
OPENING KEYNOTE ADDRESS: MINISTER MOHAMED EL YAZGHI, MINISTRY OF TERRITORY PLANNING, WATER AND THE ENVIRONMENT, MOROCCO

Mr. President of INECE, Mr. Wali of the Marrakech-Tensift Region, Honorable Members of INECE, Ladies and Gentlemen,

It is an honor for me to address your prestigious assembly on the occasion of the 7th conference of your network in Marrakech. On behalf of the Government of my country, I would like to welcome you and to tell how proud we are for your having chosen Morocco, the Land of Peace, of conviviality and of a great civilization. Your presence here in Marrakech today is a message of confidence and friendship which we appreciate very much; it is a welcomed addition to other events at the international level that focus on environmental protection and on the search for ways and means to promote the good environmental cause in the world today.

Allow me, ladies and gentlemen, to mention but two international environmental events that were hosted by this charming city, Marrakech: COP7 which was held from 21 October to 9 November 2001 and the International Partnership Forum on water and energy which took place here only a couple of weeks ago. This goes to say that by choosing this venue for debating the issue of environmental law compliance and enforcement, INECE strengthens in a way the environmental vocation of Marrakech and by the same token draws the attention of the international community to the fundamental dimension of the environmental agenda, namely the need to comply and to apply the rule of law.

Ladies and Gentlemen,

It is my pleasure to take the opportunity of your conference to give you a broad idea about the environmental legislative and regulatory situation in my country. Like most other countries, the Moroccan legal arsenal consists of numerous texts with unequal legal weight: laws, decrees,

as well as internal administrative circulars that contain legal stipulations of an environmental nature. Some of these texts are indeed old but they have the merit of covering the environmental field in its broad sense: classified sites, water, forests, cultural monuments, protected areas, quarries, mining, fuels, etc.

However, in 2003, environmental legislation in my country witnessed a leap forward with the adoption by parliament of three law proposals that were entirely dedicated to environment: Law 11-03 pertaining to environmental protection and improvement; it spells out the basic rules and general principles of the national policy in this area. Then there is Law 12-03 pertaining to environmental impact studies aimed at subjecting every project that is likely to harm human health, fauna, soil, climate, cultural heritage or the environment in general.

On another level and in parallel with these texts, Morocco contributes to international environmental law, particularly by participating in major international conferences dedicated to the environment (Stockholm, Rio and Johannesburg). It is worth reminding, in this regard, that the Moroccan delegation to the Johannesburg Conference was presided by His Majesty Mohamed VI, which goes to show the great interest decision makers of my country have for the environmental agenda. It is also worth reminding that my country is party to around one hundred environmental conventions and agreements and it is striving to integrate into its internal law most of the international principles and commitments.

But, like most countries, it must be admitted that Morocco encounters serious difficulties in implementing environmental regulations. Granted, these difficulties are not insurmountable; especially since there

is a real political will in my country to go forward with sustainable development strategy, natural resource protection and the fight against pollution.

Mr. President, Ladies and Gentlemen,

I would like at this stage, as a contribution to your debate, to put before your honorable assembly, some general ideas as to why environmental legislation is met with important obstacles when it comes to implementation. There are, in my view, four (4) fundamental explanations for this situation:

In the first instance, I find that one of the reasons lies precisely in the very objective pursued by environmental law in modern countries, namely the fight against pollution and the protection of scarce natural resources, which require a change in behavior not only of individuals but also of entire communities. And it is not an easy task to make people do away with their old habits and make them internalize non-harmful environmental behaviors.

Then, I think the conditions under which legal and regulatory standards are established are not alas unrelated to those standards at the level of implementation. In fact, when it comes to formulating, examining or adopting legal rules, the legislative assemblies and decision makers do not take sufficiently into consideration administrative and/or social conditions for implementation; hence this oversight is translated into a gap between what the text stipulates and the actual use made of it in reality. This observation is not the exclusive lot of developing countries; far from that, developed nations face similar difficulties in this regard as well.

The third reason lies with the deficiency of implementing tools; this deficiency is particularly due to the multitude of structures and authorities concerned and to the difficulty of coordination, for information sharing and for the means of an optimal implementation of environmental regulations. As a matter of fact, it should be noted that, if today the creation of new structures is widely justified, the lack of coherence and cooperation between those structures

constitutes a real source of dysfunction which is inevitably reflected at the level of applicability and respect for environmental regulations.

Finally, one can never stress strongly enough the importance of human capacity building in the implementation of those rules. Without the men and women endowed with both legal and technical training, the texts cannot impose themselves by themselves. And yet we now know that the frontiers between the fields of knowledge and the barriers between academic branches reduce the sphere of legal teaching significantly. The legal approach to environmental issues remains poorly developed among the human resources working directly on environmental problems. It goes without saying that legal capacity building among individuals and institutions is the best way to secure a high level of applicability and compliance with environmental rules and regulations.

Mr. President, Ladies and Gentlemen,

This manifestation was an excellent occasion for the consolidation of the cooperation as regards enforcement and compliance of the environmental laws in Maghreb countries. The positive results of the conference held on this Saturday forecast well the development of a profitable partnership as regards environmental law compliance in this area of North Africa.

I am convinced that the presentations which will be made at the various panels and workshops planned within the framework of your conference will enable the participants to be updated on the general progress of the movement on environmental law in various countries belonging to other continents. Your recommendations and reports are eagerly awaited; they will be, of course, of great use for promoting the practice of good environmental governance around the world. I wish you full success in your deliberations and renew my thanks for having chosen Morocco for your 7th conference.