

The Environment Place in Moroccan Urban Planning

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SUMMARY

Economic and demographic growth has generated more and more increasing urbanization accompanied by a deterioration of the natural environment. Having access to a healthy environment has become a constitutional right. The State, public institutions and territorial collectivities must work for the achievement of this objective. Thus, it is imperative for these actors to integrate environmental aspect in urban and rural urban planning as a pillar of sustainable development policies, which launches a good planning environmental approach leading to a balance between built and non-built spaces.

For this purpose, urbanism plans are technical and legal instruments whose purpose is not only to predict or determine the harmonious configuration of cities but also to promote the environment and prevent it against the risk of deterioration or irrational use. In this study, we will enlighten readers on the contribution of the Moroccan legal texts in the prevention and development of the environment as a field of ecological diversity through urban planning tools, identify imbalances and dysfunctions related to the inadequacy of the reference texts and practices and suggest solutions that can support global sustainable development in the economic and social fields taking into account the concern of the preservation and balance of natural environment.

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1. INTRODUCTION

The environment today is one of the main concerns of the world because it is the subject of growing problems, heavy costs¹ and dangers which threaten human life. It is all natural and artificial elements in which human life takes place. With current environmental issues, the term environment has taken an increasingly worldwide dimension. Moreover, it is the interest of the environment and man's future that was behind the organization of the first World Conference on the Environment in Stockholm in 1972.

Legally, the Moroccan legislator has defined the environment as the set of natural and human settlements as well as economic, social and cultural factors favoring the existence and development of living organisms and human activities². However, this definition is incomplete because it leaves out the elements of dynamism and balance characterizing the environment considered as an ecosystem based on the interactions between organisms and their milieu.

Indeed, the environmental protection awareness came up in the late 19th century, nevertheless, this interest has concerned the environmental problems partially according to sectorial approaches in the absence of an overall vision of the subject³. In this context, Morocco has adopted several legal texts on the subject since the beginning of the 20th century that regulate polluting and noxious industrial or productive activities⁴, protect natural forest resources⁵, create the administrative police who control maritime public domain⁶ and those organizing hunting operations and preserving some animal species⁷.

It is only recently that this awareness has grown sufficiently since the preservation of the environment has become one of the three pillars of sustainable development and has been designated as one of the eight Millennium development goals. This can be seen in Morocco by the recent constitutionalization of the right of all citizens to a healthy environment and of the economic, social and environmental Council. Now the Government program must identify

¹ According to the report on the environment situation in Morocco in 2001, the cost of environmental degradation reached 20Mdh per year, representing 8.2% of gross domestic product; Source: Ministry of Territory Development, Environment, urbanism and Housing, Department of the environment, "report on the State of the environment ", October 2001.

² See article 03 of the Law No. 11-03 on the protection and enhancement of the environment.

³ Romi (R), law and administration of the environment, p.49.

⁴ Dahir(Royal Decree) of August 25th, 1914 about unhealthy, inconvenient or dangerous establishments.

⁵ Dahir of October 10th, 1917 on the conservation and exploitation of forests.

⁶ Dahir of March 31th, 1919 on code of maritime commerce.

⁷ Dahir of July 21th, 1923 on the hunt police.

the guidelines of the action that the Government proposes to undertake in the various sectors of national activity and particularly in the fields concerning, inter alia, environmental policy⁸.

Like the developed countries, Morocco has entrusted environmental management to territorial collectivities which became responsible for this matter. Beyond national dimensions of the environment, it is a local matter by excellence under the responsibility of municipalities, provinces and regions that should lend it special attention to combine with the supervisory authority efforts represented by the Ministry of the Interior.

Despite the importance of the city in maintaining the socio-economic balance, it is clear that population growth associated with the rampant urban sprawl have exacerbated the factors of imbalance and regression in its various cultural, political and socio-economic aspects. For this reason, the persons responsible for the management of urban spaces are called to work for the rationalization of urban development of the city and land use. The desired development cannot be achieved without effective urban planning.

Currently, with the adoption of the new constitution in 2011, Having access to a healthy environment became a constitutional right. The State, public institutions and territorial collectivities must work for the achievement of this objective. Thus, it is imperative for these actors to integrate environmental aspect in urban and rural spatial planning as a pillar of sustainable development policies, which can launch a good planning environmental approach leading to a balance between built and non-built spaces.

Urban planning is a tool that includes and reflects the goals of the society in respect of planning and urban development; it helps to guide the dynamic expansion of human settlements⁹ and organize them in a coherent way in order to ensure a healthy and decent life to human settlements. This concept covers all studies, approaches, even legal and financial procedures to enable public authorities to know the evaluation of urban environments, define management assumptions regarding both the extent, nature and location of urban development and areas to be protected, in order to intervene in the implementation of the selected options.

Regulatory and prospective planning documents are considered - according to the classification stipulated in urbanism law No.12/90 - as mechanisms of urban planning and production tool of coherent urban landscape allowing the control of rapid urban growth, directing and coordinating all intervention programs of state, territorial collectivities and public institutions as well as private initiatives, these documents constitute the basis of the studies related to all the projects to be completed.

By reference to the law of the environment, we find that it emphasizes the need to reconcile the requirements of the human settlements creation design and the preservation of the environment. In this context, the legislator urges the administration to take the necessary measures, both during the establishment of plans or during the delivery of projects authorizations and the control of their implementation in order to protect the settlements from the effects of pollution, disasters and over-exploitation¹⁰.

⁸ See article 88 of Moroccan constitution.

⁹ "Settlements: all urban and rural agglomerations, regardless of their type and size, as well as all their available infrastructure to ensure a healthy and decent life to their inhabitants " article 5, law 11/03.

¹⁰ Mekdad (A), Environment law, p. 225.

What is the legal framework for the protection of the environment in Morocco ? what is the environment place in city planning laws? What are the environmental dimension limits in the urban planning?

We will try to answer these questions and others through the following:

- Legal framework for the protection of the environment in Morocco
- Environment place in urbanism laws
- Environmental dimension in urban planning facing the reality constraints

2. MOROCCAN LEGAL FRAMEWORK FOR THE PROTECTION OF THE ENVIRONMENT

The Moroccan legislator has worked to establish ambitious environmental system because of his awareness of the dangers of pollution and the importance of regulating activities that threaten the quality of the environment and its natural components. It's also due to his contribution along with a group of countries in almost all forums and international treaties on the environment. The international conventions are regulating sources for environmental law since they contribute to the establishment of the most important laws and regulations in the field of environmental protection and pollution control at the level of states.

Morocco has emphasized on several occasions, both at the level of the constitution or at the level of legislation and jurisprudence on the supremacy of international treaties and conventions. The preamble of 2011 Constitution provides that:

"To comply with the international conventions duly ratified by it, within the framework of the provisions of the Constitution and of the laws of the Kingdom, within respect for its immutable national identity, and on the publication of these conventions, [their] primacy over the internal law of the country, and to harmonize in consequence the pertinent provisions of national legislation."

The article 55 of the Constitution provides the need for constitutional revision in the case of the ratification of the treaties that are incompatible with its requirements¹¹. The legislator has worked to establish an important legal arsenal¹² composed of Dahirs(Royal Decrees), decrees and decisions, as well as circular letters regarding the protection of nature, health and citizens' safety.

In this study, we will not discuss the institutional framework established by the Moroccan State through several institutions and departments of protection and promotion of the environment. Instead, we will focus on the national legal framework. Indeed the latter

¹¹ The article 55 of constitution provides that « ...If the Constitutional Court, seized by the King or the Head of Government or the President of the Chamber of Representatives or the President of the Chamber of Councilors or one-sixth of the members of the first Chamber or one-quarter of the members of the second Chamber, declares that an international commitment contains a provision contrary to the Constitution, its ratification may only intervene after the revision of the Constitution.. »

¹² Today, there are more than 300 texts covering most of the matters of the environment, see the article on the environment written by Chafia Hajji in REMALD, n ° 93, p.47.

knows an indisputable renewal because it is strengthened by a number of new texts covering new matters: water, air, waste and environmental impact assessment.

We will look now at some of the new basic laws of the year 2003 structuring the environment protection:

2.1 Law No. 11-03 on the protection and enhancement of the environment

Law No. 11-03 on the protection and enhancement of the environment is to lay down the basic rules and general principles of national policy in the field of protection and enhancement of environment. These rules aim to protect the environment and improve the quality of population life.

The general principles of the law consist of :

- Consideration of the protection and enhancement of the environment in any policy of socio -economic development,
- The declaration that environmental protection is in public interest and is a collective responsibility,
- Establishing a balance between the requirements of socio -economic development and those of environmental protection,
- The implementation of the polluter pays principle.

Law No. 11-03 introduces new obligations till now unknown by Moroccan law. Thus, in terms of urban managing, for example, the building permit and subdivision permission must take into account the impact on the environment. They must be refused or subject to special requirements if the buildings and subdivisions are likely to endanger the environment, safety, well -being and health of people or be a risk to the neighborhood and monuments (see article 6).

If it is a classified installation (governed by the Dahir of 25 August 1914 relating to the classified establishments), a building permit must be accompanied by an authorization, a statement or an environmental impact assessment under penalty of inadmissibility (see Article 10). Also, all new installations must include in the specifications norms and standards in force at the request of the building permit. (See Article 12)

This law considers the planning and management of human settlements falls within the scope of plans and land use and planning documents to ensure a smooth organization of the land in accordance with the conditions of existence and well-being of their inhabitants. It strengthens the relationship between urban planning and the requirements of environmental protection. Hence, it is imperative that the planning documents reflect the requirements of environmental protection, including respect for natural spaces and cultural and architectural specificities in determining areas of economic activity, housing and entertainment. (article 5)

2.2 Law No. 12-03 on environmental impact assessment

Needs of sustainable development require taking into consideration the effects of investment projects on the environment and human health. In this regard, the impact assessment (EIA) is a tool of primary importance. It allows taking preventive measures that

can ensure the integration of environmental concerns into the process of socio-economic development.

EIA was introduced in Morocco by Law No. 11-03 on the protection and enhancement of the environment to assess the environmental impact of any project likely to affect the environment. But it is the Law No. 12-03 on impact studies on the environment that has defined the content and approval process.

Law No. 12-03 aims to precede the completion of some constructions of an assessment of their impact on the environment. Therefore, it seeks to establish a link between environmental protection and the decision process so that the environmental criteria can be taken into account in this process as soon as possible.

However, the fact that the law provides that this EIA is established at the expense of the petitioner and by him raises the question of its value. It would be quite legitimate to think that the petitioner will tend to make a brief description of the environment's state and will not seek to complete the inventory of all the living beings on the site covered by the project. Often the impact analysis is guided by the rationale for the choice selected with a maximization of the positive aspects at the expense of those negatives. If there are alternatives, they are only outlined. Therefore, the EIA such as they are currently governed can only lead to biased conclusions¹³.

2.3 The preservation of air quality: Law No. 13-03 about the fight against air pollution

Law No. 13-03 on the fight against air pollution develops a general framework for the fight against air pollution by introducing measures to regulate harmful activities for air quality. It applies to all emissions of air pollutants regardless of their origin.

It is the administration that should take, in coordination with local authorities, public institutions, non-governmental organizations and various bodies involved, the necessary measures for:

- The control of air pollution,
- The establishment of control networks of air quality,
- The detection of stationary and mobile pollution sources that may affect the humans' health and the environment.

This law establishes a close link between urban planning and environmental protection, this is apparent from the terms of Article 5 of this law which provides that " are taken into consideration during the preparation of documents of planning and Urban Development, the requirements of the protection against air pollution, particularly in determining areas for industrial activities and areas of construction of buildings that may be a source of air pollution"

¹³ Majdoubi (H), about the interest of environmental impact assessment, p.44.

3. THE ENVIRONMENT PLACE IN THE URBAN PLANNING LAW

In the law of operational planning tools¹⁴, the environmental dimension is not absent, there are some timid provisions (3.1), but it is at the level of the documents of urbanism that the environmental dimension is better identified; they are considered as a relevant support tools for environmental concerns because of their respect to the logic of preventive urban planning which allows to predict and anticipate the tomorrow's city in a way that ensures the protection of the environment from all risks and soil from any irrational use. In fact, the legislator urges to protect natural and sensitive environmental areas by the two kinds of urban planning documents regulatory (3.3) and prospective (3.2):

3.1 On the level of operational planning tools

In the process of authorization of subdivision projects or groups of houses, it may be imposed on developers maintaining existing plantation as an easement without any compensation. Similarly, it cannot be allowed only projects that include in their equipment works among others, the development of green spaces. Without forgetting the normative grid of equipment which, although it is a circular, has been a reference identifying green spaces thresholds for these types of projects.

Today, the State's public policy in housing focused on social housing programs obeys to specifications which stipulates clearly that the proponent should plant a number of trees equal to the number of built flats with a minimum height of 3 m and commit to maintain them for a period of one year after the project's provisional acceptance.

Other scattered provisions can be put in the assets of the foregoing rules feeding the environmental concern, but which remain insufficient in view of the overall effort to provide.

3.2 On the level of prospective planning documents:

For the urban master plan, its prospective horizon, which sets it apart from the rest of the documents, makes it one of the means that can contribute to environmental protection and prevent the deterioration of the framework of urban life in a manner that complies with the meaning of sustainable development which, one of its basic pillars is the environmental preservation. But we note that Article 2 of Law No. 12.90 has not mentioned explicitly the environmental component in the spatial organization process when the legislator specifies that the urban master plan applies to a territory whose development must be the subject of a comprehensive study as a result of the interdependence on the economic, commercial and social factors of the different components of this territory. This leads consequently to a negligence of the environmental element which is an essential element of this interdependence.

If environmental concern is present in the substance of article 4 of the law 12.90, which shows the objectives of this document such as :

¹⁴ See especially the law n°25/90 on subdivision, groups of houses and parceling.

- The determination of new areas for urbanization with particularly the preservation of agricultural land and forest areas,
- And the location of agricultural, forestry and industrial areas, the spaces with easements for the protection of water resources, natural, historic, or archaeological sites to protect and/or to enhance and main green spaces to create, protect and/or to enhance, the definition of the principles of sanitation and the main points of discharge of waste, water and places to serve as dumps for garbage,

the embodiment of that in spatial level collides with the absence of an actual will to achieve this and the lack of accurate data about the real environmental situation and plans failure to propose practical solutions to overcome the encountered difficulties. The fact that the environmental study is not attached to studies and research carried out for the preparation of the master plan's draft is one of the shortcomings that affect the spatial planning.

One illustration of this is the master plan of Casablanca, which was approved by the law number 1.84.17 on January 25, 1984, which was unable to provide rational planning of industrial activity and programmed most industrial sites in the suburbs and city marginal areas at the expense of rich agricultural land, in addition to the lack of these sites to spaces and green belts to mitigate potential environmental impacts¹⁵. It also did not succeed in exploring environmental solutions to the problem of urban transport and public dumps. Because of the inability of the master plan to control urban growth and to counteract the expansion of slums and shanty towns, there were an excessive consumption and a waste of a lot of agricultural land¹⁶.

In France, the Decree No. 77.1141 dated October 12, 1977 obliged the departments responsible for the master plan achievement to fulfill a parallel scientific report about environmental impacts¹⁷. The French legislator has strengthened this trend through the definition given by the planning Code of such plans, where the presence of environmental concern seems clear from the need to evaluate the effects of some of the plans and programs on the environment, as stated in the law of March 18, 2004. In this context, the appeal court of Lyon have reversed a master plan based on the lack of inadequate diagnosis of the initial state of the environment and issued its resolution on 13 May 2003 in the case of "Association Lac d'Ammeicy Enricomemet et autres", thus confirming the decision of the State Council on the subject on October 29, 1997¹⁸.

In the same context, Algerian experience secured the integration of environmental considerations in the urban policy tools by a number of laws, this is reflected on the Master Plan for urban planning and development whose approval decree No. 77-91, dated May 28, 1991 provides that the study must contain a preliminary report on the environmental

¹⁵ Kaioua (A), planning documents and industrial environment in Casablanca, p. 9.

¹⁶ In France the agricultural orientation law of July 04, 1980, in its article 73 provides that: 'it must be consulted on the occasion of the preparation of the planning documents, the map of agricultural land on the operations liable to lead to a serious reduction of the agricultural space'

¹⁷ Prieur (M), the environment law, p.77.

¹⁸ See : AJDA, N°11, March 22th, 2004, pp :610-613.

situation¹⁹. With the issuance of the Tunisian Journal of Land Use Planning and Development in 1994 the environmental dimension regain an important place among planning documents.

3.3 On the level of urban planning regulatory documents²⁰ :

Among all the planning documents, the development plan is the most used since its regulatory content is advanced and its well expanded detail is giving a certain place to the environment. This is why we are going to focus on this document.

This plan defines the right of land use in the geographical area it covers. It is an effective way to protect the environment due to its zoning technique based on dividing space according to the determined functions in order to ensure the best distribution of the surface on the various aspects of use and control the movement of urban growth because of the serious resulting threats to the context of the environment.

The Article 19 of Law 12-90 shows the objectives of this document related to the environmental dimension such as the creation of forested area, the limits of public green space, the preservation of neighborhoods, monuments and historical or archeological sites and natural areas, such as public or private green areas to be protected or to highlight their value for aesthetic or historical or cultural purposes with easements obligation for this purpose. But the persisting problem concerning this plan is the absence of a binding framework for the protection of the environment and the priority of the situation diagnosis at the expense of solutions and proposals

As for the French experience, and since the issuance of the decree of 7 July 1977 it has become necessary to provide a report that includes a diagnosis of the situation that explains expected impacts on the space areas from an environmental point of view²¹, where the collectivity can refuse authorization of a classified facility for environmental reasons in order to ensure space consistency and well-organized industrial activities against environmental hazards. This was the view of the State Council in its resolution issued on February 7, 1986 in the case of Colombet. The Administrative Tribunal of Paris has monitored the observance of environmental requirements when modifying the city plan in its judgment dated June 10, 1986 in the case of Chapuzet.

If we note often that the environmental aspects may be included at the level of urban planning, in contrast, the practical side at the level of local management suffers from several obstacles and constraints. What are the most prominent of these constraints?

¹⁹ Mebroukine (A), Urban policy and protection of the environment in Alegria, in urban policy in the Maghreb (under coordination, Abderrahman El Bakrioui), proceedings of the Colloquium organized by the Moroccan association of administrative sciences in Casablanca, p.84.

²⁰ Three types of plans are concerned: the development plan, the rural settlements development plan and zoning plan.

²¹ Prieur (M), planning and environment, AJDA, p.82.

4. ENVIRONMENTAL DIMENSION IN URBAN PLANNING FACING THE REALITY CONSTRAINTS

For methodological considerations, we will divide this point into the socio - economic constraints (4.1) and the legal ones (4.2).

4.1 Socio - economic constraints

The urban extension creates a significant pressure on the environment. The insufficient taking into account of the environmental aspects and the preference for the socio economic aspects and infrastructure because of the heavy deficit that it knows, resulted in the consumption of spaces at the expense of the natural heritage and the congestion at the level of cities.

The inclusion of environmental considerations in the formulation of local development plans has become a necessity not an option. However, the Moroccan environmental lived reality still suffers from the absence of environmental considerations in the development process, which leads Morocco to support costs estimated to more than 20 billion dirhams per year; about 8.2% of GDP, knowing that, measuring the economic development degree has become dependent on the size of the environmental costs implications. The pollution caused by the gas emissions costs to the national economy 1.9% of GDP²². The following table shows that:

	billion DRAM / year	the percentage of gross domestic output
The annual cost of environmental degradation in Morocco	20	8.2
Expenditure on the environment	0.8	0.33
The annual cost of achieving strategy's excellent objectives	4.6	1.9
The strategy annual economic benefits	14.20	5.9

Source: Ministry of territory planning, housing and environment: planning and environmental management of urban projects: a book on good practices - October 2000

Moreover, we find a tremendous shortage of financial means reserved for this purpose by the public authorities while priority is given to the social and economic aspects, as well as to remedy the shortage of public infrastructures in the city development process at the expense of preserving the environment and improving the quality of life framework. Without a voluntary development project, the natural sites become a landfill of waste and a cradle of

²² The Ministry of territory planning, housing and environment: ten years after Rio. Rabat, 2002, p. 85.

substandard housing proliferation, which threaten and endanger ecological balances. Therefore the urban planning can not resolve the environment problems in the absence of incentive mechanisms interesting the environment respect in the process of development and production of wealth²³. Thus it is necessary to accompany the urban planning by a sustainable development project and availability of sectorial studies which allow to estimate the environmental interactions, in addition to the need to remedy the problem of the shortfall in the statistical data related to the size of the risks and damages, where the environmental information is not available enough and lacks often to updating.

We can add, in this regard, the environment fragility known by the Moroccan coast that generate negative economic effects, besides to the non- rational exploitation of this spatial wealth that turned into bad margins and urban scenes.

4.2 Legal constrains

It's clear from the foregoing that there is a failure to pay the environmental dimension necessary attention within the legislative policy, which is marked by the absence of reference texts that explicitly highlights the environmental concerns²⁴ and the insufficiency of the regulatory provisions in force which not constitute a legal framework for enhancement and promotion of environment.

Still dominate in the Moroccan planning law the idea of space consumption, which makes the urban planning policy based not only on a rigid and radical vision, but also on an expansive effort dominated by the principle of total cement with quantitative approach based on the logic of housing instead of urban planning at the expense of environmental considerations²⁵.

This vision has been accentuated by the urbanism derogation. More the planning documents are binding, more the recourse to the derogation is important either, to meet the economic development requirements, or to accompany social or behavioral mutations.

Even if this derogation was established by a simple circular, it has helped to overcome the rigidities of the planning documents; however it has caused a negative impact on the urban landscape:

- The erosion of land supporting green and open spaces by the realization, in their place, of cemented buildings.
- The interference of the habitat and industry areas without real separation;
- The spatial discontinuities and disruption of the normal planning process of some cities;
- The densification of urban fabric with the networks congestion and deficiency in facilities, free spaces...

²³ Ministry in charge of housing and urbanism, consultation document, p. 68.

²⁴ Harsi (A), the environment protection through the urbanism law in the Morocco. REMALD, p: 90.

²⁵ Maliki (A), the scope of the environmental dimension in the urbanism documents in Morocco, proceedings of the conference held in Biskra-Algeria, p:15.

Although the State has intervened by a new circular in 2012 to stop this hemorrhage of the common spaces by prohibiting the derogation on green spaces, the consequences were clearly visible; in Casablanca alone, the urbanism Agency has issued between 2005 and 2009 the equivalent of 534 permissions representing 21% of the total area of this city, which complicated further the environmental issues. One manifestation of this is the decline recorded at the level of the green areas that represent in Casablanca, for example, an average of one square meter per capita, while the international standard is between 10 and 15 square meters per capita. The following table illustrates some city averages:

Green field distribution by some cities

City	green area rate per capita	Source
Casablanca	01 m ²	Summary of strategic development and urban master plan of the big Casablanca: diagnosis and development issues, February 2006.
Tunisia	02 m ²	DREYF (M): urbanization and city planning in Morocco. CNRS 1993
London	10 m ²	CHOUIKI (M) RAHHOU (M): the issue of the environment in the peri-urban Crown of Casablanca, in the development of the urban margins of Casablanca, Euro printing, 2006 p: 264.
Brussels	30 m ²	CHOUIKI (M) RAHHOU (M): the issue of the environment in the peri-urban Crown of Casablanca, in the development of the urban margins of Casablanca, Euro printing, 2006 p: 264.

Accordingly, we propose:

- to develop an enforceable juridical referential fixing the minimum rates of green spaces for any development project;
- to apply, during their validity period, the provisions of the urbanism plans which promote the green spaces through the acquisition by the municipality of lands allocated to this purpose or their realization within the framework of a public-private partnership;
- to except green spaces programmed in the urbanistic documents from the end of public utility declaration limited to ten years in order to keep them valid unless there is an amendment to the urbanistic document as long as the justification for this proposal comes from the fact that the bulk of greenery does not succeed for several considerations and return after that to land owners who dispose of their land and transform green space programmed to bunch Cement²⁶. This is the view of the Tunisian legislator in the second paragraph of Article 20 of the Journal

²⁶ Maliki (A), mentioned reference, p:13.

of Land Use Planning and Development, which stipulates that “A green space having acquired this vocation by the effect of a land use plan, cannot lose it except by decree issued on the proposal of the Minister in charge of urban planning, after opinion of the Minister of the environment and of urban planning”

Furthermore, the coastal area knows a rapid urbanization sometimes anarchic²⁷, which is a dramatic environmental consequence. This urbanization leads to irreversible erosion of the seafront and a privatization of a space belonging to the national heritage.

Exertion of coverage of the coastal urban centers by the urbanism documents has given its fruits and broken with the past anarchy, the coastal landscape is now harmonious, the foredune became unbuildable, this allowed for the new urban centers to create pedestrian walks and sufficient bathing areas.

No one can contest the positive contribution of the authorization requirement to build, for all constructions situated on the coastal strip to a depth of 1 Km, on the coastal landscape. However the absence of a management repository of the coast having legal force and imposing minimum setbacks and the granting of irregular authorizations did not fail to produce scenes tailored by landowners to add to various pollutions due to the unavailability of liquid and solid sanitation systems.

Thus, it is urgent to develop a law of coastline including technical and legal measures for its enhancement and its rational management with natural reserves, reforestation, parks and mild forms of accommodation.

It's time to take legislative and regulatory measures cited by articles 35 and 36 of the aforementioned law n°11/03, for the integrated and sustainable management of the coast that determine mechanisms and means to protect the marine spaces and resources and including the modalities for the preparation of schemes and the coastal plans of development and operating.

For this purpose, foreign experiences are significant; if the Tunisian legislator has created a public institution to protect and develop the coast since 1995 and the Algerian legislator has organized the protection of the coast and highlight its value by creating an urban agency charged with protecting and promoting the coast since 1998, the French legislator prevents construction at a depth of 100 meters from the public maritime domain boundaries if that zone is not covered by urbanistic documents, as collateral to protect the coast, also the local urbanistic plan states the obligation to protect the coast, otherwise it's cancelled by the law force.

The drawing up of legal rules that incorporate environmental considerations is necessary but not sufficient alone to deal with all types of imbalance, so the protection of the environment must take a cultural character in order to one hand, integrate these rules with the everyday actions of managers and citizens and on the other hand, turn environmental preoccupation to a behavior directing all interventions and guiding all practices.

²⁷ Bouznika, a small Moroccan coastal town that has a beach whose foredune is entirely occupied by homes 'feet in water with panoramic ocean views' with little passages to the sea and condemned bathing areas (high tide breaking at the villas' walls foot).

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