

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in Algeria**  
**A National Law Desk Survey**  
**September 2012**

**Acknowledgements**

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## Law and Regulation for the Reduction of Risk from Natural Disasters in Algeria: A Desk Survey

### Executive Summary

The legislative and institutional framework regarding Disaster Risk Reduction (DRR) in Algeria is diverse, extending over a number of legal documents, and is constantly being upgraded. However, Algeria adopted the law n°04-20 on the 25<sup>th</sup> December 2004 which is a specific law that deals exclusively with risk prevention and disaster management, both for natural and man-made disasters. This paper consists of an analysis of the text of these laws and regulations against a given set of questions and does not include a study of their implementation or application in practice. Together with a bibliographic list of relevant laws and regulations, this paper provides a report on the state of the legislative measures for country-level DRR in place in Algeria. The laws and regulations in this paper stipulate measures that must be taken by state authorities and communities in Algeria to cope with natural (not man-made) disasters.

It is in the aftermath of the *El Asnam* (renamed *Chlef* nowadays) earthquake in 1980 that emerged the idea and the will to set procedures and rules for the prevention and management of natural disasters. Since then the legislator has elaborated and adopted several legal instruments that include elements related to natural risk prevention and disaster management. For instance, certain laws and regulations can notably be highlighted: decree n°85-231 related to disaster prevention (1985), decree n°85-232 related to the organization of rescue operations (1985), law n°89-26 related to the Fund for natural and technological disasters (1990), law n°01-20 related to territorial development and sustainable development (2001), law n°03-10 related to environment protection (2003), law n° 04-20 on risk prevention and disaster management in the framework of sustainable development (2004), law n°05-12 on water (2005), etc...

The law n°04-20 adopted on the 25<sup>th</sup> December 2004 constitutes the most important law since that contrary to the other laws and regulations that contain only a few elements on risk prevention and disaster, this law is exclusively devoted to major risks. Before 2004, there was a myriad of specific regulations scattered in many different laws preventing the establishment of a unique and consistent approach to risk prevention and disaster management.

In its definition of natural major risks, the law n°04-20 distinguishes four main risks: earthquakes and geological risks, floods, climate risks, and forest fires. For these natural risks, the law adopts a comprehensive approach since it focuses both on risks prevention and disaster management. Indeed, the first part on prevention of major risks makes provision for general rules and prescriptions applicable to all major risks, but also sets specific prescriptions for each major risk. With regard to the disaster management part, the law establishes rescue plans (ORSEC plans) at different levels: national, regional and local (wilaya and commune), as well as structural measures for the management of natural disasters.

This law n°04-20 has created a whole new approach for the reduction of risks from natural disasters in Algeria, notably by putting the emphasis on the prevention part. Based on the five principles detailed in its article 8 (precaution; simultaneity; preventive action by priority at the source; integration of new technique and technologies; participation), the core of this new prevention system is constituted by the creation of a general prevention plan for each of the natural major risks. The general prevention plan (PGP) determines, the national watch/monitoring system as well as the national warning system. Moreover, the plan contains prevention plans specific to each vulnerable territory at different levels (region, wilaya and commune). Finally, each general prevention plan is completed by specific prescriptions for each major risk.

The law n°04-20 has also established new tools and systems which represent major improvements in the field of risk prevention and disaster management in Algeria, such as the chapter on information and training that allows the contribution of citizens, from now on partners with the public authorities in the field of risk prevention and disaster management<sup>1</sup>. Could also be underscored the chapters on the strengthening of capacities of the different administrations during the management phase of a disaster<sup>2</sup> and the setting up of levels of expertise within the different specialized public institutions<sup>3</sup>. Further, chapter 3 of the law sets a legal system to secure the strategic networks, in the view of diversifying and improving notably roads infrastructures; strategic telecommunications; strategic infrastructures and buildings<sup>4</sup>. In order to guarantee the protection of persons and goods, the law makes provision

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<sup>1</sup> See Law n°04-20 (2004) articles 11 to 14.

<sup>2</sup> See Law n°04-20 (2004) articles 50 to 62.

<sup>3</sup> See Law n°04-20 (2004) article 68.

<sup>4</sup> See Law n°04-20 (2004) articles 42 to 47.

for two other important new measures related to the mandatory recourse to national system of insurances in the framework of the plans<sup>5</sup>, and the implementation of the expropriation procedure for public interest in the face of major risks<sup>6</sup>. Finally, at the institutional level, in the view of planning, coordinating and evaluating the actions related to the prevention and management system, the law makes provision for the creation of a national delegation for major risks under the direct supervision of the head of government<sup>7</sup>.

Unfortunately, important issues have been left out the legal system and notably out of the law n°04-20. For instance, despite the importance of informing and training of citizens set in the law n°04-20, the participation of at-risk communities and vulnerable groups has been largely ignored in the legal system. In the same vein, the role that civil society could play in risk prevention and disaster management is totally absent from all the Algerian laws and regulations.

The legal and institutional framework concerning matters that regulate daily life, such as land laws, telecommunication laws, urban planning, constitutional and other legal rights and guarantees, that are also relevant for managing natural disasters, do not provide detailed provisions for preparing for disaster preparedness and response. There needs to be a conscious effort to integrate DRR into these laws for an efficient and effective DRR system in the country.

This paper and the accompanying compilation of legal documents are part of a global synthesis report on law and regulation for DRR in natural disasters. It is hoped that the outcome and deliverables of this DRR study will serve as a useful guide to later researchers on the subject in Algeria.

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<sup>5</sup> See Law n°04-20 (2004) article 48.

<sup>6</sup> See Law n°04-20 (2004) article 49.

<sup>7</sup> See Law n°04-20 (2004) article 68.

## List of abbreviations

ANCC	National Agency for Climate Change ( <i>Agence Nationale des Changements Climatiques</i> )
ANRH	National Agency for Hydraulic Resources ( <i>Agence Nationale des Ressources Hydrauliques</i> )
CGS	National Center for Applied Research in Earthquake-resistant engineering ( <i>Centre National de Recherche Appliquée en Génie-Parasismique</i> )
CNAD	National Center for Decision Assistance ( <i>Centre National d'Aide à la Décision</i> )
CNED	National Equipment Fund for Development ( <i>Caisse National d'Equipement pour le Développement</i> )
CRAAG	Research Center in Astronomy, Astrophysics and Geophysics ( <i>Centre de Recherche en Astronomie, Astrophysique et Géophysique</i> )
DM	Disaster Management
DGPC	General Office for Civil Protection ( <i>Direction Générale de la Protection Civile</i> )
DRR	Disaster Risk Reduction
EIA	Environmental Impact Assessment
EU	European Union
EWS	Early Warning System
HFA	Hyogo Framework for Action
NEAMTWS	North-Eastern Atlantic, the Mediterranean and connected seas Tsunami early Warning and mitigation System
ONM	National Office for Meteorology ( <i>Office National de Météorologie</i> )
ONT	National Observatory of the Territory ( <i>Observatoire National du Territoire</i> )

PAT	Territorial Action Programme ( <i>Programme d'Action Territorial</i> )
PPPRDS	Programme for Prevention, Preparedness, Response to natural and man-made Disasters South
SNAT	National Territorial Development Scheme ( <i>Schéma National d'Aménagement du Territoire</i> )

## 1) Introduction

Disaster risk reduction (DRR) is the reducing of risks to disasters through systematic efforts to analyze and mitigate the causal factors of disasters. It is the lowering of vulnerability of people and property to disasters and includes the management of land, water resources and the environment and preparation for and response to disasters. The purpose of the National Desk Survey is to create a country profile of the law and regulation for DRR in Algeria.

This Study consists of an outline of the government and law-making structure and an identification and analysis of relevant laws and regulations for the reduction of risk in natural disasters. The legal and institutional framework concerning DRR at country-level covers a wider scope than just preparation for and response to natural disasters. Matters that regulate daily life, such as safety codes for buildings, registration of land title, telecommunication, waste-water drainage, the rights of the people (right to property, life, livelihood) too, come into consideration when coping with a natural disaster. Consequently, laws that deal with these subjects must incorporate disaster preparedness and response. The country profile outlined in this paper provides an assessment of these issues along with that of disaster management laws.

Analysis of the laws and regulations has been carried out against a given set of questions, organized around the first four of five priorities laid down in the Hyogo Framework for Action, 2005-2015, which focus on:

1. Ensuring that disaster risk reduction (DRR) is a national and local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”.
2. Identifying, assessing and monitoring disaster risks and enhancing early warning.
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels.
4. Reducing the underlying risk factors.

This paper is a 'desk survey', answering the set of questions above, using only online and library sources. In Algeria, though there is a specific law devoted to risk prevention and disaster management, the legislative and institutional framework regarding disaster risk reduction (DRR) in Algeria is diverse, extending over a number of legal documents, and is constantly being upgraded. 'Laws and regulations' in Algeria, refers to acts of the Parliament, composed of two chambers, and other decrees, ordinances, decisions, circulars, etc. that are passed by the Government and other competent bodies. This paper concentrates on these primary sources to describe and analyze the text of the law and regulation concerning DRR and its different aspects in Algeria.



## 2) Summary of Main Natural Hazards and Risks in Algeria

In the last two decades, Algeria has been severely affected by many large natural disasters, including notably earthquakes, floods and forest fires.

Table of the main natural disasters in Algeria since 1994:

Date	Localization	Type of disaster	Casualties and damage
18/08/1994	Mascara	Earthquake Magnitude 5,4	171 casualties 290 injured persons ≥ 1000 houses
23/09/1994	Bordj Bou Arreridj	Floods	16 casualties ≥ 10 million dinars of damage
22/12/1999	Temouchent	Earthquake Magnitude 5,8	28 casualties ≥ 25 000 persons affected
10/12/2001	Bab El Oued	Floods	≥ 900 casualties
21/05/2003	Bourmedes	Earthquake	2278 casualties 180 000 persons homeless 19 800 damaged houses ≥ 222 billion dinars of damage
14/04/2004	Adrar	Floods	≥ 5000 families affected ≥ 7000 houses partially or totally destroyed
01/09/2008	Ghardaïa	Floods	43 casualties ≥ 3000 houses partially or totally destroyed
08/10/2008	Bechar	Floods	13 casualties ≥ 4300 houses partially or totally destroyed
20/01/2009	Adrar	Floods	1 casualty ≥ 5500 houses partially or totally destroyed

With a total of 2,381,741 square kilometers, Algeria is the largest country in Africa, the Arab world and the Mediterranean Basin. The country is bordered in the northeast by Tunisia, in the east by Libya, in the west by Morocco, in the southwest by Western Sahara, Mauritania and Mali, in the southeast by Niger, and in the north by the Mediterranean Sea. Its southern part includes a significant portion of the Sahara. To the north, the Tell Atlas form with the Saharan Atlas, further south, two parallel sets of reliefs in approaching eastbound, and between which are inserted vast plains and highlands. Both Atlas tend to merge in eastern Algeria. The vast mountain ranges of Aures and Nememcha, occupy the entire north eastern Algeria. Most of the coastal area is hilly, sometimes even mountainous. The area from the coast to the Tell Atlas is fertile. South of the Tell Atlas is a steppe landscape, which ends with the Saharan Atlas.

With regard to climate, Northern Algeria is in the temperate zone and enjoys a mild, Mediterranean climate. Its broken topography, however, provides sharp local contrasts in both prevailing temperatures and incidence of rainfall. Year to year variations in climatic conditions are also common. In eastern Algeria, the average temperatures range from mild to cold especially on the steppes of the High Plateaus. The relatively small part of Algeria in the Sahara lies across the Tropic of Cancer in the torrid zone, but even in winter, midday desert can be very hot. Finally, rainfall is fairly abundant along the coastal part of the Tell, ranging from 400 to 670 mm annually, the amount of precipitation increasing from west to east.

Due to its geographical localization, its natural and physical characteristics, Algeria is a country highly exposed to natural risks: earthquakes, geological events, climate and weather risks, forest fires, floods, storms, insect infestations, etc...

Indeed the North of Algeria and its coastal strip are mainly affected by earthquakes, floods, forest fires, landslides, storms and strong winds. The South of Algeria and the high plateaus are affected by floods, insect infestations, strong winds and sand storms.

As displayed in the table, the main last natural disasters have provoked a large number of casualties and damage. These phenomena are aggravated by a fast urbanization and degradation of the environment. The urbanization rate increased from 31% in 1960 to more than 60% nowadays, and more and more

people keeps settling each day in overcrowded urban areas. Moreover, this uncontrolled development, and often illegal development, leads many times to deforestation causing erosion of the soils and making the inhabitants more vulnerable to natural disasters.

In the face of these numerous and frequent disasters, and especially in the aftermath of the 2003 Bourmedes earthquake, the Government of Algeria has decided to set a landmark policy of prevention of major risks and disaster management. In this perspective, the Parliament adopted, on the 25<sup>th</sup> December 2004, the law n°04-20 which constitutes the most important law in the field of disaster risk reduction since that contrary to the other laws and regulations that contain only a few elements on risk prevention and disaster, this law is exclusively devoted to major risks. Before 2004, there was a myriad of a specific regulations scattered in many different laws preventing the establishment of a unique and consistent approach to risk prevention and disaster management.

### 3) Governmental & Law-making structure

Pursuant to the 1996 Constitution of the Democratic and Popular Republic of Algeria (as amended in 2008), the Parliament, composed of two chambers: the 'National Popular Assembly' and the 'Council of the Nation', is the highest-level representative body of the people. The Prime Minister is the Chief of Government and the President is the Head of State.

The Algerian political and institutional system sets a clear separation between the executive branch, the legislative branch and the judicial branch.

#### *a. The executive power:*

The President, Head of State, is elected for five years through direct universal suffrage. The President is the Chief of Armies, is responsible for the national defense, leads the foreign policy of the country, chairs the Council of ministers, nominates the Prime Minister and can end its mandate, signs presidential decrees, has the right for president pardon. He can also organize referendums, grant decorations, conclude and ratify international treaties. Moreover, the President nominates: the President of the 'State Council', the General Secretary of the Government, the Governor of the Algerian Bank, the Magistrates, the heads of the security organs, the Walis (local level).

The Prime Minister is the Chief of Government. The PM must submit the Government's programme for approbation to the National Popular Assembly. The PM has several attributions: he attributes tasks and mandates among the members of the Government pursuant to the Constitution, chairs the Government Council, ensures the execution of laws and regulations, signs the executive decrees, and ensures the good functioning of the public administration.

#### *b. The legislative power:*

The legislative power belongs to the Parliament. The Parliament is constituted of two chambers: the National Popular Assembly and the Council of the Nation.

The Parliament also controls the action of the Government.

c. The judicial power:

The judicial system is independent.

The Supreme Court regulates the activities of the tribunals and courts. The State Council regulates the activities of the administrative jurisdictions. The State High Court is competent for crimes and offences committed by the Chief of Government and for high treason acts committed by the President.

Finally, must be highlighted the fact the Algerian administrative system is decentralized with two local levels: the “Wilaya” and the “Commune”. The Commune being the lowest level, the administrative system is divided into 1541 communes and 48 wilayas. Each commune and wilaya is constituted of a deliberative body (assembly) and by an executive body (the Wali for the Wilaya and the President of the commune popular assembly for the Commune).

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### 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	<p>Constitution</p> <p>Constitution</p> <p>Constitution</p> <p>- Law n° 84-09 (04/02/1984) related to the territorial</p>	<p>Article 1</p> <p>Article 15</p> <p>Article 16</p>	<p>Algeria is a unitary state with a central Government. However, it has a system of decentralization composed of two levels of administration called “<i>collectivités territoriales</i>”: 1) the “<i>wilaya</i>” ; 2) the “<i>commune</i>”:</p> <p><i>“l’Algérie est une République Démocratique et Populaire. Elle est une et indivisible ».</i></p> <p><i>« Les collectivités territoriales de l’Etat sont la Commune et la Wilaya. La Commune est la collectivité de base ».</i></p> <p><i>« L’Assemblée élue constitue l’assise de la décentralisation [...] ».</i></p> <p>There are 48 wilayas and 1541 communes:</p> <p><i>“La nouvelle organisation territoriale du pays comprend quarante-huit (48) wilayas et mille cinq cent quarante (1540) communes”.</i></p>



1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>organization of the country</p> <p>- Decree n° 85-04 (12/01/1985) related to the administrative organization of the city of Alger</p> <p>- Ordinance n°97-14 (31/05/1997) related to the territorial organization of the wilaya of Alger</p>	<p>Article 3</p> <p>All articles</p> <p>All articles</p>	<p>Please note that the décret n°85-04 and the ordonnance n°97-14 have reorganised the number of communes of Alger, which has brought the total number of communes to 1541.</p>
<p>2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?</p>	<p>Law n°12-07 (21/02/2012) on the wilaya</p>	<p>Article 1</p>	<p>There is not one unique decentralisation law but one for each “<i>collectivité territoriale</i>”. Each “<i>collectivité territoriale</i>” (wilaya and commune) is composed of a deliberative body and an executive body. They have both delegated powers, notably in the fields of territory planning, economic/social development, public equipment and habitat. More specifically, they have competencies in the field of disaster prevention and management.</p> <p><b>For the wilaya:</b>  « <i>La Wilaya est une collectivité publique territoriale dotée de la personnalité morale et de l'autonomie financière. [...] Elle concourt</i></p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<i>avec l'Etat à l'administration et à l'aménagement du territoire, au développement économique, social, et culturel, à la protection, la promotion et l'amélioration du cadre de vie des citoyens. »</i>
		Article 2	« <i>La wilaya est dotée de deux organes : l'assemblée populaire de wilaya ; le wali. »</i>
		Article 12 para.2	« <i>L'assemblée populaire de wilaya est l'organe délibérant de la wilaya. »</i>
		Title 3 :	« <i>Le wali »</i>
		Chapter 1	« <i>Les pouvoirs du wali au titre de l'exécutif de l'Assemblée populaire de wilaya »</i>
		Chapter 2	« <i>Les pouvoirs du wali au titre de la représentation de l'Etat ».</i>
		Title 2 :	« <i>L'Assemblée Populaire de Wilaya »</i>
		Chapter 4	« <i>Des compétences de l'Assemblée populaire de wilaya»</i>
		Article	« <i>Outre la prise en charge de ses missions propres, l'Assemblée</i>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		73 para.2	<i>populaire de wilaya peut intervenir dans les domaines relevant des attributions de l'Etat, en participant à la mise en œuvre d'actions inscrites dans le cadre des politiques publiques économiques et sociales. »</i>
		Article 77	<i>« L'assemblée populaire exerce des compétences dans le cadre des attributions dévolues à la wilaya en matière de [...] <u>information et communication [...] habitat, urbanisme, aménagement du territoire de la wilaya[...] « agriculture, hydraulique et forêts[...]protection de l'environnement ».</u></i>
		Article 78	<i>« L'assemblée populaire de wilaya participe à l'élaboration <u>du plan d'aménagement du territoire de la wilaya</u> ».</i>
		Article 84 para2&3	<i>« Elle développe les <u>actions de prévention contre les catastrophes et les fléaux naturels. A ce titre, elle initie les actions pour lutter contre les risques d'inondations et de sécheresse.</u> »</i>
		Article 85	<i>« L'assemblée populaire de wilaya <u>initie en matière de reboisement, de défense et de restauration des sols, toute action destinée à développer et à protéger les patrimoines forestiers et à encourager l'intervention des opérateurs</u> »</i>
		Article 95	<i>« En liaison avec les communes, l'assemblée populaire contribue à la mise en œuvre de toute action relative au plan ORSEC, catastrophes et</i>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Law n° 11-10 (22/06/2011) on the commune	<p>Article 119</p> <p>Article 1</p> <p>Article 2</p> <p>Article 3</p> <p>Article 15</p> <p>Title 2</p>	<p><i>calamités naturelles [...] »</i></p> <p><i>« Le wali veille à l'élaboration, à la mise à jour et à l'aménagement des plans d'organisation des secours ».</i></p> <p><b><u>For the commune :</u></b></p> <p><i>« La commune est la collectivité territoriale de base dotée de la personnalité morale et de l'autonomie financière. Elle est créée par la loi.»</i></p> <p><i>« La commune est l'assise territoriale de la décentralisation [...] »</i></p> <p><i>« La commune exerce ses prérogatives dans tous les domaines de compétence qui lui sont dévolus par la loi. Elle concourt avec l'Etat, notamment, à l'administration et à l'aménagement du territoire, au développement économique, social et culturel, à la sécurité, ainsi qu'à la protection et l'amélioration du cadre de vie des citoyens »</i></p> <p><i>« La commune dispose : 1) d'une instance délibérante : l'assemblée populaire communale ; 2) d'un organe exécutif, présidé par le président de l'assemblée populaire communale [...] »</i></p> <p><i>« Des compétences de la Commune »</i></p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Chapter 1  Article 108  Chapter 2  Chapter 3  Chapter 4	« <i>De l'aménagement et du développement</i> »  « <i>L'assemblée populaire communale participe, conformément à la législation et à la réglementation en vigueur, aux procédures d'élaboration et de mise en oeuvre des opérations d'aménagement du territoire et de développement durable.</i> »  « <i>De l'urbanisme, des infrastructures et l'équipement</i> »  « <i>De l'action de la commune en matière d'éducation, de protection sociale, de sport, de jeunesse, de culture, de loisirs et tourisme</i> »  « <i>De l'hygiène, de la salubrité et de la voirie de la commune</i> »
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?			There is no mention of any kind of clear allocation of responsibility at the different levels for reducing risks related to natural disasters in the Constitution. However, in the two decentralisation laws on the Wilaya and the Commune, there are a few articles that clearly mention a responsibility of the two <i>collectivités territoriale</i> for reducing risks related to natural disasters. It could also be noticed that indirect responsibilities at the State, Wilaya and Commune levels for reducing risks related to natural disasters can be understood through other obligations.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Constitution	Article 24  Article 91	<p><b>For the State:</b></p> <p>« L'Etat est responsable de la sécurité des personnes et des biens. »</p> <p>« <i>En cas de nécessité impérieuse, le Haut Conseil de Sécurité réuni, le Président de l'Assemblée Populaire Nationale, le Président du Conseil de la Nation, le Premier ministre et le Président du Conseil Constitutionnel consultés, le Président de la République décrète l'état d'urgence ou l'état de siège, pour une durée déterminée et prend toutes les mesures nécessaires au rétablissement de la situation</i> »</p>
	Law n°12-07 (21/02/2012) on the wilaya	Article 122 para. 19 para. 22 para. 23 para.25  Article 84 para2&3	<p>« Le Parlement légifère dans les domaines que lui attribue la Constitution, ainsi que dans les domaines suivants : [...]</p> <p>les règles générales relatives à l'environnement, au cadre de vie et à l'aménagement du territoire [...]</p> <p>le régime général des forêts et des terres pastorales [...]</p> <p>le régime général de l'eau [...]</p> <p>le régime foncier »</p> <p><b>For the Wilaya:</b></p> <p>« <i>L'assemblée populaire de wilaya développe les actions de prévention contre les catastrophes et les fléaux naturels. A ce titre, elle initie les actions pour lutter contre les risques d'inondations et de sécheresse.</i> »</p>
		Article	« <i>L'assemblée populaire de wilaya initie en matière de reboisement, de</i>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Law n° 11-10 (22/06/2011) on the commune	<p>85 Chapter 2</p> <p>Article 95</p> <p>Article 119</p> <p>Article 147</p> <p>Article 18</p> <p>Article 90</p>	<p><u>défense et de restauration des sols, toute action destinée à développer et à protéger les patrimoines forestiers et à encourager l'intervention des opérateurs »</u></p> <p>« <i>En liaison avec les communes, l'assemblée populaire contribue à la mise en œuvre de toute action relative au plan ORSEC, catastrophes et calamités naturelles [...]</i> »</p> <p>« <u>Le wali veille à l'élaboration, à la mise à jour et à l'aménagement des plans d'organisation des secours ».</u></p> <p><b><u>For the Commune :</u></b></p> <p>« <u>En cas de catastrophe naturelle, la responsabilité de la commune n'est pas engagée à l'égard de l'Etat et des citoyens s'il s'avère que la commune a pris les précautions prévues à sa charge par la législation et la réglementation en vigueur »</u></p> <p>« <i>En cas de circonstances exceptionnelles liées à un péril imminent ou à une grande catastrophe, l'assemblée populaire communale se réunit de plein droit. »</i></p> <p>« <i>En cas de catastrophe naturelle ou technologique sur le territoire de la commune, le président de l'assemblée populaire communale déclenche, le plan communal d'organisation des secours, conformément à la législation et à la réglementation en vigueur »</i></p>

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
4.	Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).		<p>Algeria is a member of several regional organisations that make regulations or agreements or issue guidelines for member states that could impact on disaster management or risk reduction:</p> <ul style="list-style-type: none"> <li>- Organisation of the Islamic Conference</li> <li>- African Union</li> <li>- League of Arab States</li> <li>- Union for the Mediterranean</li> <li>- Arab Maghreb Union</li> </ul> <p>It is important to note that Algeria is also part of regional political groups such as: G15, G77 and the Non-Aligned Movement. All these groups are not regional organisations and do not make regulations or agreements but could intervene and have an impact during negotiations on DRR or DM in regional or international organisations.</p> <p>Also note, that even though the Organization of Petroleum Exporting Countries (OPEC) is a regional organisation that has nothing to do with DRR or DM, its member states could constitute a political group that could influence negotiations on DRR and DM in other regional or international organisations, especially on negotiations related to climate change.</p>



## 2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	Law n°04-20 (25/12/2004) related to risk prevention and disaster management	All articles	After the 10 october 1980 earthquake in Chlef, public authorities enacted enact two decrees in 1985 on prevention of disasters and rescue/emergency management ( <i>décret 85-231 du 25 août 1985 fixant les conditions et modalités d'organisation et de mise en œuvre des interventions et secours en cas de catastrophes; décret 85-232 du 25 août 1985 relatif à la prévention des risques de catastrophes</i> ). Later, the Algerian legislator drafted and adopted several laws that deal with prevention of major risks, the definition and the implementation of rules and procedures aiming at reducing the vulnerability of people and goods against natural disasters (notably:

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>loi n°01-20 du 12 décembre 2001 relative à l'aménagement et au développement du territoire; loi n°03-10 du 19 juillet 2003 relative à la protection de l'environnement dans le cadre du développement durable).</i></p> <p>After the 21 May 2003 major earthquake in Bourmerdès, a main disaster prevention and management law was adopted: <i>loi n° 04-20 du 25 décembre 2004 relative à la prévention et à la gestion des catastrophes dans le cadre du développement durable.</i></p> <p>This new law defines what falls under the terminology of natural disaster/major risk and on setting mechanisms for disaster management/response and above all for disaster prevention and preparedness. It also states that any other clause contrary to this law is abrogate: <i>article 74 "Toutes dispositions contraires à celles de la présente loi sont abrogées. Toutefois les dispositions régissant les aspects liés à la prévention des risques majeurs, demeurent en vigueur jusqu'à la publication des textes d'application de la présente loi ».</i></p>
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	Law n° 10-02 (29/06/2010) related to the National Territorial	Article 1 para. 1	<p>There is no specific national disaster management policy. However, two main strategic political documents can be highlighted as they contain strategies, tools and elements for disaster management:</p> <ul style="list-style-type: none"> <li>- Schéma National d'Aménagement du Territoire (2010-2030)</li> <li>- Programme de Développement Quinquennal (2010-2014)</li> </ul> <p><b><u>Schéma National d'Aménagement du Territoire (2010-2030) :</u></b>  « Le schéma national d'aménagement du territoire annexé à la présente loi, est approuvé pour une période de vingt (20) ans. »</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Development Scheme	Article 2	<p>« Les départements ministériels ainsi que les collectivités territoriales et les entreprises nationales et locales, sont tenus au respect des normes et règles du schéma national d'aménagement du territoire dans l'élaboration de leurs projets et plans. »</p> <p>The <i>Schéma National d'Aménagement du Territoire</i> (also known as SNAT 2030) is a tool through which the State sets its territorial projects. The SNAT 2030 displays how the State will ensure, in the framework of sustainable development, the triple balance between social equity, economic efficiency and ecological sustainability, for the entire country and for a 20 year period.</p> <p>Although this document is not a DM policy strictly speaking, natural disaster risk reduction is nevertheless one of the main objectives of this strategy for the next 20 years in Algeria.</p> <p>Indeed, the architecture of the SNAT 2030 is based on 20 <i>Programmes d'Action Territoriale (PAT)</i> among which one is on major risks (PAT N°4).</p> <p>As a matter of fact, PAT N°4 recalls the exact same principle than in article 9 of the Law n° 04-20 (the main DM law): “ <i>La prévention des risques majeurs et la gestion des catastrophes dans le cadre du développement durable, constitue un système global initié et conduit par l'Etat, mis en œuvre par les institutions publiques et les collectivités territoriales dans le cadre de leurs compétences respectives, en coopération avec les opérateurs économiques, sociaux et scientifiques, et en associant les citoyens dans les conditions</i></p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>définies par la loi et ses textes d'application</i> ». Thus, the State initiates and leads the global system for disaster prevention and management and then it is implemented by the <i>collectivités territoriales</i> (wilaya and commune) and the public institutions as well, in cooperation with the private operators and by involving the citizens.</p> <p>In this perspective, PAT N°4 sets several measures to achieve this goal (see page 45):</p> <ul style="list-style-type: none"> <li>- « <i>limitation et contrôle de l'urbanisme dans les zones à risques</i> »</li> <li>- « <i>systématiser les plans de prévention des risques, les intégrer dans les documents d'urbanisme avec des normes parasismiques</i> »</li> <li>- « <i>assistance technique, sensibilisation et mobilisation des acteurs (incluant programme de formation pour gérer les risques et mise en place Agence de prévention et d'adaptation aux risques majeurs)</i> »</li> <li>- « <i>plan d'atténuation et d'adaptation au risque climatique</i> »</li> <li>- « <i>atténuation des incendies de forêt et de leurs conséquences</i> »</li> </ul> <p>Also, it can be underlined that SNAT 2030 is also composed of <i>Schémas d'Aménagement des Espaces de Programmation Territoriale, Schémas Directeurs d'Aménagement des Grandes Villes et de Plans d'Aménagement de Wilaya</i>. Indirectly, these tools integrate elements of DM.</p> <p><b><u>Programme de Développement Quinquennal (2010-2014)</u></b> This document sets the government strategy for development for</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>the period 201-2014.</p> <p>As a matter of fact:</p> <ul style="list-style-type: none"> <li>- 500 billion DA for territory planning</li> <li>- 1000 billion DA to support the agricultural and rural sector</li> <li>- 3700 billion DA for habitat</li> <li>- 2000 billion DA for protection of cities against floods.</li> <li>- 3100 billion DA: a part of it will be for improvement of the roads.</li> <li>- National Scientific Research Programmes will be implemented and will notably concern environment and major risks.</li> </ul> <p>As for SNAT 2030, the Programme de Développement Quinquennal (2010-2014) is not a DM policy strictly speaking but includes elements regarding DM policy.</p>
<p>7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?</p>	<p>Constitution</p>	<p>Article 98</p>	<p>The DM law (<i>loi n°04-20 du 25 décembre 2004 relative à la prévention des risques majeurs et à la gestion des catastrophes dans le cadre du développement durable</i>) is applicable throughout the country. Indeed, laws are adopted by Parliament according to the Constitution:</p> <p>« <i>Le pouvoir législatif est exercé par un Parlement, composé de deux chambres, l'Assemblée Populaire Nationale et le Conseil de la Nation. Le parlement élabore et vote la loi souverainement.</i> »</p> <p>The DM law establishes an integrated system with elements at</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Law n°04-20 (25/12/2004) related to risk prevention and disaster management	Article 9	provincial, local and community levels. Indeed, the State initiates and leads the global system for disaster prevention and management and then it is implemented by the <i>collectivités territoriales</i> (wilaya and commune) and the public institutions as well, in cooperation with the private operators and by involving the citizens:  “ <i>La prévention des risques majeurs et la gestion des catastrophes dans le cadre du développement durable constitue un système global initié et conduit par l’Etat, mis en œuvre par les institutions publiques et les collectivités territoriales dans le cadre de leurs compétences respectives, en concertation avec les opérateurs économiques, sociaux et scientifiques, et en associant les citoyens dans les conditions définies par la présente loi et ses textes d’application.</i> »
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?	Constitution	Article 98 para.1	There are no provincial or local laws since, the Parliament (national level) is the only body that can adopt laws: « <i>Le pouvoir législatif est exercé par un Parlement, composé de deux chambres, l’Assemblée Populaire et le Conseil de la Nation.</i> »  The <i>collectivités territoriales</i> are not competent to adopt laws. As a matter a fact there are no articles in the two decentralization laws ( <i>loi n°90-09 du 7 avril 1990 relative à la Wilaya; loi 11-10 du 22 juin relative à la Commune</i> ) that give them such power.
9. Does the DM or other law establish one or more specialist DM institutions? What are they	Law n°04-20 (25/12/2004) related to risk prevention and		The DM law establishes one specialist DM institution: “ <i>la Délégation Nationale aux Risques Majeurs</i> ”. This institution aims at planning, coordinating and evaluating the actions and measures taken in the

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
(i.e. what are their names and what type of body are they) and what are their mandates?	disaster management	Article 68 para.1	field of disaster prevention and management: « <i>Outre les institutions intervenant dans la mise en oeuvre du système national de prévention des risques majeurs et de gestion des catastrophes qui leur sont conférées, il est institué, sous l'autorité du Chef de Gouvernement, une délégation nationale aux risques majeurs chargée de l'évaluation et de la coordination des actions relevant du système national de prévention des risques majeurs et de gestion des catastrophes.</i> »
	Executive decree n° 11-194 (22/05/2011) related to the national delegation for major risks	Article 2	This decree details the missions and the structure of the <i>Délégation Nationale aux Risques Majeurs</i> : « <i>La délégation place <u>auprès du ministre chargé de l'intérieur</u> est organisée et fonctionne en tant <u>que service extérieur de l'administration centrale.</u> »</i>
		Article 3	Its article 3 details its missions : <ul style="list-style-type: none"> <li>- Collects and gathers information and data</li> <li>- Develops information tools for prevention</li> <li>- Evaluates and coordinates the actions and measures taken + makes propositions</li> <li>- Participates in regional and international cooperation programmes.</li> <li>- Promotes scientific and technical knowledge</li> <li>- Provides training in the field of major risks</li> </ul>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n°03-332 (08/10/2003) related to the national operation center for decision assistance	Article 1  Article 3 para.1  Article 3 para.2	<p>As underlined in the article 68 para1 mentioned above (<i>“outre les institutions intervenant dans la mise en oeuvre du système national »</i>), the <i>Délégation Nationale aux Risques Majeurs</i> is the specialist DM institution but there are other institutions that are involved in the system depending on their mandate and field of work:</p> <p><u>Centre National d’Aide à la Décision (CNAD):</u> This institution aims at collecting all the information that could help to prevent or to manage large scale events that could lead to a crisis situation:</p> <p>« Il est créé, auprès du ministre chargé de l’intérieur, un centre opérationnel national d’aide à la décision [...] »</p> <p>« <i>Le centre est un instrument d’écoute et de veille et a pour mission de recueillir et d’exploiter toutes les informations se rapportant à la vie du pays susceptibles de prévenir et de faciliter la gestion d’évènements de portée nationale risquant de générer une situation de crise et nécessitant pour son règlement une coordination et une prise de décision immédiate.</i> »</p> <p>This article details its missions :</p> <ul style="list-style-type: none"> <li>- Collects information and elements required for prevention measures and the protection of people and goods.</li> </ul>



2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n°05-375 (26/09/2005) related to national agency for climate changes	Article 2  Article 3  Article 4  Article 5	<ul style="list-style-type: none"> <li>- Inform the Minister in charge.</li> <li>- Gathers, centralizes, mobilizes and put at disposal of the authorities all the means required to lead protection and rescue operations.</li> <li>- Facilitates and coordinates the intervention of relevant actors and enables them to work in the best conditions.</li> <li>- Ensures the implementation and the update of all the intervention and rescue plans.</li> </ul> <p><u>Agence Nationale des Changements Climatiques:</u> This institution aims at mainstreaming the climate change issue in all development plans and at contributing to the protection of environment as well. « <i>L'agence nationale [...] est un <u>établissement public à caractère administrative</u> dote de la personnalité morale et de l'autonomie financière</i> ».</p> <p>« <i>L'agence est placée sous la tutelle <u>du ministre chargé de l'environnement</u>[...]</i> »</p> <p>« <i>L'agence a pour objet de promouvoir l'intégration de la problématique des changements climatiques dans tous les plans de développement et de contribuer à la protection de l'environnement</i> ».</p> <p>This article details its missions :</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n°98-258 (25/08/1998) related to the national office for meteorology (ONM)	Article 2  Article 4  Article 5 para1  para 2	<p>- Leads information actions, awareness campaigns and studies related to greenhouse gases, adaption to climate changes, mitigation of their effects and their socio-economic impacts.</p> <p><u>Office de Météorologie:</u> This institution aims at implementing the national policy in the field of meteorology.</p> <p>« <i>L'office national de la météorologie [...] est un <u>établissement public à caractère industriel et commercial</u> doté de la personnalité morale et de l'autonomie financière.</i> »</p> <p>« <i>L'Office est placé sous la <u>tutelle du ministre chargé des transports</u> [...] »</i></p> <p>« <i>L'Office a pour mission la mise en œuvre de la politique nationale dans le domaine de la météorologie, et ce en liaison avec les institutions concernées.</i> »</p> <p>Among its activities, the institution is in charge of issuing alert messages.</p>
	Decree n°81-167 (25/07/1981) related to the national institute for hydraulic resources (Decree n° 87-129	Article 1	<p><u>Agence Nationale des Ressources Hydrauliques:</u> This institution aims at dealing with all fields related to water management.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	(19/05/1987) renaming the national institute for hydraulic resources into the national agency for hydraulic resources)	Article 7 para.6	« <i>L'agence nationale des ressources hydrauliques [...]est un établissement public à caractère administratif, à vocation scientifique et technique, doté de la personnalité morale et de l'autonomie financière.</i> »  « <i>Dans le domaine des eaux superficielles, l'Institut est chargé de [...] mettre en place et gérer un réseau de prévision des crues .</i> »
	Executive decree n° 06-56 (30/01/2006) related to the research center for astronomy, astrophysics and geophysics (CRAAG)	Article 2	<u>Centre de Recherche en Géophysique :</u> This institution aims at monitoring and evaluating seismic risks.
		Article 3	« <i>[...] est un établissement public à caractère scientifique et technologique à vocation sectorielle .</i> »
		Article 4 para.2	« <i>placé sous la tutelle du ministre en charge de l'intérieur</i> »  « <i>A ce titre est chargé [...] d'assurer la surveillance sismique du territoire nationale[...] d'évaluer l'aléas sismique du territoire national</i> ».
	Decree n° 85-71 (13/04/1985) related to the national center in applied research for earthquake-resistant engineering	Article 1	<u>Centre National de Recherche Appliquée en Génie Parasismique (CGS)</u> This institution aims at developing and spreading scientific knowledge in the field of earthquake-resistant engineering.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n°91-503 (21/12/1991) related to the organization of the general administration for civil protection	Article 3	<p>« [...] <u>établissement public à caractère scientifique et technologique à vocation sectorielle</u> .»</p> <p>« [...] le centre est chargé d'élaborer et de réaliser les <u>programmes nationaux de recherche scientifique et de développement technologique</u> relevant de son domaine de compétence, notamment en matière de <u>génie parasismique, de risque géologique, d'aménagement, d'habitat et d'urbanisme</u> .»</p> <p><u>Direction Générale de la Protection Civile (DGPC) :</u> Though it is not an institution but a department of the Ministry of interior/home affairs , the important role played by this organ in disaster prevention and management is worth to be highlighted here.</p>
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	Law n° 10-02 (29/06/2010) related to the National Territorial Development Scheme		<p>Since the DM law is specific and there is no specific DM policy but broader development and territorial planning strategies, it is difficult to compare the implementing institutions.</p> <p>However, it can be underscored that the SNAT 2030 states that it is necessary to bring coherence and consistency between all the existing institutions especially because territorial planning is a cross-cutting theme.</p> <p>In order, to implement the SNAT 2030, the document insists on three existing institutions:</p> <ul style="list-style-type: none"> <li>- <i>L'Observatoire National du Territoire (ONT)</i> in charge of</li> </ul>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>developing territorial public policies, gathering data and creating tools to help strategic decision in the field of territorial planning.</p> <ul style="list-style-type: none"> <li>- <i>La Caisse Nationale d'Équipement pour le Développement (CNED)</i>, in charge of facilitating financing for large public equipment.</li> <li>- <i>L'Agence Nationale d'Aménagement et d'Attractivité du Territoire</i>, in charge of developing national territorial planning policies for sustainable development.</li> </ul> <p>Also, the SNAT 2030 states the necessity to create new institutions such as :</p> <ul style="list-style-type: none"> <li>- <i>Etablissements Publics d'Aménagement (EPAM)</i> that would be in charge of large territorial planning operations</li> <li>- <i>Sociétés d'Économie Mixte d'Aménagement (SEMA)</i> that would be in charge of local territorial planning operations.</li> <li>- The SNAT 203 also mentions the creation of a monitoring commission within the <i>Conseil National d'Aménagement du Territoire</i> to ensure the implementation of the SNAT 2030 and notably of the PAT N°4 on major risks.</li> </ul>
<p>11. Does the DM law or other law deal with:</p> <p>a) Disaster response<sup>8</sup>?</p>	<p>Law n°04-20 (25/12/2004) related to</p>	<p>Article</p>	<p>a) Indeed, in its Title III "<i>De la gestion des catastrophes</i>", the law makes provision for, in its Chapter 1 "<i>De la planification des secours et interventions</i>", on the one hand "<i>une</i></p>

<sup>8</sup> "The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected."



2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 15	<p>c) In its title II “<i>De la prévention des risques majeurs</i>”, its article 15 makes provision for 4 prevention tools : 1) general rules applicable to all major risks ; 2) specific rules for each major risk; 3) strategic secure systems; 4) complementary prevention systems.</p> <p>« <i>La prévention des risques majeurs est fondée sur:</i></p> <ul style="list-style-type: none"> <li>- <i>des règles et prescriptions générales applicable à tous les risques majeurs</i></li> <li>- <i>des prescriptions particulières à chaque risque majeur</i></li> <li>- <i>des dispositifs de sécurisation stratégique</i></li> <li>- <i>des dispositifs complémentaires de prévention »</i></li> </ul>
		Articles 16 to 20	1) The general rules applicable to all major risks consist in the elaboration of a general prevention plan for each major risk.
		Articles 21 to 31	2) The specific rules for each natural major risk concern geological, climate, floods, and forest fire risks.
		Articles 42 to 47	3) The strategic secure systems concern road infrastructure, strategic liaisons of telecommunication, and strategic buildings.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Articles 48 & 49	4) The complementary prevention systems concern the obligation of insurance and the right of expropriation.
		Article 2 to 5	d) In its Title I " <i>Dispositions préliminaires</i> ", the law focuses on defining what is major risk and what falls under the concepts of prevention and management of catastrophes.
		Article 6	Moreover, in its Chapter 2 " <i>Des objectifs et fondements</i> ", the law sets the objectives and puts the emphasis on the importance of prevention (article6), and even puts prevention at the heart of the law with its article 7: « <i>Le système de prévention des risques majeurs et la gestion des catastrophes a pour objectifs:</i>
		Article 7	<ul style="list-style-type: none"> <li>- <i>l'amélioration de la connaissance des risques, le renforcement de leur surveillance et de leur prévision ainsi que le développement de l'information préventive sur ces risques ;</i></li> <li>- <i>la prise en compte des risques dans l'utilisation des sols et dans la construction ainsi que la réduction de la vulnérabilité des personnes et des biens aux aléas ;</i></li> <li>- <i>la mise en place de dispositifs ayant pour objectif la prise en charge cohérente, intégrée et adaptée de toute catastrophe d'origine naturelle ou technologique ».</i></li> </ul>
		Article 8	Finally, the law emphasizes and details the core principles of this



2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>prevention in its article 8:</p> <ul style="list-style-type: none"> <li>- <i>“le principe de précaution et de prudence”</i></li> <li>- <i>« le principe de concomitance »</i></li> <li>- <i>« le principe d’action préventive et de correction par priorité à la source »</i></li> <li>- <i>« le principe de participation »</i></li> <li>- <i>« le principe d’intégration des nouvelles techniques »</i></li> </ul>
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	<p>Law n°04-20 (25/12/2004) related to risk prevention and disaster management</p> <p>Law n°10-02 (29/06/2010) related to the National Territorial Development Scheme</p>	<p>Article 9</p> <p>Article 2</p>	<p>The DM law allocates responsibility to the State as a whole to initiate and lead the global system of major risk prevention and disaster management. However, it does not specify a particular ministry: <i>« La prévention des risques majeurs et la gestion des catastrophes dans le cadre du développement durable constitue un système global initié et conduit par l’Etat[...] ».</i></p> <p>With regard to the SNAT 2030, the article 2 of its law of establishment states that ministries are required to abide by the rules and principles set in the SNAT 2030 while drafting their projects and plans: <i>« Les départements ministériels [...] sont tenus au respect des normes et règles du schéma national d’aménagement du territoire dans l’élaboration de leurs projets et plans ».</i></p>
13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?	Law n°04-20 (25/12/2004) related to risk prevention and disaster management		The DM law does not prescribe any role in DM institutions for civil society.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) National? b) Provincial/state? c) Municipal/local?	Law n°10-02 (29/06/2010) related to the National Territorial Development Scheme		On the contrary the SNAT 2030 makes provision for reinforcing public-private partnerships and notably to give a greater role to civil society for a strengthened participative approach. (p.85;87;97)
14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?  a) National? b) Provincial/state? c) Municipal/local?			No.
15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions?  a) National? b) Provincial/state? c) Municipal/local?	SNAT 2030	Page 83	No. The SNAT 2030 is the only document that refers to women. However, it is only aimed at underlining that the illiteracy rate is very high among women in certain rural zones and that it is therefore necessary to address this issue in PAT N°20.
16. Does the DM law or policy prescribe a role in DM			Both in the DM law and in PAT n° 4 on Major Risks of the SNAT 2030, it is mentioned the involvement of citizens in the implementation of

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>	<p>Law n°04-20 (25/12/2004) related to risk prevention and disaster management</p> <p>SNAT 2030</p>	<p>Article 9</p> <p>p.85</p>	<p>disaster prevention and management mechanisms. However their exact role remains very vague.</p> <p>« <i>La prévention des risques majeurs et la gestion des catastrophes dans le cadre du développement durable constitue un système global [...] en associant les citoyens dans les conditions définies par la présente loi et ses textes d'application.</i> »</p> <p>The role of citizens in the DM law is limited to a right to be informed.</p> <p>In the SNAT 2030, the population should be allowed to participate more in the implementation and follow up of territorial and planning projects through consultation mechanisms.</p> <p>« <i>[...] des procédures spécifiques de concertation sont mises en place pour permettre à la population de participer à la conception et au suivi des projets de l'aménagement et au développement.</i> »</p>
17.	Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.		<p>Since the DM law (<i>loi n°04-20</i>) and the SNAT 2030 are not really comparable because they do not cover the exact same themes, it is difficult to describe the main differences between them concerning prevention disaster risk reduction.</p> <p>Indeed, the DM law (<i>loi n°04-20</i>) is broad and attempts to gather in one unique document all the elements related to disaster response, preparedness, mitigation and prevention as well as disaster risk reduction. The SNAT 2030 and the Programme de Développement Quinquennal (2010-2014) are policy documents that set the strategies</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			in the short and long terms to improve the territorial planning mechanisms in the perspective of sustainable development, including elements to improve disaster prevention and disaster risk reduction.
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	<p>Law n°10-02 (29/06/2010) related to the National Territorial Development Scheme</p> <p>Executive decree n°11-194 (22/05/2011) related to the national delegation for major risks</p>	<p>Article 1 para. 2</p> <p>Article 15</p>	<p>The law approving the SNAT 2030 makes provision for periodic evaluations and an update every 5 years.</p> <p>« <i>Le schéma national d'aménagement du territoire fait l'objet d'évaluations périodiques et d'une actualisation tous les cinq (5) ans.</i> »</p> <p>However, the law does not formally state which institution or body will undertake these evaluations and the update. Nevertheless it can be reasonably considered that since the Parliament adopted this policy document, the Parliament will also do the evaluations or at least will approve the update every 5 years.</p> <p>The DM law (<i>loi n°04-20</i>) does not provide any oversight mechanisms on DRR implementation.</p> <p>However, it can be highlighted that the decree describing the mission of the Delegation Nationale aux Risques Majeurs, created by the DM law in its article 68, indicates that the national delegate has to provide an annual report to the Government on the existing prevention measures and on proposals to improve these DRR measures.</p> <p>« <i>Le délégué national établit un rapport annuel à l'attention du Gouvernement. Ce rapport comporte pour chacun des risques majeurs une évaluation des connaissances, une appréciation des mesures de prévention existantes et des propositions de mesures permettant la réduction des risques.</i> »</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b>			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	<p>National report for the follow up of the implementation of the Hyogo Framework for Action (2009-2011)</p> <p>Décret exécutif n° 11-194 du 22 mai 2011 portant, missions, organisation et fonctionnement de la délégation nationale aux risques majeurs</p>	<p>p. 5</p> <p>Article 2</p> <p>Article 3</p>	<p>The legislation does not designate or establish any institution for the implementation of the Hyogo Framework of Action.</p> <p>However, in the latest national follow up report (2009-2011) on the implementation of the Hyogo Framework of Action, Algeria states that the Délégation Nationale aux Risques Majeurs was created in accordance with the rules set in the DM law (<i>loi n°04-20</i>) and that this Délégation will act as the national platform as required by the Hyogo Framework for Action:</p> <p><i>« Le texte portant organisation et fonctionnement de la délégation nationale aux risques majeurs prévue par la loi n° 04-20 a été adopté [...] Cette délégation, chargée de la coordination intersectorielle, de l'animation et de l'évaluation, jouera le rôle de plateforme nationale recommandée par le Cadre d'Action de Hyogo (CAH). »</i></p> <p>Though this role is not formally specified in the decree, it falls under the mandate of the Délégation Nationale aux Risques Majeurs. Indeed this decree details the missions and the structure of the <i>Délégation Nationale aux Risques Majeurs</i>:</p> <p><i>« La délégation placée auprès du ministre chargé de l'intérieur est organisée et fonctionne en tant que service extérieur de l'administration centrale. »</i></p> <p>Its article 3 details its missions :</p> <ul style="list-style-type: none"> <li>- Collects and gathers information and data</li> </ul>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> <li>- Develops information tools for prevention</li> <li>- Evaluates and coordinates the actions and measures taken + makes propositions</li> <li>- Participates in regional and international cooperation programmes.</li> <li>- Promotes scientific and technical knowledge</li> <li>- Provides training in the field of major risks</li> </ul>
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?	Décret exécutif n° 05-375 du 26 septembre 2005 portant création de l'agence nationale des changements climatiques, fixant ses missions et définissant les modalités de son organisation et de son fonctionnement	Article 2  Article 3  Article 4	<p>The legislation establishes a specialized institution for climate changes : the National Agency for Climate Changes:</p> <p><u>Agence Nationale des Changements Climatiques:</u> This institution aims at mainstreaming the climate change issues in all development plans and at contributing to the protection of environment as well.</p> <p>« <i>L'agence nationale [...] est un <u>établissement public à caractère administrative</u> dote de la personnalité morale et de l'autonomie financière.</i> »</p> <p>« <i>L'agence est placée sous la tutelle <u>du ministre chargé de l'environnement</u>[...]</i> »</p> <p>« <i>L'agence a pour objet de promouvoir l'intégration de la problématique des changements climatiques dans tous les plans de développement et de contribuer à la protection de l'environnement.</i> »</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 5 & Article 6	Article 5 & 6 details its missions : - Leads information actions, awareness campaigns and studies related to greenhouse gases, adaption to climate changes, mitigation of their effects and their socio-economic impacts.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			The implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect with a common institution: the Délégation Nationale aux Risques Majeurs created by the DM law ( <i>loi n°04-20</i> ) and the executive decree n°11-194. Indeed, through its broad mandate of coordination and evaluation of all activities undertaken to prevent major risks, the Délégation plays the role of coordinating body for all the other institutions that have specialized mandates limited to specific fields.
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	SNAT 2030  Loi n°11-16 du 28 décembre 2011 portant loi de finances pour 2012	p.89	No.  However, the SNAT 2030 states that the Territorial Programmes of Action (PAT) are operational programmes which will therefore be allocated specific budget. Therefore, PAT N°4 related to major risks prevention will also be allocated a specific budget. Nevertheless, the document does not specify how it will be allocated: national, wilaya or commune level.  Neither the 2012 finance/budget law nor the finance/budget complementary law make provision for specific allocation to DRR. A budget is allocated to each ministry without any specification for DRR.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	& Ordonnance n° 12-03 du 13 février 2012 portant loi de finances complémentaire pour 2012		
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?	Loi n°12-07 du 21 février 2012 relative à la wilaya	Article 154  Article 177	<p>In the decentralization law related to the wilaya, nothing is specified for any budget allocation to DRR.</p> <p>However, its article 154 states that the wilaya receives funding from the State notably for natural disaster management.  <i>« La wilaya reçoit de l'Etat des subventions et des dotations de fonctionnement, compte tenu, notamment [...] des sujétions liées à la prise en charge de situations de cas de force majeure, notamment, les catastrophes naturelles, ou sinistres. »</i></p> <p>Moreover, its article 177 makes provision for a fund of solidarity in case the wilaya faces an unpredictable or catastrophic event.  <i>« Le fonds de solidarité des collectivités locales [...] verse des subventions exceptionnelles aux wilayas, dont la situation financière est particulièrement difficile ou qui ont à faire face à des événements calamiteux ou imprévisibles. »</i></p>
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?	Loi n° 11-10 du 22 juin 2011 relative à la commune		<p>As for the decentralization law related to the wilaya, the decentralization law related to the commune does not specify any budget allocation to DRR.</p> <p>However, the law makes provision for a fund of solidarity in case the commune faces an unforeseen event and gives a right to the president of the assembly to put in the expenses budget an allocation</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 212	to cover unforeseen expenses and in case of emergency he can do it before justifying it to the assembly. « <i>Le fond communal [...] est chargé de verser aux communes [...] des subventions exceptionnelles au communes confrontées à une situation imprévue</i> »
		Article 200	« <i>L'assemblée populaire communale peut inscrire au budget des crédits pour couvrir des dépenses imprévues [...]. En cas d'urgence, le Président de l'assemblée populaire y procède et rend compte de cet emploi à l'assemblée lors de la nouvelle session.</i> »
<b>Part Two. Responsibility, accountability and liability for natural disaster risk reduction</b>			
The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.			
<b>A. Constitutional Rights &amp; Guarantees for the Population</b>			
25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters?	Constitution	Article	The Algerian constitution, notably in its Chapter IV " <i>Des droits et des libertés</i> ", makes provision for individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters:  a) No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, do these relate to: a) DRR in general? b) Safety /Life c) Right to Food? d) Right to adequate shelter or housing? e) Non-discrimination, (and other relevant civil and political rights)? f) Livelihoods, Health (and other economic, social and cultural rights)? g) Compensation for losses due to natural disasters? h) Information?		25	b)« <i>L’Etat est responsable de la sécurité des personnes et des biens.[...] »</i>  c) No.  d)No.  e)right to equality and non-discrimination in the face of law; right to individual or collective defense for human rights and liberties
		Article 29	<i>« Les citoyens sont égaux devant la loi, sans que puisse prévaloir aucune discrimination pour cause de naissance, de race, de sexe, d’opinion ou de tout autre condition ou circonstance personnelle ou sociale. »</i>
		Article 33	<i>« La défense individuelle ou associative des droits fondamentaux de l’homme et des libertés individuelles et collectives est garantie. »</i>
		Article 55	f) « <i>Tous les citoyens ont droit à la protection de leur santé.[...] »</i>
		Article 31	<i>« Tous les citoyens ont droit au travail.[...] »</i>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 58	<i>« Les institutions ont pour finalité d'assurer l'égalité en droits et devoirs de tous les citoyens et citoyennes en supprimant les obstacles qui entravent l'épanouissement de la personne humaine et empêchent la participation effective de tous, à la vie politique, économique, sociale et culturelle ».</i>
		Article 53	<i>« La famille bénéficie de la protection de l'Etat et de la société. »</i>
		Article 8 para.4	<i>« Le droit à l'enseignement est garanti. L'enseignement est gratuit dans les conditions fixées par la loi. L'enseignement fondamental est obligatoire. L'Etat organise le système d'enseignement. L'Etat veille à l'égal accès à l'enseignement et à la formation professionnelle”.</i>
		Article 11	g) No.  h) The DM law ( <i>loi n° 04-20</i> ) makes provision for a right to information related to major risks: <i>« [...] le principe de participation: en vertu duquel chaque citoyen doit avoir accès à la connaissance des aléas qu'il encourt, aux informations relatives aux facteurs de vulnérabilité s'y rapportant, ainsi</i>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Loi n° 04-20 du 25 décembre 2004 relative à la prévention des risques majeurs et à la gestion des catastrophes dans le cadre du développement durable		<i>qu'à l'ensemble du dispositif de prévention de ces risques majeurs et de gestion des catastrophes. » « L'Etat assure aux citoyens un égal accès et permanent à toute information relative aux risques majeurs. Ce droit d'accès à l'information couvre : la connaissance des aléas et des vulnérabilités de son lieu de résidence et d'activité, l'information sur les dispositifs de prévention des risques majeurs applicables à son lieu de résidence ou d'activité, l'information sur les dispositifs de prise en charge des catastrophes. »</i>
26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g. a) Is it an individual or a collective right? b) Can claimants represent	Constitution 1996, revised version 2008  Civil and Administrative Procedure Code(2008)  Constitution 1996, revised version 2008  Civil and Administrative Procedure Code	Article 33  Article 800  Article 33  Article 826	According to article 33 of the Constitution, individual or collective defense of fundamental rights and of individual and collective liberties is guaranteed.  Since the judicial action is directed against the state, according to article 800 of the Code of civil and administrative procedure, the judicial action should be brought before the administrative courts.  a) It can be both an individual and a collective right.  b) No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>themselves?</p> <p>c) Are there costs that mean the poorest people cannot access the remedy?</p> <p>d) Are there financial limitations on any such claims (minimums or maximums)?</p>	<p>Law n°09-02 (25/02/2009) related to judicial assistance</p> <p>Civil and Administrative Procedure Code</p>	<p>All articles</p> <p>Article 33</p>	<p>c) Though there are judicial fees, the poorest people do benefit judicial assistance which will cover all the judicial costs.</p> <p>d) There is no access to the appeal stage if the claim represents less than 200 000 dinars.</p>
<b>B. Liability &amp; Insurance</b>			
<p>27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?</p>	<p>Law n° 12-07 (21/02/2012) related to the wilaya</p> <p>Law n° 11-10 (22/06/2011) related to</p>	<p>Article 95</p> <p>Article 140</p> <p>Article 147</p>	<p>The legislation does not make the national government liable for failure to prevent natural disasters.</p> <p>The popular assembly of the wilaya contributes to the implementation of the measures to prevent natural disasters.</p> <p>Moreover, the wilaya is held responsible for all the faults committed by the president of the assembly and the elected representatives . Therefore, if the elected representatives or the president of the popular assembly have committed a fault while implementing the prevention measures, the wilaya could be held responsible (civil responsibility).</p> <p>With regard to the decentralization law related to the commune, it specifies that the commune can only be held responsible if it has</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	the commune		failed to take all the prevention measures imposed by the law.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	Criminal Code  Civil and Administrative Procedure Code	Article 51	There is no specific law or regulation on natural disaster warnings.  Generally, government agencies may be held liable (civil responsibility) for negligence leading to serious consequences in accordance with Administrative law. The state, territorial entities and public institutions cannot be criminally liable. Legal mechanisms and legal procedures should be in accordance with the Code of Civil and Administrative Procedure. There might be both individual and collective actions depending on the case.
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			No. Government agencies who fail to warn or make erroneous warnings do not have immunity.
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these	Civil Code	Article 124  Article 130	Yes, but only if it has caused damage to another person.  The person is not liable if it permitted to avoid a greater damage.  Depending on the seriousness of irresponsibility, either civil or criminal liability might be applied. There might be both individual and

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individual or collective actions, or both?			collective actions depending on the case. Please note that it also applies to volunteers and notably foreign volunteers (if they do not benefit from any immunity).
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	Civil Code	Article 138 para.1&2  Article 140 ter	According to the Civil Code, private persons (individual or corporate) are liable for damage caused to others from their property (para.1). However, a private person is exempted from any kind of liability if the person can prove that the damage is due to <i>force majeure</i> (para.2).  If the private person is not liable, the state will cover the compensation for corporal damage. Depending on the seriousness of irresponsibility, either civil or criminal liability might be applied. Therefore, the injured parties will be able to obtain compensation before the civil or criminal courts according to the Civil and Administrative Procedure Code and the Criminal Procedure Code. There might be both individual and collective actions depending on the case.
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?	Ordonnance n° 03-12 (26/08/2003) related to mandatory insurance against effects of natural disasters and compensation of victims	All articles	All real estate/property owners, except the state, must subscribe to an insurance contract protecting the good against effects of natural disasters. In case of non-compliance with this obligation, the owner can be fined.

### 3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
<p><b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b></p>			
<p><b>A. Cyclones, tornadoes, or storms?</b></p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Law n°04-20 (25/12/2004) related to prevention of major risks and disaster management</p>	<p>Articles 26&amp;27</p>	<p>There are no specific laws about these hazards. However the DM law (law n°04-20), mentioned before in the survey, prescribes specific prevention measures for strong wind and sand wind in its article 26 and 27. These two articles set a prevention plan specific to climate hazards, including strong wind and sans wind. This plan must determine:</p> <ul style="list-style-type: none"> <li>- The exposed areas concerned by these natural risks/disasters.</li> <li>- The watch modalities for the observation, surveillance of the evolution of each designated risks.</li> <li>- The modalities, conditions, thresholds for the issuance of pre-alerts and alerts mechanisms, and the mechanisms to stop alerts systems as well.</li> <li>- The prevention measures to be taken when the alert</li> </ul>



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Article 28</p> <p>Article 9</p>	<p>mechanisms are activated.</p> <p>The article 28 specifies that these elements constitute the minimum and that the plan can contain any other prevention mechanisms and tools for prevention.</p> <p>Please note that the level of government is not specifically mentioned. However, according to article 9 (already mentioned in the part on DM law), it appears that it would be initiated and set at the national level but will also be implemented at the wilaya and commune levels.</p> <p>Nothing is mentioned about institutional responsibility.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>			<p>No.</p>
<p>35. Does this law attribute liability for damage caused by:</p> <p>a) failure to warn, or false or faulty warnings of this risk?</p> <p>b) failure to take preventive action including by reducing this risk?</p> <p>c) If so, who may be liable - or immune?</p> <p>d) Is it civil or criminal liability, or both?</p>			<p>Nothing specific for this type of disaster.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Executive decree n° 05-375 (26/09/2005) related to the National Agency for Climate Changes	Article 2  Article 3  Article 4  Articles 5&6	<p>The following agencies/institutions are in charge of the collection and distribution of information on weather and climate change, including risks of storms.</p> <p><u>Agence Nationale des Changements Climatiques:</u> This institution aims at mainstreaming the climate change issues in all development plans and at contributing to the protection of environment as well.</p> <p>« <i>L'agence nationale [...] est un <u>établissement public à caractère administrative</u> dote de la personnalité morale et de l'autonomie financière.</i> »</p> <p>« <i>L'agence est placée sous la tutelle <u>du ministre chargé de l'environnement</u> [...]</i> »</p> <p>« <i>L'agence a pour objet de promouvoir l'intégration de la problématique des changements climatiques dans tous les plans de développement et de contribuer à la protection de l'environnement.</i> »</p> <p>Article 5 &amp; 6 details its mission :</p> <ul style="list-style-type: none"> <li>- Leads information actions, creates and update a database related to climate change (including risks, prevention measures taken), awareness campaigns and studies related to greenhouse gases, adaption to climate changes, mitigation of</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n° 98-258 (25/08/1998) related to the Office of Meteorology	Article 2  Article 4  Article 5	<p>their effects and their socio-economic impacts.</p> <p><u>Office de Météorologie:</u> This institution aims at implementing the national policy in the field of meteorology. « <i>L'office national de la météorologie [...] est un <u>établissement public à caractère industriel et commercial</u> doté de la personnalité morale et de l'autonomie financière.</i> »</p> <p>« <i>L'Office est placé sous la <u>tutelle du ministre chargé des transports</u> [...] ».</i></p> <p>« <i>L'Office a pour mission la mise en œuvre de la politique nationale dans le domaine de la météorologie, et ce en liaison avec les institutions concernées</i> ».</p> <p>Among its activities detailed in article 5, the institution is in charge of: collecting/analyzing/spreading all data/information related to weather; setting and managing weather watch networks; issuing alert messages; and keeps all archives related to weather.</p>
37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>			
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>Law n° 04-20 (25/12/2004) related to major risks and disaster management</p>	<p>Article 27</p>	<p>The prevention plan specific to climate related disasters must contain the modalities, conditions, thresholds for the issuance of pre-alerts and alerts mechanisms, and the mechanisms to stop alerts systems as well. However, the text does not provide any further details.</p>
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <p>a) Assist in the design of local and community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on</p>			<p>No.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>B. Earthquake/Tsunami?</b>			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Articles 21, 22, 23	<p>There is no specific legislation about earthquake/tsunami.</p> <p>However, the DM law (<i>loi n° 04-20</i>) already mentioned in the survey, and a few urbanism/habitat regulations contain references to earthquake or geological risks.</p> <p>The DM law makes provision for several prevention measures specific to earthquakes and geological risks, which includes tsunamis.</p> <p>The prevention plan against earthquakes and geological risks must give the classification of all the areas exposed to such risks according to the level of danger in order to allow adequate information and the organization or resettlement of human settlements. In addition to this obligation, the plan can also contain complementary procedures of control and expertise of buildings, facilities or any infrastructure built before the introduction of earthquake-resistant regulations.</p> <p>Finally, any reconstruction or rehabilitation of buildings or facilities destroyed, partially or totally, after an earthquake or geological</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			disaster can only be done after a control procedure aiming at making sure that all the causes of the destruction were addressed. The level of government is not specifically mentioned. However, according to article 9 (already mentioned in the part on DM law), it appears that it would be initiated and set at the national level but will also be implemented at the wilaya and commune levels. Nothing is mentioned about institutional responsibility.
41. Does this law specify how management of this risk is financed? If so, describe.			No.
42. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?			Nothing specific for this type of disaster.
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their	Executive decree n° 06-56 (30/01/2006) related to		The following agencies/institutions are in charge of the collection and distribution of information on earthquakes and related geological risks.  <u>Research Center in Astronomy, Astrophysics and Geophysics (CRAAG)</u>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
mandate?	<p>the Research Center in Astronomy, Astrophysics and Geophysics</p> <p>Decree n° 85-71 (13/04/1985) related to the National Center of Applied Research on earthquake-resistant engineering</p>	<p>All articles</p> <p>All articles</p>	<p>This research center aims at:</p> <ul style="list-style-type: none"> <li>- Collecting/analyzing all data related to geophysics</li> <li>- Ensuring an earthquake watch of the national territory</li> <li>- Spreading and diversifying the seismological network throughout the territory</li> <li>- Providing earthquake mapping and gathering all data and keeping archives.</li> <li>- Updating database on earthquakes and geological related events</li> <li>- Participating to disaster risk reduction actions</li> </ul> <p><u>National Center of Applied Research on earthquake-resistant engineering (CGS)</u></p> <p>The overall objective of the institution is to develop, apply and spread scientific knowledge on earthquake-resistant engineering in order to contribute to the reduction of seism risks in Algeria.</p> <p>More specifically, it aims at:</p> <ul style="list-style-type: none"> <li>- Determining frequency and characteristics of earthquakes</li> <li>- Studying/analyzing the implications/impacts of these earthquakes on human habitat/settlements and evaluating the degree of vulnerability of the concerned population.</li> </ul> <p>This is done in the perspective of developing adequate housing/urban planning regulations to reduce risks.</p>
44. Does this law provide for			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			<p>No.</p> <p>However, please note that on May 23, 2012, was held a four day-meeting in Rome with all the Mediterranean countries, including Algeria. Within the framework of the Prevention, Preparedness, Response to natural and man-made disaster Programme South (Programme PPRD South) financed by the EU, the meeting aimed at examining the Tsunami Early Warning and Mitigation System in the North-eastern Atlantic, the Mediterranean and connected seas (NEAMTWS) and determining how this tool could help the early</p>



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			detection of submarine earthquakes and landslides and the issuance of alerts throughout the Mediterranean region before a tsunami reaches the shores.
<p>46. If communities are involved in EWS, does this law provide that they:</p> <p>a) Assist in the design of local and community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			No.
<b>C. Fire?</b>			
<p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	Ordonnance n°76-04		<p>There are four main regulations related to fire :</p> <ul style="list-style-type: none"> <li>- The ordonnance n° 76-04 (20/02/1976) related to habitat/buildings/facilities fires</li> <li>- Two decrees ( n° 87-44 10/02/1987 &amp; n° 87-45 10/02/1987) related to forest fires</li> <li>- The DM law (n°04-20 24/12/2004)</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	(20/02/1976) related to habitat/building/facilities fires	All articles	<p>This ordonnance sets the rules applicable to the protection against fires for premises receiving public, private habitat, dangerous/insanitary buildings and sets rules for classification of materials and elements of construction with regard to fire risks. Within the Ministry of Interior is created a central commission for prevention and civil protection. A commission for prevention and civil protection is also created in each wilaya. Both types of commission, at the national and wilaya levels, are in charge of analyzing, monitoring and proposing any measures to be taken to ensure security against fire risks.</p>
	Decree n° 87-44 (10/02/1987) related to prevention against fires in the national forest domain and nearby	All articles	<p>Sets the measures:</p> <ul style="list-style-type: none"> <li>- Applicable to all activities and facilities located within the national forest domain and nearby</li> <li>- Applicable against the use of fire in the national forest domain and nearby</li> <li>- To be taken in certain forests exposed to a greater risk of fire</li> <li>- To be taken by the territorial collectivities and relevant organisms in the field of prevention. Indeed, territorial collectivities must clear the road sides before the 1<sup>st</sup> of June each year.</li> </ul> <p>Also note that in article 18 para.2, the minister in charge of forests has to elaborate a map of all the forests at risk and must also</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Decree n° 87-45 (10/02/1987) related to the organization and coordination of actions in the field of fight against forest fires in the national forest domain	All articles	<p>define all prevention measures related to these specific forests, notably regarding territorial planning.</p> <p>A forest fire plan must be set at different levels: commune, group of communes and at the wilaya level.</p> <p>This plan must contain :</p> <ul style="list-style-type: none"> <li>- Information programmes and awareness campaigns</li> <li>- The detailed programme of prevention work to be achieved</li> <li>- The map of the watch/monitoring mechanism</li> <li>- The map of all the general infrastructures (roads, water access...)</li> <li>- The list of services and organisms in charge of intervening in case of fire</li> <li>- The organization of the emergency/rescue team composed of volunteers.</li> <li>- List of contacts</li> <li>- All procedures of alerts and information management</li> </ul> <p>At all levels, the plans must be spread to all relevant actors once they are established and they must be coordinate between the communes or wilayas concerned by the same forest. These plans must update each year. Also note that the wali can add any other prevention measures to this plan and each year the wali elaborates the forest protection campaign that should last from the 1<sup>st</sup> of June to the 31<sup>st</sup> of October.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Law n° 04-20 (25/12/2004) related to major risk prevention and disaster management	Articles 29 & 30  Article 31	<p>Finally with regard to rescue management, all measures taken should be taken at the commune, wilaya or national level depending on the seriousness of the fire.</p> <p>The DM law makes provision for specific measures to be taken with regard to forest fire prevention. The general plan for forest fire prevention must contain:</p> <ul style="list-style-type: none"> <li>- A classification of all forests depending on the risk incurred by the nearby town or city.</li> <li>- Must determine all human settlements where a forest fire could represent a major danger.</li> <li>- System of pre-alert / alert and all the measures to be taken once the pre-alert or alert is issued.</li> </ul> <p>These elements constitute the minimum and that the plan can contain any other prevention measures.</p>
48. Does this law specify how management of this risk is financed? If so, describe.			No.
49. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk?			Nothing specific for this type of disaster.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c) If so, who may be liable - or immune?</p> <p>d) Is it civil or criminal liability, or both?</p>			
<p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Decret n° 87-44 (10/02/1987) related to prevention against fires in the national forest domain and nearby</p> <p>Decree n° 87-45 (10/02/1987) related to the organization and coordination of actions in the field of fight against forest fires in the national forest domain</p> <p>Law n° 04-20 (25/12/2004) related to major risk prevention and disaster management</p>	<p>Article 18 para.2</p> <p>Article 3 paras. 2&amp;3</p> <p>Article 29</p>	<p>the minister in charge of forests has to elaborate a map of all the forests at risk and must also define all prevention measures related to these specific forests, notably regarding territorial planning.</p> <p>The fire forest plan must contain at each level (commune, group of communes and wilaya):</p> <ul style="list-style-type: none"> <li>- The map of the watch/monitoring mechanism</li> <li>- The map of all the general infrastructures (roads, water access...)</li> </ul> <p>The general plan for forest fire prevention must contain:</p> <ul style="list-style-type: none"> <li>- A classification of all forests depending on the risk incurred by the nearby town or city.</li> </ul> <p>Must determine all human settlements where a forest fire could represent a major danger</p> <p>Nothing specified with regard to the institution responsible (see article 9).</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>	<p>Decree n° 87-45 (10/02/1987) related to the organization and coordination of actions in the field of fight against forest fires in the national forest domain</p>	<p>Articles 26 to 30</p>	<p>No. According to the Decree, the only participation of affected communities concern their mobilization and the requisitioning of their goods if it appears necessary to fight the fire and the related risks.</p>
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>Decree n° 87-45 (10/02/1987) related to the organization and coordination of actions in the field of fight against forest fires in the national forest domain</p> <p>Law n° 04-20 (25/12/2004)</p>	<p>Article 3 para.8</p> <p>Article 30</p>	<p>The forest fire plan must contain at each level (commune, group of communes and wilaya) all procedures of alerts and information management. However no further information is given.</p> <p>The general plan for forest fire prevention must contain a system of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	related to major risk prevention and disaster management		pre-alert / alert and all the measures to be taken once the pre-alert or alert is issued.
<p>53. If communities are involved in EWS, does this law provide that they:</p> <p>a) Assist in the design of local and community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			No.
<b>D. Floods?</b>			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>No.</p> <p>There are three main complementary legal tools dealing with this hazard :</p> <ul style="list-style-type: none"> <li>- Law n° 05-12 (04/08/2005) related to water</li> <li>- Law n° 04-20 -25/12/2004) related to major risks prevention and management of disasters</li> <li>- Executive decree n° 09-399 (29/11/2009) related to flood</li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	<p>Law n° 05-12 (04/08/2005) related to water</p> <p>Law n° 04-20 (25/12/2004) related to major risks prevention and management of disasters</p>	<p>Articles 53 to 55</p> <p>Article 56</p> <p>Article 24</p> <p>Article 25</p>	<p>prevention instruments</p> <p>Chapter 5 on prevention of flood risks sets several measures to be taken, notably by the state and the territorial collectivities, to prevent floods:</p> <ul style="list-style-type: none"> <li>-Forecasting instruments for floods, alert and intervention mechanisms to protect people living downstream an artificial water reservoir.</li> <li>- Measures of conservation for dykes</li> <li>- In the areas at risk by the rising of ground water, the state and the territorial collectivities must build all the protection infrastructures required and must also initiate all prevention and assistance measures for the concerned populations.</li> </ul> <p>For each natural water sources, a territorial planning plan for water management must be set in order notably to ensure prevention and risk management.</p> <p>A general plan on flood prevention must be established and contain:</p> <ul style="list-style-type: none"> <li>- A national flood risk map</li> <li>- A reference height in the areas at risk under which it is forbidden to build.</li> <li>- Thresholds, modalities and procedures of alerts.</li> </ul> <p>All the construction work done in areas at risk (above the reference</p>



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n° 09-399 (29/11/2009) related to flood prevention instruments	<p>Article 4</p> <p>Article 5</p> <p>Article 6</p> <p>Article 7</p>	<p>height) must provide all the details concerning the work done and measures taken to prevent floods.</p> <p>This decree determines all the measures and instruments to be set in order to forecast floods. First, a study must be carried out for each artificial water reservoir and must provide the following information:</p> <ul style="list-style-type: none"> <li>- A map of all areas at risk</li> <li>- A programme of all work to be achieved to manage water courses</li> <li>- A flood simulation model</li> </ul> <p>It is the minister in charge of water resources who has to set the modalities of elaboration and validation of this study. Also, the minister in charge of water resources and the minister in charge of territorial collectivities must set the list and frequency of information that needs to be communicated to the wali in the field of artificial water reservoir.</p> <p>The update of the prevention measures must be undertaken by the organisms who exploit the water reservoir and the water resources administration territorially competent.</p> <p>Both ministers of water resources and territorial collectivities must</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Article 10  Article 11	<p>set a flood forecasting mechanism for <i>oueds</i> and section of <i>oueds</i>.</p> <p>The implementation of the flood forecasting system must be undertaken by the administration in charge of water resources (which means at all levels).</p> <p>The ministers in charge of water resources, territorial collectivities and transport must determine the list and frequency of information that needs to be communicated to the wali in the field of: weather forecasting, water levels in the areas at risk and the situation of the cleaning up network.</p>
55. Does this law specify how management of this risk is financed? If so, describe.			No.
56. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?			Nothing specific for this type of disaster.
57. Does this law regulate the collection and distribution of	Law n° 04-20 -25/12/2004) related to major risks	Article 24	The DM law makes provision for a national flood risk map.

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information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	<p>prevention and management of disasters</p> <p>Executive decree n° 09-399 (29/11/2009) related to flood prevention instruments</p> <p>Decree n° 81-167 (25/07/1981) related to the National Agency for Hydraulic Resources</p>	Article 4	<p>The decree makes provision for a map of all areas at risk with regard to artificial water reservoir.</p> <p>This agency provides hydro-geological maps as well as maps of the hydro-dynamic characteristics of the soils for irrigation notably.</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d) Socially isolated groups and the very poorest people?			
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			The DM law makes provision for the establishment, in the general plan for flood prevention, of the thresholds, modalities and procedures of alerts. However, there are no further details.
60. If communities are involved in EWS, does this law provide that they: a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			No.
<b>E. Heat/cold waves?</b>			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of	Law n° 04-20 (25/12/2004)	Article 26	There is no specific law about heat or cold waves.  The DM law (n°04-20) makes provision for special measures to be

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	related to major risks prevention and management of disasters	Article 27          Article 28	<p>taken to prevent climate risks, including snow storm. Indeed, the general plan for climate risk prevention must include for the snow storm risk:</p> <ul style="list-style-type: none"> <li>- The areas at risk.</li> <li>- The watch/monitoring modalities for the observation of the evolution of this risk.</li> <li>- The thresholds, modalities and procedures of pre-alerts and alerts.</li> <li>- The measures applicable once the alert messages have been issued.</li> </ul> <p>These measures constitute the minimum; the plan can contain any other prevention measure. Finally, nothing is mentioned on any kind of institutional responsibility (see article 9 already mentioned in the survey).</p>
62. Does this law specify how management of this risk is financed? If so, describe.			No.
63. Does this law attribute liability for damage caused by:			Nothing specific for this type of disaster.
a) failure to warn, or false or faulty warnings of this risk?			
b) failure to take preventive action including by reducing this risk?			
c) If so, who may be liable - or			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
immune? d) Is it civil or criminal liability, or both?			
64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Law n° 04-20 (25/12/2004) related to major risks prevention and management of disasters	Article 27	The general plan for climate risk prevention must determine all areas at risk. No further information is given.
65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
very poorest people?			
66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	Law n° 04-20 (25/12/2004) related to major risks prevention and management of disasters	Article 27	The general plan for climate risk prevention must set the thresholds, modalities and procedures of pre-alerts and alerts. However, no further details are given.
67. If communities are involved in EWS, does this law provide that they: a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			No.
68. Describe form of regulation, and institutional responsibility.			See question 62.
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of	Law n° 87-17 (01/08/1987) related to phytosanitary protection		The law is divided into several parts: - The phytosanitary control system

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>		<p>Articles 6 to 14</p> <p>Articles 15&amp;23</p> <p>Article 20</p> <p>Articles 25 to 28</p> <p>Article 29</p>	<ul style="list-style-type: none"> <li>- The fight against pests</li> <li>- The control of all phytosanitary products</li> </ul> <p><u>The phytosanitary control system:</u> All persons (individual or corporate) are responsible for the good phytosanitary state of their plants. If they notice or suspect pest/insect infestation, they must warn the phytosanitary authority as soon as possible or the local authorities. Once the local authorities are aware of a potential infestation they must contact the phytosanitary authority as soon as possible.</p> <p>A list of pests is established and update on a regular basis by the government (“<i>par voie réglementaire</i>”). The importation of all plants suspected to carry these pests is forbidden.</p> <p>Every plants, products or plants that may contain pests are checked at the border before entering the country. Also checked before exportation.</p> <p>If the merchandise is infested, there are 3 solution: disinfestations, refoulement or seizure and destruction.</p> <p><u>The fight against pests:</u> The implementation measures of fight against pests are established by the government (“<i>par voie réglementaire</i>”).</p>



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		<p>Article 31</p> <p>Article 32</p> <p>Article 48</p> <p>Articles 53 to 60</p>	<p>The phytosanitary authority must carry out field and laboratory research, and must spread all relevant information related to prevention measures to avoid propagation.</p> <p>The phytosanitary authority must also determine all infested areas and implement are measures to avoid propagation.</p> <p>Note that the burden of the fight incurs to the owners and farmers. It they do not fulfill their duty against pests, the phytosanitary will operate but the costs will be paid by the owner.</p> <p>Finally, if the prevention measures taken lead to the destruction of non-affected or non-suspected plants, the owner has a right for compensation.</p> <p>The state and territorial collectivities are responsible for the prevention operations of their own properties and fields.</p> <p><u>The control of phytosanitary products:</u> This part of the law sets all measures to be taken with regard to phytosanitary products and their use. Note that the phytosanitary must spread all information relevant to phytosanitary products.</p> <p>It is important to note that the law gives large powers of</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			investigation to the phytosanitary authority.
70. Does this law specify how management of this risk is financed? If so, describe.	Law n° 87-17 (01/08/1987) related to phytosanitary protection	Article 30	The law specifies only how management of the risk is financed for large scale infestations. Indeed, if the authorities face a national infestation, the treatment campaign will be financed either by the state or public funds and by the owners and farmers affected by this infestation. The modalities are determined by the government and depend on the seriousness of the infestation.
71. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?	Law n° 87-17 (01/08/1987) related to phytosanitary protection	Article 31	If the prevention measures taken lead to the destruction of non-affected or non-suspected plants, the owner has a right for compensation. Therefore, under this provision, the government or the territorial authorities could be held liable for the destruction of non-affected or non-suspected plants in case of false or faulty warnings. Besides this case, no specific responsibility. Therefore, see questions 28 to 32 of the survey.
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Law n° 87-17 (01/08/1987) related to phytosanitary protection	Article 13  Articles 25 to 28  Article 48	A list of pests is established and update on a regular basis by the government ( <i>"par voie réglementaire"</i> ).  The phytosanitary authority must carry out field and laboratory research, and must spread all relevant information related to prevention measures to avoid propagation  Note that the phytosanitary authority must spread all information relevant to phytosanitary products.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p> <p>c) Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d) Socially isolated groups and the very poorest people?</p>			No.
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>Law n° 87-17 (01/08/1987) related to phytosanitary protection</p>	<p>Articles 6 to 14</p>	<p>All persons (individual or corporate) are responsible for the good phytosanitary state of their plants. If they notice or suspect pest/insect infestation, they need to warn the phytosanitary authority as soon as possible or the local authorities. Once the local authorities are aware of a potential infestation they must contact the phytosanitary authority as soon as possible.</p>
<p>75. If communities are involved in EWS, does this law provide that they:</p>			No.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) Assist in the design of local and community EWS? b) Establish or maintain EWS? c) Provide information for the EWS? d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>G. Landslides and avalanches?</b>			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Articles 21 to 23	There is no specific law about landslides and avalanches.  The DM law (n°04-20) makes provision for specific prevention measures for earthquakes and <u>geological events</u> . See survey questions 41 to 47.
77. Does this law specify how management of this risk is financed? If so, describe.			See survey questions 41 to 47.
78. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty			See survey questions 41 to 47.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b) failure to take preventive action including by reducing this risk?</p> <p>c) If so, who may be liable - or immune?</p> <p>d) Is it civil or criminal liability, or both?</p>			
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			See survey questions 41 to 47.
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a) Women?</p> <p>b) Different cultural or ethnic groups?</p>			See survey questions 41 to 47.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>c) Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d) Socially isolated groups and the very poorest people?</li> </ul>			
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			See survey questions 41 to 47.
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a) Assist in the design of local and community EWS?</li> <li>b) Establish or maintain EWS?</li> <li>c) Provide information for the EWS?</li> <li>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			See survey questions 41 to 47.
<b>H. Volcanoes?</b>			
83. Is there a specific law about this			There is no specific law about volcanoes.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Articles 21 to 23	The DM law (n°04-20) makes provision for specific prevention measures for earthquakes and <u>geological events</u> . See survey questions 41 to 47.
84. Does this law specify how management of this risk is financed? If so, describe.			See survey questions 41 to 47.
85. Does this law attribute liability for damage caused by: a) failure to warn, or false or faulty warnings of this risk? b) failure to take preventive action including by reducing this risk? c) If so, who may be liable - or immune? d) Is it civil or criminal liability, or both?			See survey questions 41 to 47.
86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			See survey questions 41 to 47.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a) Women?</li> <li>b) Different cultural or ethnic groups?</li> <li>c) Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d) Socially isolated groups and the very poorest people?</li> </ul>			See survey questions 41 to 47.
<p>88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			See survey questions 41 to 47.
<p>89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a) Assist in the design of local and</li> </ul>			See survey questions 41 to 47.



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>community EWS?</p> <p>b) Establish or maintain EWS?</p> <p>c) Provide information for the EWS?</p> <p>d) Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</p>			
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a) Rain and river water storage, distribution and conservation measures?</p> <p>b) Development and maintenance of ground water extraction, storage and distribution?</p> <p>c) If so, describe the forms of regulation. At what level(s) of government is this regulated?</p>	<p>Law n° 05-12 (04/12/2005) related to water</p>	<p>Article 2 para.1</p> <p>Article 30</p>	<p>There is no specific law or institutional mandate for drought and related famine.</p> <p>However the law n° 05-12 (04/08/2005) related to water aims at ensuring water supply through mobilization and distribution of water in sufficient quantity to satisfy in priority the needs of the population and livestock, as well as to cover the water demand for agriculture, industry and any other economic or social activities that needs water.</p> <p>The protection and conservation measures of water resources are ensured notably by:</p> <ul style="list-style-type: none"> <li>- Quantitative and qualitative protection</li> <li>- Plans to fight hydric erosion</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Articles 56&57	<p>The law sets institutional instruments for the integrated management of water resources:</p> <ul style="list-style-type: none"> <li>- For each natural hydrographic unity, it is instituted a <u>water resources management guiding plan</u> which determines the strategic choices for mobilization, allocation and utilization of water resources in order to satisfy the domestic, industrial and agricultural needs, but also to prevention exceptional natural hazards such as drought. The <u>government sets the modalities of elaboration and adoption of such plan</u>.</li> </ul>
		Article 59	<ul style="list-style-type: none"> <li>- A <u>national water plan</u> defines the national objectives and priorities. The <u>government sets the modalities of elaboration and adoption of such plan</u>.</li> </ul>
		Articles 62&63	<ul style="list-style-type: none"> <li>- A <u>Consultative National Council</u> is created and is in charge of all questions related to water management. This council is composed of <u>representatives of administrations, local assemblies, public institutions/agencies and association of professionals or users</u>.</li> </ul>
		Articles 64	<ul style="list-style-type: none"> <li>- For each natural graphic unity is also created a <u>hydrographic basin agency</u>.</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Articles 100&101	Also note that the supply of drinking and industrial water constitutes a public service and comes under the state responsibility.
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a) Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b) Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c) Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>	Law n° 04-20 (25/12/2004) related to major risks and disaster management	<p>Articles 26&amp;27</p> <p>Article 9</p>	<p>There is not specific law or institutional mandate for early warning or response to drought.</p> <p>The DM law (n° 04-20) makes provision for specific measures to be taken for climate risks, including for droughts. Indeed, the general plan for the prevention of drought must contain notably:</p> <ul style="list-style-type: none"> <li>- The thresholds, modalities and procedures of pre-alerts and alerts for drought.</li> <li>- The measures applicable once the alert messages have been issued.</li> </ul> <p>This general plan is initiated at the national level and implemented at the local level (see article 9 already mentioned several times in the survey).</p>
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			No
93. Do the above laws or mandates	Law n° 05-12 (04/12/2005)	Article 66	The administration in charge of water resources must establish an

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?	related to water  Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 27	integrated system for information on water that must harmonized with the existing databases and the relevant institutions/agencies.  The general plan for drought prevention must contain: - The areas exposed to drought - The watch modalities for the observation of the evolution of this hazard.
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:  a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people?	Law n° 05-12 (04/12/2005) related to water	Articles 62&63	The law related to water creates a <u>Consultative National Council</u> in charge of all questions related to water management. This council is composed of representatives of administrations, local assemblies, public institutions/agencies and <u>association of professionals or users</u> . However, no further information is given.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>J. Other food security risks?</b>			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <p>a) If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b) At what level(s) of government is this regulated?</p>	<p>Ordinance n° 66-78 (11/04/1966) related to the Algerian National Institute for Agronomical Research (INRAA)</p> <p>Ordinance n° 75-11 (11/02/1975) related to the National Institute for the Protection of Plants</p> <p>Decree 81-167 (25/07/1981) related to the National Agency for Hydraulic Resources</p>	<p>Article 2</p> <p>Article 4</p> <p>Article 4</p>	<p>There is no specific law or institutional mandate concerning threats to food other than droughts.</p> <p>However, several institutions/agencies can be considered as playing indirectly a role to address food security risks.</p> <p><u>Algerian National Institute for Agronomical Research (INRAA):</u> The Institute organizes, executes and publishes all scientific research work related to agriculture and improvement of soils, improvement and development of livestock and plant production, the conservation of farming and food products. Also in charge of all economical and sociological research related to agriculture.</p> <p><u>National Institute for the Protection of Plants:</u> The Institute is in charge of organizing and implementing the development of the phytosanitary protection in the framework of the agricultural policy general objectives.</p> <p><u>National Agency for Hydraulic Resources:</u> Among all its missions related to water resources, the Agency is in charge of setting a forecasting network for floods.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n° 05-375 (26/09/2005) related to the National Agency for Climate Changes	Article 6 para.5	<u>National Agency for Climate Changes:</u> The Agency is notably in charge of coordination all sectoral actions in the field of climate changes and to ensure the synergy with the other environmental fields and notably with regard to the fight against desertification.
96. Does the above law or mandate specify how management of food security is financed? If so, describe.			No
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?			Each institution/agency collects information in their field of expertise but nothing specific to risks to food security.
98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) Women? b) Different cultural or ethnic groups? c) Vulnerable groups, including children, older persons, persons with disabilities? d) Socially isolated groups and the very poorest people?			
<b>Part Three. Early Warning, Hazard Mapping and Risk Information</b>			
<b>A. Early Warning</b>			
99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law? a) If so, does this include institutional mandates on EWS? b) Which institution(s) are involved and what are their mandates on EWS? c) Is there legal provision for financing of EWS?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Articles 16&17	The DM law (n° 04-20) establishes early warning systems (EWS). For each major risk identified by the DM, it establishes a general prevention plan. This plan must contain a watch system and a national alert system enabling the information of the population with regard to the probability and/or imminence of a disaster. This system must be structured according to the nature of the risk and/or disaster at different levels: <ul style="list-style-type: none"> <li>- A national system</li> <li>- A local system (large built-up areas (cities) , towns and villages)</li> <li>- A system per sensitive site</li> </ul> <p style="text-align: right;">a) No, except that the elements and modalities, notably for the issuance of alert messages are determined by the government (<i>"par voie</i></p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>réglementaire”</i>).</p> <p>b) See article 9 already mentioned several times in the survey. The state initiates the plan but it is implemented by the territorial collectivities. As mentioned above, also note that the alert system is structured at different levels (national and local).</p> <p>c) No.</p>
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.			No.
101. Does EWS regulation provide for community-based early warning data collection? Describe.			No.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 8 para.4  Article 11 para.1	<p>The rules and measures of risk prevention and disaster management rely notably on the principle of participation. Each citizen must have access to the knowledge of risks she/he incurs, as well as access to the knowledge of all risk prevention and disaster management tools.</p> <p>The state ensures to all citizens an equal and permanent access to all information related to major risks. No further information is given.</p>
103. Does the law regulating	Law n° 2000-03		The law regulating telecommunications does not include any DRR



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <p>a) geographical coverage of telecommunications to include remote and/or at-risk areas?</p> <p>b) priority access to communications technology for at-risk communities and responders to disaster?</p> <p>c) access for vulnerable groups such as the elderly and persons with disabilities?</p> <p>d) Support for early warning systems?</p>	<p>(05/08/2000) related to telecommunications</p> <p>Law n° 04-20 (25/12/2004) related to major risks and disaster management</p>	<p>Article 1</p> <p>Article 2</p> <p>Articles 44&amp;45</p>	<p>criteria in general, or any specific measures.</p> <p>The law only states that it aims at providing quality telecommunication services, ensured under objective, transparent and non-discriminatory conditions in a competitive environment while guaranteeing the general interest.</p> <p>The telecommunication activities are under the control of the state.</p> <p>However the DM law (n°04-20) makes provision for ensuring quality telecommunication services in the perspective of DRR.</p> <p>The state can prescribe any measure aimed at developing a reliable and secure telecommunication national network designed to mitigate or overcome any dysfunction in case of natural disaster. These measures must notably aim at:</p> <ul style="list-style-type: none"> <li>-diversifying the interconnection points with the international networks</li> <li>- securing all the strategic telecommunication centers</li> <li>- making available all reliable means of communication and transmission for risk prevention and disaster management.</li> </ul>
104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment			No.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) Generally throughout the territory? b) In specified areas? c) Under specified circumstances?			
<b>B. Risk identification, assessment and monitoring</b>			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 17	The DM law (n° 04-20) makes provision for the establishment for each major risk of a general prevention plan. This plan must determine the national watch system, through which is organized a permanent observation of the evolution of the concerned hazards and/or risks, as well as a capitalization, analyze and valorization of the recorded information in order to ensure a better knowledge of the concerned hazard and/or risk, an improvement of the predictability of occurrence and a more accurate system of alert message issuance.
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?	Law n° 04-20 (25/12/2004) related to major risks and disaster management  Executive Decree n° 05-375 (26/09/2005); Executive Decree N° 98-258 (25/08/1998); Decree N° 85-16 (02/01/1985);	Articles 10&17	Same response than for question 17. The DM law (n° 04-20) makes provision for the establishment of a general prevention plan <u>for each major risk</u> , including risks related to earthquakes, meteorology and climate.  Also note that several national public institutions/agencies are in charge of collecting information/data in these fields: <ul style="list-style-type: none"> <li>- National Agency for Climate Changes</li> <li>- National Meteorology Office</li> </ul>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Decree n° 85-71 (13/04/1985)		<ul style="list-style-type: none"> <li>- Research Center for Astronomy, Astrophysics and Geophysics</li> <li>- National Center of Applied Research in earthquake-resistant engineering</li> </ul>
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Decree n° 85-311 (17/12/1985) related to the National Office for Statistics		<p>The DM law does not regulate the collection and publication of baseline population data.</p> <p>However, the National Office for Statistics publishes statistics on population.</p>
<b>Part Four. Regulation of the Built Environment</b>			
The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
<b>A. Building Codes</b>			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what			There is not one national building and construction law but many dispersed laws, decrees and regulations related to building and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
authority is responsible for its implementation?	Executive decree n° 08-388 (27/11/2008) related to the General Inspection for Urbanism and Construction Executive decree n° 08-389 (27/11/ 2008) related to the Regional Inspection for Urbanism and Construction		<p>construction; therefore it is difficult to have a good overview of the main mechanisms and regulations.</p> <p>However, four main laws must be highlighted for the purpose of this survey:</p> <ul style="list-style-type: none"> <li>- Law n° 90-29 (01/12/1990) related to development and urbanism &amp; Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism.</li> <li>- Executive decree n° 91-175 (28/05/1991) related to general rules for development, urbanism and construction</li> <li>- Law n° 08-15 (20/07/2008) related to making construction in compliance and their completion.</li> </ul> <p>All state authorities play a role in the implementation of these laws and at all levels (national, wilaya and commune). However, more specifically the General Inspection for Urbanism and Construction is in charge for ensuring the good application of all the legislation in the field of urbanism and construction at the national level. At the regional level, under the authority of the General Inspection, the Regional Inspection for Urbanism and Construction is in charge for the application of urbanism and construction legislation.</p>
109. If there is not a national building and construction law, is this issue regulated at			See question 109.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism	Article 4  Article 7  Article 11 para.2  para. 3  Article 31	The different laws mentioned above contain detailed building regulations or rules. For the purpose of the survey, the focus will be put on the most relevant with regard to the theme of the survey.  Are considered suitable for building, lands that are not directly exposed to natural risks.  Each construction built for living must contain a drinking water source and a sanitation system as well.  In the framework of the development and urbanisms instruments (guiding development plans and land occupation plans), the lands exposed to natural disaster risks or landslides are identified at the moment of the elaboration of these instruments and are subject to restrictions or bans with regard to construction. These restrictions or bans are established at the governmental level.  The seismic areas are identified and categorized according to the level of vulnerability in the face of an earthquake. The construction rules in these areas are determined at the governmental level.  The land occupation plans are established at the commune level and

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Executive decree n° 91-175 (28/05/1991) related to general rules for development, urbanism and construction	<p>Article 36</p> <p>Article 3</p> <p>Articles 13&amp;14</p> <p>Article 17</p> <p>Article 20</p>	<p>set notably:</p> <ul style="list-style-type: none"> <li>- Construction rules</li> <li>- The minimum and maximum authorized quantity of construction</li> <li>- Rules regarding the design and aspect of constructions</li> <li>- Determines the protected areas (cultural, archeological, agricultural...) where construction is forbidden.</li> </ul> <p>The land occupation plan requires a consultation of the citizen at the commune level before being established.</p> <p>When the considered construction plan is located on a land exposed to natural risks, such as flood, erosion, earthquakes, rock fall, avalanches, the construction permit can be refused or granted under strict specific conditions.</p> <p>All constructions for living must be equipped with a drinkable water source and a sanitation system as well. They must be connected to drinkable water network.</p> <p>Each construction must be equipped with a system to evacuate rainwater.</p> <p>Each construction must be built in respect of the natural and agricultural environment.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		Articles 27to31	Set specific rules related to design and exterior aspect of constructions.
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism  Executive decree n°91-176 (28/05/1991) related to the modalities of issuance of the construction permit	Article 76 (modified)  Article 52&53  Article 37	It is forbidden to undertake any construction without a permit.  The construction permit is required for any construction whatever the purpose, the size or the modification of the building is.  The permit demand authorization must be addressed to the president of popular assembly of the commune.
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:  a) New buildings? b) Renovations / extensions of existing buildings? c) Existing buildings where there is no building application, such as	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism	Article 73 (modified)  Article75	The president of the popular assembly of the commune, as well as the empowered agents must visit the constructions in progress, proceed to all relevant verifications and ask to be transmitted all the technical documents.  Once the construction is completed, a certificate of compliance of the construction with the permit must be delivered by the wali or the president of the popular assembly of the commune.  These inspection rules apply to new buildings and renovations/extensions of existing buildings.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
old buildings that may no longer be safe?	Law n° 08-15 (20/07/2008) related to making construction in compliance and their completion	Article 16 (bis)  Article 1  Article 62	<p>The police officers and agents are empowered for such inspections, as well as: urbanism inspectors; commune agents in charge of urbanism; civil servants from the administration for urbanism and architecture.</p> <p>This law aims notably at:</p> <ul style="list-style-type: none"> <li>- To end all situations of non-completion of constructions.</li> <li>- To make construction in compliance with all the latest regulations. It concerns all constructions already completed and those in progress.</li> </ul> <p>The police officers and agents are empowered for such inspections, as well as: urbanism inspectors; commune agents in charge of urbanism; civil servants from the administration for urbanism and architecture.</p> <p>Note that urbanism inspectors refer to the General Inspection and Regional Inspection for Urbanism and Construction (see question 109).</p>
113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n°	Article 76, (bis), (ter) (quarter) (quinquiès) (sixtiès)	Depending on the seriousness of the violation, the sanctions are: ending of work in progress; rebuilding in compliance of the rules; demolition; fines; prison sentences.



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institution(s) have responsibility for this?	90-29 (01/12/1990) related to development and urbanism  Law n° 08-15 (20/07/2008) related to making construction in compliance and their completion	77, 78  Article 74 to 92	Depending on the seriousness of the violation, these sanctions can be decided by the wali or president of popular assembly of the commune, or by the competent judge (for the most serious cases and sanctions).  Same as for the Law n°90-29 (01/12/1990) modified and completed.
114. Do the building regulations have special standards or requirements for: a) schools? b) hospitals? c) fire stations? d) other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?			No.
115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings			Nothing specific to large commercial buildings but the following regulation contains rules that could apply to this kind of construction.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.	Executive decree n° 91-175 (28/05/1991) related to general rules for development, urbanism and construction	Article 6  Article 8  Article 19	When constructions, because of their size, their location or their purpose, are incompatible with the development plans of the territory, the construction permit may be refused.  The construction permit may be refused if the construction does not plan sufficient access to the building, especially car access, preventing an efficient intervention in case of fire.  If because of its location, size or purpose, the construction obliges the commune to build too many and costly additional public equipment, the permit may be refuse.
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism  Executive decree n° 91-175 (28/05/1991) related to general rules for	Article 6  Article 22	See question 116 above. &  In urban areas of the commune, the height of buildings must not be higher than the average height of the surrounding buildings.  Sets conditions and modalities related to the construction of 20-storey buildings and above.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	development, urbanism and construction  Decree n° 76-35 (20/02/1976) related to fire security rules for high buildings		Note that Decree n°76-35 (20/02/1976) makes provision for fire security rules with regard to high buildings.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.			No.
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a) the extent of regulation? b) the level of government at which it is regulated? c) other?			No.
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which	Executive decree n° 91-175 (28/05/1991) related to general rules for development, urbanism	Article 46	For temporary constructions designed and built to address urgent or transitional needs, it could be derogated from the construction and urbanism rules according to the issuance of such decision by the minister in charge of urbanism.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institution(s) have responsibility for this?	and construction		
<p>120. Do the building laws/regulations include:</p> <p>a) Inspections?</p> <p>b) programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>			See question 113 above and especially Law n° 08-15 (20/07/2008) related to making construction in compliance and their completion.
<p>121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) &amp; mandate(s).</p>	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Articles 42&43	<p>No.</p> <p>However, it could be underlined that the DM law (n°04-20) makes provision for specific prevention measures with regard to road infrastructures.</p> <p>Indeed, the state can prescribe any measure aimed at ensuring secure road infrastructures in case of major risks and/or natural disasters. These measures must concern prevention measures according to the vulnerability of the given infrastructure, such as expertise of bridges vulnerability in the face of an earthquake.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 19  Articles 22&23	<p>The DM law (n° 04-20) adds specific restrictions to construction with regard to major risks and natural disasters. Indeed, it is strictly forbidden to build in areas exposed to major risks, notably:</p> <ul style="list-style-type: none"> <li>- Areas where the seismic risk is high</li> <li>- Lands where there is a geological risk</li> <li>- Areas exposed to floods</li> </ul> <p>The DM law (n° 04-20) makes provision for specific prevention measures against earthquakes and any geological events. The general prevention plan for earthquakes and geological risks can contain any complementary control or expertise procedures to check the resistance of any construction built before the introduction of earthquake-resistant regulations.</p> <p>Any reconstruction or rehabilitation of buildings destroyed, partially or totally, after an earthquake or a geological event, can only be undertaken after a control procedure making sure that all the causes of the destruction were addressed. The modalities of this control are set at the governmental level.</p>
<b>B. Land Use Planning Laws</b>			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and</p>			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?			<p>There are several laws related to land zoning and/or land use planning. The main ones are:</p> <ul style="list-style-type: none"> <li>- Law n° 01-20 (12/12/2001) related to territorial/development planning and sustainable development</li> <li>- Law n° 90-29 (01/12/1990) related to development and urbanism &amp; Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism</li> <li>- Law n° 02-08 (08/05/2002) related to the conditions of creation and development of new towns/cities</li> <li>- Law n° 90-25 (18/11/1990) related to land</li> </ul>
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?	<p>Law n° 01-20 (12/12/2001) related to territorial/development planning and sustainable development</p> <p>Law n° 90-29 (01/12/1990) related to development and urbanism &amp; Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990)</p>	<p>Article 2</p> <p>Articles 16, 24, 25, 26 &amp; 27</p>	<p>The national development/territorial and sustainable development policy is initiated and lead by the state. However, it is lead in close relation with the territorial collectivities in the framework of their attributions.</p> <p>The guiding plan for development and urbanism is a territorial planning instrument that sets all fundamental orientations for development of the given local territory. Each commune must be covered by such plan adopted by the popular assembly of the commune. After its adoption, the plan is transmitted to the relevant authority for approval: the wali, the minister in charge of urbanism</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	related to development and urbanism		or by an executive decree, depending on the size of the commune.
<p>125. Does the land use planning and/or zoning law include processes for:</p> <p>a) Formal release of land for new developments?</p> <p>b) Approval of each new urban development?</p> <p>c) Approval of major commercial developments?</p>	<p>Law n° 90-25 (18/11/1990) related to land</p> <p>Law n° 90-29 (01/12/1990) related to development and urbanism &amp; Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism</p> <p>Law n° 02-08 (08/05/2002) related to the conditions of creation and development of new towns/cities</p>	<p>Article 36</p> <p>Article 2</p> <p>Article 6</p>	<p>a) Yes. Any transfer of an agricultural land into the category of urbanized land is authorized only under strict conditions set by the legislation. In the same vein, any transfer of a land from a category to another must be done under the modalities and procedures set by the legislation. These modalities and procedures are set at the governmental level (<i>“par voie réglementaire”</i>).</p> <p>b) The use and management of urbanizable land is covered by the general rules of development and urbanism, as well as by development and urbanism instruments set by the law.</p> <p>The creation of new town/city is decided by executive decree.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			c) No
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Law n° 90-29 (01/12/1990) related to development and urbanism & Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism	Article 4	Are notably suitable for development, lands that are not exposed to direct natural or technological risks.
127. Does the planning / zoning law include public open space for evacuation?			No.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?			No.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	Law n° 01-20 (12/12/2001) related to territorial/development planning and sustainable development	Article 11	The National Scheme for Territorial Development determines the principles and spatial organizational actions related to communication, telecommunication, distribution of energy and transport of hydrocarbon infrastructures, as well as related to mobilization and distribution of water resources.
130. Does the planning / zoning law include street width regulations	Law n° 01-20 (12/12/2001)	Article 27	No. However, the law sets a guiding scheme for roads and freeways in



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
for future traffic flow and to ensure access for emergency services such as fire and ambulance?	related to territorial/development planning and sustainable development		order to modernize the road network and to open the country.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a) the extent of regulation? b) the level of government at which it is regulated? c) other?			No.
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?	Law n° 01-20 (12/12/2001) related to territorial/development planning and sustainable development	Article 4 para.2	It can be underlined here that the law states that the national territorial development and sustainable development policy aims notably at protecting the population against risks related to natural hazards.
<b>C. Land tenure</b>			
133. Is there a national system of land title registration established under law? a) If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can	Ordonnance n° 75-74 (12/11/1975) related to the establishment of the general cadaster and the institution of the land book		The establishment and the conservation of the general cadaster falls under the responsibility of the administration in charge of the land and public property affairs. All land titles must be registered in the land book established at the commune level.



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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.	Law n° 90-25 (18/11/1990) related to land  Civil Code	Article 39  Article 40  Article 827	In the regions where the cadaster has not been established yet, any person who has established a continuous, peaceful, public and non-ambiguous possession can obtain a temporary title of possession called “possession certificate” which needs to be registered under the same conditions as regular land titles.  This possession certificates are delivered by the President of the popular assembly of the commune.  Note that the Civil Code makes provision for acquisitive prescription after a 15-year period of continuous possession.
137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.			No.
138. Is there legislation or case law that recognises land tenure as a result of occupation, such as: a) adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
b) 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?			
139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?			No
140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include: a) risk reduction from natural disasters? b) land to be kept for evacuation or emergency or transitional shelter?	Law n° 90-25 (18/11/1990) related to land  Law n° 90-25 (18/11/1990) related to land & Constitution (article 20) & Civil Code (article 677)  Law n° 91-11 (27/04/1991) related to expropriation for public interest	Article 71  Article 72	The government authorities have two distinguished rights: - A preemption right: the authorities have the right to acquire the land in preference of any other persons once the owner is about to sell. - A right of expropriation  Both rights must be justified by a public interest. The expropriation gives a right to compensation for the expropriated owner.  This law sets all the rules and modalities for expropriation in the case of public interest.  The DM law (n°04-20) states that the right to expropriation for

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 49	public interest, as defined in the Law n° 91-11 (27/04/1991) mentioned above, can be implemented in the case of a serious and permanent danger for the persons located in the area exposed to major risks, including natural disasters.
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a) Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b) Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>			No specific system.
<b>D. Informal and precarious settlements</b>			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to</p>			

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a) If so, what is the policy reason given (if any) for such clearance?</p> <p>b) Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c) If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d) If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e) Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>	<p>Law n° 90-29 (01/12/1990) related to development and urbanism &amp; Law n°04-05 (14/08/2004) related to amendments to the law n° 90-29 (01/12/1990) related to development and urbanism</p> <p>Law n° 08-15 (20/07/2008) related to making construction in compliance and their completion</p>	<p>Article 76, (bis), (ter) (quarter) (quiniès (sixtiès) 77, 78</p> <p>Article 74 to 92</p>	<p>There is no specific law that mandates clearing of slums/informal or precarious settlement.</p> <p>However, the two relevant laws mentioned here make provision notably for the demolition of constructions in case of serious infringement to construction and urbanism regulations, such as constructions without permit.</p> <p>Law n°90-29 (01/12/1990) modified and completed sets a full range of sanctions in case of non-compliance with the construction rules. Depending on the seriousness of the violation, the sanctions are: ending of work in progress; rebuilding in compliance of the rules; demolition; fines; prison sentences.</p> <p>Depending on the seriousness of the violation, these sanctions can be decided by the wali or president of popular assembly of the commune, or by the competent judge (for the most serious cases and sanctions).</p> <p>Same as for the Law n°90-29 (01/12/1990) modified and completed.</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Note that the SNAT 2030 (p.78), the Law n° 01-20 (12/12/2011) related to development/territorial planning and sustainable development (article18), and the National Agency for the Improvement and Development of Housing make provision to address and reduce precarious settlements but do not provide any further information.
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a) If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b) Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c) Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d) Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e) Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural</p>			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
disasters?			
144. Does any law require that informal settlements are included in: a) Early Warning Systems? b) Community based DRR education and training?			No
145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements? a) If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)? b) If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?			No
<b>E. Urban Water and Flood Management</b>			
146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or	Law n° 05-12 (04/08/2005) on water	Article 2  Articles	The law n° 05-12 (04/08/2005) on water sets the principles and rules for the use, management and development of sustainable water resources. These objectives aim notably at ensuring water supply through mobilization and distribution of water in sufficient quantity and quality to satisfy the needs of the population.  Drinkable water supply is a public service which falls under the



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
local responsibility?		100&101	responsibility of the state and the communes.
147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?	Law n° 05-12 (04/08/2005) on water	Article 62&63  Article 64  Article 65	A Water Resources National Consultative Council is created and is in charge of examining the national water plan, as well as any submitted question on water. The Council is composed of representatives of the administration, the local assemblies, public institutions/agencies and of professional or user associations.  At the level of each natural hydrographic unit, a hydrographic basin agency is responsible for water management.  Finally, the water public services are regulated by an autonomous administrative authority established at the governmental level.
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	Law n° 05-12 (04/08/2005) on water  Law n° 04-20 (25/12/2004)	Article 2  Article 55  Article 9	There is no specific allocation of responsibility for flood mitigation construction and other water management against urban flooding.  However, the law on water mentions that one of the objectives of the law is to mitigate the negative impacts of floods and protect people and goods located in urban areas.  Note that for areas exposed to floods related to ground water, the law specifies that the state and the territorial collectivities have to undertake all the construction for protection and initiate any measures that can contribute for the protection of people.  The DM law sets, in its article 9 already examined earlier in the

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
	related to major risks and disaster management		survey, that the prevention of major risks, including urban floods, constitute a global system initiated by the government and implemented by the public institutions and by the territorial collectivities.
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			Flood mitigation and water management against urban flooding is regulated at the national level. See question above.
<b>Part Five. Regulation of the Natural &amp; Rural Environment</b>			
Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Law n° 03-10 (19/07/2003) related to the protection of the environment in the framework of sustainable development		The Ministry of Territorial Development and Environment



3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>153. If there are EIAs, do the criteria include:</p> <p>a) human risk factors from changes to the environment, including life and health as well as livelihoods and food security?</p> <p>b) assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?</p>	<p>Law n° 03-10 (19/07/2003) related to the protection of the environment in the framework of sustainable development</p>		<p>a) Yes. The environment impact assessment must notably contain:</p> <ul style="list-style-type: none"> <li>- A description of the potential impact of the project on the environment and health of people, as well as all the solutions proposed to address these negative effects.</li> <li>- A description of the effects on the cultural patrimony and their impacts on the socio-economic conditions.</li> </ul> <p>b) No.</p>
<p>154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?</p>	<p>Law n° 01-10 (03/07/2001) on mines</p>	<p>Article 65</p>	<p>There is not specific law that makes any authority responsible for the regulation of exploitation of all natural resources.</p> <p>Makes provision for an authority responsible for the regulation of exploitation of minerals from the perspective of human safety during natural disasters.</p> <p>Indeed, any holder of a mining exploitation title must establish, at his own expenses, a prevention system of major risks that the activity could provoke. This system must be transparent and accessible to the agents of the National Agency for Geology and Mining Control.</p>
<b>B. Forests</b>			
<p>155. Is there legislation on forest</p>	<p>Law n° 84-12 (23/06/1984)</p>	<p>Article 1</p>	<p>The law on forests (n° 84-12) provides for the protection,</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
management (if relevant to the subject country)? If so, what institution has responsibility?	on forests (revised version)		development, extension, management and exploitation of forests, as well as for the conservation of soils and the fights against erosion. The law lays general responsibility for the state and the territorial collectivities with regard to the application of the law. However, the specific responsibilities of the minister in charge of forest (Ministry of Agriculture and Rural Development & Ministry of Territorial Development and Environment) and the minister in charge of territorial collectivities (Ministry of Interior and Territorial Collectivities) are mentioned several times in the law.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a) prevention of wildfires? b) deforestation and erosion relevant to prevention of landslides and floods? c) other hazards, (such as encroachment by wildlife into agricultural land or villages)? Describe the scope.	Law n° 84-12 (23/06/1984) on forests (revised version)	Article 6	The law on forests (n° 84-12) includes management from the perspective of natural disaster risk reduction:  a) The conservation and the fight against fires are of national interest.  b) The conservation and the fight any deterioration of forests, as well as the protection and rational use of soils subject to erosion and desertification are of national interest.  Note: for further details on erosion see articles 53 to 57 & for further information on prevention of forest fires see decree n° 87-44 (10/02/1987).  c) No.
157. Does the law recognize customary laws and practices as to the use and management of			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
forests and their resources?			
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Law n° 84-12 (23/06/1984) on forests (revised version)	Article 15 para.2	No. However, the law on forests provides for the obligation of every citizen to contribute to the protection of forests.
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	Law n° 05-12 (04/08/2005) on water	Article 1  Article 62  Article 63  Article 64	The law on water (n° 05-12) sets the principles and rules applicable to the use, management and sustainable development of all water resources, which includes watercourses and rivers. The law lays general responsibility for the state with regard to the application of the law, which also includes the territorial collectivities.  A National Consultative Council for Water Resources is created and is in charge of examining the all the instruments of implementation of the national water plan, as well as to examine any question related to water resources submitted before the Council. This  Council is composed of representatives of the administrations, the local assemblies, the public institutions/agencies and of associations of professionals and users.  Finally, at the level of each natural hydrographic unit, the responsibility for management relies on a hydrographic basin agency.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:</p> <p>a) Riverbed management relevant to flood prevention and mitigation?</p> <p>b) Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>	Law n° 05-12 (04/08/2005) on water	Article 2	<p>a) The law aims at managing floods by actions of regulation of watercourses flow in order to mitigate the negative impacts of floods and protect the people and goods in urban areas and other areas subject to floods.</p> <p>b) The law aims at supplying water through the distribution and of water in sufficient quantity and in required quality, to satisfy the needs of the population and the livestock, and to cover the water demand for agriculture, industry and any other socio-economic activity.</p>
<p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p>			No
<p>162. Does the law provide for use, conservation or management of rivers and their resources by communities?</p>			No
<b>D. Drought and food security</b>			
<p>163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or</p>			See Q.91 as well as the following questions on drought and food security.

<b>3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
crops in the face of drought?			
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			See Q.91 as well as the following questions on drought and food security.
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 26	No. However, the DM law (n°04-20) makes provisions for specific prevention measures for climate risks/disasters, including desertification.

#### **4. Information management and exchange, community level DRR education & awareness**

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

<b>4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION &amp; AWARENESS</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>No.ss./ paras.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?			See question 107.



4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
a) If so, what does it require and who is responsible for this, and under what law? b) Does it provide for community level access to the data?			
167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas? a) If so, what does it require and who is responsible for this, and under what law? b) Does it provide for community level access to the data?			See question 108.
168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?	Law n° 08-04 (23/01/2008) related to the national education system  Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 13	The law on education (n° 08-04) does not mention DRR awareness in the school curriculum.  The DM law (n° 04-20) makes provision for the creation of courses on major risks at all levels of the education system. These courses aim at: <ul style="list-style-type: none"> <li>- Providing general information on major risks.</li> <li>- Teaching students the knowledge on hazards, vulnerabilities and the modern prevention means.</li> <li>- Informing and preparing all the mechanisms that need to be</li> </ul>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			implemented in the face of disasters.
169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR? a) If so, which authorities and what are they required to do? b) In particular does it require DRR education in schools?			No
170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?	Law n° 04-20 (25/12/2004) related to major risks and disaster management	Article 11	No The DM law (n°04-20) makes provision for the obligation of the state to ensure an equal access to all citizens to all information related to risk prevention and disaster management.
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?			No
172. Does legislation provide for any			No

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
designated role for Civil Society in DRR education and awareness at community level?			
<p>173. Does any law provide for community-level results in DRR, such as:</p> <p>a) Natural disaster warnings that extend to community level?</p> <p>b) Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters?</p> <p>c) Community involvement in land-use and urban planning?</p> <p>d) Community involvement in and education concerning building codes?</p>	<p>Law n° 87-17 (01/08/1987) related to phytosanitary protection</p>	<p>Article 6</p>	<p>a) With regard to the phytosanitary control system: All persons (individual or corporate) are responsible for the good phytosanitary state of their plants. If they notice or suspect pest/insect infestation, they must warn the phytosanitary authority as soon as possible or the local authorities.</p> <p>b) No</p> <p>c) No</p> <p>d) No</p>

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