



Enhancing the Oversight Role of the National Office of Agricultural Land in Light of Recent Legal Developments

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Abstract

Recognizing agricultural land as essential to food security and sustainable development, the Algerian legislature has introduced legal mechanisms to protect it from unregulated exploitation and misappropriation through effective oversight. These include the National Office of Agricultural Land, a state body acting on its behalf. Under Law No. 08-16 of 3 August 2008 on Agricultural Orientation, the Office is vested with broad powers to implement the national agricultural land policy. This law and its implementing regulations reflect the State's commitment to enhancing the Office's oversight role, while the 2020 Constitution further strengthens the protection afforded to agricultural land.

The Office's powers include reviewing, via the digital platform and pursuant to the 2021 amendment, applications for concessions over agricultural land within the State's private domain; monitoring compliance with land-use conditions; exercising the right of pre-emption when concession-holding agricultural investors transfer their rights, pursuant to the 2025 ministerial circular; and periodically inspecting agricultural holdings to assess investment activity.

Keywords: agricultural land; oversight; concession; Office; digitisation.

Introduction

The protection of agricultural land is constitutionally enshrined. Article 21 of the 2020 Constitution¹ provides that the State shall ensure its protection. Legislative safeguards, however, have existed since independence, reflecting the importance of agricultural land to economic and social development.

Among the principal laws currently governing agricultural land is Law No. 90-25 of 18 November 1990 on Land Orientation. Pursuant to this law, Executive Decree No. 96-87 of 24 February 1996² established the National Office of Agricultural Land as a public body under the

¹ Presidential Decree No. 20-442 of 30 December 2020 promulgating the constitutional amendment, Official Gazette, No. 82, 30 December 2020, as amended and supplemented by Law No. 26-04 of 26 March 2026, Official Gazette, No. 22, 26 March 2026.

² Executive Decree No. 96-87 of 24 February 1996 establishing the National Agricultural Land Office, Official Gazette, No. 15, 28 February 1996.



supervision of the Minister of Agriculture, Rural Development and Fisheries. The Office was tasked with implementing agricultural land policy. However, its limited powers resulted in the unregulated exploitation of agricultural land and its conversion to non-agricultural uses.

Law No. 08-16 of 3 August 2008 on Agricultural Orientation subsequently broadened the Office's powers and prompted amendments³ to Executive Decree No. 96-87. These reforms strengthened its oversight role through the digitization of the sector, thereby promoting the optimal use of agricultural land and preventing its conversion to non-agricultural purposes.

Against this background, the following research question is addressed:

To what extent has the Algerian legislature succeeded in protecting agricultural land by strengthening the oversight role of the National Office of Agricultural Land?

To answer this question, the study adopts a descriptive and analytical approach by examining, analysing and discussing the legal texts governing the subject under investigation.

The paper is divided into two main sections: the first examines the Office's ex ante oversight, while the second addresses its ex-post oversight of agricultural holdings.

Section One: Ex Ante Oversight Exercised by the National Office of Agricultural Land

The amendment to Executive Decree No. 96-87 broadened the powers of the National Office of Agricultural Land to strengthen its oversight role. This section examines two aspects of its ex-ante oversight: the review of concession applications and the lease of waqf land designated for agricultural use.

Subsection One: Review of Concession Applications

Concessions over agricultural land forming part of the State's private domain are granted under three allocation and use schemes.

First: Concessions for the Use of Agricultural Land Forming Part of the State's Private Domain

As part of a new vision aimed at modernising agricultural holdings and achieving food security, the Algerian legislature adopted an agricultural and rural renewal policy based on a new model for exploiting agricultural land belonging to the State's private domain.⁴ In 2010, the perpetual right of enjoyment was replaced by the right of concession. Holders of perpetual rights of enjoyment were required to convert them into concession contracts, a process entrusted to the National Office of Agricultural Land⁵.

Article 4 of Law No. 10-03 of 15 August 2010, which establishes the conditions and procedures governing the use of agricultural land forming part of the State's private domain⁶,

³ Executive Decree No. 21-59 of 4 February 2021, Official Gazette, No. 10, 10 February 2021. amending and supplementing Executive Decree No. 96-87.

⁴ Bouafia, Reda, "Procedures for Granting Concessions at the National Agricultural Land Office," Journal of the History of Science, vol. 4, no. 8, 2017, p. 294.

⁵ Kaci, Nadjat, "Powers of the National Agricultural Land Office to Intervene in Certain Legal Transactions Concerning Agricultural Land," Journal of Legal Studies, vol. 7, no. 1, 2021, p. 132.

⁶ Law No. 10-03 of 15 August 2010 laying down the conditions and procedures governing the exploitation of agricultural land belonging to the State's private domain, Official Gazette, No. 46, 18 August 2010.



defines a concession as a contract whereby the State grants a natural person of Algerian nationality the right to use such land and the attached surface assets. The concession is governed by specifications prescribed by regulation, granted for a renewable term not exceeding forty (40) years and subject to an annual fee ⁷.

Article 2 of Executive Decree No. 10-326 of 23 December 2010, which lays down the procedures for implementing the right of concession to exploit agricultural land belonging to the State's private domain,⁸ provides, pursuant to Article 9⁹ of Law No. 10-03 of 15 August 2010, that every member of a collective or individual agricultural holding must individually submit to the National Agricultural Land Office an application file for converting the perpetual right of enjoyment into a right of concession. The legislature thus empowered the Office to examine conversion files, giving it ex ante oversight over the granting of concession contracts and preventing persons with no connection to the cultivation of the land from gaining access to agricultural land.¹⁰ Under Article 6, where the examination of a file requires additional information or verification of the documents or facts declared, the National Agricultural Land Office refers the file for examination to a provincial committee chaired by the Wali.¹¹

Under Article 5 of Executive Decree No. 10-326, once the application has been reviewed, the Office completes the formalities for signing the specifications referred to in Article 4 of Law No. 10-03. It then forwards the application to the State Property Administration for the preparation of a concession deed in the name of each investor.¹² Once the State Property Administration returns the deed to the Office, the latter notifies the concession holder following completion of the registration formalities, as provided for in Article 15 of the same Decree.

⁷ Mahieddine aouatif , guarantees of optimal exploitation of state farms in light of law 10-03 , comparative legal studies journal, volume 6, no 2,2020, p 798 .

⁸ Executive Decree No. 10-326 of 23 December 2010 laying down the procedures for implementing the right of concession to exploit agricultural land belonging to the State's private domain, Official Gazette, No. 79, 29 December 2010.

⁹ Article 9 of Law No. 10-03 provides: "Members of the agricultural holdings referred to in Article 5 shall, from the date of publication of this Law in the Official Gazette, submit their applications for the conversion of the perpetual right of enjoyment into a right of concession to the National Agricultural Land Office...."

¹⁰ Ben Rekia, Ben Youcef, "Procedures for Exploiting Agricultural Land Belonging to the State's Private Domain under Law No. 10-03," Journal of Law and Political Science, Abbas Laghrour University, Khenchela, no. 6, June 2016, p. 38.

¹¹ Under Article 7 of Executive Decree No. 10-326, the committee referred to in Article 6 comprises the Director of State Property, the Director of the Land Registry, the Director of Agricultural Services, the Director of the Cadaster, the Director of Urban Planning and Construction, the Director of Regulation and General Affairs, and a representative of the territorially competent National Gendarmerie Group. The committee may also call upon any person capable of assisting its deliberations in examining the files submitted to it.

¹² Aboudil Ryma , the concession technique as s system for exploiting agricultural lands under law no 10-03 , Algerian journal of legal and political sciences,volum 56, no 2, 2019, P 44 .



As part of these efforts, the Office allocated 190,000 hectares of agricultural land under concession and processed 34,000 applications.¹³

Concessions over available agricultural land and surface assets are governed by Article 25 of Executive Decree No. 10-326, which implements Article 16¹⁴ of Law No. 10-03. Under this framework, the State Property Administration grants concessions following a call for applications issued by the Office.

An Order of 11 November 2012 laid down the procedures for calls for applications and the criteria for selecting applicants for concessions over available agricultural land and surface assets belonging to the State's private domain. It was amended by the Order of 11 November 2015 and further amended and supplemented by the Order of 6 May 2025.¹⁵ Article 3 provides that the National Agricultural Land Office shall launch calls for applications through the Office's digital platform dedicated to this purpose, which shall contain all information relating to the available agricultural land and surface assets belonging to the State's private domain. Applicants submit their application files electronically to the Office in return for an electronic filing receipt.

Applications are examined by an ad hoc committee chaired by the wali and including the Office's director for the wilaya¹⁶. The committee records its proceedings in minutes and notifies applicants of its decisions electronically through the platform. Rejection decisions must state the reasons on which they are based. An unsuccessful applicant may lodge an electronic appeal with the committee through the platform within five working days of notification, accompanied by new supporting documents.

Where an application is accepted, the committee forwards the final list of approved applications to the Office's Directorate-General and submits it to the territorially competent wali. The Office's director then signs the specifications with the successful applicant and forwards them to the Director of State Property for preparation of the concession deed according to Articles 7 and 8 of the Order of 11 November 2012.

¹³ Statement by the Director-General of the National Agricultural Land Office dated 11 November 2025, published on the website of the Algerian Public Television Establishment, <http://www.entv.dz>, accessed 24 February 2026 at 14:00.

¹⁴ Article 16 of Law No. 10-03 provides: "No person may acquire more than one concession right throughout the national territory. However, a single person may acquire several concession rights in order to form a contiguous agricultural holding, subject to the maximum areas laid down by regulation and following authorization from the National Agricultural Land Office."

¹⁵ Order of 6 May 2025 amending and supplementing the Order of 11 November 2012, Official Gazette, No. 28, 7 May 2025.

¹⁶ Before the amendment of the Order of 11 November 2012, Article 5 provided: "Applications for concessions shall be examined by an ad hoc committee chaired by the provincial director of the National Agricultural Land Office...."



Second: Concessions for Reclaiming Agricultural Land in the State's Private Domain

Land reclamation encompasses any operation aimed at bringing agricultural property into production and enhancing its productive potential. It may support annual or multiannual production intended for human or animal consumption or industrial use, either directly or after processing. Such operations may include water and energy mobilization, land development and equipping, irrigation, drainage, planting and soil conservation¹⁷.

Executive Decree No. 21-432 of 4 November 2021 establishes the conditions and procedures for granting land forming part of the State's private domain for reclamation under concession¹⁸. As amended and supplemented by Executive Decree No. 24-55 of 23 January 2024¹⁹, Article 9 provides that land intended for reclamation shall be granted by concession, accompanied by specifications signed by the beneficiary and endorsed by the National Office of Agricultural Land²⁰.

To ensure transparency²¹ in agricultural investment through land reclamation, Article 13 requires the Office to issue electronic calls for applications. Project sponsors must submit their concession applications electronically and receive an acknowledgement of receipt. The applications are then examined by the Technical Committee for the Promotion of Agricultural Investment, established within the Office's wilaya-level structures. The concession takes the form of a deed prepared by the territorially competent State Property services and delivered to the beneficiary by the Office according to Articles 14, 15 and 21 of Executive Decree No. 21-432, as amended and supplemented.

In 2025, 43,335 hectares of agricultural land were allocated for reclamation under concession across six wilayas through the Office's digital platform, benefiting 229 recipients. A further 120,961 hectares were scheduled for allocation in 2026 and will be offered through the same platform for reclamation under concession. This initiative forms part of the public authorities' efforts to expand cultivated areas and prioritise strategic crops to achieve national self-sufficiency and food security²².

¹⁷ Allaoui, Lakhdar, and Bouchenafa, Djamel, "Exploitation of Agricultural Land through Concession Pursuant

¹⁸ Executive Decree No. 21-432 of 4 November 2021 laying down the conditions and procedures for granting concessions over land belonging to the State's private domain for reclamation, Official Gazette, No. 85, 7 November 2021.

¹⁹ Executive Decree No. 24-55 of 23 January 2024 amending and supplementing Executive Decree No. 21-432, Official Gazette, No. 4, 23 January 2024.

²⁰ Rouabhia mohammed, The prospects for achieving food security in algeria through the reclamation of state-owned lands under the concession system in the south, Journal of studies in economics and management volume 8, no 1, 2025, P 356.

²¹ Dahha, Ahmed, and Keliouat, Said, "Granting Agricultural Land for Reclamation under the Concession Scheme Pursuant to Executive Decree No. 21-432," Journal of Legal Studies and Research, vol. 8, no. 2, 2023, p. 321.

²² Statement by the Director-General of the National Agricultural Land Office dated 23 February 2026, published on the website of El Massa newspaper, <http://www.el-massa.com>, accessed 24 February 2026 at 15:00.



Third: Concessions over State Private-Domain Agricultural Land Allocated or Attached to Public Entities

The exploitation of agricultural land forming part of the State's private domain and attached to public establishments of an industrial and commercial nature or public economic enterprises is governed by Executive Decree No. 11-06 of 10 January 2011, which establishes the procedures for exploiting land allocated to or attached to public bodies and institutions. Under Article 6, these entities must submit their concession applications to the National Office of Agricultural Land, which reviews them pursuant to Article 7 of the same Decree.

Subsection Two: Lease of Waqf Land Designated for Agricultural Use

Under Executive Decree No. 14-70 of 10 February 2014, which lays down the conditions and procedures for leasing waqf land designated for agricultural use,²³ the Office, in coordination with the authority responsible for waqf property, examines applications to convert a perpetual right of enjoyment or a concession right into a lease. These applications are submitted by members of collective or individual agricultural holdings who hold perpetual rights of enjoyment under an authenticated deed or a decision issued by the wali, as well as by holders of concession rights granted ²⁴under Law No. 10-03 of 15 August 2010.

On the basis of the specifications governing the lease of agricultural waqf land recovered from the State, duly signed by the lessee, and the lease registered with the Land Registry, the Office enters the holding in the agricultural holdings register under the designation "agricultural waqf land." According to Articles 29, 31 and 32 of Executive Decree No. 14-70²⁵.

The model specifications applicable to the lease of such land by public auction provide that auctions may be conducted through oral bidding or the opening of sealed bids on the date specified in posted notices and newspaper advertisements. The auction is administered by a committee constituted as an auction board, whose members include the director of the Office's wilaya branch or a representative according to Article 3(c) of the model specifications laying down the terms and conditions applicable to the lease by public auction of waqf land designated for agricultural use, annexed to Executive Decree No. 14-70. The Office's participation in this process strengthens its oversight role.

Section Two: Ex Post Oversight by the National Office of Agricultural Land

This section examines two forms of ex post oversight exercised by the Office: the right of pre-emption and the periodic inspection of agricultural holdings.

²³ Executive Decree No. 14-70 of 10 February 2014 laying down the conditions and procedures for leasing waqf land designated for agricultural use, Official Gazette, No. 9, 20 February 2014.

²⁴ Serrati layachi, The legal system of the deed of rental of land of wakf intended for agriculture in Algerian legislation, Journal of legal and political researches, volume 3, no 2, 2021, P 257.

²⁵ Hrache mohamed, Rental of agricultural wakfs lands restored by the state, comparative legal studies, vol. 6, no 01, 2020, P 615



Subsection One: Oversight through the Exercise of the Right of Pre-emption

Where an investor assigns a concession right governed by Law No. 10-03, as operationalized by Ministerial Circular No. 2 of 1 June 2025²⁶, the Office must be notified and may exercise its right of pre-emption pursuant to Article 17 of Executive Decree No. 10-326.

Where the concession right is held in undivided ownership, the Office serves notice, against an acknowledgement of receipt, on the other members of the agricultural holding, enabling them to exercise their right of pre-emption²⁷ under Article 15²⁸ of Law No. 10-03.

They must notify the Office of their decision within thirty (30) days. If they elect to acquire the concession right offered for sale, the Office informs the transferor so that the transfer formalities may commence.²⁹

If they decline or fail to respond within the prescribed period, the Office may exercise its right of pre-emption, with the transfer formalized in accordance with the applicable legislation. If neither the Office nor the other members exercise this right, the Office may, subject to the wali's approval, authorize the concession holder to proceed with the transfer in accordance with Law No. 10-03³⁰.

Pursuant to Articles 18 to 24 of Executive Decree No. 10-326, Concession rights acquired by the Office through pre-emption are subsequently awarded by auction, with the price determined according to the nature of the land and surface assets concerned. However, with the authorization of the Minister responsible for agriculture, the Office may allocate assets acquired through pre-emption to the agricultural holding consolidation policy. In such cases, the concession rights are transferred at the acquisition price plus twenty per cent (20%)³¹.

Subsection Two: Digital Monitoring of Agricultural Holding Activities

Pursuant to Article 27 of Executive Decree No. 10-326, read in conjunction with Article 4 of the specifications governing concessions over agricultural land in the State's private

²⁶ Joint Ministerial Circular No. 02 of 1 June 2025 concerning the regularisation of agricultural land belonging to the State's private domain under the various allocation and exploitation schemes, published on the website of the National Agricultural Land Office, <https://www.onta.dz>, accessed 24 February 2026 at 15:30.

²⁷ Abbad awatif, exercise of the Right of Preemption by the National Agricultural Land Office jurisprudence review, volume 10, n 1, 2018, p 331.

²⁸ Article 15 of Law No. 10-03 provides: "Where a concession right is assigned, the other concession-holding investors in the same agricultural holding or, where appropriate, the National Agricultural Land Office may exercise the right of pre-emption in accordance with the legislation in force."

²⁹ Khoukha touati, On the limits of the independence of the national office of agricultural lands, world politics, vol 10, n 1, 2026, P 221.

³⁰ Okbi yamina, Administrative control as a mechanism for protecting agricultural real estate, Journal of legal and economic studies, volume 5, no 3, 2023, P 326.

³¹ Bouzar fahima, Exercising the right of pre-emption after waiving the right of agricultural concession, Journal of legal studies, volume 8, no 1, 2022, P 447.



domain, the National Office of Agricultural Land may inspect any agricultural holding at any time to ascertain whether its activities ³²comply with Law No. 10-03.

To facilitate remote monitoring under the land-reclamation concession framework, the Office has introduced a digital application covering land use, non-use, unauthorized construction and other relevant conditions. This initiative forms part of the Office's digitization program and aligns with State policy in this field. Its wilaya-level services will also be equipped with tablets through which the application can be used ³³.

During inspections, concession holders must cooperate with inspection officers by facilitating access to the holding and providing all requested information and/or documents. Article 29 further entrusts the Office with administering agricultural land where the conversion of a perpetual right of enjoyment into a concession right is suspended because proceedings concerning the holding remain pending before the courts, until a final judgment is rendered.

Article 3 of the specifications governing concessions over agricultural land in the State's private domain, entitled "Obligations of the Concession-Holding Investor," requires concession holders to inform the Office of any event liable to affect the normal operation of the holding. Article 9 also requires them to submit periodic evidence of payment of concession fees to the treasury of the territorially competent State Property Inspectorate.

Under Article 5 of the specifications appended to the Order of 29 March 2011 ³⁴, which establishes the procedures for granting public bodies concession rights over agricultural land in the State's private domain, the Office may inspect the conditions under which the land and surface assets are exploited at any time and verify compliance with the specifications. The concession-holding public body must cooperate with inspection officers, facilitate their access to the holding and provide all requested information and documents.

Where a concession holder breaches its obligations, Article 6 requires the Office to serve formal notice requiring compliance with the specifications. If the breach is not remedied within the prescribed period, a second notice is issued. Should non-compliance persist beyond the second deadline, the Office requests the State Property Administration to terminate the concession contract administratively. Under Article 7, if the concession-holding legal entity ceases to exist for any reason, the assets covered by the concession revert to the State. If those assets are sold, the Office exercises its right of pre-emption in accordance with the applicable legislation and regulations.

Article 3 of Executive Decree No. 97-484 of 15 December 1997, which establishes the composition of the special body and the procedures for determining the non-use of agricultural

³² Belamouri nadia , Control of concession contracts as a means of using agricultural land, voice of the law review, volume 10 , no 2 , 2024, P 196 .

³³ Published on the website of the National Agricultural Land Office, <http://www.onta.dz>, on 11 August 2025; accessed 27 February 2026 at 12:00.

³⁴ Order of 29 March 2011 approving the specifications governing the granting of concession rights over agricultural land belonging to the State's private domain to public bodies, Official Gazette, No. 34, 19 June 2011.



land, as amended and supplemented by Executive Decree No. 12-83 of 20 February 2012, establishes a committee in each wilaya to determine whether agricultural land remains unused. Executive Decree No. 12-83 added the Office's wilaya director to the committee's membership. Under Article 5 of Executive Decree No. 97-484, as amended and supplemented, the committee determines non-use on the basis of investigations conducted by the Office.³⁵

By 2025, more than 85,000 hectares of unused agricultural land had been recovered and earmarked for redistribution under concession. These recoveries followed field inspections by the wilaya committees responsible for monitoring the implementation of agricultural projects and resulted in the termination of 1,531 agricultural concession contracts³⁶. A further 2,846 plots covering 62,624 hectares were recovered under the land-reclamation scheme because the beneficiaries had failed to implement their projects³⁷.

Article 32 of Executive Decree No. 14-70 authorizes the Office to inspect waqf agricultural holdings at any time. Lessees must not obstruct inspections conducted by Office officials and must facilitate their work³⁸.

Under Article 2 of the specifications governing the lease of recovered agricultural waqf land formerly held by the State, no development and/or construction, even where necessary to improve land use, may be undertaken without the Office's prior authorization. Termination of the lease requires at least one year's prior notice to the Office. Lessees must also notify it of any event liable to affect the normal operation of the holding .

Article 4 of the same specifications further authorizes the Office to inspect agricultural holdings at any time to verify compliance with the applicable regulations and the terms of the specifications. Lessees must cooperate with inspection officers, facilitate their access to the holding and provide all requested information and documents.

Conclusion

Despite the extensive legislative framework established to protect agricultural land, particularly through the creation of the National Office of Agricultural Land and the broad powers conferred upon it, the sector remains in transition towards modernization and digitization. The Office's ex ante oversight role has been strengthened in relation to concession applications, applications to convert perpetual rights of enjoyment or concession rights into leases for agricultural waqf land, and public auctions in which it participates as a member of the bid-opening committee.

³⁵ Belagoune mohamed salah, Evaluation of the effectiveness of the control the exploitation of private agricultural lands, annals of the university of algiers, vol. 37 , no.02, 2023, P 167.

³⁶ Statement by the Director-General of the National Agricultural Land Office dated 13 January 2025, published on the website of the Algerian Public Television Establishment, <http://www.entv.dz>, accessed 24 February 2026 at 14:00.

³⁷ Statement by the Director-General of the National Agricultural Land Office dated 23 February 2026, published on the website of El Massa newspaper, <http://www.el-massa.com>, accessed 24 February 2026 at 15:00.

³⁸ Chirouf nouha, The contract for the leasing of agricultural endowment land between the requirements of the text and the need for activation for investment, Journal of legal studies and researches , vol.10, no 1, 2025, P 377



Its ex-post oversight nevertheless remains discretionary, as most specifications permit rather than require periodic inspections of agricultural holdings. Moreover, insufficient human and material resources impede comprehensive field monitoring, thereby weakening the protection afforded to agricultural land. This is inconsistent with Article 5 of Executive Decree No. 96-87, as amended and supplemented, which establishes oversight as a mandatory duty.

Findings

The study yielded the following findings:

1. A digital platform has been launched for submitting and monitoring applications for concession contracts.
2. Agricultural land tenure has been regularised through the issuance of new concession contracts to farmers.
3. Thousands of pending files have been settled under the national land-tenure regularisation program.
4. Agricultural land-reclamation programmes have been expanded.
5. Oversight and monitoring of agricultural holdings remain weak and difficult.
6. Arable land is limited.
7. The Office's powers overlap with those of other bodies, including the State Property Administration and the province.

Recommendations

1. Broaden the Office's powers to prevent changes to the designated use of agricultural land for public-project development.
2. Bring unused agricultural land into productive use through a comprehensive inventory.
3. Enhance transparency and monitoring by publishing periodic data on land allocation.
4. Integrate modern technology and artificial intelligence into land management.
5. Expedite the recovery of land from inactive investors and its reallocation.
6. Strengthen field oversight.
7. Undertake comprehensive agricultural-sector reform and address natural and economic challenges.

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