

Received 28/05/2025

Accepted 19/12/2025

Constitutional guarantees for environmental protection

Ouis Nawel*

University of Saida Dr. Moulay Taher, (Algeria)

Ouisnawel20@gmail.com

Abstract:

The Algerian constitution has undergone two main phases: The first phase, which preceded the 2016 constitutional amendment. The second phase, encompassing the 2016 constitutional amendment and the most recent amendment in 2020. This post-reform phase was characterized by the explicit and direct constitutional enshrinement of environmental rights, granting them constitutional protection and guarantees.

The legal mechanisms for environmental protection consist of legislative texts that regulate various legal aspects of environmental preservation at the national level. In addition to these legal frameworks, a range of institutional mechanisms has been established through governmental bodies and institutions dedicated to environmental protection and conservation. Several national committees and governmental agencies have been created to develop and enhance environmental protection efforts.

Keywords: Constitutional Guarantees, Environmental Protection, the explicit and direct constitutional, Institutional Mechanisms, the most recent amendment in 2020.

ملخص:

عرف الدستور الجزائري مرحلتين أساسيتين هما: المرحلة الأولى و هي المرحلة التي سبقت التعديل الدستوري لسنة 2016، ثم المرحلة الثانية من خلال التعديل الدستوري لسنة 2016، والتعديل الأخير لسنة 2020 أي مرحلة ما بعد الإصلاحات التي تميزت بالتكريس الصريح والمباشر لحماية الحق في البيئة، وبذلك اكتسب حماية وضمانة دستورية.

وتتمثل الآليات القانونية في النصوص التشريعية المتعلقة بمختلف الجوانب القانونية لحماية البيئة، التي ظهرت على المستوى الوطني، إلى جانب مجموعة من الآليات المتمثلة في قيام مؤسسات وهيئات حكومية، تتكفل بالحفاظ على البيئة والعمل على حمايتها، فظهرت لجان وطنية وهيئات حكومية تعمل على تطوير البيئة.

كلمات مفتاحية: الضمانات الدستورية، حماية البيئة، الحق في البيئة، الآليات المؤسساتية، التعديل الدستوري لسنة 2020.

**Corresponding author*

INTRODUCTION:

The human right to a healthy environment is a newly emerging right, categorized as a third-generation right, also known as a solidarity right, reflecting cooperation and mutual support among nations.

Environmental protection has garnered significant global attention. The Stockholm Conference marked the first step toward establishing environmental protection at the international level. This was followed by continuous international efforts and agreements aimed at safeguarding the environment and increasing global awareness of the right to live in a healthy environment. These efforts seek to enhance international cooperation for environmental protection and promote sustainable development.

The issue of environmental protection has also received national and domestic attention, considering Algeria's international commitments through its ratification of international treaties on environmental protection. Additionally, the establishment of a dedicated ministry further emphasized this commitment. These factors compelled the constitutional legislator to enshrine and affirm the human right to a healthy environment in Algerian constitutional law, elevating it to a constitutional right starting with the 2016 constitutional amendment. This amendment granted it constitutional value, making its protection legally binding on the state, its institutions, and civil society.

As a result, Algeria joined the ranks of countries that have explicitly recognized the right to a healthy environment in their constitutions. The most recent constitutional amendment in 2020 further reinforced this commitment in response to both international and domestic demands, integrating third-generation human rights into the country's constitution.

We will examine the status of the human right to a healthy environment within the successive Algerian constitutions, as well as the reforms and amendments introduced by the constitutional revisions of 2016 and 2020. This post-reform phase was characterized by the explicit and direct constitutional enshrinement of environmental rights, granting them constitutional protection and guarantees.

The Algerian constitution has undergone two main phases:

1. The first phase, which preceded the 2016 constitutional amendment.
2. The second phase, encompassing the 2016 constitutional amendment and the most recent amendment in 2020.

Based on this, the following key questions arise:

To what extent has the right to environmental protection been enshrined and affirmed in the successive Algerian constitutions?

What constitutional protections are guaranteed?

What institutions and mechanisms are responsible for safeguarding the right to a healthy environment?

To address this issue, the analytical approach was adopted, dividing the study into two main sections:

-The first section focuses on the protection of the right to a healthy environment before and after the 2016 constitutional amendment.

-The second section examines the legal and institutional mechanisms for protecting the right to a healthy environment.

Section One: Protection of the Right to a Healthy Environment Before and After the 2016 Constitutional Amendment

Since the constitution is the supreme legal framework in a nation, Algeria's constitutions and their amendments have undergone two key phases:

1. The first phase (before the 2016 constitutional amendment) was characterized by the implicit recognition of the right to a healthy environment.
2. The second phase (after the 2016 and 2020 amendments) marked the explicit and direct constitutional enshrinement of environmental rights.¹

Subsection One: Implicit and Indirect Recognition of the Right to a Healthy Environment Before the 2016 Constitutional Amendment

The issue of the environment was not mentioned in the **1963 Constitution**. However, it was referenced in the **1976 Charter** under **Chapter Seven**, titled "*Combating Pollution and Environmental Protection*." This chapter emphasized the necessity of **preserving the environment** and **protecting public health**. It also assigned **local authorities** a primary role in implementing policies to **combat pollution and safeguard the environment**.

Similarly, the **1986 Charter** addressed environmental concerns in the same manner, specifically in **Chapter Five**, which focused on **urban planning and infrastructure development**. It also underscored the **importance of improving living conditions**².

Local authorities were assigned a primary role in implementing policies to **combat pollution and protect the environment**. The **1986 Charter** addressed environmental issues in the same manner, specifically in **Chapter Five**, which focused on **urban planning and infrastructure development**. It also emphasized the **need to improve living conditions**.

The **1963 Constitution** was Algeria's **first constitution** as a sovereign state. It consisted of a **preamble and 78 articles**. The preamble outlined **public freedoms** and emphasized their protection, particularly in **Articles 10 to 21**. **Article 11** explicitly affirmed **Algeria's**

commitment to the Universal Declaration of Human Rights and to any international organization that aligns with the aspirations of the Algerian people.³

Both the **1963 Constitution** and the **1976 Constitution** are considered **programmatic constitutions** due to the nature of their provisions, which aligned with the socio-political context and characteristics of Algerian society at the time. Environmental concerns did not receive the level of attention they do today. As a result, the **early Algerian constitutions and their amendments** referred to environmental rights only **implicitly and indirectly**.

This implicit recognition was reflected in the **1963 Constitution**, which alluded to this right through **provisions on public freedoms**. Similarly, the **1976 Constitution**, in **Article 151**, granted the **National People's Assembly** legislative authority over specific areas, including **the environment**.

Additionally, **Article 67** of the **1976 Constitution**, found in **Chapter Four of Title One**, which addresses **public freedoms, human rights, and citizenship**, states that **all citizens have the right to healthcare**. The **first paragraph** of this article contains an **implicit acknowledgment** of the **right to a healthy environment**, as **healthcare inherently requires measures to prevent epidemics, pollution-related diseases, and other environmental hazards**, ensuring a **suitable and livable environment for individuals**.⁴

After the **constitutional and ideological amendment**, no significant changes were observed in the **constitutional legislator's approach** in the **1989 Constitution**. It continued to grant the **National People's Assembly** the authority to define the **general rules for environmental**

protection and living conditions, including the **preservation of animal and plant resources, protection of cultural and historical heritage, and regulation of forests, rangelands, and water resources**.⁵

The **1989 Constitution** placed considerable **indirect emphasis** on environmental protection. It also referred to the **responsibilities of individuals and legal entities** in protecting the environment as determined by law. However, implicit references to environmental rights persisted in subsequent constitutions.⁶

For instance, the **1996 Constitution** did not explicitly recognize the **right to live in a healthy environment**. Instead, **Article 54** affirmed the **citizen's right to healthcare** and the **state's obligation to combat diseases and epidemics**. This indirectly acknowledged environmental protection as a health-related issue but **did not explicitly enshrine the right to a healthy environment as a third-generation human right**.

Additionally, the **1996 constitutional amendment**, particularly **Article 122**, granted the **parliament** legislative authority in areas designated by the constitution. It **retained** the **same environmental regulatory powers** as the **1989 Constitution**, with the **addition of urban planning regulations** under the amended constitution.⁷

The **constitutional experience in Algeria** is still relatively young, having undergone various **phases and transformations** to establish and enshrine the **constitutional right to a**

healthy environment. It is noteworthy that neither the **first Constitution of 1963**, the **second Constitution of 1976**, nor the **1989 and 1996 Constitutions**, including their **2002 and 2008 amendments**, explicitly recognized the **human right to a healthy environment**.

However, this **does not imply the absence of implicit recognition** of this right. Many **constitutional provisions** are **indirectly related** to the **right to a healthy environment**, reflecting an **underlying acknowledgment** of its significance.⁸

Subsection Two: Strengthening the Constitutional Protection of the Right to the Environment After the 2016 Constitutional Amendment

The **Algerian legislator** has shown significant interest in environmental protection, and its **constitutional enshrinement** within the **constitutional document** has been **strengthened and emphasized**. This enshrinement provides **important guarantees and safeguards** that contribute more effectively to **environmental preservation**. However, the **explicit constitutional recognition** of environmental issues in Algeria was **delayed until 2016**.⁹

In **previous constitutions**, the **right to a healthy environment** was **not explicitly mentioned**. Instead, the state addressed environmental concerns **through national legislation**. However, with the **growing international focus on environmental rights**, particularly in relation to **sustainable development**, Algeria took a **decisive step** in its **2016 Constitution** by **formalizing the right of citizens to live in a healthy environment**. This move **granted the right constitutional legitimacy**, elevating it beyond ordinary legislation.¹⁰

The **right of citizens to a healthy environment** was previously recognized **implicitly**, but it lacked **explicit legal provisions** that would elevate it to the status of a **fundamental right**. However, following the **2016 constitutional amendment**, the **Algerian legislator** **formally enshrined** this right in the **2016 and 2020 constitutional amendments**.¹¹ This strengthened **constitutional protection** for environmental rights, as the **constitutional legislator** placed **special emphasis on environmental issues** in various sections of the **constitutional text**.

This commitment was reflected in the **preamble of the 2016 Constitution**, which **linked environmental preservation with sustainable development**. Additionally, **Article 68 of the 2016 amendment** explicitly and directly recognized the **citizen's right to a healthy environment** while also affirming the **necessity of environmental protection**. With this **constitutional recognition**, environmental rights were granted the **highest level of legal protection** in the country, reinforcing **existing and future environmental legislation**.¹²

Through the **preamble of the 2016 Constitution** and **Article 68**, which is part of **Chapter Four on Rights and Freedoms**, the **constitutional legislator** established a **strong connection** between the **right to a healthy environment and sustainable development**. This not only **gave the right an economic dimension** but also defined it as **both a right and a duty**. By **constitutionalizing environmental rights**, Algeria took a **significant step toward effective environmental protection**, recognizing that **constitutional provisions take precedence over all other legal frameworks**. This move ensured the establishment of a **comprehensive legal system dedicated to environmental protection**.¹³

The **2016 constitutional amendment** placed **significant emphasis on environmental protection** throughout its provisions, starting with the **preamble**, continuing through **Chapter Three on the State**, and concluding with **Chapter Four on Rights and Freedoms**.

The **preamble of the 2016 amendment** explicitly stressed the **need to incorporate environmental considerations into various development activities**. This was aimed at **protecting the environment from pollution and other hazards**, while also ensuring the **needs of both present and future generations** are met.

Furthermore, **Article 19 of the 2016 Constitution** underscored the **rational use of natural resources**, which in itself serves as a **measure for environmental protection**. This principle ensures the **sustainability of these resources**, thereby guaranteeing **safe and secure living conditions** for both **current and future generations**.

Additionally, the **constitutional legislator** elevated the **right to a healthy environment** to the status of a **fundamental right** guaranteed by the **constitution**. All **legal provisions** must ensure its protection. Beyond merely **constitutionalizing this right**, the amendment also **affirmed the state's obligation to safeguard it and intervene whenever this right is violated**. It granted **public authorities the responsibility and authority to protect and preserve the environment**, recognizing it as an **essential public function** and an **integral part of public services**.

The 2020 constitutional amendment placed even greater emphasis on environmental protection compared to the 2016 amendment and previous constitutions. It significantly expanded the scope of rights and freedoms, explicitly enshrining the right to a healthy environment and a decent standard of living that aligns with sustainable development and environmental protection from various threats.

This amendment introduced a set of new principles that granted the right to a healthy environment broader and more comprehensive dimensions. It linked this right to other fundamental rights, including: The right to health, The right to safe drinking water, Sustainable development, and Sustainable The protection of key environmental sectors.¹⁴

The preamble of the 2020 constitutional amendment reaffirmed the people's commitment to reducing social inequalities and eliminating regional disparities while striving to build a productive and competitive economy within the framework of sustainable development. Additionally, it acknowledged concerns over environmental degradation and the negative effects of climate change, emphasizing the importance of protecting natural ecosystems, ensuring the rational use of natural resources, and preserving them for future generations.

Article 21 of the 2020 Constitution stipulates that the state is responsible for:

Protecting agricultural land, Ensuring a healthy environment to safeguard individuals and promote their well-being, Providing continuous awareness of environmental risks, Ensuring the rational use of water, fossil fuels, and other natural resources, Protecting the

environment in all its aspects land, sea, and air, and Taking appropriate measures to penalize polluters.

This article reaffirms the **constitutional legislator's commitment to the right to a healthy environment**, recognizing it through **both implicit and explicit constitutional acknowledgment**.

Article 63 of the 2020 Constitution establishes a direct connection between the right to health, the right to safe drinking water, and the right to environmental protection. It does so by emphasizing the importance of preventing and combating infectious and epidemic diseases.

Article 64 of the 2020 Constitution further reinforces this by linking the right to a healthy environment with sustainable development. The constitutional legislator ensured that the state is obligated to preserve the environment, highlighting a notable addition compared to Article 68 of the 2016 amendment, where the term sustainable development was not explicitly included.¹⁵

The 2020 constitutional amendment provided a more detailed and comprehensive framework for environmental protection. This is evident in several key provisions:

- The preamble (sixth page, paragraph 18) explicitly references environmental protection.
- Article 21 guarantees a healthy environment.
- Article 64 affirms the citizen's right to a healthy environment within the framework of sustainable development.¹⁶

The **constitutional legislator reaffirmed the right to a healthy environment in the latest constitutional amendment**. One of the **key reasons for constitutionalizing** this right was the **inadequacy of ordinary legislation, laws, and mechanisms** in effectively addressing environmental protection. The growing **environmental threats** necessitated an urgent effort to **develop stronger legal frameworks** to safeguard environmental well-being.

By elevating **environmental protection** to the status of a **constitutional principle**, this move had significant **implications for environmental legislation**. Since the **constitution stands at the top of the legal hierarchy**, its provisions **supersede all other laws**. As a result, **the right to a healthy environment**, after being upgraded from **ordinary legislation to constitutional law**, now holds a **superior legal standing**. This requires **all subsequent laws to align with and respect** this fundamental right, ensuring **no legal provisions contradict its principles**.¹⁷

Section Two: Legal and Institutional Mechanisms for Protecting the Right to a Healthy Environment

The legal mechanisms for environmental protection consist of legislative texts that regulate various legal aspects of environmental preservation at the national level. In addition to these legal frameworks, a range of institutional mechanisms has been established through

governmental bodies and institutions dedicated to environmental protection and conservation. Several national committees and governmental agencies have been created to develop and enhance environmental protection efforts.

This section will be divided into two main subsections:

Subsection One: Legal mechanisms for protecting the right to a healthy environment.

Subsection Two: Institutional mechanisms for protecting the right to a healthy environment.

Subsection One: Legal Mechanisms for Protecting the Right to a Healthy Environment

The constitutional recognition of the right to a healthy environment, both implicitly and explicitly, can only be fully realized through legislative implementation. In this regard, two key environmental laws have been enacted in Algeria, both of which directly address environmental protection:

1. Law No. 83-03 on Environmental Protection (now repealed).
2. Law No. 03-10 on Environmental Protection within the Framework of Sustainable Development.¹⁸

The Algerian legislator demonstrated early interest in environmental protection, particularly after regaining sovereignty. This commitment was reflected in various environmental laws, highlighting the state's determination to preserve the environment. Following independence, the government prioritized environmental protection through policies such as the Agricultural Revolution, which included plant conservation efforts through the enactment of the Grazing Law. Additionally, Algeria adopted the principle of specialization by establishing the National Environmental Council, an advisory body dedicated to environmental protection.

One of the most significant legislative milestones was Law No. 83-03, enacted on 5 February 1983, which was the first comprehensive environmental law in Algeria. It addressed environmental issues from a holistic perspective.¹⁹

The Algerian environmental law aligned with international efforts, leading to the adoption of the first environmental law in 1983. Although this legislation was introduced years after the United Nations Conference on the Human Environment (Stockholm, 1972), it still represented a genuine and explicit response to global aspirations and efforts aimed at environmental protection.

Article 1 of Law No. 83-03 stated that its primary objective was to implement a national policy for environmental protection by:

- Safeguarding natural resources,
- Eliminating all forms of pollution, and
- Enhancing the quality of life and living conditions.

Due to rapid global developments affecting the environment, the legislative authority deemed it necessary to revise the existing environmental framework. As a result, twenty years later, a new environmental law was enacted in 2003 to better address modern environmental challenges. This law aimed to ensure effective solutions to environmental issues and integrate environmental protection with sustainable development.

The 2003 law set forth several key objectives, including:

- Promoting sustainable development.
- Ensuring a healthy living environment.
- Preventing all forms of pollution and environmental harm, and
- Strengthening public awareness and encouraging citizen participation in environmental protection initiatives.

The law also emphasized an important aspect of environmental protection, which is the encouragement of local associations to actively participate in environmental conservation efforts at both the local and national levels. The law granted individuals interested in environmental protection the right to establish associations dedicated to addressing various environmental concerns. These associations coordinate with relevant institutions and bodies to raise issues and propose solutions²⁰ aimed at improving environmental protection.

The Algerian legislator further expanded the scope of environmental rights by incorporating general legislative principles in Law No. 03/10 on Environmental Protection within the Framework of Sustainable Development. This law established eight guiding principles for environmental protection, including:

- The principle of biodiversity conservation,-The polluter-pays principle,
- The principle of non-degradation of natural resources, and The principle of public awareness and participation, among others.²¹

Legal scholars view these principles as guiding standards for environmental protection, shaping judicial and administrative decisions. Their scientific foundation strengthens the right to preserve natural conditions essential to ecosystems. Additionally, these principles provide flexibility in translating scientific findings into legal rules, allowing environmental legislation to evolve in line with scientific advancements. As a result, this flexibility enhances environmental rights by incorporating continuous demands and sci In addition to the Environmental Law²², which serves as the general legal framework and the primary legal text governing environmental protection, several other laws address specific environmental components. Among these, notable examples include:

- The Waste Management Law, The Coastal Protection Law, which establishes the general provisions for coastal preservation, and The Land Use Planning Law, which defines the principles, foundations, and guidelines of national land-use policy and sustainable development.²³

Furthermore, the Algerian legislator has enacted a broad set of environmental laws, including:

-The Forestry Law, The Water Law, The Mining Law, The Hunting Law, The Health Law, The Cultural Heritage Protection Law, The Fisheries and Aquaculture Law, and The Urban Planning Law, which clarifies the state's approach to managing environmental and natural resources, as well as economic activities.

Additionally, laws governing local governance—such as the Province Law (Code de la Wilaya) and the Municipality Law (Code de la Commune)—have empowered local councils to oversee economic development and environmental promotion within their jurisdictions.²⁴

Subsection Two: Institutional Mechanisms for Protecting the Right to a Healthy Environment

In addition to legislation addressing various aspects of environmental protection, several national institutions and governmental bodies have been established to preserve and safeguard the environment. These institutions play a key role in developing and enforcing environmental policies.

Among these institutions, Algeria saw the creation of the Ministry of Human Rights in 1991, which was initially dedicated to human rights protection, including environmental rights. However, due to political and security challenges at the time, this ministry had a short lifespan. Despite its dissolution, it pioneered efforts in promoting human rights in general, including the right to a healthy environment.

Following its dissolution, the ministry was replaced by the National Observatory for Human Rights (1992),²⁵ which was later succeeded by the Advisory Commission for the Promotion and Protection of Human Rights, established under Presidential Decree No. 71/01. This commission was tasked with monitoring compliance with human rights standards, including environmental rights.

The state has also established public institutions specifically dedicated to environmental protection, operating under the supervision of the Minister of Environment. These institutions were created through decrees and laws and include:

-The National Waste Agency (AND), The Human Resources Center, which replaced the Biological Resources Development Center, The National Coastal Commission,

The National Observatory for the Environment and Sustainable Development,

The National Center for Cleaner Production Technologies, The National Institute for Environmental Training, The National Agency for Climate Change, and The Directorate of Environment,²⁶ responsible for implementing environmental regulations in Algeria.

Key National Committees and Governmental Agencies for Environmental Development and Protection

1. The National Waste Agency (AND)

The National Waste Agency was established by Executive Decree No. 02/175, dated May 20, 2002. It operates as an autonomous legal entity with financial independence and functions under the supervision of the Minister of Environment.

According to Article 5 of the decree, the agency is responsible for:

-Developing waste sorting, collection, treatment, and recycling activities. Providing technical assistance to local authorities in waste management. Establishing a national database for waste management information. Conducting studies, research, and experiments on waste treatment and recovery methods. Carrying out awareness initiatives, organizing information days, and promoting public education on waste management methods.²⁷

2. The National Observatory for the Environment and Sustainable Development (ONEDD)

The National Observatory for the Environment and Sustainable Development (ONEDD) is a national public institution with an industrial and commercial character. It was established by Executive Decree No. 02/115, dated 3 April, 2002. The observatory operates as an autonomous legal entity with financial independence under the supervision of the Minister of Environment.

ONEDD's Main Responsibilities

-Providing environmental data on scientific, technical, and statistical aspects, processing and distributing it. Setting up monitoring networks to measure pollution levels and protect natural ecosystems. Conducting environmental studies or participating in relevant research.²⁸ ,Processing and analyzing environmental data to develop information tools, Disseminating and sharing environmental information.

A joint ministerial decree dated 29 March, 2010, approved the terms of reference outlining the public service obligations assigned to the National Observatory for the Environment and Sustainable Development (ONEDD). Under this framework, ONEDD is responsible for:-Intervening upon request from public authorities to monitor and analyze any pollution or environmental incident.- Managing monitoring networks for air, water, and soil ecosystems to counteract environmental degradation threats.²⁹

-Establishing and operating a public environmental information system related to environmental components. -Providing environmental data under the environmental information system, in accordance with applicable regulations.

Governance Structure of ONEDD

The National Observatory for the Environment and Sustainable Development is managed by a Board of Directors, led by a Director-General, assisted by a Scientific Council. It operates under the authority of the supervising minister or their representative and includes: 18 additional ministers, A representative from the National Statistics Office, and Representatives from an environmental association.

Additionally, the Board has the flexibility to consult experts in relevant fields. Board members serve for a renewable three-year term, with appointments made by the supervising minister upon recommendation from relevant authorities.

Environmental Monitoring Network for Sustainable Development

To promote sustainable development, the National Observatory for the Environment and Sustainable Development (ONEDD) has established a monitoring network consisting of multiple stations. This network is available to public authorities, local communities, and institutions to support ONEDD's core mission: monitoring environmental conditions.

As part of this initiative, a national network of laboratories and monitoring stations was set up to meet environmental monitoring needs. The network includes four regional laboratories:

- Central Regional Laboratory – Algiers
- Eastern Regional Laboratory – Constantine
- Western Regional Laboratory – Oran
- Southern Regional Laboratory – Ouargla

In addition to these laboratories, several other monitoring stations have been deployed nationwide, with more than 175 specialists actively working in environmental protection and sustainable development services.

The National Observatory for the Promotion of Renewable Energy

The Algerian legislator enacted Law No. 04-09, dated August 14, 2004, on the promotion of renewable energy. This law aimed to encourage the use of renewable energy sources as sustainable alternatives to prevent the random and excessive exploitation of conventional energy resources, thereby protecting the environment.

According to Article 17 of Law No. 04-09, the National Observatory for the Promotion of Renewable Energy was established. The article states: *"A national body is created to promote, develop, and utilize renewable energy sources, known as the National Observatory for the Promotion of Renewable Energy."*³⁰

The need to integrate sustainable development across various sectors, particularly the environment, led to the creation of this observatory. Its primary mission is to promote the use of clean and sustainable energy by:

- Providing information and awareness campaigns on renewable energy,
- Training professionals in the field, and
- Encouraging the widespread adoption of renewable energy technologies.

The National Institute for Environmental Training (INFE)

The National Institute for Environmental Training (INFE) was established by Executive Decree No. 02/263, dated August 17, 2002. It is a public national institution with an industrial

and commercial character, possessing legal personality and financial independence. The institute operates under the supervision of the Minister of Environment.

Main Responsibilities of INFE

- Providing training and promoting environmental education and awareness for both public and private sector stakeholders.

- Building and maintaining an environmental documentation database.

- Carrying out awareness and sensitization campaigns for the general public.³¹

The National Economic, Social, and Environmental Council (CNESE)

The 2020 constitutional amendment introduced significant changes, including renaming the National Economic and Social Council (CNES) to the National Economic, Social, and Environmental Council (CNESE). This change marked a major shift, as the environment was officially incorporated into constitutional advisory bodies.

The role of CNESE is outlined in Articles 209 and 210 of the 2020 Constitution. According to Article 209, which falls under Chapter Five: Advisory Bodies, this council serves as a framework for dialogue, consultation, proposal-making, foresight, and analysis in economic, social, and environmental matters. It operates under the authority of the President of the Republic.³²

The elevated status of environmental concerns in the 2020 constitutional amendment is further reflected in the council's responsibilities, as detailed in Article 210. The CNESE's main tasks include:

- Providing a platform for civil society participation in national discussions on economic, social, and environmental development policies within the framework of sustainable development.

- Ensuring the continuity of dialogue and consultation between economic and social partners at the national level.

- Assessing and studying issues of national interest related to economic, social, environmental, educational, training, and higher education matters.

- Presenting proposals and recommendations to the government.

Presidential Decree No. 21-37 of January 22, 2021: Organization and Functions of CNESE

Presidential Decree No. 21-37, dated January 22, 2021, outlines the composition and operational rules of the National Economic, Social, and Environmental Council (CNESE).

A key feature of this council is its advisory role, serving as a platform for dialogue, consultation, proposal-making, analysis, and foresight. This is particularly emphasized in Article 3, which defines four main areas of focus, one of which is:

1. Civil Society Participation in National Consultations on Economic, Social, and Environmental Development Policies within the Framework of Sustainable Development

This area includes several measures aimed at environmental protection and sustainable development, such as:

- Establishing and activating spaces for dialogue, consultation, and cooperation with local authorities, executive bodies, and elected officials, while also enhancing regional integration.

- Ensuring and facilitating consensus-building among economic, social, and environmental stakeholders by engaging civil society actors to help stabilize the economic and social landscape.³³

- Evaluating sectoral strategies in agriculture and water resources, particularly those that contribute to national self-sufficiency in food security, where environmental sustainability plays a crucial role.

2. Ensuring Continuous Dialogue and Consultation Among National Economic and Social Partners

As part of its mandate, the National Economic, Social, and Environmental Council (CNESE) is responsible for:

- Preparing and providing recommendations to the government on adaptive or proactive measures for public policies, ensuring they align with current and future social, economic, and environmental developments.

- Promoting the participation of civil society representatives in the formulation, implementation, monitoring, and evaluation of economic, social, and environmental development policies at both the national and local levels.³⁴

3. Evaluating and Studying National Interest Issues in Economic, Social, and Environmental Fields

The National Economic, Social, and Environmental Council (CNESE) is also tasked with:

- Safeguarding and defending the state's economic interests by providing opinions and recommendations, particularly on strategic economic issues and conditions aimed at avoiding recourse to international arbitration.

- Involving representatives of professional organizations from key economic sectors in the formulation, drafting, implementation, and execution of policies supporting economic, social, and environmental development.

4. Presenting Proposals and Recommendations to the Government

As part of its advisory role, the National Economic, Social, and Environmental Council (CNESE) is also responsible for:

-Formulating opinions on national strategies aimed at promoting the emergence of a sustainable and diversified economy based on knowledge, technological innovation, and digitalization.

-Preparing periodic reports and assessments based on data collected from public sectors, government institutions, civil society, and other relevant sources. These reports focus on key areas, including:³⁵

Human development,

-Economic conditions,

-Governance,

-Regional development,

-Sustainable development,

-Energy transition, and

-The impact of climate change.

The Role of Civil Society in Environmental Protection

In addition to governmental institutions, civil society plays a crucial role in defending environmental rights, raising awareness, and advocating against environmental violations—especially the right to live in a healthy and safe environment. This is achieved through the creation of national and local environmental associations, in accordance with the law governing associations.³⁶

Since laws alone are insufficient to ensure effective environmental protection, the constitutional legislator emphasized the role of associations within society. Additionally, Law No. 03/10 on Environmental Protection within the Framework of Sustainable Development formally recognized the role of environmental associations.

According to Article 35 of this law:

-Legally recognized environmental associations have the right to express opinions and participate in public decision-making related to environmental protection.

-Associations also have the legal right to file lawsuits before the judiciary when environmental laws are violated or when environmental damage occurs.

In general, **associations possess legal personality**, which grants them the **right to take legal action** to defend their **legitimate interests** in accordance with their **objectives**.³⁷

This principle is affirmed in **Article 17 of Law No. 12-06 on Associations**, as enacted by the **Algerian legislator**.

As a result, **environmental associations** have the **right to take legal action** to ensure **compliance with environmental regulations** and to **counter any violations that harm the environment**. This **legal standing** is further reinforced by **Law No. 03-10 on Environmental Protection within the Framework of Sustainable Development**, which

includes **specific provisions** granting environmental associations the **right to litigate** in cases of **environmental harm or non-compliance with environmental laws**.³⁸

Conclusion:

Algeria has taken a significant step by constitutionally recognizing the right to a healthy environment and granting it a constitutional status. The constitutionalization of this right in the 2020 constitutional amendment aligns with international efforts aimed at environmental protection.

To safeguard the human right to a healthy environment, Algeria explicitly incorporated this right into its constitutional framework through the 2016 and 2020 constitutional amendments. The 2020 Constitution further expanded the scope of rights and freedoms, explicitly enshrining the right to a healthy environment and linking it to other fundamental rights, including:

- The right to health,
- The right to safe drinking water,
- Sustainable development, and
- The protection of key environmental sectors.

The **inclusion of the right to a healthy environment** within the **constitution** reinforces its **legal status** in accordance with the **supremacy of the constitution** in the **hierarchy of legal texts**. This constitutional recognition imposes **several obligations on the state**, requiring it to **ensure the realization of this right** and to **implement effective measures** for its protection. Moreover, it **subjects authorities to legal and judicial oversight** in cases where this **constitutional obligation is violated**.

By granting the **right to a healthy environment a constitutional status**, the law establishes **binding protections** for both **the state and its institutions**, as well as for **civil society**. While **governmental bodies and institutions** play a crucial role in **environmental protection**, **civil society** is equally essential in **defending environmental causes, raising awareness, and advocating for the right to live in a healthy and safe environment**.

Additionally, the **administrative mechanisms** for environmental protection must be strengthened by **enforcing regulatory and punitive measures**, enhancing **environmental management tools**, and integrating **environmental planning** into development strategies. **Public participation** and the **engagement of civil society** in environmental protection remain fundamental to achieving sustainable environmental goals.

Proposed Recommendations

To further strengthen environmental protection, the following recommendations are suggested:

- Establishing an international regulatory body dedicated to environmental crimes.
- Creating an international environmental court to address and prosecute environmental offenses.

- Enhancing the role of local authorities in environmental administrative regulation by enforcing fines and penalties for environmental violations.
- Strengthening the role of civil society in raising awareness and promoting environmental protection efforts.
- Expanding the role of environmental media to educate the public on the importance of environmental conservation.
- Protecting and increasing green spaces, especially in urban areas and populated communities.
- Promoting environmental awareness and education through campaigns and sensitization days to highlight environmental risks and pollution issues.

¹ - Alaoui Tayeb, Belfadel Mohamed, *The Constitutional Enshrinement of the Right to a Healthy Environment in Algerian Constitutions*, Journal of Scientific Research in Environmental Legislation, Vol. 12, Issue 01, 2022, p. 217.

² - Ben Ahmed Abdelmounem, *Legal and Administrative Means for Environmental Protection in Algeria*, Doctoral Thesis in Public Law, Faculty of Law, Ben Aknoun, University of Algiers - Ben Youcef Ben Khedda, 2008-2009, p. 13.

³ - Taoussi Fatna, *The Right to a Healthy Environment in International and National Legislation*, Master's Thesis in Law, Specialization: Human Rights and Public Freedoms, Faculty of Law and Political Science, Department of Law, Kasdi Merbah University - Ouargla, 2014-2015, p. 105.

⁴ - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 222.

⁵ - Zaamouch Fawzia, *Special Publication on Environmental Law and Sustainable Development*, Lectures for First-Year Master's Students, Specialization: Urban Planning and Development, Faculty of Law, General Department, University of Frères Mentouri - Constantine, 2021-2022, p. 58.

⁶ - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 221.

⁷ - Ahmed Lakhal, *The Concept of Environment and Its Status in Algerian Legislation*, Al-Mufakkir Journal, Issue 7, Faculty of Law and Political Science, Mohamed Khider University - Biskra, p. 232.

⁸ - Fatiha Aroua, *The Human Right to a Healthy Environment*, Article Published in the Proceedings of the International Symposium on the Protection of Economic, Social, and Cultural Rights in International and Regional Agreements, Year 9, Issue 36, July 2022, University of Algiers, Geel Research Center for Scientific Studies, p. 163.

⁹ - Nawal Mazouzi, *The Right to a Healthy Environment and the Role of the Administrative Judge in Its Protection*, The Academic Journal of Legal Research, Vol. 12, Issue 03, 2021, p. 536.

¹⁰ - Zaamouch Fawzia, *Previously Cited Reference*, p. 59.

¹¹ - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 225.

¹² - Zerbani Abdallah, Khelloula Mohamed, *The Right to a Healthy Environment in International Charters and National Law*, Afak for Sciences Journal, Issue 14, Vol. 4, January 2019, Ziane Achour University – Djelfa, p. 261.

¹³ - Ziani Nawal, Lazraq Aicha, *The Constitutional Protection of the Right to the Environment in Light of the 2016 Algerian Constitutional Amendment*, Notebooks of Politics and Law, Issue 15, June 2016, p. 283.

- ¹⁴ - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 226.
- ¹⁵ - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 231.
- ¹⁶ - Zaamouch Fawzia, *Previously Cited Reference*, p. 61.
- ¹⁷ - Fatiha Aroua, *Previously Cited Reference*, p. 163.
- ¹⁸ - Fatiha Aroua, *Previously Cited Reference*, p. 163.
- ¹⁹ - Ben Ahmed Abdelmounem, *Previously Cited Reference*, p. 16.
- ²⁰ - Zerban Abdallah, Khelloula Mohamed, *The Right to a Healthy Environment in International Charters and National Law*, Afak for Sciences Journal, Issue 14, Vol. 4, January 2019, Ziane Achour University – Djelfa, pp. 253-264.
- ²¹ - Taoussi Fatna, *Previously Cited Reference*, p. 108.
- ²² - Taoussi Fatna, *Previously Cited Reference*, p. 108.
- ²³ - Fatiha Aroua, *Previously Cited Reference*, p. 163.
- ²⁴ - Taoussi Fatna, *Previously Cited Reference*, p. 109.
- ²⁵ - Zerban Abdallah, Khelloula Mohamed, *Previously Cited Reference*, p. 262.
- ²⁶ - Taoussi Fatna, *Previously Cited Reference*, p. 112.
- ²⁷ - Zerban Abdallah, Khelloula Mohamed, *Previously Cited Reference*, p. 262.
- ²⁸ - Zerban Abdallah, Khelloula Mohamed, *Previously Cited Reference*, p. 262.
- ²⁹ - Zaamouch Fawzia, *Previously Cited Reference*, p. 75.
- ³⁰ - Zaamouch Fawzia, *Previously Cited Reference*, p. 77.
- ³¹ - Zerban Abdallah, Khelloula Mohamed, *Previously Cited Reference*, p. 263.
- ³² - Alaoui Tayeb, Belfadel Mohamed, *Previously Cited Reference*, p. 231.
- ³³ - Zaamouch Fawzia, *Previously Cited Reference*, p. 62.
- ³⁴ - Nadji Hakima, *The Role of the National Economic, Social, and Environmental Council under Presidential Decree 21/37*, Journal of Rights and Freedoms, Vol. 10, Issue 01, 2022, p. 633.
- ³⁵ - Zaamouch Fawzia, *Previously Cited Reference*, p. 62.
- ³⁶ - Zerban Abdallah, Khelloula Mohamed, *Previously Cited Reference*, p. 263.
- ³⁷ - Taoussi Fatna, *Previously Cited Reference*, p. 113.
- ³⁸ - Al-Omari Khaled, *The Role of Civil Society in Environmental Protection in Algeria (Environmental Protection Associations as a Model)*, Afak Journal for Research and Studies, Vol. 06, Issue 01, 2023, p. 502.

Bibliography List :

1-University Theses and Dissertations :

- Ben Ahmed Abdelmounem, *Legal and Administrative Means for Environmental Protection in Algeria*, Doctoral Thesis in Public Law, Faculty of Law, Ben Aknoun, University of Algiers - Ben Youcef Ben Khedda, 2008-2009.
- Chaib Nesrine, *The Constitutionalization of the Right to the Environment*, Master's Thesis in Law, Specialization: Environmental Law, Faculty of Law and Political Science, Department of Law, Mohamed Lamine Debaghine University - Sétif 2, 2016-2017.
- Taoussi Fatna, *The Right to a Healthy Environment in International and National Legislation*, Master's Thesis in Law, Specialization: Human Rights and Public Freedoms, Faculty of Law and Political Science, Department of Law, Kasdi Merbah University - Ouargla, 2014-2015.

2-Journal article :

- Alaoui Tayeb, Belfadel Mohamed, *The Constitutional Enshrinement of the Right to a Healthy Environment in Algerian Constitutions*, Journal of Scientific Research in Environmental Legislation, Vol. 12, Issue 01, 2022, p. 217.
- Nawal Mazouzi, *The Right to a Healthy Environment and the Role of the Administrative Judge in Its Protection*, The Academic Journal of Legal Research, Vol. 12, Issue 03, 2021, p. 536.
- Ziani Nawal, Lazraq Aicha, *The Constitutional Protection of the Right to the Environment in Light of the 2016 Algerian Constitutional Amendment*, Notebooks of Politics and Law, Issue 15, June 2016, p. 283.
- Zerban Abdallah, Khelloula Mohamed, *The Right to a Healthy Environment in International Charters and National Law*, Afak for Sciences Journal, Issue 14, Vol. 4, January 2019, Ziane Achour University – Djelfa, p. 261.
- Al-Omari Khaled, *The Role of Civil Society in Environmental Protection in Algeria (Environmental Protection Associations as a Model)*, Afak Journal for Research and Studies, Vol. 06, Issue 01, 2023, p. 502.
- Nadji Hakima, *The Role of the National Economic, Social, and Environmental Council under Presidential Decree 21/37*, Journal of Rights and Freedoms, Vol. 10, Issue 01, 2022, p. 633.

3-Seminar article:

- Zaamouch Fawzia, *Special Publication on Environmental Law and Sustainable Development*, Lectures for First-Year Master's Students, Specialization: Urban Planning and Development, Faculty of Law, General Department, University of Frères Mentouri - Constantine, 2021-2022.

4-Sources:

- Algerian Constitution of 1976, issued under Ordinance No. 76-97, dated November 22, 1976, amended by Law No. 79-06, dated July 7, 1979.
- Algerian Constitution of 1989, issued under Presidential Decree No. 89-18, dated November 22, 1989.
- Algerian Constitution of 1996, issued under Presidential Decree No. 96-438, dated December 7, 1996 (*Official Gazette No. 76*).
- Algerian Constitution of 2016, issued under Law No. 16-01, dated March 6, 2016 (*Official Gazette No. 14*).
- Algerian Constitution of 2020, issued on December 30, 2020 (*Official Gazette No. 82*).