CLIMATE CHANGE LEGISLATION IN

ALGERIA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Algeria

Legislative Process

The People's Democratic Republic of Algeria achieved its independence in 1962, after more than a century of French rule, and is a semi-presidential republic, whose legal system is a mixture of French civil law and Islamic law. The government is divided into Executive, Legislative and Judicial Branches. The President, elected by direct and popular vote, every five years, serves as both the Chief Executive and the Commander in Chief. The President appoints the Prime Minister, who serves as the head of the Government. The constitution was enacted in 1963 and has been amended on a number of occasions, most recently in 2008. In May 2014, following President Abdelazziz Bouteflika's reelection, the Government released a constitutional reform package.

The legislative authority is held and exercised by a bicameral Parliament composed of the Council of the Nation (the upper house or Senate) and the National People's Assembly (the lower house). The Council of the Nation, first instituted in 1997, consists of 144 seats, one third of which are appointed by the President and the remaining two thirds are elected by indirect vote of the elected members of communal assemblies and *wilayas* (provinces). Members serve for six-year terms and half of the Council is renewed every three years. The last Council of the Nation election was in 2012, and the next anticipated election is 2017. The National People's Assembly is currently 462 seats, up from 389 during the last term, all of which are elected by popular vote to serve five-year terms. The most recent National People's Assembly election was 2012 and the next anticipated election is in 2017.

Laws are first put forth by the National People's Assembly and must be adopted by both houses; although the Council of the Nation has the absolute power to block the Legislative process, it neither has the authority to initiate legislation nor amend it. Prior to adoption, a bill is first successively debated in the National People's Assembly then the Council of the Nation. Bills are adopted by a majority of three quarters of the members. In the event of a disagreement among the houses, a joint committee is created, composed of members of both houses, to propose a revised text, which is then subject to the approval of both houses and is not amendable.

When the National People's Assembly is in recess, the President can legislate by ordinance; however, the President must present the text of the order/decree to both houses during the next session for approval. Ordinances not approved by both houses are considered obsolete. Presidential decrees do not have to be approved by both houses during a presidentially declared 'state of emergency'. Algeria operated under a 'state of emergency' for 19 years, until it was officially lifted in February 2011.

Approach to Climate Change

North Africa, in particular Algeria, is subject to a high degree of climate variability across different regions and seasons which makes it highly vulnerable to climate change impacts. Although it is the second largest country in Africa, spanning nearly 2.4m km² with a population of around 38.8m, nearly 87% of land is in the Sahara Desert region and only just over 3% of land is considered arable.

Algeria's First National Communication to the UNFCCC was submitted in 2001, and it highlights particular concerns regarding chronic drought and insufficient water resources. Such environmental difficulties have substantial implications for the ability of Algeria to maintain its agriculture industry, which is over 9% of total GDP, and to provide adequate freshwater resources to its people.

Algeria's environmental challenges, coupled with its significant reliance on fossil fuels, which account for 99% of electricity generation, has led the government to prioritise investments in both climate change adaptation and mitigation measures, one of the only North African countries to explicitly articulate comprehensive national adaptation and climate change mitigation strategies. These strategies largely focus on 3 areas: (i) implementing plans for sustainable socio-economic development, (ii) building new and strengthening and integrating existing institutions and human capacity, and (iii) mitigating GHG emissions via energy diversification and reforestation efforts. Although most policy objectives are codified in law, the laws generally do not outline specific policy prescriptions. Rather, they direct or recommend that the details be laid out in regulation.

While climate change mitigation and adaptation measures frequently require inter-ministerial collaboration, most legislation pertaining to climate change mitigation and adaptation falls under the broad authority of four ministries: Land Management and the Environment (MATE), Energy and Mines, Water Resources and Agriculture and Rural Development.

There are also several specialist agencies and centres that were created to specifically address the challenges associated with climate change, particularly in the context of sustainable development. These include: the National Observatory for Environment and Sustainable Development (ONEDD), the National Waste Management Agency (AND), National Centre for the Development of Biological Resources (CNRB), the National Centre for Cleaner Production Technologies (CNTPP), the National Agency for Climate Change (ANCC), the Inter-sectoral Council of Energy Management (ICEM), and the National Agency for the Promotion and Rational Use of Energy (APRUE).

Since 1994, Algeria has been home to a Global Atmosphere Watch (GAW) monitoring programme, in co-ordination with the World Meteorological Organization (WMO) with funding support from the World Bank, at Tamanrasset and Assekrem, in the Central Sahara. The remote location of these sites enables successful monitoring of GHGs, aerosols, ozone, carbon monoxide, and radiation. In accordance with the guidelines promulgated by the Intergovernmental Panel for Climate Change (IPCC), Algeria has conducted and published two national GHG inventories and absorptions: the first in 1996, the results of which are explained in the First National Communication, and the second in 2000, the results of which are explained in the Second National Communication, of November 2010. Following its creation in 2005, the National Agency for Climate Change, is charged with conducting more periodic inventories of GHG emissions.

Several National Action Plans support the goal of sustainable economic development. In 2002, Algeria published its first National Plan of Action for the Environment and Sustainable Development (PNAE-DD), financed with a grant from the European Commission and the Swiss Agency for Development and Corporation (SDC) and further assisted by the World Bank, German Technical Cooperation Agency (GTZ), and the Mediterranean Environment Technical Assistance Program (METAP).

This plan highlights Algeria's previous lack of integration of policies, programmes, enforcement action and institutions relative to climate change and the environment, proposing that, moving forward, Algeria mainstream its goals for environmental protection with a sustainable development agenda.

In 2003, Algeria adopted a National Plan of Action and Adaptation to Climate Change (PNA-ACC), which was updated in 2013. This plan outlines both climate change mitigation and adaptation policy measures including the promotion of: renewable energy technologies, carbon sequestration, industrial emission reductions, reforestation and water system innovation.

Algeria is the home of one of the world's largest carbon capture and storage facilities at the In Salah natural gas operation in the Sahara Desert. Operated by state oil and gas firm Sonatrach in conjunction with BP and Norway's Statoil, In Salah stores around 800,000 tons of CO₂ per year, about 1.2 miles underground. In Salah successfully cuts the CO₂ gas released from the gas fields from 7% to 0.3% at a relatively low cost of around USD14 per ton.

Algeria frequently engages with a number of supranational actors regarding regional adaptation and mitigation measures, including the African Union, the Arab League, and the Arab Maghreb Union; however, none of the declarations or initiatives agreed upon by these organisations are legally binding.

Energy Supply

More than 99% of Algeria's electricity generation is fossil fuel sourced, with the remainder generated by hydropower. Sonatrach owns approximately 80% of all hydrocarbon production. Energy use is the primary source of GHG emissions in the country, accounting for more than 69% of total net emissions, followed by land use and forest management, then agriculture.

In 2011, with the adoption of a Renewable Energy and Energy Efficiency Development Plan, Algeria set an ambitious goal of achieving 40% of national electricity generation via renewable sources by 2030. The Renewable Energy Programme sets a target of 37% from solar power and 3% from wind power, with a total of 23,000MW of renewable capacity by 2030, of which 10,000MW would be allocated for export to the European energy market. Algeria successfully completed construction, in 2011, of a solar combined-cycle hybrid power plant at the Hassi R'Mei natural gas field about 300 miles south of Algiers.

The Renewable Energy and Energy Efficiency Development Plan builds on existing policies and measures to encourage investment in low carbon energy production, including feed-in tariffs for solar PV and other renewables installations through a law on the Diversification of Power Generation Costs and the Renewable Energy National Fund which uses a 0.5% levy on oil tax revenues to fund actions through the Renewable Energy and Energy Efficiency Plan. Additionally the 1999 Law on the Management of Energy and the 2004 Law on Renewable Energy Promotion in the Framework of Sustainable Development establish frameworks and financial incentive measures to encourage the development of low carbon energy, including establishing Certificates of Origin for renewable energy sources and a National Observatory for the Promotion of Renewable Energies.

Energy Demand

Electricity demand is expected to more than double by 2030; however, the hydrocarbons sector, which accounts for one third of GDP and 98% of exports (World Bank), has experienced a significant decline in production since 2006. This prospective stress on electricity supply is spurring the further development of hydrocarbon resources and investments in renewable energy sources.

The 2011 Renewable Energy and Energy Efficiency Development Plan focuses on a number of measures to improve the efficient use of energy: improvement of heat insulation of buildings; development of solar water heating; promotion of co-generation; promotion of LPG and natural gas fuels; developing solar cooling systems; converting simply cycle power plants to combined cycle power plants; desalinating water using renewable energy; substituting all mercury lamps with sodium lamps and promoting the use of low-energy lamps.

Energy efficiency programmes are overseen by the National Agency for the Promotion and Rational Use of Energy (APRUE).

REDD+ and LULUCF

Forest management falls under the authority of the Ministry of Agriculture and Rural Development, specifically the Directorate General of Forests. According to the Second National Communication, Algeria has 4.1m ha of forestland, of which 1.3m ha in natural forestland (32.4%), 1.8m ha is brush/scrub (44%) and the remaining 970,000 ha is lawn and reforestation land (23.6%).

In 1999, Algeria adopted a National Reforestation Plan (PNR) with a long-term vision of planting 1.2m ha of forests by 2020. The General Director of Forests announced, as of March 2014, that the plan was 50% complete.

Algeria is also participating in the Collaborative Partnership on Mediterranean Forests' programme on Adapting Forest Policy Conditions to Climate Change in the MENA Region, which aims to identify forestry-related adaptation measures as a result of regional co-operation and the integration of climate change into forest policies by the end of 2015.

Transportation

Algeria is developing new transportation networks, prioritising electric rail transport, with the aim of increasing access to currently isolated regions and reducing emissions associated with non-electric transportation. The goal is to increase the existing 4,000km of rail track to 11,300km by 2020.

Algiers, the capital of Algeria, opened a metro system, in 2011, and in 2012, the Algiers Metro Authority (EMA) announced Algeria would invest about USD 6bn in light rail systems across 14 major cities. Most recently, tramway systems were opened in the cities of Oran and Constantine, in 2013. Some 350m² of solar panelling has been installed on the maintenance sheds for Algiers commuter trains and many of the train workshop vehicles are powered by electricity.

Adaptation

Apart from the National Plan of Action and Adaptation to Climate Change (2003), adaptation measures have largely focused on sustainably meeting the growing demand for a secure water supply, particularly in cities and coastal towns. Algeria has invested around USD20bn in dams, water treatment plants, drinking water sanitation and desalination facilitates. The most recent 5-year infrastructure plan (2010-2014), includes the construction of 35 dams, 35 supply treatment plants, over 3,000 upgrades to drinking water facilities, and eight new desalination plants, in addition to the 21 small-capacity plants built in 2002-2003. The Second National Communication to the UNFCCC identified a number of potential adaptation measures for the water sector, as well as irrigation goals for agriculture.

In an effort to curb desertification and protect the desert oasis system and the biodiversity contained therein, Algeria adopted the National Action Plan to Fight Against Desertification (PAN-LCD) in 2004 and a National Biodiversity Action Plan in 2005. The 2004 Law on the Prevention of Major Risks and the Management of Catastrophes in the Framework of Sustainable Development establishes the legal framework for disaster prevention and risk management, including for climatic risks and for climate-related fields such as flooding and forest fires.

Algeria: Legislative portfolio

Name of law	Law No. 04-20 relative to the Prevention of Major Risks and the Management of Catastrophes in the Framework of Sustainable Development
Date	29 December 2004
Summary	The Law establishes the legal framework for disaster prevention and disaster risk management in Algeria. This Law is not limited to climate change-related risks, but explicitly includes climatic risks, and climate related areas (notably flooding and forest fires), in addition to other non-climate related disasters.

Name of law	Law No. 04-09 relative to Renewable Energy Promotion in the Framework of Sustainable Development
Date	14 August 2004
Summary	Builds on the general commitments outlined in Law No. 99-09 relative to the Management of Energy, laying the foundations for a requisite "national programme to support renewable energy within the context of sustainable development."
	Codifies Algeria's environmental mission to: promote the domestic development of renewable energy sources, to curb climate change by limiting GHG emissions, and to encourage sustainable development via the conservation and preservation of fossil fuel resources. Consistent with this mission, this law establishes a National Observatory/Centre for the Promotion of Renewable Energy.
	Serves as the framework for the Ministry of Energy and Mines detailed Renewable Energy and Energy Efficiency Programme (2011-2030), released in March 2011, which establishes specific quantitative targets for renewables.

Name of law	Law 99-09 relative to the Management of Energy
Date	28 July 1999
Summary	Establishes the framework and conditions for the National Programme for the
	Management of Energy, outlining parameters for: efficient consumption, energy

conservation/energy efficiency, the reduction of GHG emissions and general air pollution, the education of both government agencies and the populace regarding energy efficiency, and the development of renewable energy technologies and sources inclusive of solar, geothermal, hydropower, and biomass.

Authorises the use of financial incentives for projects and investments in energy efficiency and renewable energy, in addition to establishing the parameters for: (i) energy efficient building standards, (ii) a mandatory energy auditing system for industry, transport, and service sectors, and (iii) sanctions for non-compliance.

Establishes a National Fund for Energy Management, supported by taxes on domestic energy consumption, state subsidies, and fines for non-compliance pursuant to this law.

Algeria: Executive portfolio

Name of Policy	Regulatory Order fixing the guaranteed purchase price and the conditions of their application for electricity generated from facilities using photovoltaic segment.
Date	2 February 2014
Summary	Establishes a variable 20-year Solar PV feed-in-tariff (FIT) for ground-mounted solar installations greater than 1MW.
	Fixes the FIT for 1MW to 5MW installations at 15.94 DZD per kWh for the first 5 years and between 20.08 DZD per kWh to 11.80 DZD per kWh for the following 15 years. For installations larger than 5MW, the FIT is fixed at 12.75 DZD per KWh for the first 5 years and between 12.75 DZD per kWh and 9.44 per kWh for the final 15 years.
	Only pays the FIT for a limited number of hours per year, following which electricity is sold at a conventional price.

Name of Policy	The National Climate Plan
Date	28 April 2013
Summary	The National Climate Plan presents an agenda both in terms of mitigation and adaptation, aims to realize sustained economic growth and inclusive social development, while taking due account of climate change related challenges. It provides an overview of climate change vulnerabilities in Algeria and proposes over 70 action measures, including: • adoption of cleaner energy consumption model by substituting liquid fuels by natural gas and liquefied propane; • achieving 35,000 hectares of forests and developing another 175,000 hectares; • waste recovery (13.5 million tonnes / year), • electrification of railway transport and intensification of urban public transport (including constructing the Algiers metro and tramway infrastructure in several cities). The Plan further promotes uptake of renewable energies and sets a target of installing of 22,000 MW of renewable power capacity between 2011 and 2030, divided between 12, 000 MW to be dedicated to cover the national demand for electricity and 10,000 MW for export.

Name of Policy	Renewable Energy and Energy Efficiency Development Plan 2011-2030
Date	February 2011
Summary	The main objective of the Renewable Energy and Energy Efficiency Development Plan is to expand usage of renewable energies and to diversify energy sources in the country.
	The Plan's renewable energy goals are: To install 22,000MW of power generating capacity from renewable sources between 2011 and 2030 (of which 12,000MW for internal usage and 10,000MW for export) To meet 20% of electricity generation from renewables by 2030 For renewable energy development to drive sustainable economic development,

to increase energy security supply, and to create jobs

The plan recognises solar energy a primary renewable technology to be developed, while noting that the potential for wind, biomass, geothermal and hydropower energy is comparatively small. The Plan forecasts a 37% increase in total national electricity production by 2030 due to solar electricity production.

The Development Plan has three stages:

- 2011 2013: pilot projects and testing period for various technologies with a goal to install 110MW of RE power capacity
- 2014 2015: beginning of the deployment programme. Installed RE power capacity to reach 650 MW by the end of this period
- 3. 2016 2020: large scale REs plants deployment. Installed power capacity to reach about 2600 MW the end of this phase

The Plan aims to increase energy efficiency through a number of avenues:

- 1. improvement of heat insulation of buildings
- 2. development of solar water heating; promotion of co-generation
- 3. promotion of LPG and natural gas fuels
- 4. developing solar cooling systems
- converting simply cycle power plants to combined cycle power plants, where possible
- 6. desalinating brackish water using renewable energy
- substituting all mercury lamps with sodium lamps and promoting the use of low-energy lamps

Name of Policy	Executive Decree No. 2011-423 fixing the operating procedures of the Trust Account No. 302-1221 entitled "National Fund for Renewable Energy and Cogeneration"
Date	8 December 2011
Summary	Amends the operating procedures of the National Fund for Renewable Energy and Cogeneration, first established pursuant to the Finance Act of 2010, to increase the revenue paid into this fund from .5% of oil royalties to 1% of oil royalties, plus any additional contributions. Grants authority to the Minister of Finance to jointly manage expenditures from this fund with the Minister of Energy for the purposes of financing operations and projects for the promotion of renewable energy and cogeneration.

Name of Policy	Executive Decree No. 2011-33 on the establishment, organization and functioning of the
	Algerian Institute of Renewable Energy
Date	27 January 2011
Summary	Establishes the Algerian Institute of Renewable Energy (IAER) under the supervision of the Minister for Energy. Outlines the responsibilities of the IAER to include: • managing institutional needs and public and private organizations for the training and development of renewable energy and energy efficiency; • promoting research in the fields of renewable energy and energy efficiency; • consulting on the development of projects in the field of renewable energy and energy efficiency; and • concluding and collaborating on national and international agreements relative to renewable energy and energy efficiency. Further requires the Institute to provide skills trainings in renewable energy and energy efficiency for engineers, technicians, and other stakeholders in the field. Outlines that training topics shall include: development of engineering systems, safety and security trainings, energy audit trainings, and renewable energy management and energy efficiency modelling.

Name of Policy	Executive Decree No. 10-258 establishing the powers of the Minister of Planning and the Environment
Date	21 October 2010
Summary	Outlines the authority of the Minister of Planning and the Environment to recommend national policy related to sustainable development, land use management, and the environment.
	Authorizes the Minster to:
	 develop and implement national strategies for sustainable development and the environment;
	 planning the incremental evolution of cities and the distribution of equipment, activities, and the population;
	 identifying the optimal use of infrastructure and the national potential relative to the preservation and promotion of vulnerable coasts, mountains, steppes and border areas;
	 to develop and implement rules and measures to protect against environmental degradation and to conserve natural resources;
	 to design and implement cross-sector strategies and action plans relative to global concerns such as climate change, the protection of biodiversity, the protection of the ozone layer, and environmental impacts; and to develop and promulgate rules and regulations consistent with this section.
	The above list is not exhaustive of the duties outlined in this decree.

Name of Policy	Executive Decree No. 2006-138 regulating the emissions into the atmosphere of gases, fumes, liquids or solid particles
Date	15 April 2006
Summary	Establishes emission limits for stationary sources, particularly industrial facilities, for certain gases, including GHGs and nitrous oxide. Notably, excludes a number of GHGs from the list of gases with emission limits, such as: CO2, methane, ozone and water vapour.
	Requires industrial facility operators to keep registers of emissions released into the atmosphere. Prohibits such facilities from exceeding the emissions limits set under this decree and directs the operators to construct their facilities in such a way as to identify and capture emissions near the source. Further requires operators to treat emissions via chimney or pipe outlet, if facilities are approaching emission limits. Authorizes the periodic inspection of industrial facilities and subjects older industrial facilities, which are being upgraded within 5 years, to higher emissions limits.

Name of Policy	Executive Decree No. 2005-375 Creating the National Agency on Climate Change, fixing its missions and defining terms of its organisation and operation
Date	26 September 2005
Summary	Establishes a new National Agency on Climate Change (ANCC), under the supervision of the Minister of Environment, whose primary mission is to contribute to the protection of the environment by assisting with the integration of climate change impact concerns in development plans. Additionally, the ANCC is charged with researching, synthesizing and engaging with the public regarding: (i) GHG emissions and sequestration and (ii) adaptation to and mitigation of various socio-economic climate change impacts. Following from this mission, the ANCC is responsible for: engaging in capacity building, establishing and maintaining a climate change database, aggregating weather data and preparing periodic reports, and coordinating climate change responses across different government and industry sectors.
	The ANCC is managed by an 18-member Board of Directors, composed of representatives from across the relevant Ministries and chaired by the Minister of Environment, or his representative. Additionally, the ANCC is headed by an appointed Executive Director, responsible for setting and appointing Algeria's National Policy for Climate Change, and is advised by a 10-member Scientific Council.

Name of Policy	Executive Decree No. 2005-495 relative to the establishment of energy audits for la consumers.
Date	26 December 2005
Summary	Establishes the parameters of new mandatory energy audits for: 1. industrial companies whose energy consumption exceeds or is equal to 2,0 tonnes of oil equivalent (toe); 2. transportation companies whose energy consumption exceeds or is equal 1,000 tonnes of oil equivalent (toe); and 3. service sector companies whose energy consumption exceeds or is equal 500 tonnes of oil equivalent (toe).
	Enumerates the specific formula used to calculate tonnes of oil equivalent and exclude renewable energy from calculations of total energy consumption. Consumption data for the previous 5 years, or declared consumption data for new facilitates, is employed calculate which companies have met the above thresholds requiring an energy audit.
	Requires energy audits to be performed on qualifying transportation and indust companies every 3 years and on qualifying service sector companies every 5 year Provides for the establishment of a list of qualified auditors to perform these audit
	Requires energy audits to include: the energy performance of facilities and its equipment; an analysis of the facilities energy consumption; the polluting emissions resulting from energy consumption; the energy efficiency of operations based on consumer standards; the identification of opportunities for energy savings or alternative energy use and
	 the development of a corrective action plan outlining operations to achieve economic savings.
	Specifies the contents of a mandatory report following from the energy audits, includi an overall energy balance; an analysis of each consumer sector and its signific transactions; an assessment of energy consumption and emissions; and the disclosure opportunities and enumeration of recommendations for energy savings and alternate energy use to reduce polluting emissions.
	The National Agency for the Promotion and Rational Use of Energy (APRUE) is charge with overseeing this audit programme.
Name of Policy	Executive Decree No. 2004-92 On the Diversification of Power Generation Costs
Date	25 March 2004
Summary	Further details the procedures governing a feed-in tariff mechanism to encourarenewable energy development, diversifying Algeria's national energy mix, pursuant Law 02-01 (5 February 2002) establishing a legal framework for a feed-in-tariff scheme.
	This tariff provides for an additional premium to be paid, per kWh, to eligible renewal and co-generation facilities, above the base price for electricity in Algeria. Institut specific tariffs, which vary by generation technology, that are certain percentages about the market price for electricity. Eligible technologies include: hydropower, wind, so solar thermal from solar-gas hybrid systems, waste to energy, and cogeneration steam/water.

Name of Policy	National Plan of Action and Adaptation to Climate Change
Date	2003
Summary	Algeria launched the National Plan of Action and Adaptation to Climate Change (PNA-ACC) (2003-2013) to honour the Kyoto Protocol commitments. Updated in 2013 through the National Climate Plan, it provides measures to limit climate change through CO2 sequestration, promotion of clean energy, reduction of the carbon footprint of industry and households, and increasing energy efficiency of processes. In parallel, it aims to adapt infrastructure to the consequences of global warming by improving the water system, promoting reforestation and adaptation of agriculture to climate change, and supporting fight against desertification.

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