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#### **Abstract**

Algeria places increasing importance on forest wealth and all forms of vegetation, reflecting a promising and responsible approach to addressing the risks and disasters that threaten forests. This strategy aims to strengthen the tourism sector and the national economy. The responsible authorities have also called on civil society organizations to initiate their activities to broaden awareness campaigns targeting the general public for the preservation of forest resources and to report anyone responsible for forest fires—an issue that annually causes significant losses in lives and property for the Algerian state. The call underscores the state's recognition of the importance and effectiveness of civil society organizations in curbing various assaults on forests.

**Keywords**: forest resources, civil society organizations, major risks, legal framework for forests, protection mechanisms.

# **INTRODUCTION:**

The forest has long been considered a comprehensive ecological unit, maintaining a natural balance with trees, shrubs, plants, and a variety of microorganisms. In Algerian law, forests are defined in the Land Guidance Law No. 90-25, Article 14, as follows: "A forested area is any land covered with diverse natural vegetation of varying heights and densities. It includes areas affected by deforestation due to tree cutting, fires, or grazing, and covers brushlands, thickets, and coastal protection zones." A forest is a limited area of woodland (less than 10 hectares), including arable and forested lands, or it can be considered the green cover of the earth, often referred to as its 'lungs,' which is essential for the environment.

Forests provide numerous ecological, economic, and environmental benefits. However, they are increasingly threatened by various dangers that have led to their degradation, pollution, and the loss of their pristine condition. These threats are closely linked to technological advancements and human greed in exploiting natural resources, often without considering whether these resources are renewable or non-renewable.

Among the most significant dangers threatening forest resources are fires, desertification, soil erosion, industrial pollution, and various forms of encroachment on forests. Such threats have become widespread in many countries and societies. The primary cause of this issue lies in individuals' pursuit of wealth at the expense of forests, whether by exploiting the resources they provide or engaging in profitable activities that leave negative impacts and diminish their value.

In response to these growing threats, the Algerian legislator has enacted legal protections for forest resources. These protections are reflected in a series of measures and legal provisions, most notably Forest Law No. 84-12, which regulates forest property and has been amended and supplemented over time. Other related laws include Law No. 23-21 on forests and forest resources, as well as legislation concerning urban planning, the Penal Code, and Law No. 90-25 on land management, the latter being the most recent in a series of amendments, culminating in Law No. 23-21 dated 23/12/2023 on forests and forest resources.

**Research Problem:** Despite the presence of a legal framework aimed at protecting forest resources from various dangers, it is undeniable that civil society plays a crucial role in the conservation and sustainable utilization of forests. This prompts the following central research question:

How does civil society contribute to the protection of forest resources from the threats they face?



**Sub-questions:** To answer the main question, several related sub-questions arise:

- 1. What are civil society organizations, and what are their characteristics and components?
- 2. What obstacles do civil society organizations face in protecting forest resources?
- 3. How can these obstacles be overcome to allow civil society to fulfill its role?
- 4. Have non-governmental organizations successfully achieved their objectives in preserving forest resources?

Importance of the Study: The role of civil society in protecting forest resources is a critical subject with multiple dimensions. It is of particular relevance today due to its novelty and alignment with the state's goals, especially as the government increasingly relies on non-governmental civil society organizations to mitigate the risks and disasters affecting Algeria's forests. Forests are invaluable natural resources that contribute to sustainable development and production, making their preservation essential.

Objectives of the Study: This paper aims to highlight the following:

- Clarify the risks facing forest resources.
- Identify the key legal protections provided by Algerian legislators to safeguard forest resources.
- Examine the role of civil society, particularly environmental associations, in reducing the dangers threatening forests.

**Research Methodology:** To address the research problem, we employed both descriptive and analytical methodologies. The descriptive approach was used to define the phenomenon under study—forests and their legal framework. The analytical approach was applied to assess the effectiveness of civil society organizations in addressing challenges, particularly forest fires, and other risks.

# Structure of the Study:

- Chapter One: The legal framework for forest resources.
- Chapter Two: Civil society mechanisms for protecting forest resources.

Chapter One: The Legal Framework for Forest Resources Forest resources are among the natural assets vulnerable to destruction and various forms of criminal encroachment. Their importance stems from their status as land assets with significant economic and social value, serving as sources of income and profit. Recognizing this, Algerian legislators have enacted numerous protective and preventive legal provisions to safeguard these resources.

**Section One: The Legal Nature of Forest Resources** The legal nature of forests pertains to the determination of ownership: Are forests owned by the state or by private entities? If state-owned, are they considered part of the public domain or the private domain of the state?

An examination of legal texts reveals that Algerian legislators have afforded forest lands a privileged status. Since the 1976 Constitution, forests have been state property irrevocably, with a focus on preventing private ownership of these lands. Forest Law No. 84-12, as amended, categorizes forests as part of the state's economic assets or local communities' property. Consequently, forests are regarded as natural resources belonging to the national public domain, with an economic function. The state retains full authority to exploit and manage forests in accordance with the public interest.

Moreover, the inclusion of forest resources within the public domain is affirmed by Article 15 of Law No. 90-30 of December 1, 1990, on national property, as amended. This article integrates forests into the national public domain, specifying that national public property includes "forest resources across the national territory." Additionally, forests are classified as land assets in Article 23 of Law No. 90-25, the Land Guidance Law, which divides land ownership into public and private property. The 2016 and 2020 constitutions further emphasized forests as part of the national land domain.

# Section Two: Types of Forest Ownership in Algeria

According to Article 23 of Law No. 90-25, the Land Guidance Law, forest ownership in Algeria is classified into two categories: national forest property and private forest property.

Subsection One: National Forest Ownership Forest resources in Algeria are considered national assets belonging to the collective national body. Every citizen and resident of the national territory

is responsible for protecting these resources and contributing to their sustainable development. The sustainable management of forests and forested lands is a key priority in the national economic and social development policy and is integrated into regional planning processes.

In line with Article 12 of Law No. 08-14, which amends and supplements the National Property Law, forests are designated as part of the national public property. This designation grants the General Directorate of Forests the authority to manage forests at the national level, in coordination with its provincial branches. Furthermore, the legislator has entrusted the Forest Conservation Authority with managing and protecting forest property.

Law No. 23-21, concerning forests and forest resources, further refines the rules for the management, protection, expansion, and development of national forest resources within a sustainable development framework. It emphasizes forest management, the protection of forested lands from erosion and degradation, and the preservation of biodiversity. This law repealed Law No. 84-12 of June 23, 1984, which previously governed forests, though its implementing regulations remain in effect until new ones are issued, for a maximum period of one year from the enactment of Law No. 23-21. This law also emphasizes the protection of wildlife, the fight against desertification, and the valorization of forests and forest resources with the involvement of other relevant sectors.

Additionally, every ten years, an inventory of national forest resources must be conducted as part of the National Forest Strategy, with periodic updates. This allows for the creation of a National Forest Development Plan, which guides national forest strategy and establishes rules for the sustainable management, protection, and expansion of forest resources, as well as their protection from erosion and degradation.

Moreover, Law No. 23-21 prohibits the declassification of forest lands from public ownership without a decree issued by the Council of Ministers, ensuring that such lands retain their status as state property. The same law prescribes imprisonment and fines for crimes related to forest fires, deforestation, illegal grazing and cultivation, unauthorized construction, and unlawful exploitation of both timber and non-timber forest resources. It also criminalizes actions that harm wildlife and plant species within forested areas.

Subsection Two: Private Forest Ownership The legislator also addressed private forest ownership in Law No. 84-12, which dedicates four articles in Chapter III of Title IV under the heading "Rules Governing Privately-Owned Forested Lands." Specifically, Article 58 of this law mandates the implementation of all necessary measures to protect private forests from risks, particularly fires. In cases of necessity, landowners may request state assistance, as indicated in Article 61 of the same law.

Private forest ownership falls within the second category of property rights defined in Article 23 of Law No. 90-25, the Land Guidance Law, which identifies national property, private property, and waqf (endowed) property as the main categories. Private forest ownership is further described in Article 50 of the same law, which states: "The right to enjoy and dispose of real property and real rights for the purpose of using property in accordance with its nature or purpose." This indicates that private ownership, as outlined in the Land Guidance Law, is considered private property, particularly in terms of proof and legal protection. Although private, these lands must be safeguarded from all risks and natural disasters and used rationally to serve the public interest, even though they remain under private ownership.

#### Section Three: Classification of Forests by Function

According to Law No. 23-21 on forests and forest resources, forests are classified by the forestry administration based on their potential, location, and composition, as well as socioeconomic needs in line with the National Forest Development Plan. The state divides forests into three main types based on their primary function: **protective forests**, **exploitable forests**, and **forests for special uses**.

1. **Protective Forests:** These forests are primarily designated to protect biodiversity, preserve rare species, and maintain natural beauty. They also safeguard land, mountains, and slopes from erosion and regulate water flow. Protective forests play a crucial role in combating desertification,

stabilizing sand dunes, and adapting to climate change. These efforts align with sustainable development programs, such as the reforestation and expansion of the "Green Dam" project, launched in 2023. The project spans 3.7 million hectares, providing opportunities for entrepreneurs and small businesses to invest in and develop this initiative. Additionally, the National Reforestation Program and tree-planting initiatives aim to strengthen the forested environmental belt, contributing to the national economy.

- 2. Exploitable Forests: The primary function of these forests is to produce wood and forest products, support tourism development, and promote traditional industries. They also play a role in agricultural activities by providing economic opportunities for local communities, especially those living near forests. Through the "usufruct rights" mechanism, local populations are granted access to engage in agricultural and pastoral activities, fostering wealth creation and improving their living conditions. This aligns with the state's policy to support family farming and related activities in forested areas.
- 3. Forests for Special Uses: These forests and forested lands within the public domain are located in tourism expansion areas. They are characterized by scenic beauty, enhancing quality of life and promoting eco-tourism, recreation, and family entertainment for Algerians. These forests are also used for scientific research and higher education. The state has developed several management and development plans to ensure the preservation and safety of these forests. These plans focus on producing forest materials, protecting biodiversity within forest ecosystems, safeguarding forest resources and water, and providing public services. This contributes to both social and economic development.

Each type of forest plays a unique role in meeting ecological, economic, and social needs, reflecting Algeria's commitment to sustainable forest management and development.

# Chapter Two: Phases of Civil Society Protection of Forest Resources

Law No. 23-21 regarding forests and forest resources represents a significant step towards enhancing the means and mechanisms for protecting Algeria's national forest wealth and its ecological diversity. Civil society organizations, including associations, parties, and non-governmental organizations, play a crucial role in safeguarding forest resources from various forms of encroachment. However, the methods and means of intervention in this area cannot be limited to specific roles or means. Encroachments on Algeria's forests take various forms, with human factors contributing significantly to forest degradation alongside natural causes. Therefore, the role of NGOs in forest preservation manifests through two main approaches: **preventive** and **remedial**, depending on the threats and encroachments faced by forests.

# Section One: Preventive Phase

Forest resources continue to suffer from violations and encroachments by humans, including tree cutting, unauthorized grazing in restricted areas, and fires, which have become the most significant threat. Approximately 31,300 hectares are burned annually in Algeria. In this regard, the Algerian legislator, through Law No. 84-12 on the general system of forests, outlines preventive measures for protecting forest resources. It emphasizes the necessity for the state to provide all material and human resources required for this purpose.

Article 15 of Law No. 84-12 states: "Protecting forest wealth is a prerequisite for its development, and every individual has a duty to contribute to its preservation." This reflects a proactive approach aimed at safeguarding forest wealth and ensuring the safety of individuals and properties located in or near forest areas while preventing and combating forest fires. In 2023, the Ministry of Agriculture and Rural Development implemented a series of urgent and preventive measures to avoid repeating the scenarios of recent years, with civil society organizations participating actively in environmental protection efforts. Their influence sometimes exceeds that of the state.

The preventive role of NGOs becomes evident through environmental awareness campaigns, education, and communication about the state of forests and their importance on multiple levels. They provide environmental and forest-related information to the public and specialized scientific audiences, ensuring access to information as guaranteed by international, regional, and national agreements concerning the environment and forests.

Moreover, the Algerian legislator did not restrict preventive protection to Law No. 84-12 but expanded the scope to mitigate any harm or danger threatening national assets. Consequently, the Algerian state relies on the awareness-raising role of civil society. This involves distributing pamphlets to forest visitors and focusing on direct awareness for visitors, especially on weekends, utilizing social media platforms to increase educational posts and awareness-raising videos.

Regular cleaning campaigns are organized in forests to remove materials that could ignite fires. Civil society organizations strongly participate alongside forest service personnel in awareness campaigns launched by the Ministries of Agriculture, Environment, and Youth and Sports, urging all citizens—especially forest visitors—not to leave behind anything harmful that could degrade this forest wealth economically and environmentally.

The role of associations is significant in protecting forest resources through volunteer efforts, promoting ideas and initiatives among the local population. Members participate in reforestation efforts throughout the year, create green spaces, and engage with schools to raise awareness among children about their responsibility to care for forests from all threats. They organize awareness caravans and seminars to highlight the role and importance of civil society in protecting and preserving forest resources, fostering a culture of conservation across all community segments while promoting eco-tourism, reforestation, and agriculture as alternatives to fossil fuels.

Environmental associations are among the most active in this field, contributing to awareness and preservation of forest resources. The Algerian legislator acknowledges the active role of associations under Law No. 03-10 on environmental protection within the framework of sustainable development and Law No. 12-06 concerning associations, which allows them to provide environmental studies or consultations to administrative authorities.

Law No. 03-10 empowers associations with significant authority to contribute to forest wealth protection. They are free to choose legal activities suitable for achieving their preventive goals and disseminating environmental information to raise awareness among citizens and all stakeholders about the threats facing forest resources.

Environmental associations can report any violations of forest resources, participate in decision-making, and propose solutions to the problems and risks threatening forest wealth. They also have the right to resort to the judiciary by filing lawsuits against any violations affecting forest resources, as Articles 36, 37, and 38 of Law No. 03-10 outline the conditions allowing environmental associations to take legal action and initiate public lawsuits against any acts that harm environmental integrity.

In response to the fires that occurred in many regions, some associations have established water sources for burned forests to provide food and water for animal and plant life. They have also conducted cleaning campaigns in fire-affected forests and offered their equipment for use as needed, alongside the active role of the civil protection services in extinguishing forest fires.

Given this vital and sensitive role, associations have been involved in political decision-making and consulting when necessary. Article 13 of the Municipal Law states: "The President of the Municipal Council may, when required by municipal affairs, consult any local person, expert, or representative of a legally recognized local association who can provide useful contributions to the council's work or its committees based on their qualifications or the nature of their activities." Many advisory bodies exist where associations participate concerning the environment, including:

- The Economic, Social, and Environmental Council.
- The National Advisory Council for Fisheries and Aquaculture.
- The Supreme Council for the Environment and Sustainable Development.
- The National Council for Forests and Environmental Protection.

Associations are also members of public bodies related to the environment, such as the Algerian Water Authority, the National Sanitation Office, and the National Observatory for the Environment and Sustainable Development.

To protect forest wealth from fires, Law No. 23-21 prohibits gathering in forest areas or within 500 meters of them, and it forbids using fire for any purpose that could ignite a fire due to negligence, cooking in non-designated areas, and leaving waste from pedestrians or travelers that could trigger

a fire. Camping outside designated areas is also banned. The state encourages residents to participate in efforts to protect and develop forest wealth, which is especially embodied in civil society organizations.

Furthermore, the new law provides for the establishment of a national coordinating body to combat desertification and rehabilitate the Green Dam, materializing in the formation of the National Committee for Forest Protection, established on July 2, 2023, by the Minister of Agriculture and Rural Development and the Minister of the Interior, Local Communities, and Urban Planning.

Political parties are another essential aspect of civil society that contributes significantly to forest protection, as they play a critical role in many countries in safeguarding forest resources due to their importance to all citizens. However, this issue may be a primary concern for some parties and secondary for others, similar to issues concerning land, environmental concerns, ozone depletion, and opposition to nuclear weapons—collectively known as "green politics." The success of parties in these matters can enhance their popularity and public support.

For instance, the Tasmanian United Party in Australia is recognized as the first green party, established on March 23, 1972. The concept later spread to Western and Arab countries. In Algeria, the Green Development Party, founded on February 25, 2012, opposes those who harm the country, nature, and the environment while supporting efforts for a greener Algeria.

#### Section Two: Remedial Phase

Despite the preventive measures established by Algerian legislation for forests, the government has introduced several remedial mechanisms to prevent all forms of encroachment on forest assets. In this context, the legislator affirmed in Article 35 of Law No. 03-01 on environmental protection within the framework of sustainable development the right of legally recognized environmental associations to participate in and provide assistance and consultation to public bodies when making decisions that have environmental impacts.

These associations can exert pressure on governments through various means, including protests and demonstrations. If these methods do not yield the desired results, civil society organizations can resort to legal action to demand the cessation of violations and encroachments occurring in forests on multiple levels. The need for these remedial measures arises from the devastating wildfires that have affected Algerian forests in several regions, alongside the significant material and human losses incurred due to exceptional climatic conditions characterized by high temperatures and irresponsible behaviors exhibited by some citizens, leading to violations and encroachments on forests.

These remedial actions are not unique to Algeria; they are part of international practices as well. For instance, on the international level, the International Nature Fund filed a lawsuit aimed at protecting the natural environment. One notable case was against a large hydroelectric dam project on the Danube River in Austria, which was to be constructed on a vast forested area that was unique in all of Europe. As a result of two rulings by the Austrian Supreme Court in January 1985 and September 1986, the project was canceled.

On the national level, the state has employed advanced methods and technologies for extinguishing fires, including the acquisition of large water aircraft to quickly combat fires. Barbecues and any form of open flame within or near forest areas across the country have been strictly prohibited under any circumstances, all under the slogan "Protecting forests is everyone's responsibility."

Additionally, the production of charcoal has been frozen due to the fire hazards it poses to forests. Increased patrols have been established in forested areas and their surroundings, and the government has taken measures to address reports received via the dedicated hotline for reporting any dangers or violations threatening the safety of forests or risking fires.

An ambitious project aims to plant over 400,000 hectares with fruit and non-fruit trees. A financial envelope of 65 billion Algerian dinars has been allocated within the National Agricultural Development Plan (PNDA), which is part of the economic recovery program and one of the key national programs contributing to the sector's revival. Furthermore, Executive Decree 01-78 has been issued to define the conditions and methods for licensing exploitation, classifying forest properties, and protecting them (protection forests, nature reserves, and national parks).

The initiative launched under the slogan "A tree in front of every house," led by Fouad Maâli, consists of two components: one involves planting trees in various residential neighborhoods, which has been realized in 58 provinces, while the second aims to compensate for the losses suffered by forests due to wildfires. The initiative focuses on planting durable fruit trees, such as olives, carobs, and Atlantic pistachios, in addition to oaks in colder areas, which are known for their resilience.

The new law imposes prison sentences and fines on those committing crimes related to forest fires and destruction, illegal grazing, cultivation, and unlawful construction or employment within public forest property, as well as crimes affecting plant and animal resources and the illegal exploitation of forest products, both wooden and non-wooden.

According to the proposed new law, anyone who intentionally sets fire to property, whether theirs or not, in a manner likely to spread flames to public or private property faces imprisonment of 10 to 15 years. If the fire results in injury or permanent disability, the penalty escalates to life imprisonment. Those who unintentionally cause a fire that damages others' property can face 6 months to 2 years in prison. If the fire leads to the death of one or more individuals, the perpetrator can be sentenced to 5 to 10 years in prison. Additionally, anyone who uses fire for unauthorized purposes without taking necessary precautions, such as cooking or leaving waste that could cause a fire, could face imprisonment for 2 to 6 months.

The new text states that anyone who intentionally sets fire to state or local government forest property, or public institutions, for the purpose of harming the environment or destroying forest and wildlife resources, or for any unlawful purpose, will be subject to life imprisonment.

This new text revokes the provisions of Law No. 84-1 dated June 23, 1984, concerning the general system of forests, but its implementing regulations remain in effect until new regulations are issued, for a maximum period of one year from the law's issuance.

#### Conclusion

The involvement of civil society in environmental protection and development is an essential strategic choice in contemporary times. The participation of civil society in protecting forests from imminent threats has become more than necessary, as NGOs play an indispensable role in identifying risks to forests and taking appropriate measures for their remediation and prevention. They act as pressure groups through their field activism, which earns them credibility and significant acceptance among ordinary citizens.

From this discussion, several conclusions can be drawn:

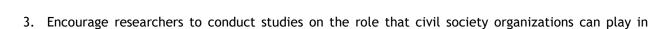
- 1. The Algerian legislator has granted civil society organizations two approaches for preserving forest wealth: preventive and remedial.
- 2. Civil society organizations prioritize human resources through ongoing training and awareness of the importance of forest wealth.
- 3. The state's commitment to protecting forest resources at national, regional, and international levels.
- 4. The membership of associations in environmental protection is limited to a small number of the national population, without efforts to attract a larger membership base, particularly individuals interested in and experienced in environmental protection.
- 5. A lack of planning and future vision among many associations in the field of forest resource protection hinders their ability to operate according to pre-planned programs to achieve specific objectives within designated timeframes.

Based on the conclusions presented, the following recommendations can be made:

### **RECOMMENDATIONS**

- 1. Enable civil society organizations working in environmental protection and forest resource conservation to engage in meaningful communication and exchange experiences, information, and environmental knowledge nationally and internationally.
- 2. Develop a rational strategy by the state for forest utilization.

forest resource protection.



4. Foster fruitful dialogue between governments and NGOs to recognize the role each plays in implementing government programs regarding forest protection and to enhance these roles.

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- [2] The Algerian legislator defined a forest in Articles 8 to 11 of Law No. 84-12, which regulates national forest property, as follows: "All lands covered with forest types in the form of normal forest stands." Article 9 of the same law further elaborates: "Normal forest stands are defined as any stand that contains at least:
- [3] One hundred (100) trees per hectare in mature conditions in dry areas and dry environments
- [4] Three hundred (300) trees per hectare in mature conditions in wet areas." This is stipulated in Law No. 84-12, dated June 23, 1984, concerning the general regime of forests, Official Gazette, 1984, No. 26, amended and supplemented by Law No. 91-20 dated December 2, 1991, Official Gazette, 1991, No. 62.
- [5] Additionally, Law No. 23-12, dated December 23, 2023, pertains to forests and forest resources, published in Official Gazette No. 83
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- [8] The article titled "Exemption of Properties Proposed for Public Investment in the Highlands and South" is available via the link: <a href="https://news.radioalgerie.dz/ar/node/28698">https://news.radioalgerie.dz/ar/node/28698</a>.
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- [11] The Al-Nasr newspaper website reported on March 30, 2024, at 16:20 about the new forest law in Algeria: https://www.annasronline.com/index.php.
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- [13] The foundations of civil society are established on three pillars. The first pillar is the free will or voluntary action, which is considered one of the most important foundations of civil society. It embodies the free will and voluntary nature of individuals to join non-governmental

organizations. The second pillar involves individuals systematically joining society composed of entities and institutions according to pre-defined conditions. The third pillar is ethical and behavioral, manifested in the acceptance of each individual in this society of the other's differences. Alaeddine Qali discusses civil society in the constitutional amendment of 2020, focusing on "Participation in Decision-Making and Implementation as a Model," pp. 289-290.

- [14] Sofiane Hajin explores the role of non-governmental organizations in environmental protection in his thesis for a Master's degree in Private Law, specializing in Environmental Law, p. 11. Law No. 03-10 concerning environmental protection within the framework of sustainable development, dated July 19, 2003, is published in the Official Gazette, No. 43.
- [15] Khaled Al-Amari discusses "The Role of Civil Society in Environmental Protection in Algeria: Environmental Protection Associations as a Model" in the journal "Horizons for Research and Studies," Volume 6, Issue 1, University Center of Ilizi, 2023, p. 500. Rashid Masoudi explores "The Participation of Associations in Environmental Protection: Roles and Obstacles" in the "Professor Researcher Journal for Legal and Political Studies," Volume 6, Issue 2, December 2021, p. 1840.
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- [20] Executive Decree 01-87, dated April 5, 2001, outlines the conditions and methods for granting exploitation licenses.
- [21] The Algerian News Agency reported the issuance of the Law on Forests and Forest Resources in the Official Gazette at 10:45 on March 23, 2024, available at: <a href="https://www.aps.dz/ar/economie">https://www.aps.dz/ar/economie</a>.