

Urban Planning in Morocco Between the Theoretical Basics and Legal Principles

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Abstract

The understanding of an enacted regulation is based on the socio-cultural and legal policy environment. One couldn't distinguish only the legal rules and approaches but also a series of answers in the short term. An analysis dealing with the theoretical fundamentals and legal principles may help in understanding the scope and limits of the legal framework. The state of the law reveals a series of enacted texts based on the principles used to control and manage the urban space. Principles such as regulation, health and safety are part of a particular theoretical framework. The alignments, zoning, and the consigning of the cultural values to the second level are sufficient to confirm the procedural nature of the regulation in Morocco. The urban plans are becoming reference for regulation and normative documents while the conceptual investigation is sometimes lacking. The applied methods in urban planning have generated for more than a century, an identity crisis and an efficiency crisis. This study has the aim to arrange the ideas, principles, and rules that affect the process of urban planning. It intends to build perspectives on urban planning and the right to observe the basic foundations and the legal framework underlying the urban prospective. To reach this goal, the study is dealing with two axes. The first axis is focusing on the definition of the conceptual and regulatory framework for the planning predict. The second axis is highlighting the scopes and limits of the regulations by pursuing a possible renewal in the urban field through the renewal of the principles and the overhaul of the legal instruments governing urban planning.

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1. INTRODUCTION

The conceptual vagueness, deficiency of laws, the large number of players, the tension skills are interrelated to value judgments. Such assertions require heuristic interest when thinking about meanings, logic and principles. Is it clear that the definition of concepts and the interpretation of the scope and limits of regulation are hardly an end in itself? The essence of the exercise is to analyze the underlying factors in the production of space.

1.1 Concepts, corpus and Theoretical Foundations and Bases

To conceive and to design is to create, to construct or produce wholeheartedly. Planning means organization according to a plan and following specific criteria and determined methods. Thus, the design resembles essentially intellectual abilities inducing a set of mental functions seeking sensible and rational knowledge with the intention to produce ideas and framework approaches. Establishing a demarcation between the two concepts: designing and planning amounts to distinguish the field of urban geography of the urban planning. We, then, put into a dichotomy science synthesis, geography, characterized by a desire for knowledge ; and a field, urbanism, which embodies the passage to the act and action. Additionally, forward and deep thinking is the expression of an attitude that makes systemic interpretations of the phenomena. It is a tool for the design of urban space. The key is to perform a comprehensive and a global analysis of the factors that constitute a system composed of perpetual, internal and external interactions.

Urban space cannot be made unless a scientific and an objective analysis takes place. Plus, collective efforts lead to make fair decisions or at least optimal ones. Decision making would be better if it is open to logical ,diverse and competing interests in a climate of co-responsibility. It is crystal clear saying that the design of urban space is a heuristic question, multi-stakeholder, multi-disciplinary, multi-dimensional, and multi-scale. Furthermore, every design choice draws its essence from a theoretical basis that is explicit or implied, and it is consistent with an ideology that underlies its main motivations. The fact that aims at highlighting the features of the ideologies that underlie the analysis of the city shows the desire to reveal the hidden theoretical foundations of the methods of the apprehension of the urban act. Hence, the feedback of everyone towards the value of history, the Man, modernity, development,culture, the city, the society, etc. leads to different responses to the same inquiry. Though the progressive movement had been dominating planning for many decades, it has, recently, started to fade away in its home country since 1970's. However, culturalism begins to flourish.

It is not an impressive point to note that , in Morocco, functionalism, which results in progressivism maintains its hegemonic character from the colonial era. Space is considered as knowingly or mechanically an absolute object and not as a system of interacting elements

with human and cultural depths.

1.2 Scope and limits of the regulations governing urban planning in Morocco

The analysis of the regulatory framework governing urban planning in Morocco is a triple necessity. Firstly, it is necessary to reveal the principles and foundations that underpin the rule of law as a production of the colonial era or as a palliative during the independence period. Secondly, it is high time to set rules and necessary legislative policy. Finally, the planning law is in a situation of crisis or disability midterm given a multitude of projects abandoned or suffering in the politico-legislative machinery texts.

It is undisputed that the legal principles in Morocco are part of the colonial legacy. The rule of law is coercive requiring a major examination. Bills incurred by the government as well as the excessive use of ministerial circulars provide information on a policy of trial and error.

The analysis of more circular notes, written between 2002 and 20013, highlights the predominance of habitat planning. The reasoning is essentially in terms of deficits in housing to absorb, which favors a quantitative figures and speech rate. The size of the planning is relegated to the background. Urbanism is it not subject to habitat? The hierarchy between the planning, forecasting and planning regulatory and operational projects is not consistently evident.

The rule of law obeys theoretical and political orientations. The political choice of security planning and strictly coercive and regulatory corollary is scattered texts. The rule of law obeys theoretical and political orientations. The political choice of security planning and strictly coercive regulatory corollary is scattered texts. Law No. 12-90 on the planning renewed most of the colonial legislation. The development laid plans continue to reflect a prescriptive and normative planning based on a functionalist logic of zoning that continues to generate spatial divisions and consequential social segregation.

The urban space is ultimately a set of standardized components and it is distributed according to the principle of order and technique of geometry. The generalization is hardly scientific, yet reading development discussed plans make emphatically proclaim this fact.

More importantly, the positive law has always recognized the principle of the public inquiry and the process of making the regulatory planning documents. The dilemma is that, in our view, this survey is generally an illusory act. In addition, the examination of the successive laws in Morocco shows that concerted establishment concerns only public law. The current procedure is far from being favorable to codecision. The influence of public bodies in the decision depends largely on local situations and even weights the charisma of people. The absent or weak part in the process of consultation and decision making is undoubtedly the citizen.

The effective concertation is a prerequisite for the management of uncertainty and complexity. The challenge is to overcome the sham consultation and procedural ritual to find the ideal vehicle for collective action even leading to a thoughtful design of urban space.

2. APPRECIATIONS AND PERSPECTIVES

This part focuses on critical assessments of the design space through management plans as it tries to explore avenues of research leading to insights that could provide an alternative to a

situation of crisis or disability.

Law, logical planning, design principles, the formalism of making urban planning, governance and expertise prescribers as service plans are at the heart of the inquiry to be conducted. The aim is to highlight the mechanization of methods of preparing planning documents. This test allows to venture into intellectual speculation that tries to overcome transplant concepts and terms in colonial urban planning and the challenge of emancipation of the method.

2.1 Assessment Based on the Procedure of Establishing Management Plans

The design refers to an analysis, an "agreement" and it is submitted to the challenges of the decision making. It is proposed to undertake assessments of the study, instruction, and approval phases. This permits to put a stop at key moments in the process of establishing management plans. Theoretically, this procedural framework follows a gradual interpretation that includes investigation, inventory, consultancy, and design.

The diagnosis shall establish an inventory and express the needs in terms of economic development, spatial planning, social cohesion, spatial equilibrium, transport and equipment. The economic and socio- spatial dynamics, the interactions between space and society, memorial sites, the centripetal and centrifugal forces that provide information on changes, the complexity of the economic fundamentals are sensitive issues requiring intellectual engagement. The designed documents especially the setting up report, the diagnosis report and development options at the scale 1/2000, show the higher amount of processing information. The first remark that comes out from the analysis of the minutes summarizing the work of the various committees is the lack of involvement in the proposed development part. The observations are sectoral and are rarely on the development strategy or guiding principles of the project. Surely, this step is characterized by certain formalism. The public analysis is an information and consultation of the public system providing a period of one month to provide remarks. The dossier based on the public survey should not be confined to the graphical plan and to the project planning regulation. It is necessary to outreach the concept note that describes the underneath elements that trigger with the development options. The analysis of the public surveys shows that almost all of the requests are reproduction against the rights linked to the private landholders.

In addition, the planning facilitator, which is claimed as exemption incentive for investment is on the bounds of the legality. The regulatory control actions shall be undertaken against the deplaning urbanism. It is ridiculous to give up the integrated thinking to the occurrence and the sustainable to the ephemeral.

The allowance of duties between decentralization service and territorial decentralization is a spine in the national administrative organization. The legal instrument is based on the compromising process even if the democratization process is irretrievable although the current system is fading. Without getting into a political controversy that would be assorted, assume that democracy in Morocco is not a fantasy or an absolute reality. This transition and fragility requires the strengthening of territorial devolution. The Supreme Governor and the Governor should be responsible and accountable for the regularity of the procedure and results of the design. The practices and forms of development planning documents are diverse but often without theoretical and doctrinal depth. By analogy with the ritual, the urban planning has a collective dimension and spatiotemporal reveal of the usual practice. The procedure is

reduced to steps and formalities in respect as ends in themselves.

2.2 The Design of Urban Space : Milestones and Prospects

In the way of endeavoring a vision of a renewal of the design of urban space reveals the ambition of this vision to initiate at least a progress showing the challenge of empowering method and regain control thinking about the concepts, identity and principles to lead to a new pattern in both conceptual and physical aspects.

The concept is not an innocent data, intangible and absolute. It is rather the result of a dynamic process based on the socio -historical development. The exploration of the foreign concepts means a refutation of the personal cognitive faculties. The value of originality and the self identity did not refer to a microtome or a singular sphere delaying communication of knowledge. We expect here on the collective dimension of social life and the cohesive value as defining issue in the production of urban space.

It is difficult to arrange the development of a management plan for a disabled space without a clear identity. If the cultural and civilization reference allows to pool energies and revive the public interest at the expense of individualism, identity is a milestone for projecting urban design, helping to distinguish urban functions over which the economic and social development, the space will be put.

From the primary to the higher education levels, the city, the environment and other topics related to urban and urban development should not remain factual in the educational programs. The perception of a space friendly organized and competitive shall be embedded in the course of the student. The flavor development, awareness and sensitivity to urban childhood would be part of his education.

The planning we try to outline can be presented around five unifying principles, namely :

- The principle of thinking to the smooth interests ;
- The principle of sacred space as a common good and a cohesive pool of life ;
- The principle of democratization of the development process of planning documents ;
- The principle of continual adjustment or readjustment ;
- The principle of the urban approaching.

These principles contain a variety of guiding rules that determine the rational design, balanced and harmonious urban space according to our vision. Existing principles are revisited through an attempt to imagine an effective city, inclusive and competitive knowing that the happy city, faultless, is a myth.

This vision reflects the interest of reviving the values of the compact city in order to integrate into the urban space its warmth and its cultural influence. Our goal is not to exalt the cultureless dedication or waive absolutely to the contemporary city, or build a paradigm.

Moreover, any model that attempts to provide a comprehensive and unequivocal response to urban problems is obviously pointed by an ideological totalitarianism. The aim is to revive the values of consistency and integration across spatial design that may lead social urbanization.

3. CONCLUSION

The excessive functionalism takes primacy over the values of cohesion, coherence and integration. The designing techniques such as zoning, shading, and conceiving geometric forms are rewarded as the spirit of the insight. Thus the design loses its substance and is located in a part of ritual.

Thinking about the prospects of a renewal in urban planning is subjected to an ideology, culture and politics. The foundation of our vision refutes the unique and transplanted method in Morocco. It causes a crisis identity and inevitably a crisis of efficiency.

Far from engaging a mythical totalitarian or speculation, this paper has not advanced unique model. It is clear that the act of thinking and modeling the space that otherwise would be mixed. The scheme we have outlined remains an open and scalable proposal.

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BIOGRAPHICAL NOTES

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