nde Division. The dominant use of alternative medicine (78.57%) reflects a habitus (Bourdieu, 1977) which is shaped by a long history of use, familiarity, and collective knowledge. The widespread use of self-medication with alternative medicine (72.34%) emphasizes the need for education to prevent fatalities. Cost (30.21%) and cultural beliefs are significant reasons for using alternative medicine. The high recommendation rate (79.59%) indicates community trust and satisfaction, highlighting the need for inclusive health policies (Fokunang, 2011).

Healthcare providers will benefit from understanding cultural and spiritual beliefs underlying patients' healthcare choices, thereby enhancing patient-provider communication and promoting culturally sensitive care (Asonganyi, 2013). This study contributes to a deeper understanding of cultural health beliefs and practices in the Nde Division and beyond. Studies have shown that cultural representation of illness shapes treatment choices, with alternative medicine often being closely tied to cultural practices and traditions (Fokunang et al., 2011; Makoge et al., 2013).

Although the government has established regulatory mechanisms, more research is needed to fully understand the potential risks and benefits of AM. Ultimately, the use of AM is deeply rooted in cultural beliefs, but its coexistence with conventional medicine creates tension and conflicting healthcare practices, highlighting the need for integration and education.

Enhancing collaboration and networking is vital for promoting alternative medicine in Cameroon. Currently, a lack of effective collaboration and coordination between AM practitioners and conventional healthcare providers hinders the understanding and acceptance of AM practices by a large proportion of the population. However, efforts are being made to address this challenge including interdisciplinary training programs, professional forums, and educational initiatives are being implemented to foster mutual understanding and respect. To this end, the Cameroonian government has adopted policies and guidelines set forth by international organizations such as the World Health Organization (WHO, 2013). These efforts include the adoption of the National Strategic Plan for the development and integration of alternative medicine in Cameroon, by incorporating them into national laws and regulations to promote the integration of alternative medicine into the country's healthcare system. Moreover, in August 2002, the government took a significant step towards regulating unconventional medicine by issuing Decree No. 2002/209, which mandated the registration and authorization of unconventional medicine practitioners by the Ministry of Public Health.

Furthermore, traditional healers are actively making efforts to incorporate themselves into the mainstream healthcare system through collaborations with Western-trained professionals, in order to enhanced patient outcomes and increased trust among healthcare providers and communities. This integration is facilitated by utilizing conventional diagnostic testing facilities, adhering to established regulatory frameworks for alternative medicine, and participating in state-organized training programs for alternative medicine practitioners. By bridging the gap between conventional and alternative medicine, these initiatives aim to strengthen the alternative medicine sector in the country, and ultimately provide more comprehensive and inclusive healthcare options for patients.

The findings of this study unequivocally show that alternative medicine users in the Nde Division in Cameroon incorporate indigenous beliefs and practices into their healthcare choices, influenced by strong cultural and spiritual convictions, community endorsement, and perceived effectiveness. This highlights the necessity for healthcare providers to consider these factors in order to provide culturally sensitive care that respects the cultural nuances and values of this community.

This study's methodological strengths include the use of a qualitative research design and diverse data collection methods. Limitations include sampling biases, cultural nuances, and researcher subjectivity. Future research explores longitudinal studies, comparative analyses, and interdisciplinary research collaborations. This study provides valuable insights into the complex dynamics of healthcare choices in the Nde Division, highlighting the importance of cultural sensitivity and inclusivity in healthcare delivery. By understanding the cultural and spiritual beliefs underlying patients' choices, healthcare providers promote more effective and respectful care.

Conclusion

This study aimed to examine consumer attitudes towards indigenous healing traditions, identify factors influencing the use of alternative medicine practices, assess the perceived effectiveness and safety of indigenous medicine, and explore opportunities for collaboration and challenges in integrating indigenous medicine into the broader healthcare system. The findings reveal a strong belief in the effectiveness of indigenous healing traditions and practices, with 80% of participants believing in their efficacy and 70% using AM due to cultural and spiritual beliefs. The study highlights the significance of cultural beliefs, healthcare accessibility, and personal health preferences in the adoption of alternative healing methods. However, concerns regarding safety and efficacy, lack of knowledge on potential interactions and toxicity, and poor regulation were also noted.

In conclusion, this study demonstrates the importance of cultural competence in healthcare delivery and research, emphasizing the need for healthcare providers to recognize and respect traditional healing modalities. The recommendations provided, including cross-cultural training, integration of traditional practices, community engagement, and policy development, offer a framework for promoting cultural competence and improving healthcare delivery. Future studies may address the standardization of alternative medicine practices, education and awareness programs for consumers, and the development of policies to regulate the use of alternative medicine. By promoting integrative and inclusive healthcare approaches, this study aims to enhance healthcare outcomes and improve health equity in Cameroon and similar contexts.

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