Sustainable Forest Management Practices in Light of Law N° 23/21

اساليب التسيير المستدام للغابات على ضوء القانون رقم 21/23

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Abstract:

This study aims to highlight the increasing attention that the state has devoted to national forest resources in recent years due to the deteriorating conditions affecting forest cover nationwide, primarily caused by destructive fires and climate change. Among the strategic and political interests adopted by the Algerian legislator are the establishment of legal and institutional mechanisms aimed primarily at protecting, valorizing, and expanding forest resources, as well as ensuring their sustainable management. This is intended to preserve the rights of present and future generations.

Key words: Forest Resources – Sustainable Management – Sustainable Management Practices – Law No. 23/21

Introduction:

Algeria possesses a vast forest wealth composed of a large variety of trees and plants. In 2006, forests in Algeria covered an area of 4.3 million hectares. However, this area has decreased due to devastating fires in recent years, shrinking to 4.1 million hectares by 2018, according to a report from the General Directorate of Forests.

The Algerian government aims to develop its forested area to reach five million hectares by 2030. This commitment reflects the state's dedication to preserving and developing forest resources with the goal of combating desertification and transitioning to a green economy. This involves valuing forest resources and implementing tools for sustainable management of natural forest resources to contribute to development by opening up to the forest economy, creating recreational and leisure forests, and utilizing some spaces with the involvement of private investors.

The state has also outlined an effective strategy to ensure the sustainable management of national forest wealth by encouraging local communities to participate in the protection and development of forest resources and their enhancement. This takes into account international commitments made regarding forest protection and sustainable management, biodiversity conservation, desertification combat, wetland preservation, and resilience to rapid climate change.

The enactment of the new Forest Law No. 23/21 at the end of 2023 has contributed to regulating the rules for managing, protecting, expanding, and developing national forest wealth within the framework of sustainable development. It addresses the utilization and protection of forests and forested lands from erosion and degradation, as well as safeguarding wildlife and combating desertification, with the involvement of all sectors.

To enhance the protection of forest wealth and mitigate the negative effects of successive fires, where the General Directorate of Forests reported the destruction of approximately 41,000 hectares of forests in 2023, the government issued Executive Decree No. 24/245 dated July 23,

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2024. This decree specifies the methods for organizing and coordinating efforts related to forest fire prevention and control, as published in the Official Gazette of the People's Democratic Republic of Algeria, Issue 51.

In light of this study, the issue can be framed as follows: What are the sustainable forest management methods enshrined by the legislator in Law No. 23/21?

This study aims to explore the most important sustainable forest management methods established by Law No. 23/21, which are expected to contribute to providing necessary protection to forest wealth, enhancing and expanding it, and ensuring its sustainable management for the benefit of present and future generations.

To address the posed issue and cover all aspects of the topic, the descriptive and analytical method has been employed by simplifying and analyzing relevant legal provisions related to the study.

The study has been divided into the following sections:

-First Section: Conceptual Framework for Sustainable Forest Management

- Second Section: Methods of Sustainable Forest Management in Light of Law No. 23/21

Title I: Conceptual Framework for Sustainable Forest Management

The term "sustainable forest management" is a modern concept that emerged with the rise of sustainable development. It has become a framework adopted by many international and regional organizations as well as national laws. Below are some of the key concepts related to sustainable forest management:

1.1- Definition of Sustainable Forest Management from the Perspective of the Food and Agriculture Organization (FAO):

The Food and Agriculture Organization (FAO) defines sustainable forest management as a dynamic and evolving concept aimed primarily at protecting and enhancing the economic, social, and environmental values of all types of forests. The goal is to achieve benefits for both current and future generations.[1]

In this context, the Food and Agriculture Organization (FAO) works to assist countries in identifying the elements of sustainable forest management within their national contexts and in monitoring progress in this field. The FAO also helps countries to identify, choose, and stimulate innovative, multi-purpose approaches and techniques for forest management that address the need to mitigate global climate change, adapt to it, and meet the increasing demand for both timber and non-timber products.

1.2- Definition of Sustainable Forest Management from the Perspective of the World Bank

The World Bank defines sustainable forest management as transforming the way forests are managed to reduce fire risks while enhancing the benefits provided by these forests. This approach aims to improve the economic, social, and environmental value of forests for both current and future generations, considering the risks of fire outbreaks. Sustainable forest management seeks to change public behavior through community awareness and education, reforestation efforts, and securing adequate funding for fire prevention. This includes establishing firebreaks, enhancing detection, and improving training and preparedness for fire suppression [2].

1.3- Definition of Sustainable Forest Management from the Perspective of the United Nations

According to the United Nations, sustainable forest management involves:

- Recognizing the contributions of forest goods and services to national and local economies, as well as the social, cultural, and environmental impacts of forests. This includes developing policies and conducting development planning at all levels in accordance with national legislation and policies.
- Integrating sustainable forest management into national development strategies.

- Taking actions to address the underlying causes of deforestation and forest degradation.[3]
- Developing, enhancing, and implementing balanced and comprehensive policies and strategies that focus on the environmental, social, cultural, and economic aspects of sustainable forest management.

1.4- Definition of Sustainable Forest Management According to the New Forest Law No. 23/21

Sustainable management of national forest wealth is defined as the strategy adopted by the state to conserve and protect forest resources in alignment with national social, economic, and environmental policies. The goal is to benefit society by meeting the needs of both present and future generations .

The concept of sustainable forest management is embodied in Law No. 23/21, specifically in Article 41. The state has implemented various methods and plans to activate sustainable forest management to contribute to economic, social, and environmental development. These include forest rehabilitation, combating desertification, reforestation, soil and water protection, and safeguarding plant and animal resources from fires [4].

1.5- Importance of Sustainable Forest Management

Sustainable forest management can become a fundamental component of job creation initiatives, as it offers significant benefits in addressing a range of economic, social, and environmental goals, aligning with the shift towards a green future emphasized in many countries plans. Key aspects include:[5]

- Encouraging local communities to manage their resources through activities such as tree planting, beekeeping, and establishing community forests. Local involvement is crucial for any effort aimed at forest conservation.
- Developing strategies to incorporate rural residents' expertise in designing and managing development initiatives and programs. This approach is utilized by NGOs and some other international development organizations.
- Converting forests into agricultural land leads to the production of vast amounts of greenhouse gas emissions, with emissions from deforestation and forest degradation accounting for about 12% of global emissions.[6]
- Relying on agroforestry, a strategy that improves productivity, profitability, diversity, and the sustainability of ecosystems.
- Sustainable forest management ensures the health of forests, the protection of wildlife, and the preservation of ecosystems.
- Developing forest products provides a safety net for rural communities [7].

2-Tilte II: Methods of Sustainable Forest Management According to Law No. 23/21

To facilitate the implementation of sustainable forest management, the Algerian legislator has established a series of plans under Law No. 23/21 to ensure the sustainable management of forest wealth and achieve effectiveness at the economic, social, and environmental levels. Among these plans, the following are noteworthy:

2.1- The Plan for Protected Areas and Wetlands

The Algerian legislator has shown a long-term commitment to protected areas and wetlands. This focus emerged in Law No. 84/12 related to the general forest system, which

addressed a specific type of protected area, namely protective forests, as evidenced in Article 41.

Subsequently, Law No. 01/20, concerning territorial planning and sustainable development, emphasized the valuation and rational use of natural resources and the protection of wetlands and biodiversity. Article 09 of this law highlights these objectives, while Article 22 establishes guiding plans for protecting natural spaces and protected areas.

Additionally, Law No. 02/02, related to the protection and development of the coast, emphasizes the protection of unique or essential terrestrial and marine areas to maintain natural balance and safeguard other ecologically and scientifically valuable sites.[8]

In conjunction with Algeria's ratification of numerous environmental agreements aimed at achieving the principle of sustainable development, Law No. 83/03 was enacted. This was followed by Law No. 03/10, concerning environmental protection within the framework of sustainable development, which emphasizes biodiversity. The fifth chapter of this law establishes specific legal systems covering protected areas.

Given the international focus on protected areas, Law No. 11/02 was issued, which addresses protected areas within the context of sustainable development. This law aims to classify protected areas and determine the methods for their management and protection.

To implement the provisions of this law, the legislator established institutional mechanisms for organizing and managing protected areas through Executive Decree No. 16/259. This decree specifies the composition of the National Committee and the provincial committees for protected areas, as well as their organization and management procedures.

With the issuance of the new Forest Law No. 23/21, which concerns forests and forest wealth, the Algerian legislator reaffirmed its commitment to forest spaces in general, and protected areas and wetlands in particular. Article 24 of this law stipulates the classification and management of protected areas according to guiding plans that consider social, economic, and environmental dimensions.

2.2- The Intervention Plan Related to Forest Management

The forest management authority has adopted several plans aimed primarily at the sustainable management of forest wealth and achieving development of national forest resources .

One of the key plans outlined in the new Forest Law No. 23/21, specifically in Article 20, includes the intervention plan related to forest management [9]. The law divides forests into two categories:

- The first category includes forests that cover an area of 3,000 hectares or more. These forests are subject to management plans.
- The second category includes forests with an area of less than 3,000 hectares. The management and planning of these forest spaces are determined based on priority and classification as outlined in this law, specifically detailed in Article 31.[10]

This plan aims to:

- Conduct a comprehensive survey of forest areas.
- Prepare a periodic inventory of national forest resources every ten years.
- Rehabilitate forests through a program that includes forest maintenance and reforestation.

2.3- The Anti-Desertification Plan

Desertification has become one of the greatest challenges faced by most countries, particularly in recent years with accelerating climate change. Arid and desert lands now account for approximately 2.41% of the Earth's land area. In response, the United Nations has

called upon countries to develop strategies to address this critical environmental issue. The UN Convention to Combat Desertification has recognized it as a global environmental disaster leading to ecosystem degradation [11].

Algeria is among the countries that have adopted a clear strategy in recent years to combat desertification and its negative effects. The country has implemented several measures to address desertification, including involving civil society and national associations that work to integrate local populations and raise awareness. Notable associations active in this field include the Association for the Protection of Steppes and the Association for the Promotion of Rural Development [12].

To maintain ecological balance and protect vegetation cover, several goals have been established, including:

- Combating sand encroachment through techniques for stabilizing sand dunes.
- Developing infrastructure to open access routes in steppe areas.
- -Constructing dams and water collection points.
- Planting trees adapted to the climate, such as the Acacia tree.
- Preparing maps for the distribution of both stationary and mobile sand dunes.
- Activating the Green Dam project and developing suitable technical studies.

Among the significant programs the state aims to implement is the afforestation of more than 200,000 hectares by 2030, as confirmed by the Directorate General of Forests on World Day to Combat Desertification, which occurs on June 17.

To combat desertification, the legislator has established several legal and institutional mechanisms, including:

- The Pastoral Law issued by Decree No. 75/43 dated June 17, 1975.
- The now-repealed Law No. 84/12 concerning the general forest system.
- The new Forest Law No. 23/21, which stipulates in Article 23 the preparation of national action programs to combat desertification and sand encroachment [13], in line with the national forest strategy.

2.4- National Plan for Fire Prevention and Control

With the increasing frequency of forest fires in recent years leading to the degradation of forest cover, it has become imperative for the Algerian legislator to develop effective plans for fire prevention and control.

This is addressed in the new Forest Law No. 23/21, which mandates the creation of management and planning schemes for national forests, relying on defense networks specified in Article 60 [14]. These include:

- Opening forest access routes and establishing observation towers. In 2023, 401 observation and warning towers were constructed.
- Excavating firebreaks and creating water collection points to facilitate firefighting operations.

The General Directorate of Forests has recorded the establishment of approximately 3,261 water points within or near forests to supply firefighting trucks [15].

To activate the measures and procedures for fire prevention and control, especially those outlined in Executive Decree No. 87/44 of February 10, 1987, concerning the protection of national forest property from fires, and Executive Decree No. 87/45 of February 10, 1987, which regulates and coordinates activities related to forest fire control within national forest property, the following institutional frameworks were established:

Executive Decree No. 24/245 dated July 23, 2024, which defines the procedures for organizing and coordinating activities related to the prevention and [16] combat of forest fires, was issued to implement the fire prevention and control plan.

Article 02 of this decree provides for the formation of a National Committee for Forest Protection, comprising various ministerial and national institutions related to forest resources. The committee is assigned several tasks under Article 04, including [17]:

- Studying and approving the national awareness, guidance, and education program related to forest fire prevention and control.
- Ensuring the implementation of the forest fire prevention and control plan.
- Reviewing the national results of previous forest fire prevention campaigns and control efforts.
- Evaluating the effectiveness of forest fire prevention and control devices established by each relevant sector.
- Addressing any issues related to forest fire prevention and control.

In addition to the role of the National Forest Protection Committee, local bodies have been established to coordinate with the national committee. Article 05 of Executive Decree No. 24/245 stipulates the formation of the Provincial Committee for Forest Protection [18], which operates within the province's jurisdiction. According to Article 06 of the decree [19], the committee's tasks include:

- Implementing the guidelines and recommendations issued by the National Forest Protection Committee.
- Executing the provincial forest fire prevention and control plan.
- Preparing and sending reports to the National Forest Protection Committee.
- Issuing guidelines and recommendations to operational committees at the district, municipality, and commune levels.
- Providing necessary support by deploying human resources and equipment to intervention teams.

Additionally, Article 07 of Decree No. 24/245 [20] provides for the establishment of the Administrative District Operational Committee, which is assigned several tasks under Article 08, including:

- Ensuring the implementation of the guidelines and recommendations from the Provincial Forest Protection Committee at the administrative district level [21].
- Executing the forest fire prevention and control plan.
- Mobilizing the necessary resources for forest fire control.
- Coordinating forest fire prevention and control activities with municipal operational committees.

Apart from these committees mentioned in Executive Decree No. 24/245, there is a committee at the municipal level that plays a crucial role in forest protection. This committee is chaired by the President of the Municipal People's Council and is formed according to the provisions of Article 09 of the decree [22].

The municipal operational committee is responsible for several tasks as outlined in Article 10 of the decree [23], including:

- Mobilizing and deploying available material resources at the municipal level, such as equipment and firefighting devices.
- Conducting awareness and education activities involving civil society and residents living near the forests.
- Ensuring the implementation of guidelines provided by the Provincial Forest Protection Committee at the municipal level.
- Contributing to the execution of the forest fire prevention and control plan at the municipal level.

2.5- National Plan for Fire Prevention and Control

Despite the efforts made by the state to restore and expand forest resources, degradation continues, particularly due to frequent fires in recent years. To address this situation, the state is committed to revitalizing the National Reforestation Plan, which began in 2000, and reestablishing the Green Dam through large-scale reforestation campaigns in various provinces across the country.

Following the adoption of Law No. 23/21 concerning forests and forest resources, Article 21 mandates the development of an intervention plan for afforestation and reforestation according to specified priorities.

Algeria aims to reforest 1.2 million hectares by 2030 as part of a national plan to combat climate change and fulfill its international commitments to reduce greenhouse gas emissions by 7% by 2030.[24]

In the context of revitalizing the Green Wall project, the government aims to plant 400,000 hectares by 2026 and reach 600,000 hectares by 2030. This will be achieved by employing advanced tree planting techniques and focusing on species resistant to heat, drought, and plant diseases, such as the argan tree, pistachio, cork oak, and carob tree, due to their significant environmental and economic benefits [25].

Conclusion:

Through this study, it is evident that sustainable management of national forest resources is a fundamental issue addressed by the new Forest Law No. 23/21, which pertains to forests and forest resources. This law is part of the national strategy that supports economic, social, and environmental development.

The new law focuses on all aspects of forests, including woodlands, wetlands, and forested lands, and emphasizes the special protection, development, and sustainable management of forest resources as a significant and renewable natural resource. With the issuance of Executive Decree No. 24/245 dated July 23, 2024, which defines the methods for organizing and coordinating forest fire prevention and suppression efforts, it is clear that the Algerian legislator continues to issue regulatory texts and provide all necessary legal and institutional mechanisms to implement the provisions of Law No. 23/21. This decree includes the creation of national and local bodies dedicated to protecting forest resources from fires and coordinating efforts between them. The key findings are as follows:

- The new Forest Law aims to establish rules for managing, protecting, expanding, and developing national forest resources within the framework of sustainable development.
- It emphasizes the sustainable management of forests, woodlands, and forested lands.
- For protecting forest resources from fires, the law establishes bodies responsible for forest protection and imposes strict penalties for any damage to forest resources.
- The new law reaffirms that forest resources are national assets and belong to the entire nation.
- It focuses on land conservation, combating desertification, and revitalizing the Green Wall project.
- It mandates a forest resource inventory every ten years as part of the national forest strategy.

Here are some suggestions and recommendations:

- Ensure sustainable management and rational use of forest resources.
- Expedite the issuance of regulatory texts, particularly concerning the national forest development plan.
- Establish a national body to implement the desertification control plan and rehabilitate the Green Wall project.
- Create a fund for investing in forest products.
- Involve civil society and specialized associations in decision-making related to forest resources.
- Activate the national tree planting plan and forest rehabilitation efforts.
- Enhance regional and international coordination and cooperation in forest protection.).

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