



The role of environmental legislation in achieving sustainable development of the agricultural sector in Algeria: between the legal text and the applied reality

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Abstract:

The article examines the legal framework and environmental regulations in Algeria aimed at promoting sustainable development in the agricultural sector, highlighting the gap between legislative intent and practical application. Although there is a comprehensive set of laws, such as Law 03-10 and Law 08-16, the country faces significant challenges in enforcing them due to weak governance, limited oversight, and economic and climate difficulties. The results indicate that ongoing environmental degradation requires a comprehensive re-evaluation of current policies to better align legal provisions with practical reality and ensure effective resource protection.

Keywords: Legal legislation, sustainable development, agricultural sector in Algeria, field reality.

Introduction:

Sustainable development is a pivotal concept that links economic growth, social justice, and environmental conservation. In light of increasing global challenges such as climate change and the scarcity of natural resources, achieving development in isolation from the environmental dimension is no longer possible. In Algeria, the agricultural sector represents a fundamental pillar for achieving food security, as it absorbs a large proportion of the workforce and contributes to

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the gross domestic product. However, this sector faces worsening environmental pressures such as desertification and soil degradation Water scarcity, which directly affects its production capabilities and long-term sustainability.

Algeria has recognized the importance of this relationship and has enacted an arsenal of legislation aimed at protecting natural resources and framing agricultural activity within a sustainable vision. However, the fundamental question that arises is: Is Algeria's environmental legislation, despite its theoretical development and comprehensiveness of many aspects, capable of achieving sustainable development for the agricultural sector in the face of these challenges, or is there a wide gap between the legal ambition and the official text and the actual field reality? This article seeks to answer this problem by exploring the legal framework, monitoring field challenges, analyzing gap factors, and providing practical, applicable recommendations.

From the above, we pose the following problem:

What is the role of environmental legislation in achieving sustainable development, and to what extent does this legislation reflect the actual applied reality of the agricultural sector in Algeria?

To answer this central question, we have broken it down into a group of sub-questions:

- What are the most prominent environmental and agricultural legislations in Algeria that aim to protect natural resources?

- What are the most important environmental challenges facing the agricultural sector in Algeria?

- What institutional, legal, and economic factors cause the gap between legal text and reality?

- What are the mechanisms and prospects for enhancing the effectiveness of environmental legislation to achieve sustainable agricultural development?

Importance of the study:

The importance of this study stems from its theoretical and applied



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dimension. On the theoretical level, the study fills a research gap by critically linking environmental legislation to the agricultural sector, rather than a general treatment that might neglect the specificities of this sector. This specialization in analysis represents a qualitative addition to academic knowledge in this field.

At the applied level, the findings and recommendations that will be presented can be an important tool for decision-makers, researchers, and farmers themselves, to contribute to improving environmental and agricultural governance policies and developing more effective strategies to address sustainable issues.

Study objectives:

This study aims to achieve several main objectives, namely:

- Analyzing the legal texts governing the environmental and agricultural sectors in

Algeria, and determining their integration and compatibility with the principles of

sustainable development.

- Monitoring the most prominent field environmental challenges affecting the

agricultural sector, such as soil degradation and water scarcity.

- Evaluating the effectiveness of implementation mechanisms in light of available

data, and revealing the gap between legislative ambition and practical reality.

- Provide actionable recommendations to bridge this gap and enhance the

effectiveness of the legal framework.

Adjusting study concepts:

- **Environmental legislation:** It is defined as a branch of public law that includes a set of legal rules (public and private) aimed at protecting and preserving the environment. It also includes taking precautionary measures to prevent environmental damage before it occurs.¹



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• **Sustainable development:** It is development that meets the needs of the present without compromising the ability of future generations to meet their needs. It is a delicate balancing act between economic, social and environmental dimensions, where one cannot be achieved at the expense of the other.²

• **Sustainable agricultural development:** is the optimal and rational use of agricultural production elements, while preserving soil fertility and other natural resources, ensuring economic viability, and social justice.³

Previous studies:

Studies that have addressed the relationship between environmental legislation and sustainable development in Algeria are few and varied in focus. Below is a review of three main studies relevant to the topic.

First study: An article entitled "The impact of the development of environmental legislative policy mechanisms in Algeria on achieving sustainable development". This study is consistent with our approach of using a descriptive and analytical approach, and with raising the issue of the impact of legislation on achieving sustainable development. However, the main difference lies in the fact that this study addresses the issue from a general perspective, while our study is characterized by a dedicated focus on the "agricultural sector" as a specific applied case. This specialization allows for a deeper analysis and a more accurate understanding of the challenges and mechanisms specific to this sector.⁴

The second study: A doctoral thesis entitled "Legal Mechanisms for Environmental Protection in Algeria." This thesis confirms that Algeria has an advanced legal framework and identifies the reasons for the gap in implementation, such as the lack of specialized human resources and the flexibility of legal texts that grant administrations broad discretionary powers. Our study agrees with these results in analyzing the reasons for the gap. But what distinguishes this article is that it expands this analysis by examining the latest field data on the agricultural sector, the effects of climate change, and modern policies. It also provides a deeper insight into the issue of governance and how it affects the actual implementation of laws.⁵

The third study: An article entitled "Environmental protection laws and mechanisms within the framework of sustainable development in Algeria." This study agrees with the main conclusion of our article that the activation of environmental protection mechanisms "remains characterized by weakness and poor management". However, the current article provides a more detailed analysis



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of the reasons for this weakness in the context of the agricultural sector, and proposes innovative solutions based on digitizing the sector and strengthening governance to ensure effective enforcement of laws.⁶

Curriculum used:

The study relies on the descriptive analytical approach, which allows describing the legal framework and field reality, and analyzing the relationship between them. The comparative approach is also used by comparing the legal objectives stipulated in legislation with the field results achieved.

Selection of study sample and study tools:

- **Study sample:** This study is not based on a human sample in the traditional sense, but rather is a comprehensive case study of the Algerian agricultural sector. The general situation of the sector is analyzed at the national level, with data from specific projects or regions used as case studies to illustrate the gap between the legal text and field reality.

- **Study tools:**

The study is based on a set of tools, which we mention as follows:

First: Legal analysis: This analysis examines and reviews the texts of laws and legislation related to environmental protection and agriculture, such as Law 03-10 and Law 08-16, to understand the objectives and principles for which these laws were enacted.

Second: Content analysis: This method is used to analyze the content of academic studies, official reports, and theses, to extract relevant data and information, and to understand the challenges and application mechanisms mentioned therein.

Third: Statistical data: This data is considered an essential tool in the study, as it is used to provide quantifiable results. Instead of conducting a direct field survey, official statistics and scientific reports are based on land degradation, water pollution, water resources, and other indicators that reflect practical reality.

Fourth: Interview: Conduct interviews with affected farmers, officials in the Directorate of Agriculture, and environmental experts to understand their views on the problems they face.

Chapter One: Legal framework for protecting the agricultural environment in

Algeria:



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The legal framework in Algeria represents an integrated system aimed at protecting the environment in the context of development, where tasks and responsibilities are distributed among several main laws. Law No. 03-10 of July 19, 2003, relating to environmental protection within the framework of sustainable development, is the comprehensive framework for environmental policy in the country. This law is based on a set of preventive principles derived from international agreements, such as the principle of "motivating polluter" and the principle of "preventive activity." Which obliges every person whose activity could cause significant harm to the environment to take the necessary preventive measures. It also stipulates administrative mechanisms such as a licensing system for classified facilities that may pose a threat to the environment, and the necessity of preparing environmental impact studies before embarking on any development project. The law also imposes strict criminal penalties for acts that harm the environment, such as damaging eggs or animal nests, vandalizing their environment, or pouring pollutants into water.⁷

In contrast, Agricultural Directive Law No. 08-16 of August 3, 2008 directly linked the agricultural sector to the concept of sustainable development. Article 2 of this law explicitly states that one of its objectives is to "ensure the protection of lands and the rational use of water resources." The law also regulates the tools for framing agricultural real estate to ensure its rational exploitation, and prohibits the transfer of very fertile agricultural lands to other destinations except by decree issued by the Council of Ministers.⁸

Despite the existence of this seemingly sophisticated and coordinated legal arsenal, there is a fundamental challenge in applying it to the agricultural sector. Law 03-10 places great emphasis on "classified establishments" that are known to be fixed sources of pollution, while agricultural activities are very broad and not limited to this scope, leaving a large part of the sector outside the scope of close control of mechanisms such as environmental impact studies, and opens the door to unsustainable practices on a large scale.⁹

Chapter One: Environmental challenges and their repercussions on the

agricultural sector:

The agricultural sector in Algeria faces significant environmental challenges, some natural and others resulting from human activity. These challenges exacerbate the gap between the legal text and the reality on the ground.



Section One: Agricultural land degradation and desertification:

Official statistics show that a large area of arable agricultural land in Algeria remains underutilized, estimated at approximately 82.49% of the total arable area in 2020. This waste of scarce resources coincides with the phenomenon of urban sprawl on fertile lands, which continuously reduces the actual agricultural area. The problem of land degradation is exacerbated by desertification, which affects approximately 73.4% of the country's area, placing significant constraints on the potential for expanding food production.¹⁰

Section Two: Pollution of water and soil resources:

Water resources in Algeria are scarce and fragile. Data shows that Algeria consumes approximately 17 billion cubic meters of water annually, while its needs exceed 20 billion cubic meters. With the continuous increase in the use of water for irrigation purposes, irrational agricultural practices cause pollution of these resources. A scientific study in the Boumaiza Plain in northeastern Algeria revealed the presence of pollution "of agricultural origin" in water and soil. Due to high levels of nutrients such as nitrates and potassium that exceed permissible limits, excessive use of fertilizers and chemical pesticides is a major cause of deterioration in soil fertility and pollution of groundwater and surface water, as 80% of the nitrogen scattered over agricultural lands pollutes hydrological systems and the atmosphere.¹¹

Section Three: Impacts of climate change:

Extreme climatic conditions, such as drought, sirocco winds, and frost, are natural factors that exacerbate the fragility of natural resources and directly impact agricultural production. Climate change also increases the risk of forest fires, which have led to a decline in Algeria's forest area from 4.3 million hectares to 1.95 million hectares in 2020.¹²

Chapter Two: Analyzing the gap between text and reality:

The main reason for the gap between environmental legislation and the applied reality in the agricultural sector does not lie in the absence of legal texts, but rather in weak governance and implementation mechanisms. Laws exist, but their implementation suffers from a structural flaw.¹³

Section One: Institutional factors:



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Studies indicate that the implementation of environmental protection mechanisms "remains weak and poorly managed." The absence of an effective oversight body is observed, allowing the spread of fraud and manipulation in obtaining agricultural loans and facilities by "intruders" who have no actual affiliation with the sector. This weakness in oversight leads to farmers and investors not adhering to the sustainable practices stipulated by law.¹⁴

Section Two: Legal and regulatory factors:

The law is sometimes limited to general directives, and returns matters to regulatory texts that have not yet been issued, which creates a "general deterioration" and hinders actual implementation. For example, some provisions of the law grant local administrations broad discretionary powers, which can lead to unequal handling of violations and delays in proceedings. This delay or excessive "flexibility" in implementation causes the legislation to lose its deterrent power and become mere recommendations and literature.¹⁵

Section Three: Economic and social factors:

The agricultural sector in Algeria still relies on an overly intensive technical model, which is primarily responsible for resource depletion. The sector also lacks sufficient investments and funding in modern technologies, especially from the private sector, which weakens its ability to adapt to environmental challenges.¹⁶

Chapter Three: Analysis of field study results:

To illustrate the gap between legislation and reality, findings from field case studies can be reviewed. These cases show that the shortcomings are not in the texts, but in the mechanisms of implementation and governance.

Section One: Failure Case Study:

In El Oued State, thousands of palm trees suffered from the phenomenon of groundwater rising and sinking, which led to damage and significant losses. This case represents a failure to implement the objectives of the Agricultural Directive Law 08-16, which aims to "ensure the rational use of water resources." The absence of clear oversight and the lack of effective solutions from the relevant authorities led to the disaster. Which proves that the legal text alone is not enough without a will to implement and strict follow-up mechanisms. For example, were there periodic inspection teams? Have sufficient budgets been



allocated to solve the problem? Was there an emergency plan to deal with rising water levels? The answer to these questions is what illustrates the gap between legislation and reality.¹⁷

Section Two: Pollution case study:

The results of field scientific research in the Boumaiza Plain, northeastern Algeria, reviewed the presence of pollution of "agricultural origin" in water and soil. This pollution, resulting from high levels of nutrients such as nitrates and potassium, is direct evidence that agricultural practices do not comply with the preventive objectives of Environmental Protection Law 03-10. This confirms that control mechanisms are ineffective in reducing the excessive use of fertilizers and pesticides, which has led to the deterioration of soil fertility and the pollution of water resources. For example, there should be periodic monitoring of fertilizer stores, and guidance should be provided to farmers on the rational use of chemicals.¹⁸

Section Three: Partial success case study:

On the other hand, some recent government projects show tangible positive results. The plan to reclaim 500,000 hectares of land in the southern states, and foreign partnerships with countries such as Qatar and Italy, have led to increased productivity in areas such as Adrar state, where wheat production reached 50 quintals per hectare. These partial successes are evidence that the problem is not in possibility, but in activation. When there is strong political will and a focus on specific goals such as achieving food security, tangible positive results can be achieved. Which confirms that the solution lies in effective governance and activating laws.¹⁹

Summary of the gap between legislation and reality: These studies show that the legal text is just the first step in the gap between legislation and reality, as it clearly appears in the application and implementation phase:

First: Failure: resulting from the lack of oversight, accountability, and resources necessary to implement the law.

Second: Partial success: resulting from the presence of political will, effective governance, and a focus on specific, measurable goals.

Therefore, the problem does not lie in the lack of laws, but rather in the weakness of the mechanisms for activating them, which shows the importance



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of field case studies in revealing these gaps and providing practical solutions to legislators and officials.

The following table shows a summary of the gap between legislative objectives and field reality:

**Table 1: Comparison between legal objectives and field indicators for
sustainable agricultural development in Algeria.**

Legal objective (text)	Source (Article/Law No.)	Field situation (reality)	Significance of the gap
Protecting agricultural lands and ensuring their rational use	Agricultural Guidance Law 08-16	More than 80% of arable land is unused	Failure to achieve optimal utilization of resources
Ensuring the rational use of water resources	Agricultural Guidance Law 08-16	Continuous increase in water use for irrigation with a resource deficit	Weak resource management despite the legal text
Preventing environmental degradation	Environmental Protection Law 03-10	The presence of pollution of agricultural origin in water and soil	Deficiencies in control mechanisms

Source: Prepared by researchers based on: Law No. 08-16 of August 3, 2008, Agricultural Guidance Law, Official Gazette of the People's Democratic Republic of Algeria, No. 46, 2008

Law No. 03-10 of July 19, 2003, relating to environmental protection within the framework of sustainable development, Official Gazette of the People's Democratic Republic of Algeria, No. 43, 2003.

Conclusion:

The study shows that Algeria has an advanced legislative framework to protect the agricultural environment, but this framework remains ineffective to the extent required, and the gap between the legal text and the applied reality is the result of multiple factors, most notably weak governance, lack of regulatory texts, and the absence of strict control mechanisms. Climate and economic challenges are multipliers of this gap, making addressing them essential to achieving food



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security and sustainability. The "green transition" is not just an environmental issue; it requires intellectual reform, clear public policies, and coordination among various actors.

These results confirm that the problem does not lie in "what" should be done (the law exists), but in "how" it should be done (implementation and governance mechanisms). The delay in issuing executive decrees leaves framework laws suspended and not fully applicable, creating a situation of general deterioration. Decentralization in the application of laws, although it may be positive in principle, However, in practice, it has led to disparities in the treatment of violations and a lack of justice in the application of penalties. Therefore, addressing the gap requires a comprehensive approach that goes beyond the legislative dimension to structural reforms in governance and public policies.

: This gap is evident in several key points

- Weak governance and lack of oversight: Although there are strict laws, there are no strong oversight mechanisms to prevent violations. This has allowed "intruders" to take advantage of agricultural facilities without adhering to sustainable practices, leading to ongoing environmental degradation, as happened when thousands of palm trees in El Oued State were damaged due to mismanagement of water resources
- Environmental pollution: The study demonstrated that unsustainable agricultural practices, such as excessive use of fertilizers and pesticides, cause significant pollution of soil and groundwater, which contradicts the preventive objectives of Law 03-10. This confirms the failure of control mechanisms to reduce these harmful practices
- Misuse of resources: Although the law aims to protect agricultural land, more than 80% of arable land remains untapped. This coincides with the phenomenon of urban sprawl on fertile lands, which reduces the agricultural area
- Climate impacts: The study confirms that climate change, such as desertification and drought, exacerbates the fragility of natural resources, requiring more effective enforcement of laws to address these challenges.

Recommendations and suggestions:



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Based on the results and discussion, a set of recommendations are proposed to enhance the effectiveness of environmental legislation in the agricultural sector in Algeria:

First: Legal and institutional recommendations:

- a. Expedite the issuance of regulatory texts and executive decrees supplementing framework laws, to ensure their effective implementation on the ground.
- b. Activating oversight and follow-up mechanisms at the local level, while training and qualifying administrative bodies responsible for environmental and agricultural oversight.
- c. Decentralize natural resource management, while providing sufficient financial resources to local communities to enable them to implement laws effectively.

Second: Economic and technical recommendations:

- a. Adopting a comprehensive national strategy based on digitizing the agricultural sector, by creating comprehensive land databases, using remote sensing technologies to monitor crops, and applying artificial intelligence in forecasting and risk management.
- b. Improving water resources management by generalizing modern irrigation systems, such as drip irrigation, and establishing seawater desalination plants and using them in coastal areas.
- c. Supporting scientific research in the agricultural field to develop drought-resistant plant varieties that consume less water, in line with Algeria's climatic conditions.

Third: Social and humanitarian recommendations:

- a. Strengthen agricultural extension programs and train farmers in sustainable practices, such as organic farming and soil conservation agriculture, to reduce the use of fertilizers and chemical pesticides.
- b. Combating the phenomenon of urban sprawl on agricultural lands with legal and regulatory rigor, by implementing land occupation plans that clearly define the uses of each area.



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c. Supporting financing programs directed at actual investors in the agricultural sector, and combating the phenomena of manipulation and fraud to ensure that support is directed to its correct objectives.

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