

**Capital, Control, and Collateral:  
Architecture and Investment Economics of Algeria's Mining law**

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**Abstract**

Algeria, possessing substantial but historically underexploited mineral wealth, has enacted a transformative legal framework—Law No. 25-12 of 3 August 2025—to overhaul its mining sector. This paper provides a comprehensive analysis of the new mining law, examining its departure from the restrictive regime (Law No. 14-05). The analysis covers key innovations including the abolition of the "strategic substances" monopoly, the introduction of an 80% foreign ownership ceiling for mining exploitation (contrasted with 51% Algerian ownership for quarries), the codification of inventor's rights, enhanced transferability and bankability of mining titles, and stringent environmental governance mechanisms including the creation of a specialized mining police. The paper argues that while the law successfully balances investment attraction with resource sovereignty through mechanisms such as mandatory 20% State participation and preemption right, its effectiveness will ultimately depend upon timely implementing regulations and institutional capacity building. The Algerian model offers a distinctive approach to mining governance that reconciles liberalization with sovereign control, positioning the country as an emerging regional hub for sustainable mining development.

**Keywords :**

Mining law, foreign direct investment, resource sovereignty, sustainable development, environmental regulation.

## **Introduction**

Algeria's economy has long been characterized by hydrocarbon dependency, with the oil and gas sector accounting for approximately 14% of GDP, 83% of exports, and 47% of budget revenues between 2019 and 2025 (Finance Ministry, 2026). Yet beneath this hydrocarbon-dominated landscape lies substantial but largely untapped mineral wealth, including significant deposits of iron, phosphate, zinc-lead, gold, and other strategic minerals (Raoui, M., & Aldrich, S, 2025). Despite this geological potential, the mining sector's contribution to national GDP has remained below 1% (Khirreddine, 2026), reflecting persistent structural impediments to sectoral development (Loucif, 2025).

The enactment of Law No. 25-12 of 3 August 2025 (Official Gazette No. 52 , 2025) governing mining activities the "New Mining Law", represents a decisive policy shift. This legislation replaces the former Law No. 14-05 of 24 February 2014 (Official Gazette No. 18 , 2014), which had constrained sectoral growth through its restrictive classification system, strategic substances monopoly, and inadequate provisions for exploration investment.

### **Mehod & objectives :**

This research is a normative legal study. It, therefore, examines the principles of sustainable development in mineral and coal mining Algerian policy. It examines the New Mining Law's architecture, evaluating its capacity to achieve three core objectives : attracting foreign investment and technical expertise, ensuring sustainable and environmentally responsible resource exploitation, and preserving national sovereignty over mineral resources. Through systematic analysis of the law's provisions on access regimes, ownership structures, mining title frameworks, and environmental governance, this paper assesses whether Algeria's regulatory reform successfully navigates the inherent tensions between liberalization and control that characterize contemporary mining governance.

## **1. Historical Context and The Deficiencies of The Former Regime**

### **1.1 The 2014 Legal Framework and Its Limitations**

Law No. 14-05 established a dual classification system distinguishing between "mines" (covering metallic minerals, radioactive substances, and precious materials) and "quarries" (covering construction materials). Within this framework, the concept of "strategic substances" reserved certain mineral categories exclusively for state-owned enterprises, effectively excluding private and foreign operators from significant portions of the mining sector (Loucif, Rym, 2025) (Imane Azzouz, 2025).

### **1.2 Several critical deficiencies characterized the former regime:**

#### **a) Restricted Foreign Access :**

Under Law No. 14-05, mining titles could only be granted to designated state-owned companies. Foreign investors were limited to participation through mining agreements wherein the state-owned enterprise retained a minimum 51% interest, reflecting the broader "49/51 rule" applied to strategic sectors (Official Gazette No.

74 , 2008). This structure fundamentally disincentivized early-stage exploration, as investors could not secure adequate economic valuation of their discoveries (Khirreddine, 2026).

**b) Exploration Underinvestment:**

The previous framework did not consider the unique risk profile of exploration activities. Junior mining companies, which focus on high-risk exploration at the beginning of a project, found that the rules and regulations were not good for their business models. These companies need to be able to make profits from discoveries by working with or assigning them to major producers.

**c) Regulatory Uncertainty :**

The absence of implementing measures providing a clear legal definition of "strategic substances" created significant uncertainty (Houideg Atmane, 2025). Furthermore, the lack of ownership rights in exploration and exploitation agreements with public entities represented a critical flaw for investors unable to secure the economic benefits of their discoveries.

**d) Limited Title Transferability :**

The former regime did not adequately facilitate the transfer, mortgage, or leasing of mining titles, constraining financing options and exit strategies for investors.

### **1.3 Legacy Projects and Missed Opportunities**

Despite these restrictions, the previous government allowed some major mega-projects to go ahead, usually with state-owned companies working with big international companies. The Gara Djebilet iron mine, the Djebel Onk phosphate complex, the Tala Hamza-Oued Amizour zinc deposit, and the Amesmessa gold mine are all well-known examples. The quarry industry also did well, and in ten years, Algeria went from importing cement to exporting it.

However, these successes remained exceptional rather than systemic. The broader sector suffered from weak exploration activity, declining investment volumes, absence of new discoveries, limited private and foreign participation, and continued importation of mineral materials despite local availability. These deficiencies provided the impetus for comprehensive legislative reform (Xueru Yang, 2026).

## **2. The New Mining Law : Structural Architecture and Core Innovations**

### **2.1 Institutional Framework and Governance**

The New Mining Law preserves the two primary institutional actors created under the 2014 regime while recalibrating their powers :

**a) National Agency for Mining Activities (ANAM) :**

An independent administrative authority with legal personality and financial autonomy, responsible for promoting investment, managing the mining cadastre, granting and supervising permits, and ensuring rational and compliant resource exploitation.

**b) Algerian Geological Survey Agency (ASGA) :**

Responsible for geological mapping, data management, preservation of geological heritage, production and dissemination of official geological maps, and prevention of geological risks.

The Minister of Mines retains overall responsibility for defining and implementing national mining policy, issuing regulatory orders including mineral substance classification and model specifications, granting prior approvals for exploitation permits, and overseeing international cooperation.

A significant innovation is the creation of a specialized "mining police" corps—sworn mining engineers within ANAM responsible for ensuring compliance with health, safety, and mining standards. These agents possess inspection authority, including the power to examine sites, require document production, collect samples, and order emergency measures in dangerous situations (Qing Huang, 2026).

## **2.2 Liberalization of Access : Abolition of Strategic Substances**

The New Mining Law's most fundamental reform is the abolition of the "strategic substances" category and the associated statutory monopoly. This removal opens all mineral deposits to private operators, eliminating the previous regime's threshold barrier to entry.

Critically, foreign entities may now directly obtain prospection authorizations and exploration permits without establishing a locally incorporated company (Bonnet, 2025). This provision specifically addresses the needs of junior exploration companies, whose business models depend on minimizing early-stage regulatory burdens and maintaining flexibility in jurisdictional positioning (Khirreddine, 2026).

## **2.3 Ownership Architecture: Differentiated Regimes for Mines and Quarries**

The New Mining Law establishes distinct ownership regimes distinguishing between mining and quarrying activities, reflecting differentiated policy objective.

### **a) Mining Exploitation :**

Exploitation permits may only be granted to companies incorporated under Algerian law. Foreign investors may hold up to 80% of share capital, while a state-owned mining company (or its subsidiary) must hold a non-dilutable minimum 20% equity interest. This 20% threshold may be increased upon mutual agreement where economically justified for both parties. In competitive bidding rounds initiated by ANAM for exploration title grants, no cap applies to the national stake (UN Trade & Development , 2025).

### **b) Quarry Operations :**

Quarries are subject to more stringent ownership requirements, mandating minimum 51% Algerian ownership (whether state-owned or private). This contrasts with the previous regime, under which quarries could be operated with 100% foreign ownership.

This differentiated approach reflects strategic prioritization: mining activities, requiring substantial capital and technical expertise, benefit from greater openness

to foreign participation, while quarrying—typically serving local construction markets—maintains majority national control (Khirreddine, 2026) .

**2.4 The Inventor's Right: Bridging Exploration and Exploitation**

A pivotal innovation is the codification of the "inventor's right" (droit de l'inventeur), which grants priority to exploration title holders who discover commercially exploitable deposits (Official Gazette No. 52 , 2025). Such holders are entitled to first claim the corresponding exploitation permit, either for direct operation or through assignment to specialized partners.

This provision addresses a fundamental market failure in the former regime: the inability of explorers to capture the economic value of their discoveries. The inventor's right enables the "junior-major" synergy analogous to the biotech-pharmaceutical industry model, wherein exploration-stage companies absorb geological risk while exploitation-focused majors provide development capital and operational expertise.

**2.5 Mining Titles : Legal Nature, Transferability, and Bankability**

The New Mining Law brings unprecedented clarity to the legal status of mining titles to enhance their bankability and facilitate project financing :

**a) Exploration Permits :**

Classified as movable property. They are assignable and transferable but may not be leased (amodiation) or mortgaged. Initial validity extends up to 4 years, renewable twice for 2-year periods each.

**b) Exploitation Permits :**

Create limited real rights distinct from surface land ownership. They may be transferred, leased, or mortgaged with prior ANAM approval. Mortgages are restricted to Algerian financial institutions and may not extend to in-situ reserves. Exploitation permits are valid for up to 30 years for mines (15 years for quarries), renewable for successive periods of up to 20 years for mines (10 years for quarries), subject to reserve availability.

**Table 1 : Mining Titles**

Title Type	Duration	Key Conditions
Exploration (Mines)	4 yrs (+2x2 yrs)	Research plan, guarantee; open to foreigners.
Exploitation (Mines)	10-25 yrs	Development plan, EIA; inventor priority; ≤20% state stake in foreign JV (Art. 101).
Quarries	5-10 yrs	51% Algerian capital; construction focus.
Prospecting/Artisanal	1 yr / Variable	Surface/manual ops only.

Source : Minnig law 25-12

**c) State Preemption Right :**

Transfers of exploitation permits held by Algerian companies with foreign participation are subject to a state pre-emption right, exercisable within 60 days through ANAM on terms identical to the proposed transfer. Intra-group transactions are exempted (Official Gazette No. 52 , 2025).

These provisions collectively enhance the financial modeling of capital-intensive activities by offering title holders multiple monetization options, thereby easing financing, partnership formation, and exit strategy execution.

## **2.6 Procedural Streamlining and Transparency**

The New Mining Law introduces simplified administrative processes designed to reduce bureaucratic impediments :

**Unified Regime for Classified Installations :** The former dual approval process under mining and environmental regulations has been replaced by a unified regime, reducing approval timelines (Houideg Atmane, 2025).

**Local Administrative Inquiry :** Excepting prospecting, all applications require a local administrative inquiry at wilaya (district) level and a reasoned opinion from the wali (governor).

**Open Geological Data Access :** The law mandates open access to geological data, enabling investors to optimize exploration budgets and timelines.

**Digital Systems :** Implementing regulations contemplate digital submission and tracking systems for permit applications.

## **2.7 Environmental Governance and Sustainability**

Environmental protection constitutes a core pillar of the New Mining Law, reflecting the government's stated commitment to sustainable development principles, in particular that Algeria is planning a clean and sustainable energy transition (Imane Azzouz, 2025).

### **a) Development and Rehabilitation Plans :**

Each mining project must elaborate both a development plan and a rehabilitation plan. Operators may benefit from tax-deductible provisions allocated to site restoration and deposit reconstitution (Faten Djedid, 2025).

### **b) Polluter Pays Principle :**

The law strengthens environmental liability under a broad polluter-pays principle, requiring operators to internalize environmental costs (Chmiela, Barszczowska, Krause, Kulawik, & Smolinski, 2025).

### **c) Protected Areas :**

Mining activities conducted on onshore or offshore are strictly prohibited in sites protected under national legislation or international conventions (Boukhmis, 2026). Protection perimeters may be established around remarkable geological or mining sites (Bendoumia, 2017).

### **d) Post-Mining Management :**

The law addresses post-mining obligations including protection of neighboring population health (Makula, (2026)), public safety (Contrucci, et al., 2023), and ecological restoration (Olszewski, 2021).

e) **Health, Safety, and Environment (HSE) Obligations :**

Operators must conduct activities in line with international best practices to prevent risks and ensure resource conservation and optimal recovery (Syofiarti, 2021).

**2.8 Local Content and Technology Transfer**

The New Mining Law introduces local content requirements aimed at deepening national participation in the mining value chain :

Domestic Supply Obligations : Operators may be required to supply the domestic market and process part of their production locally.

Preference for Algerian Goods and Services : Where competitive, preference must be given to Algerian goods, services, and labor.

Training Requirements : Foreign investors are obligated to train Algerian personnel and facilitate technology transfer (A & H, 2026).

Partnership Facilitation : The law encourages partnerships with Algerian entities across the mining value chain.

These provisions align with Algeria's broader industrial policy objectives of reducing import dependency, developing domestic technological capabilities, and creating local employment.

**2.9 Penalties and Enforcement**

Mining Law (Official Gazette No. 52 , 2025) establishes a comprehensive sanctions regime to deter non-compliance :

Criminal Penalties :

- Unauthorized exploitation: 1-3 years imprisonment and fines up to 3 million Algerian dinars.

- Unauthorized exploration: 2 months to 2 years imprisonment

- Unauthorized collection or sale of minerals, meteorites, or fossils: 6 months to 1 year imprisonment

- Abandonment of mining sites: up to 2 years imprisonment

- Non-compliance with safety measures in dangerous situations: 6 months to 2 years imprisonment

Administrative Enforcement : The mining police possess authority to order emergency measures and inspect sites without prior notice.

This enforcement architecture signals a departure from previous weak compliance mechanisms, establishing credible deterrence against environmentally damaging or unsafe practices.

**3. Balancing Investment Attraction with Resource Sovereignty**

The New Mining Law's central policy challenge lies in reconciling two potentially contradictory objectives: attracting foreign investment and technology while preserving national sovereignty over mineral resources (Official Gazette N° 50, 2022). The law employs multiple mechanisms to achieve this balance (Rouchou Djamel, 2024).

**3.1 State Participation Mechanism & Preemption Right**

The mandatory 20% non-dilutable state equity stake in mining exploitation companies serves multiple functions. It ensures state oversight of major mining operations, enables direct capture of resource rents, and provides a mechanism for technology and knowledge transfer through board-level participation. However, the provision that this minimum may be increased through negotiation or competitive bidding introduces flexibility, allowing risk-adjusted equity allocations that reflect exploration-phase contributions (Rouchou Djamel, 2024).

Critically, this 20% requirement applies only to mining exploitation permits and not to exploration permits, which foreign entities may obtain directly without local incorporation or state partnership (Official Gazette No. 52 , 2025). This phase-specific approach acknowledges that exploration and exploitation involve fundamentally different risk profiles and capital requirements.

The state's preemption right over transfers of exploitation permits held by foreign-participated companies provides an additional sovereignty safeguard. This right enables the state to prevent undesirable changes in control while allowing routine transfers to proceed. The exemption for intra-group transactions recognizes legitimate corporate restructuring needs.

### **3.2 Fiscal policies**

Fiscal policies in Algeria during 2025-2026 pose several challenges to mining investments, even post-Law 25-12, primarily through high tax burdens, rigid exchange controls, and inconsistent incentives that offset ownership liberalization. These include a corporate income tax rate up to 26% (plus 30% on mining-specific income), royalties of 3-5% on output, and surface taxes that escalate with permit size, deterring marginal projects amid volatile commodity prices (GIDE, 2025).

Mining firms face combined levies exceeding 50% of profits; no broad exemptions apply despite diversification rhetoric, unlike hydrocarbons' tailored PSC incentives. Profit Repatriation Limits and strict forex rules cap dividend outflows at 50% of prior-year profits, with multi-year approvals needed—exacerbated by 2025 Finance Law's tightened capital controls amid fiscal deficits (Official Gazette No. 84, 2024).

While Law 25-12 offers five 5 year tax exemption for new mines, they require upfront commitments and exclude reinvested capital gains (taxed at 19% reduced rate with penalties) (Ahmed, 2026).

Algeria's 2025 Finance Law (Official Gazette No. 84, 2024) does not introduce mining-specific tax reforms, instead deferring fiscal details like royalties and taxes to future finance laws while maintaining transitional provisions from the prior mining regime (Law 14-05). This leaves mining investors facing unchanged burdens such as surface taxes (based on permit area and tariffs) and mineral-specific royalties (3-5% typically), alongside standard corporate income tax at 26%.

### **3.3 Sovereignty**

Government officials have repeatedly emphasized that "national sovereignty is a red line". Article 102 of the New Mining Law (Official Gazette No. 52 , 2025) governs the relationship between public and private sectors in deposits that have not been subject to state exploration, ensuring that state participation applies prospectively rather than retroactively to existing discoveries.

Despite minning activities at sea, legal framework is based on a geographical duality:

**International Law** : The International Seabed Authority (ISA) regulates "the Area" beyond national jurisdiction, acting on behalf of humanity (International Seabed Authority, 2026).

ISA established under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), is an autonomous organization that regulates parties to UNCLOS conducting mineral-related activities in Area Beyond National Jurisdiction (ABNJ). Since 2001, the ISA has issued 31 exploration contracts for seabed mineral resources to parties to UNCLOS (UNCLOS, 1982).

United States of America, not a member of UNCLOS, on April 24, 2025, as part of a broader national effort to secure reliable supplies for critical minerals, issued Executive Order (E.O.) 14285, "Unleashing America's Offshore Critical Minerals and Resources," making it a policy of the United States to advance U.S. leadership in seabed mineral development, thing that creates controversy regarding the application of international law (Congressional, 2026) (Kraska, 2026).

**National Legislation** : Laws 14-05 and 25-12 recognize the sovereign rights of the State over the exploitation of mineral substances at sea (Travis W. Washburna, 2019). Article 168 of law 25-12 impose safety zones of 500 meters around the facilities and define strict responsibilities for operators, including the complete removal of devices after use (Hollywood, 2025) (Travis W. Washburna, 2019).

#### **4. Implementation Challenges and Critical Assessment**

##### **4.1 The Implementing Regulations Imperative**

The New Mining Law's effectiveness will ultimately depend on the timely adoption of implementing regulations (minning law includes 16 implementing regulations) and their consistent application by ANAM, ASGA, and regional authorities. As of late 2025, these implementing texts remain under development. Critical areas requiring regulatory elaboration include:

- Detailed classification of mineral substances under mines and quarries regimes
- Model specifications (cahiers des charges) for exploration and exploitation permits
- Procedures for exercising inventor's rights and pre-emption rights
- Environmental impact assessment protocols
- Digital cadastre and permit application systems

Historical experience with Algerian regulatory reform suggests that implementation delays pose a significant risk. The 2014 mining law's implementing regulations

were similarly slow to materialize, creating prolonged uncertainty (Official Gazette No. 18 , 2014).

#### **4.2 Institutional Capacity**

The creation of the mining police and expanded mandates for ANAM and ASGA require corresponding increases in institutional capacity, including personnel, technical expertise, and financial resources. The law provides that these agencies derive resources from permit fees and other sources, but transitional funding arrangements may be necessary to ensure effective operation during the initial implementation period.

#### **4.3 Transitional Provisions for Existing Permits**

The New Mining Law provides that mining permits granted under the former regime remain valid until their expiry date but are no longer renewable or extendable. Holders may, within 24 months of the law's publication, opt to convert existing permits into permits under the new regime for the remaining original term. This transitional mechanism balances respect for vested rights with the objective of full migration to the new framework.

The fiscal regime applicable under former permits continues on a transitional basis until replaced by provisions in the annual Finance Law . This creates some uncertainty regarding the applicable tax, royalty, and financial provisions during the transition period (R, (2025, September 22)).

#### **4.4 Remaining Constraints**

Despite significant liberalization, several constraints remain:

**Quarry Sector Restrictions :** The 51% Algerian ownership requirement for quarries may deter foreign investment in this subsector, potentially slowing modernization of construction materials extraction.

**Mortgage Restrictions :** The limitation of mortgages to Algerian financial institutions may constrain financing options, particularly for internationally financed projects .

**State Discretion :** While the law establishes clearer procedures, significant discretion remains with ANAM and ministerial authorities regarding permit approvals, pre-emption rights exercise, and equity stake determinations.

#### **4.5 International Arbitration**

The New Mining Law operates within Algeria's broader investment framework, which under the 2022 Investment Law No. 22-18 (Official Gazette N° 50, 2022) permits recourse to international arbitration in disputes between foreign investors and the Algerian state, provided an international arbitration convention exists. This provision enhances investor confidence by providing neutral dispute resolution mechanisms, though its interaction with specific mining law provisions requires clarification.

#### **Conclusion:**

The New Mining Law No. 25-12 of 2025 represents a decisive shift in Algeria's approach to mining governance. By relaxing regulatory restrictions and

introducing a framework that integrates the technical, financial, and legal prerequisites for sector-wide development, Algeria is positioning itself as a competitive destination for mineral exploration, exploitation, and ultimately industrial processing.

The law's architecture reveals a sophisticated understanding of mining sector dynamics. The distinction between exploration and exploitation phases, with relaxed entry requirements for the former and calibrated state participation in the latter, acknowledges the distinctive risk profiles and business models of junior explorers versus major producers. The codification of inventor's rights addresses a critical market failure in the former regime, enabling value-creating partnerships between risk-bearing explorers and capital-endowed developers. The enhanced transferability and bankability of mining titles facilitates project financing and secondary market transactions.

Environmentally, the law establishes robust governance mechanisms including mandatory rehabilitation plans, the polluter-pays principle, protected area restrictions, and the innovative mining police enforcement corps. These provisions, if effectively implemented, position Algeria to avoid the environmental degradation that has accompanied mining development in many resource-rich jurisdictions.

The law's central achievement is its reconciliation of liberalization with sovereignty—attracting foreign capital and technology while maintaining state oversight through the 20% non-dilutable stake, pre-emption rights, and domestic content requirements. This balanced approach offers a distinctive model for resource-rich developing countries navigating the tensions between investment attraction and resource nationalism.

However, the law's success is not preordained. Effective implementation requires timely adoption of quality implementing regulations, sustained institutional capacity building, consistent administrative practice, and credible enforcement of environmental and safety standards. The coming years will determine whether Algeria's ambitious regulatory reform translates into tangible outcomes: increased exploration activity, new discoveries, expanded production, job creation, technology transfer, and sustainable resource development.

What is clear is that Algeria has enacted a legally sophisticated, economically informed, and environmentally conscious mining framework that merits close attention from investors, policymakers, and scholars concerned with the governance of mineral resources in developing economies. The Algerian experiment—balancing openness with sovereignty, risk-taking with rent-capture, development with sustainability—offers valuable lessons for the ongoing global conversation about the future of mining governance.

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