

Title: Legal Framework for the Protection of Marine Biodiversity in Algeria: Challenges and Perspectives

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Abstract:

This research paper examines and assesses the adequacy and effectiveness of Algerian national legislation in protecting marine biodiversity, which is increasingly threatened by human activities and natural factors. In response to these growing threats, legislative interventions have become imperative to preserve marine ecosystems and ensure environmental sustainability. In alignment with national policy objectives, the Algerian legislator has enacted several legal instruments that address the protection of marine biodiversity. This study critically analyzes the scope, strengths, and limitations of these legislative frameworks, with a particular focus on their implementation and compatibility with international environmental standards.

Marine biodiversity has emerged as one of the most pressing issues of our time, drawing increasing attention from scientists, environmental experts, and legal scholars alike. It is recognized as a fundamental pillar of sustainable development across both developed and developing nations. Today, marine biodiversity faces a range of threats whose effects are becoming alarmingly evident across ecosystems. Among the most severe of these threats are marine pollution caused by human activities and biological invasions in marine environments.

Keywords: Marine Biodiversity, Marine Environmental Protection, Ecosystems, Algerian Legislation.

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Introduction:

Like many other countries, Algeria has responded to these concerns by formulating a legal policy framework aimed at protecting marine biodiversity. This framework consists of a series of legislative instruments designed to reinforce environmental governance and ensure the sustainable management of marine resources.

This paper seeks to examine the effectiveness of the legal provisions enacted by the Algerian legislator in ensuring the protection of marine biodiversity. To address this question, the study is divided into three core sections. The first section presents a conceptual framework, exploring the definition of marine biodiversity and the main threats it faces. The second section analyzes the legal framework for marine biodiversity protection under Algerian law, highlighting the principal regulatory instruments. The final section addresses administrative, preventive, and penal measures designed to safeguard marine biodiversity, offering a critical evaluation of the legislative and enforcement mechanisms in place.

Subsection 1: The Concept and Importance of Marine Biodiversity

1. Defining Marine Biodiversity:

The term *biodiversity* was first coined in 1986 by entomologist Edward Osborne Wilson. It refers to the variety of living organisms originating from all ecosystems—terrestrial, marine, and aquatic—as well as the ecological complexes they are part of. Marine biodiversity, in particular, is central to ecological balance and sustainable development, yet it continues to face alarming pressures. The United Nations Convention on Biological Diversity (CBD) defines biodiversity broadly as “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other

aquatic ecosystems and the ecological complexes of which they are part.”²

Despite global recognition—exemplified by the selection of marine biodiversity as the theme for the 2012 International Day for Biological Diversity—marine biodiversity remains under serious threat. Overexploitation of fish stocks has led to significant declines in marine populations, with current stock levels representing only a fraction of their historical abundance³.

To fully understand marine biodiversity, it is necessary to first define biodiversity as a whole, classify its main categories, and highlight its ecological importance in maintaining ecosystem resilience.

The Convention on Biological Diversity (CBD), adopted in 1992, offers a widely accepted definition of biodiversity in Article 2, paragraph 1, describing it as: “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.”⁴

This definition was directly adopted by the Algerian legislator in Law No. 03-10 of 2003 on Environmental Protection within the Framework of Sustainable Development, which defines biodiversity as “the variability of living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are a part. This includes diversity

² -United Nations, Convention on Biological Diversity, 5 June 1992, Art. 2. Available at: <https://www.cbd.int/doc/legal/cbd-en.pdf>

³ -Food and Agriculture Organization (FAO), The State of World Fisheries and Aquaculture 2022: Towards Blue Transformation, Rome, 2022, p. -

⁴ -United Nations, Convention on Biological Diversity, opened for signature 5 June 1992, entered into force 29 December 1993, Art. 2(1). Available at: <https://www.cbd.int> -

within species, between species, and of ecosystems.”⁵

In addition, Law No. 01-11 of 2001 on Fisheries and Aquaculture provides a functional definition of marine biodiversity in Article 2, paragraph 1, referring to it as: “fish, crustaceans, mollusks, sponges, echinoderms, coral, aquatic plants, and any organism or element whose permanent or predominant environment is aquatic.”⁶

Accordingly, marine biodiversity can be defined as the total variety of living organisms found in marine and aquatic environments, including the genetic material they carry and the ecosystems they compose. It reflects the biological variability among all marine organisms and ecosystems, characterized by the richness and diversity of life in both saltwater and freshwater systems.

2. Categories of Marine Biodiversity

Marine biodiversity is typically classified into two main components: marine flora and marine fauna.

A. Marine Flora

Seagrasses cover approximately 0.1% to 0.2% of the world's oceans, yet they play a vital role in sustaining marine biodiversity. These submerged plants serve as habitats for various fish species, birds, and invertebrates, and they provide essential food sources for endangered species such as dugongs and green turtles. In addition, they contribute significantly to nutrient cycling and sediment stabilization. The estimated value of ecosystem services provided by seagrass meadows reaches

approximately USD 1.9 trillion, with their support to commercial fisheries valued at USD 34 to 500 per hectare per year⁷.

As for algae, saltwater environments produce nearly 11 million tons, accounting for around 35% of global algal production. Traditionally consumed as food in parts of Asia, algae also serve as livestock feed, fertilizers in agriculture and horticulture, and are used in pharmaceuticals as well as in the food and agricultural industries⁸.

B. Marine Fauna

Life in the oceans is remarkably diverse. Scientists estimate that the oceans are home to more than 250,000 known species. Marine animals exhibit wide variability, ranging from tiny plankton and micro-crustaceans to large vertebrates such as whales, dolphins, and seals. The group also includes numerous invertebrates, such as jellyfish, octopuses, and squids. Most marine species are concentrated in the upper layers of the ocean, where sunlight penetrates and warms the water, creating optimal conditions for life⁹.

3. The Importance of Marine Biodiversity

Marine biodiversity plays a crucial role in enhancing food security and human nutrition, thereby contributing significantly to human well-being and improved quality of life. It serves as a genetic reservoir for the evolution and breeding of species and is foundational to the sustainability of ecological systems. Moreover, marine biodiversity is con-

⁵ - Algeria, Law No. 03-10 of 19 July 2003 on Environmental Protection within the Framework of Sustainable Development, Official Gazette No. 43, 2003, Art. 3(1).

⁶ - Algeria, Law No. 01-11 of 3 July 2001 on Fisheries and Aquaculture, Official Gazette No. 42, 2001, Art. 2(1).

⁷ - Secretariat of the Convention on Biological Diversity, Review of the Implementation of the Programme of Work on Marine and Coastal Biodiversity, Montreal, 2012, p. 11.

⁸ - Alain Lefèvre-Balleydier, Seas and Oceans (Zeinab Moanem, trans.), 1st ed., Riyadh, 2015, p. 63.

⁹ - Food and Agriculture Organization (FAO), The State of World Fisheries and Aquaculture 2022, Rome, 2022, p. 12.

sidered a primary indicator of the health of our planet.

In addition to its ecological and biological value, marine biodiversity also carries substantial economic and cultural importance. One notable example is its contribution to the growth of ecotourism, which reflects a contemporary trend towards diversifying tourism patterns. Natural landscapes endowed with unique and rare ecosystems are increasingly recognized as assets with real economic, scientific, and cultural value.

From a scientific perspective, marine biodiversity is also of vital epistemological significance. Harnessing sustainable benefits from marine ecosystems requires an in-depth understanding of their physical, chemical, and biological conditions, as well as their ecological functions¹⁰.

4. Threats to Marine Biodiversity: Human-Induced Pressures

Recent scientific studies confirm that marine biodiversity resources are continuously declining due to a range of anthropogenic activities. Chief among these are unsustainable exploitation methods targeting marine life, compounded by natural factors that aggravate ecosystem fragility¹¹.

A. Anthropogenic Threats to Marine Biodiversity

The primary threats to the health and diversity of marine environments stem from human activities—both onshore and offshore—as well as from the

deeper layers of marine ecosystems. The most prominent of these threats include:

. **Domestic Wastewater Discharge:** This includes wastewater and solid waste generated by households, hotels, hospitals, schools, universities, and recreational sites, particularly in coastal cities. These wastes are frequently discharged directly into marine waters, often without adequate treatment, leading to serious ecological consequences¹².

. **Industrial Waste Pollution:** Industrial waste, especially from chemical plants, detergent factories, pesticide production, and agro-food industries, is a major source of marine contamination. Hazardous compounds often leak into marine and freshwater bodies, disrupting aquatic life and bioaccumulating in marine organisms, thereby threatening the entire food chain¹³.

. **Oil Shipping and Operational Discharges:** Oil is one of the most persistent pollutants in marine environments. Routine operations of oil tankers, including engine room discharges, tank washing, and ballast water disposal, are significant contributors to marine oil pollution¹⁴.

. **Seabed Exploration and Resource Extraction:** Activities such as seabed drilling, dredging, core sampling, and mineral dissolution pose considerable risks to benthic ecosystems. Most of these activities are aimed at offshore oil and gas exploitation. Numerous oil spills from offshore platforms have caused substantial damage to marine biodiversity.

¹⁰ - Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), Global Assessment Report on Biodiversity and Ecosystem Services, United Nations, 2019, pp. 45-48.

¹¹ - Abou Kassim Issa, The Place of Sustainable Development in the Law of the Sea, PhD Thesis, University of Aboubakr Belkaid Tlemcen, 2018, p. 217.

¹² Mourad Slimani, Environmental Protection within the Framework of Sustainable Development: Between International Mechanisms and Algerian Law, Master's Thesis, University of Abderrahmane Mira Bédjaia, 2016, p. 14-

¹³ - Mohamed El Hajj Mahmoud, International Law of the Sea, 1st ed., Dar Al-Thaqafa, Amman, 2008, p. 263.

¹⁴ - United Nations Secretary-General, Oceans and the Law of the Sea, Report to the 62nd Session, 2007, p. 24.

. Overfishing and Illegal, Unreported, and Unregulated (IUU) Fishing: Overfishing involves excessive fishing effort beyond the natural replenishment capacity of fish stocks, resulting in long-term depletion. It is often accompanied by IUU fishing practices, including unlicensed operations, fishing out of season, using prohibited gear, or failing to report catch volumes accurately. These practices undermine sustainable fisheries management and contribute to the collapse of fish populations¹⁵.

. Impacts of Marine Scientific Research: Certain marine research activities can inadvertently damage deep-sea environments. The introduction of artificial light, noise, and thermal emissions into previously undisturbed areas may place stress on vulnerable marine organisms, similar to the impacts of deep-sea mining¹⁶.

Subsection 2: The Legal Framework and the Role of Algerian Legislation in the Protection of Marine Biodiversity

Following its independence and the restoration of national sovereignty, Algeria sought to assert legal and political control over its natural and marine biological resources as part of a broader effort to realize genuine national autonomy. In this context, Algeria undertook several legislative initiatives aimed at protecting marine biodiversity, recognizing it as an essential component of ecological balance and sustainable development.

The legal architecture for marine biodiversity protection in Algeria is embedded in a range of national laws, especially those concerning environmental protection and the sustainable use of marine resources. These laws reflect not only Algeria's internal policy priorities but also its international legal obligations under multilateral environmental agreements, particularly the Convention on Biological Diversity (CBD, 1992) and the United Nations Convention on the Law of the Sea (UNCLOS, 1982).

The following sections analyze the most relevant legislative instruments that structure Algeria's approach to marine biodiversity governance.

1. Marine Biodiversity Protection under Algerian Maritime Law

Algerian maritime legislation has incorporated explicit environmental protection measures. In particular, Ordinance No. 76-80, as amended by Law No. 98-05, devotes Chapter IX (Articles 210-221) to the prevention of marine pollution.

Article 210 stipulates that: "It is prohibited to discharge, dump, or burn in the sea any substances likely to harm public health, obstruct marine activities including navigation and fishing, degrade seawater through its use, or diminish the recreational value of the sea."¹⁷

This provision reflects a clear legislative commitment to the protection of marine ecosystems, especially from pollution originating from land-based and marine-based sources. It also demonstrates compliance with Article 194 of the UNCLOS, which obliges states to adopt laws and

¹⁵ – Manal Bekouro, Protection of Biodiversity in the Mediterranean Sea in Light of International Law and Algerian Legislation, PhD Thesis, University of Hadj Lakhdar Batna, 2018, p. 29.

¹⁶ – Mounira Harrouche, Protection of Coastal Marine Biodiversity in the Mediterranean under Algerian Legislation, Al-Bahith Academic Journal, University of Batna 1, vol. 7, no. 1, 2019, p. 521.

¹⁷ – Algeria, Law No. 98-05 of 25 June 1998 amending and supplementing Ordinance No. 76-80 of 23 October 1976 on the Maritime Code, Official Gazette No. 47, 27 June 1998, Art. 210.

regulations to prevent, reduce, and control marine pollution.¹⁸

2. Marine Biodiversity Protection in Algerian Environmental Law

In line with the global trend of integrating biodiversity protection into environmental legislation, Algeria enacted Law No. 03-10 of 19 July 2003 on Environmental Protection within the Framework of Sustainable Development. This law incorporates the concept of biodiversity—explicitly adopting the definition found in the Convention on Biological Diversity—and mandates the protection of ecosystems, including marine ecosystems, from human-induced harm.

Article 3 defines biodiversity as: *“The variability of living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are a part. This includes diversity within species, between species, and of ecosystems.”*¹⁹

Through this legislative instrument, Algeria articulates a comprehensive environmental policy that incorporates marine biodiversity as a core component of national sustainable development strategies.

In 1994, Algeria enacted Legislative Decree No. 94-13 of 28 May 1994, establishing the general legal framework for maritime fisheries. This decree marked a key step in asserting Algeria’s sovereignty over the biological resources located in its national maritime jurisdiction. Article 1 of the decree expressly states:

*“National sovereignty is extended to biological resources beyond territorial waters by establishing a preserved fishing zone beyond national territorial waters.”*²⁰

The establishment of this Preserved Fishing Zone strengthened Algeria’s supervisory capacity over marine resources, which had previously been subject to unregulated exploitation by foreign fishing fleets.

In line with Algeria’s ratification of the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, a comprehensive reform was introduced through Law No. 01-11 of 3 June 2001 on Fisheries and Aquaculture. The preamble of this law explicitly refers to Algeria’s international obligations under various conventions and protocols related to marine environmental protection and the management of biological resources—particularly in the Mediterranean Sea.²¹

This law defines the general rules for the management and sustainable development of fisheries and aquaculture, in accordance with Algeria’s international commitments to preserve and rationally exploit marine biodiversity in its jurisdictional waters.

To adapt to evolving fisheries practices and strengthen regulatory mechanisms, Law No. 01-11 was amended by Law No. 08-15 of 2 April 2015. The amendment aims to reorganize the fisheries sector and reinforce legal penalties against illegal fishing—particularly concerning coral extraction. It introduces new governance tools rooted in the principle of “responsible fishing”, aiming to devel-

¹⁸ –United Nations, United Nations Convention on the Law of the Sea (UNCLOS), adopted 10 December 1982, entered into force 16 November 1994, Art. 194.

¹⁹ – Algeria, Law No. 03-10 of 19 July 2003 on Environmental Protection within the Framework of Sustainable Development, Official Gazette No. 43, 2003, Art. 3.

²⁰ – Algeria, Legislative Decree No. 94-13 of 28 May 1994 on General Rules for Maritime Fisheries, Official Gazette No. 40, 22 June 1994, Art. 1.

²¹ – Algeria, Law No. 01-11 of 3 June 2001 on Fisheries and Aquaculture, Official Gazette No. 42, 2001, Preamble.

op fisheries and aquaculture activities while preserving marine ecosystems²².

Regarding coral protection, Article 36 of the 2015 amendment provides:

*“Coral harvesting must be carried out rationally, using appropriate diving equipment and techniques, and only within designated fishing zones. Harvesting is subject to a concession granted to legal entities governed by Algerian law. The concession is issued by the fisheries administration in cooperation with the Directorate of State Property, upon payment of a fee determined by the Finance Law.”²³

This provision reflects Algeria’s efforts to align national fisheries management with the principles of sustainability and ecological stewardship, in line with international frameworks such as the FAO Code of Conduct for Responsible Fisheries (1995).²⁴

4. Protection of Marine Biodiversity under the Coastal Protection Law

The Algerian legislator has paid significant attention to the coastal zone through Law No. 02-02 on Coastal Protection and Valorization. This law recognizes the ecological and strategic importance of coastal spaces and aims to ensure their sustainable use.

Article 10 of this law provides that: *“The occupation and use of coastal lands shall be conducted in

a manner that preserves unique terrestrial and marine areas, or areas essential for maintaining natural balances. This applies to ecologically significant rocky shores, coastal dunes, wetlands, bathing beaches, lagoons, coastal forests and woodlands, coastal aquifers and their surroundings, coastal islands, and any other sites of ecological or scientific importance located on the coast, including coral reefs, seagrass beds, and underwater coastal features.”²⁵

This article underscores the legislator’s intent to integrate marine biodiversity considerations into land-use and coastal management policy, aligning with international obligations under instruments such as the Barcelona Convention and its protocols.

5. Protection of Marine Biodiversity under the Environmental Protection Law

Following its ratification of key international environmental conventions, Algeria repealed Law No. 83-03 on Environmental Protection and replaced it with Law No. 03-10 of 19 July 2003 on Environmental Protection within the Framework of Sustainable Development. This law introduces a set of foundational principles, including the principle of biodiversity preservation, which requires all activities to avoid causing significant harm to biological diversity.

Article 3 defines biodiversity as: *“The variability of living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems

²² Nassim Yekhllef, *The Maritime Delimitation of Waters under Algerian National Jurisdiction*, Manal Bekouro, *Protection of Biodiversity in the Mediterranean in Light of International Law and Algerian Legislation*, PhD Thesis, University of Hadj Lakhdar Batna, 2018, pp. 181-185.-

²³ - Algeria, Law No. 01-11 of 3 June 2001 on Fisheries and Aquaculture, Official Gazette No. 42, 2001, Preamble.

²⁴ - Food and Agriculture Organization (FAO), *Code of Conduct for Responsible Fisheries*, Rome, 1995.

²⁵ - Algeria, Law No. 02-02 of 5 February 2002 on the Protection and Valorization of the Coast, Official Gazette No. 11, 2002, Art. 10.

and the ecological complexes of which they are a part.”²⁶

In addition, the law addresses the prevention of pollution, which it defines as any physical or chemical alteration of water particles that renders the water unfit for the survival of dependent organisms. These provisions reflect a comprehensive and science-based approach to safeguarding biodiversity through environmental regulation.

6. Protection of Marine Biodiversity under Protected Areas Law

Marine protected areas (MPAs) are internationally recognized as critical tools for the conservation of living marine resources. They contribute to the long-term stability of marine biodiversity by enhancing the abundance, diversity, and reproductive capacity of marine organisms. MPAs are particularly effective in protecting migratory species and their breeding grounds.²⁷

The Algerian legislature has responded to these imperatives through Law No. 11-02 of 17 February 2011 on Protected Areas in the Framework of Sustainable Development. The law defines wetlands as: “Areas characterized by freshwater, brackish water, or saltwater, whether permanent or temporary, at the surface or near the subsurface, whether stagnant or flowing, natural or artificial, in a location that is transitional between marine and other aquatic ecosystems. These areas support,

either permanently or temporarily, plant or animal species.”²⁸

Importantly, the law provides for a full chapter dedicated to legal protections and criminal sanctions applicable to violations of protected area regulations, thereby reinforcing the regulatory framework for biodiversity conservation in coastal and marine zones.

The analysis of Algeria’s legal framework reveals a progressive and multi-layered approach to the protection of marine biodiversity. From the foundational provisions of the Maritime Code to the more recent developments in environmental, fisheries, coastal, and protected areas legislation, the Algerian legal system exhibits a clear effort to harmonize national policies with global environmental commitments.

However, despite the presence of specialized laws and detailed legal mechanisms, the practical implementation and enforcement of these norms remain a significant challenge. Issues such as regulatory overlap, institutional coordination, limited monitoring capacities, and persistent illegal practices—especially in the fisheries sector—highlight the gap between legal texts and ecological outcomes.

Conclusion

The legal protection of marine biodiversity in Algeria reflects a growing awareness of the urgent need to preserve ecological systems in the face of escalating environmental threats. Through a diverse array of legislative instruments—including maritime, environmental, fisheries, and protected

²⁶ – Algeria, Law No. 03-10 of 19 July 2003 on Environmental Protection within the Framework of Sustainable Development, Official Gazette No. 43, 2003, Art. 3.

²⁷ – Convention on Biological Diversity, Decision VII/28 on Protected Areas (Programme of Work), 2004; see also Ramsar Convention on Wetlands, 1971.

²⁸ – Algeria, Law No. 11-02 of 17 February 2011 on Protected Areas in the Framework of Sustainable Development, Official Gazette No. 12, 2011, Art. 2.

areas laws—the Algerian legal framework has progressively integrated biodiversity considerations into its national development agenda. These legal efforts are further reinforced by Algeria’s accession to major international conventions, most notably the Convention on Biological Diversity (CBD) and the United Nations Convention on the Law of the Sea (UNCLOS).

Despite these advances, significant challenges persist in translating legislative intent into effective ecological outcomes. Fragmentation of legal instruments, gaps in inter-agency coordination, and limited enforcement mechanisms continue to undermine the protection of marine biodiversity, especially in vulnerable coastal and offshore zones.

To bridge these gaps, there is a pressing need for institutional strengthening, increased investment in marine research and monitoring, and the promotion of community-based stewardship mechanisms. Aligning domestic implementation with international obligations is not merely a matter of legal compliance but a foundational element in securing the resilience of marine ecosystems and ensuring the long-term sustainability of Algeria’s natural heritage.

Ultimately, the evolution of Algeria’s marine biodiversity governance framework constitutes a promising, yet unfinished, journey—one that demands continuous legal adaptation, scientific engagement, and political will.

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