



Gouvernance responsable des régimes fonciers

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Résumés



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The ecological problem as a real problem

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The vast majority of environmental problems derive from human action, by dangerously disrupting the natural activity of the biosphere. However, as ecological problems are piling up also a greater ecological awareness is developing in the world, supported by several Non-Governmental Organizations – NGO. These organizations often lead governments in the creation of funds for the protection of ecosystems and endangered species. In fact, although legal regulations put pressure on governments to adopt greener policies, recent history shows that there is still a long way to go, since the ecological question does not obey merely the legal norms, but mainly to individual and community ethical values.

This work examines the environmental crisis in the perspective of a real and global problem, linked to the concept of Sustainable Development – SD. It aims to instigate a greater sensitivity to environmental issues in the decision-making entities, encouraging them to be more involved in the adoption of more sustainable development models. The study relies on a critical review of the literature. To understand how it reached to a saturation point of the environment on a global scale, it highlights the environmental crisis and the awakening of consciences to the principles of SD, the hegemonic development of capitalism and the environmental ethics, in the context of carrying capacity of the planet.

The environmental ethics and the planet's carrying capacity. At the beginning of the new millennium the indicators show that mankind consumes natural resources 50% more than the Earth can provide. The ecological footprint is twice the 1966 ecological footprint (WWF, 2010), requiring 1.5 planets to satisfy the needs of the current society.

A sustainable community is generally defined as one that is able to meet their needs without reducing the related odds for the next generations. The Earth resistance limits clearly indicate that as the consumption of energy accelerates more quickly decreases the real time available for species. Thus, an organism that consumes their livelihood faster than the environment produces them has no chance to survive (Tiezzi 1988).

Throughout human evolution, it can be found registers of societies whose criteria to satisfaction of needs have their genesis in the carrying capacity of the environment (Fernandes, 2001), connecting to the cosmos and feeling part of it. In these societies, the man is connected by ties of training and information to land, air, water, plants and animals (Branco 1989).

Closely linked to the society development is the concept of 'carrying capacity' expression originally proposed by the ecology, indicating the maximum theoretical density of individuals that the environment can support in the long-term (Odum 1997). This concept is much more complex when related to human societies. In fact, in these societies, the carrying capacity takes on a new dimension to incorporate other ele-

ments such as technology, accumulated knowledge and the relationship between social groups (Odum, 1997). It shows how human societies have skills to acquire and incorporate natural resources from other environments or societies (Odum, 1997).

So, while poor countries cannot meet their needs with their own resources, technological resources and accumulation of knowledge, the rich countries' lifestyle based on high consumption of resources, energy and technology largely exceeded the carrying capacity of their territories. To satisfy their demand, they import energy, goods and services from poor countries, which mean an extension of the carrying capacity promoted by political, economic and even military mechanisms (Odum, 1997).

If, for example, each person wishes to achieve the lifestyle of an American, it would not be possible to accommodate the entire planet's population. Americans represent 4% of world population, but consume 33% of energy and natural resources of the world (Medina, 2010). In the begin of this millennium the developed countries represented less than 25% of the world population, but consuming 75% of all the energy produced, 70% of fuels, 85% of timber and 72% of steel (Kraemer, 2003).

This development model requires high rates of rejection of waste and effluents. Therefore, while developed societies perform as a model for all other societies, it rejects the maintenance of the natural system which systematically is destroyed (Medina, 2010).

There have been several discourses grounded in ethics and solidarity to deal with the ecological crisis. Arruda (1998) appeals to the logics of the 'solidarity socio-economy', of the 'being' and the 'enough', as opposed to the logic of the 'big', of the 'only has value who owns' and the 'unlimited growth'.

Similarly, Fernandes (2001) considers the 'ethics of the necessary', a reflection on what is the quality of life and the individual and social needs and desires, given the physical limits of the Earth, the technological uncertainties and the perspective of reducing inequalities between people.

Acselrad (2006) argues that the 'discourse of efficiency' is the dominant model in liberal economies; the remaining ones correspond to alternative proposals to achieve sustainable development, all having the same common denominator – the reduction.

Main findings

Development is a geographical, vast, dynamic and constantly changing concept. What seems to be transversal to all communities is ensuring an improvement project of life quality. Thus, in every time and place, each social group acquires and adapts the resources according to their beliefs, values, culture, social organization and the dominant economic system.

In the last half of the twentieth century, societies assumed the development as a right, and the governments were responsible for achieving it. However, the economic centred models that were adopted resulted in extreme inequalities between world northern and southern countries. Overall, cultural diversity was despised and adjusted to global hegemonic model, turning people into monocultural societies.

The ecology radically reproves the rationality of mo-

dem society and the prevailing economic ideology, and various thinkers claim that the current capitalist expansion stage will result in further increase in social inequalities, injustices and intense devastation of nature. Even so, the socio-political dynamic continues incompatible with the carrying capacity of the planet, compromising the quality of life of future generations. Therefore, it is necessary to change mentalities and to promote an ethical attitude of respect for nature, as advocated by the world summits, environmental NGO and science, in order to test a new paradigm of social organization.

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Le secteur de la réforme agraire au Maroc: de la redistribution conditionnée de la terre à la restructuration de son mode d'attribution

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De par son poids dans la promotion de l'économie nationale et son rôle dans le développement rural, l'agriculture reste un secteur vital pour la société marocaine.

Ainsi, la structure de la propriété, le mode d'exploitation ne doivent pas constituer un frein à l'application des mesures préconisées pour l'augmentation de la production et l'application des techniques nouvelles d'intensification.

Pour ce faire, le Maroc s'est engagé depuis son indépendance dans un processus de réforme agraire qui consiste en l'attribution à de petits agriculteurs et à des ouvriers sans terre de lots de terrain agricole du domaine privé de l'Etat suite à une récupération des terres anciennement détenues par les colons.

Ces attributions ont été initialement opérées en vertu du décret royal portant loi n°267-66 du 4 juillet 1966, lequel a par la suite été abrogé et remplacé par le dahir portant loi n°1-72-277 du 29 décembre 1972. Elles concernent une superficie qui s'élève à 326000Ha et dont ont bénéficié près de 25000 familles organisées en 738 coopératives (Rapports du ministère de l'agriculture).

Il s'agit d'une redistribution conditionnée de la terre puisque l'attribution est faite sous forme de vente sous condition résolutoire d'accomplissement par les bénéficiaires d'obligation de mise en valeur et d'exploitation des lots. Lesdits lots sont impartageables, insaisissables et inaccessibles sauf au profit de l'Etat.

Sur le plan de l'organisation, l'attribution est subordonnée à l'obligation pour les bénéficiaires d'adhérer à une coopérative afin de faciliter la constitution des moyens et facteurs de productions nécessaires à la mise en valeur des lots et à la commercialisation de la production.

Certes, il s'agit d'un programme de développement agricole et rural prometteur puisqu'il vise la sécurité alimentaire et l'accroissance économique-social du pays ; toutefois, les inconvénients dont il souffre ont fait que ce secteur est confronté à des difficultés qui en limitent l'essor. On cite entre autres: les restrictions grevant le droit de propriété de lots, la multiplicité des obligations mises à la charge des attributions (exploiter directement en dehors de toute forme de faire valoir indirect, ne pas recruter de main d'œuvre permanente, ne pas exercer toute activité rémunérée, adhérer à une coopérative, résider à l'emplacement prévu par le cahier de charge...), la complexité des procédures de régularisation de la situation juridique des lots qui, de surcroît, sont grevés d'hypothèques constituées par les ex-proprétaires étrangers au profit d'organismes financiers.

Ceci a conduit à la baisse du niveau d'intensification et de l'investissement productif, la faible capitalisation