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## **Legal Framework for Sustainable Beaches in Algeria: A Legislative and Regulatory Approach**

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### **Abstract:**

This paper examines the legal framework for sustainable beaches in Algeria within the context of the protection and valorization of the coastal environment, by analysing relevant legislative and regulatory texts. The central role of laws such as Law 02-02 on the protection and valorization of the coast and Law 03-02 on the exploitation of beaches, amended and supplemented by Law 25-07, in addition to complementary executive decrees, is highlighted in regulating the land preparation, reconstruction, environmental protection with a stress on tourism exploitation.

The paper also presents the mechanisms of integrated coastal area management, reconstruction standards, pollution protection, and programs such as the “Blue Flag” to enhance the quality and sustainability of beaches. The main objective is to strike a balance between economic, tourism development and the protection of coastal ecosystems for future generations.

**Keywords:** Beach - Coast – Sustainable – Development – Standards.

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## **INTRODUCTION**

Beaches are one of the most important natural, tourist and environmental resources in the world, they are a space for economic development, a source of biodiversity, and a breathing space for the population. However, human pressures, climate change and urbanization have upset the balance of coastal ecosystems, hence the concept of sustainable beaches as a strategic solution to protect these spaces and ensure their rational exploitation for present and future generations.

Because beaches inherently combine the land and maritime spaces, and because of their strategic importance in the tourism sector and their impact on the national economy, it took the intervention of the legislator, who was quick to promulgate the appropriate texts to regulate and exploit the beaches in a way that took into account all of the above dimensions.

The study aims to address the legal and regulatory framework for beaches exploitation and its contribution to the sustainable development of the coastal environment to ensure the protection of both the land and marine environment.

On this basis, the study is divided into two sections. The first section deals with the legal regulation of the sustainable coastal environment, while the second section deals with sustainable coastal tourism development.

### **1 Legal provisions for a sustainable coastal environment in Algerian law**

The environment in general and the coastal environment in particular benefit from significant legal protection, whether at international or national level, due to its importance, whether from an ecological, economic, social or tourist point of view, and the protection it must benefit from in its various forms, whether preventive or a posteriori, administrative, civil or criminal, to maintain the desired environmental balance.

In Algeria, the legislator has been keen to issue text related to the protection of the coastal environment (Law 02-02 2002), text regulating the exploitation of beaches (Law 03-02 2003), including provisions for expansion in tourist areas (Law 03-03 2003), all in line with the united nations goals of

sustainable development adopted in domestic law (Law 03-01 2003).

## **1.1 Legal and administrative management of coastal areas**

The Rio de Janeiro Conference on Development and Environment, also known as the Earth Summit, issued an important document called Agenda 21. This document set out a global agenda for what needs to be done during the 21st century in the various areas of environment and sustainable development.

Chapter 17 of the Agenda for the 21st Century states what must be done at the national, regional and international levels with regard to the protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, coastal areas, the protection, rational use and development of their living resources.

Algeria is among the coastal countries bordering the Mediterranean Sea, its sea coast extends over distance of 1200 km. It is a coast that is subject to terrible environmental, social and economic pressures that have led to its environmental degradation and the depletion of its important economic stocks that will contribute to the achievement of economic development (BOUKABENE 2014). Therefore, it was necessary to regulate and protect these areas as will be explained below.

### **1.1.1 Integrated Coastal Zone Management (ICZM), administrative Governance**

Integrated coastal zone management is defined as a dynamic, multi-disciplinary and iterative process to promote sustainable management of coastal zones. It covers the full cycle of information collection, planning (in its broadest sense), decision making, management and monitoring of implementation. ICZM uses the informed participation and co-operation of all stakeholders to assess the societal goals in a given coastal area, and to take actions towards meeting these objectives. ICZM seeks, over the long-term, to balance environmental, economic, social, cultural and recreational objectives, all within the limits set by natural dynamics (Commission of the European Communities 2000).

In Algeria Law 02-02 on the Protection and Valuation of the Coast is the main text related to ICZM, and is a response to the problems caused by the intensification of human activities on the coast including chaotic construction, port activities, tourism, overexploitation of fishery resources and pollution by ships, all lead to the deterioration of coastal and marine environments. Law 02-02 gives methods aimed at managing marine terrestrial space and coordinating the interventions of the various actors involved in this space while ensuring that economic and social development is integrated within the framework of the conservation of biological resources.

The coast also forms the space for various conflicts of interest, through the conflict of legal provisions that must be reconciled as well as the conflict and overlap between the responsible structures (BOUKHATMI 2020 ).

Coasts are considered part of the national public property, according to the content of article 134 of Law 90-30 on national public property (Law 90-30 1990), their management and administration is subject to the Ministry of Finance and, by extension, the Directorate of State Property at the local municipal level. Therefore, any violation of the integrity of these properties, the Directorate of State Property, governors or heads of municipal people's councils have the right to resort to the judiciary according to the requirements of article 10 of Law 90-30 (Law 90-30 1990) (A. KAMRAOUI 2013).

Also, according to article 3 of Law 02-02, associations and organizations active in the field of the environment and the protection of the region participate with the administration in the field of coastal development and protection.

### **1.1.2 Coastal Planning Mechanisms**

For a well exploitation of the coast, Executive Decree 09-114, specifying the conditions for the preparation of the beach preparation plan, its content and the modalities for its implementation (Executive Decree N° 09-114 2009), state that the beach preparation plan includes technical report (A), and a coastal management system (B).

**A/ Technical report highlighting :**

- Determine the intervention area of the beach preparation scheme,

- Environmental and geographical characteristics,

- Occupancy of the population, economic and industrial activities, the built environment, roads, water supply and disinfection networks, and base facilities.

- Evolution bets and scenarios as well as business suggestions.

The technical report also includes cartographic documents that allow highlighting, in particular :

- Geomorphological and geological map of the soil,

- A map showing the ecological status,

- Drift sensitivity map,

- Map of the built-up perimeter (staircase ( 1/10.000)),

- Population density,

- Map of sources of pollution,

- Road map and decontamination networks,

- map of oceanography,

- A map of the geomorphology of the seas.

**B/ Coastal preparation and management system**

It includes all the measures specified under laws and regulations in force and those proposed under the title of the law for all components of the coast related to, in particular, the occupation of land, the location of roads, the expansion of population centers, buildings, economic and industrial activities, the treatment of wastewater and waste, the establishment of activity areas, landing areas, tourism expansion, the completion of port facilities, as well as the protection of natural spaces, sensitive coastal environments (Executive Decree N° 09-114 2009). The system of preparation includes a graphical diagram of general preparation that highlights the specific provisions under the laws and regulations in force.

The technical report and the coastal preparation and management system shall be prepared on the basis of a study initiated by the minister in charge of urban development and the environment and assigned to the study offices or to each

research center specialized in the field of urban development and the environment .

The preliminary draft of the beach preparation scheme shall be sent to the governors, the heads of the concerned municipal popular councils, as well as to each concerned institution or body for study and opinion (Executive Decree N° 09-114 2009).

### **1.1.3 Reconstruction Criteria in Coastal Areas**

Law N° 02-02 on the protection and valuation of the coast came with special provisions related to coastal areas, some of which are of interest to the reconstruction of that area, as it subjected to regulation every occupation of the natural parts adjacent to the bathing beaches, which contribute to maintaining their mobility and the balance of sediments, as well as the dunes adjacent to the sea, and the sand bands of the upper parts of the bathing beaches that are not reached by the extension of sea water (BENDOUMIA 2017).

In implementation of articles 14 ,17 and 18 of Law No. 02-02 related to the protection and valuation of the coast, Executive Decree No. 07-206 was issued, which determines the conditions and methods of construction and occupation of land on the coastal strip and the occupation of natural parts adjacent to the beaches (Executive Decree N° 07-206 2007), and the expansion of the area subject to the prohibition of construction on it in application of Law N° 02/02, where three basic objectives were issued, 3 of which are two objectives that concern spaces near the sea. The conditions for occupying the natural parts adjacent to the beaches that contribute to maintaining their mobility and the balance of sediments in them, as well as the adjacent dunes and sand bands of the upper parts of the beaches that are not reached by the extension of sea water, as well as the conditions and methods for expanding the area subject to the prohibition of construction to a distance of 300 meters from the beach and the conditions of services that require the adjacent sea, in accordance with the second paragraph of Executive Decree N° 07-206.

In this regard, Resolution N°1221, dated in July 18, 2012, stipulated the establishment of an intersectoral committee to study the files of retail licenses, building permits and their conformity with Law 02-02. In accordance with Law 02-02, the Committee is also in charge of monitoring and coordinating all actions pertaining to the preservation and enhancement of the coastline, including the creation of reports. Note that the Administrative Court of Oran in Case No. 17/00184 in its ruling issued on 04-07-2017 (Oran Administrative Court 2017) determined to appoint an expert in ground and groundwater sciences to carry out an expert that includes ensuring respect for the legal distance between the built property and seawater, demonstrating the administrative judiciary's eagerness to adhere to the legal provisions related to construction in coastal areas (A. KAMRAOUI 2023).

## **1.2 Marine pollution prevention**

In order to contribute to the sustainable development of the Mediterranean Sea Area, Algeria, as a signatory to the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) (Convention s.d.) and its Protocols, commits to taking the necessary actions to prevent, mitigate, and fight pollution to the greatest extent possible.

It also pledges to protect and improve the marine environment. Adopted into domestic law, the principles of the convention are reflected in a number of regulations pertaining to the prevention of marine pollution and the classification of areas that are at risk.

### **1.2.1 Preventive principles**

The principle of prevention is affirmed in article 2 of the Environmental Protection and Sustainable Development Law (Law 03-01 2003), which states: " The protection of the environment within the framework of sustainable development, in particular, aims at the following: Preventing all forms of pollution and damage to the environment, by ensuring the preservation of its components."

It is also confirmed in article 3 of the Environmental Protection and Sustainable Development Law, which referred to

the principles on which this law is based. Among these principles, it is based on the principle of preventive activity and correcting environmental damage with priority at the source. This is done with the best available technologies and at an acceptable economic cost. Every person whose activity can cause significant harm to the environment is obliged to take into account the interests of others before acting through (LARABI 2016) :

A / Licensing ;

B / Embargo ;

C /A study or summary of the impact on the environment ;

D/ Reports.

### **1.2.2 Classification of threatened areas**

Threatened areas shall be classified on the basis of a study called "Classification Study as Threatened Areas" initiated by the Minister in charge of Urban Planning and prepared by study offices and competent bodies or each research center of that competence and experience in the field of coastal or environmental geomorphology (Executive Decree N° 09-88, 2009).

The classification study shall include, in particular, the following elements:

- Identify the coastal space in question,
  - environmental, soil, and geomorphological characteristics of the coastal space in question,
  - Studying dominant ripples,
  - Studying the measurement of the diameter of the formed sediments to the depth of the sea to the depth of closure,
  - the kinetics of the shoreline,
  - Degradation pressures and causes,
- Fragility assessment
- Proposals of measures to protect the threatened area,
  - Proposals to classify as a threatened area.



## **2 Sustainable coastal tourism development**

### **2.1 Conceptual Foundations**

#### **2.1.1 Definitions**

Sustainable beaches are those that are managed and exploited in a manner that takes into account the preservation of the coastal environment, and is based on the principles of sustainable development. This concept includes:

- Protecting the marine and coastal ecosystem,
- Reducing pollution, - Reducing unregulated urban expansion,
- Integrating local communities into management
- Developing ecotourism

#### **2.1.2 Importance of Sustainable Beaches**

Sustainable beaches are vital because they preserve coastal areas, promote biodiversity and wildlife habitats, provide recreational and economic possibilities for communities, and maintain cultural and mental health advantages for people as :

##### **Environmental Significance :**

Beaches serve as natural barriers against big waves and high winds, keeping coastal settlements safe from storms and flooding.

##### **Habitat and Biodiversity:**

They provide critical habitat for a variety of plant and animal species, including nesting sea turtles and migratory birds, which are essential to the overall ecological balance.

##### **Water Quality:**

Sustainable methods, such as waste management and contamination avoidance, keep the water clean and safe for both marine life and humans.

##### **Economic and recreational significance :**

Beaches are a major draw for tourists and recreational activities, generating economic activity and creating local jobs. They offer communities with food resources, recreational places, and contribute to overall well-being.

**Climate :**

Enhancing the ability of coasts to cope with climate change and natural phenomena such as floods and sea level rise.

**2.2 exploitation of beaches in accordance with Law 03-02****2.2.1 Concession Agreement:**

Law 03-02 clarified the most important criteria for the optimal exploitation of beaches, stipulating that beaches that allow swimming constitute spaces open to the public for the purpose of recreation, rest and entertainment.

The exploitation of part or parts of it may be granted by concession under an agreement and according to a book of conditions prepared in accordance with the specifications of the beach tourism preparation plan, provided that the specified area does not exceed 30% of the total area of the beach.

Provided that the book of conditions specifies the technical, administrative and financial specifications of the concession, the regionally competent governor shall sign the concession agreement, the duration of which shall be determined by the organization (Law 03-02 2003). The use of the equipment and services provided to vacationers within the part of the beach granted under the franchise shall be for a fee, as the franchisee is obligated to abide by the area allocated to him within the franchise agreement and in the terms book (Law 03-02 2003).

Tourism exploitation of part of the open beach for swimming shall be carried out according to the concession system through open bidding. The concession shall be granted, for a fee, to every natural or legal person to whom the auction is awarded and who holds qualifications in the field of tourism or in the activities related to it as mentioned in article 22 of law 03-02.

The concession may be granted by direct negotiation to the municipality concerned, or public institutions related to entertainment and/ or tourism and related activities, when the second bid is not feasible (Law 03-02 2003).

It should be noted that Algerian law previously regulated the concession agreement within Executive Decree 18-199 regarding the mandates of the public facilities (Executive

Decree 18-199, 2018), and despite the cancellation of its provisions by Law 23-12 specifying the general provisions related to public transactions (Law 23-12 2023), the concession agreement remains an administrative practice used by the public administration in the management of its public utilities.

### **2.2.2 Tourism Setup Standards**

In accordance with Article 14 of Law 02-03, the tourist preparation plan for the beach, prepared according to the general shape of the beach, includes, in particular, the following specifications and elements:

- The nature of the beach and its borders ,
- Franchised parts and free spaces,
- Free travel bar for vacationers, along the beach and at the level of each part granted under the concession,
- The entrance corridor to the beach is prepared and shown, taking into account the accessibility of people, especially those with special needs,
- A space dedicated to sports and recreational activities, and a space for rest,
- A space dedicated to parking floating vehicles and used boats for a picnic.

The department in charge of tourism for the wilaya shall prepare a plan for the tourism preparation of the beach, which shall be approved by a decision of the regional governor after the approval of the wilaya committee.

The layout of the beach tourist accommodation at the entrance to each beach should be posted in a directional panel highlighting the above elements.

## **2.3 Sustainability Mechanisms**

### **2.3.1 Blue Flag Program**

The Blue Flag beaches program is an international program that grants eco-labelling to beaches that adhere to strict standards in water quality, hygiene, waste management, and the provision of safety fixtures and environmental services.

The Blue Flag program for beaches, marinas and tourist boats is managed by international non-governmental and non-profit organizations (Foundation for Environmental Education).

The Blue Flag program began in France in 1985. It has been implemented in Europe since 1987 and in regions outside Europe since 2001 with the accession of South Africa. Today, the blue flag has become a truly global program, with an ever-increasing number of countries participating in it<sup>1</sup>.

### **2.3.2 Bleu program criteria**

The Blue Flag program promotes sustainable development in freshwater and marine areas. It pushes local authorities and beach operators to achieve high standards in the four categories of water quality, environmental management, environmental education and safety. Over the years, the Blue Flag has become a highly respected and recognized award that brings together the tourism and environment sectors at the local, regional and national levels.

The program includes 33 criteria, the criteria can be divided into groups, each group corresponds to a specific goal of the United Nations Sustainable Development Goals.

In particular, the criteria are :

- Clearly informing and advertising in places accessible from the beach about the map of routes, provided services, nature and environmental specificity of the area, especially water quality,
- Programming activities related to introducing the environment and spreading the culture of preservation and protection of the environment,
- The code of conduct that must be adhered to by vacationers and beachgoers flying the blue flag,
- Carrying out the necessary analyses within the specified deadlines for monitoring the quality of shore water,
- Disposal of industrial waste and marine plants,
- Providing the necessary facilities such as bathrooms and washbasins,
- Provide safety equipment with emergency intervention plans.

The Blue Flag program is awarded to beaches that respect the mentioned environmental standards (water quality,

hygiene, waste management, safety), and a blue flag marking that represents the compliance of the beach management with the quality standards.

### **2.3.3 Perspectives of Algerian beaches**

The needs of both present and future generations must be considered concurrently and equally, ensuring that decisions respect the “precautionary principle”, and do not foreclose options for the future. Successful planning and management for the coastal zone must acknowledge the inherent uncertainty of the future, and must be set in an institutional framework that looks beyond the present political cycle. Despite efforts provide by both legislator and local and central government, algerian coast and especially beaches needs more intention,

#### **Recommendations**

1. Strengthening the mechanisms of control over the application of laws for the protection and valorization of the coast and preventing any urban or environmental abuses.
2. Expanding environmental awareness programs directed at residents, investors and vacationers on the importance of preserving beaches and coastal ecosystems.
3. Stimulate sustainable investment in coastal tourism projects that respect environmental standards and employ renewable energies.
4. Activating international accreditation programs such as the “Blue Flag” on a larger scale, as a mechanism to motivate municipalities and investors to raise environmental quality standards.
5. Promoting scientific research in the fields of coastal protection, environmental risk management, and coping with the effects of climate change.
6. Engaging civil society : Participates with environmental associations and bodies in monitoring coastal activities, and educates citizens on the importance of keeping beaches clean and protecting ecosystems.

## **CONCLUSION**

Given the mounting strain on Algeria's coastal regions, the study demonstrates that sustainable beaches are not only an environmental idea but also a key component of the country's economic and social development. The main obstacle to the effective implementation of these laws on the ground is the need to coordinate amongst the different actors and activate control mechanisms. Algerian legislators have created an integrated legal framework that blends protection and development. The local community must be involved, environmental culture must be promoted, and the environmental dimension must be incorporated into all phases of planning and management for the sustainable beaches policy to be successful.

Despite the existence of an integrated legal framework, practical application faces several obstacles, the most important of which are:

- Poor coordination between responsible bodies.
- Limited financial, material and human resources
- Investment and tourism pressures that may conflict with environmental objectives.
- Effects of climate change and sea level rise.

Overcoming these challenges requires strong political will, and the involvement of all actors in the planning and implementation process.

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1 [www.blueflag.global](http://www.blueflag.global) The number of countries organizing the program is 51, with 5038 beaches.