

Natural Spaces Protection by Territorial Governance and Uses Regulation

AMIRA HAMDAOUI

University of Sousse

Unity of Agricultural Research, Landscape and Environment

Higher Agricultural Institute of Chott Meriam

Tunisia

Abstract:

The conservation of natural environment demand the implementation of global strategies from planning through practical conservation tools such as shares, or the development and management environments. Thus, the provision of urban planning tools to guide the development of the area while maintaining the integrity of natural areas with high ecological potential becomes indispensable. In addition, it is strongly recommended to take a holistic view of the territory in the prioritization of protection, so as to design a network of protected areas. Regulation of use will also optimize the effectiveness of strategies. This requires first of all the awareness and education of citizens, emphasizing voluntary conservation.

Key words: Conservation, privatization, public action, integration, governance.

1- INTRODUCTION

The importance of natural spaces has been clearly established. From an environmental point of view, these spaces are used to improve air and water quality, also, it effectively maintain the representative bio-diversity of territory. In addition, the

ecological services rendered by the different ecosystems offer a non negligible socio-economic advantages. The degradation of natural spaces according to their “over exploitation” is today one of the most insistent questions that arise in the continuous essays context of an effective protection of natural spaces and landscapes.

Thus, the current questioning about the conservation of these spaces are the result of social and ecological dynamics registered in time and space, thereby, their protection must emanate from dynamic and social actions such as the tools of territorial planning and their uses regulations.

2- THE TERRITORIAL PROJECT AS A PROTECTION FRAMEWORK:

The territorial project is a mobilizing instrument based on a conventional and initiatives terms. The approach of territorial project is about putting in relation the existing territory with the public action goals. The valorization of the existing in the approaches of territorial project “translates into a relative tilt of contextual experts knowledge” (Pinson in Lascoumme & le Galès, 2004).

We can say that the territorial project is a negotiated process of political decision which leads to produce a territorialized public action. It is for the actors stakeholders to produce a repository of common public action and to develop modalities of regulation. In the case of natural spaces, it is a question of defining the political problem of the conversation of nature to the scale of the territory and to implement a program of actions to solve this problem.

Thus, decentralization becomes a “key word” when we approach the issues of territories development and more particularly landscapes protection. Indeed, this gives the opportunity to assume a perfect control of its territory, all while respecting the government guidelines. Some of these guidelines

are also directly oriented towards the protection of natural environments. It is question entered other to orient the urban extension in the respect of the environment, of “protect, rehabilitate and put in value... the elements of the natural environment in urbanized setting”.

These broad guidelines were reflected in practice in various objectives: the protection of species having a particular status of protection, the conservation of sites of high ecological interest, and the protection, enhancement and restoration of the shores and coastlines.

Therefore, the municipalities are well positioned to play a central role in the protection of natural environments. Indeed, by being responsible for the planning and management of their territory, they have the ability to orient the development so as to preserve the integrity of the quarters at fort ecological interest and this by the urban planning tools they have.

2.1- Layout Diagram:

The layout diagram is the document which lays the foundation of the territory development. From the beginning, it is important to decide on the willingness to give a particular importance for maintaining the natural heritage. This basic statement will have an effect of giving the tone and will pave the way for other actions and directions that this scheme and other related documents will include.

Among the other mandates of the layout diagram, other elements lend themselves easily to the protection of natural environments. The urbanized perimeter, which represents the urbanized territory and which predicted to develop for the next years, must be defined (MAMROT, 2009). This step should take into consideration the presence of territories with ecological interest. The characterization of the territory and the classification of different backgrounds as a function of their ecological interest, carried out recently, will be decisive.

In order to facilitate the limitation of an urban perimeter, it is possible to identify to the inside of the latter priority areas for development. An order of priority can therefore be advanced (short, medium and long-term development), which can give the time necessary to protect the natural environments desired by other strategies. In addition, it is possible, if a natural environment shows a strong ecological potential, despite its presence in the interior of the urban perimeter proposed, to specify an assignment of the ground for the latter which will prevent it from being victim of urban development (MAMROT, 2009).

In general, either within the urbanization perimeter or to the outside, the layout diagram must identify the interest territories. These relate to, among other territories to ecological interest (MARMOT, 2009). According to the characterization of the area carried out, the natural environments with an ecological interest should be clearly identified. This will prevent the urban development, forestry or any other action likely to encroach on the territory preservation.

2.2 – Urban Plan:

This plan must be softly discussed, since it will be used during the next few years a guide to several different territorial development levels. It must therefore fully show the future directions desired by the municipal council, as regards protection of the environmental or urban development. In this way, the citizens and more specifically the promoters know from the outset the municipal guidelines and consequently can adapt their urban planning project (MAMROT, 2009).

Among the necessary elements of the urban development plan, some can have a direct impact on the protection of natural areas. The municipality must first determine the different assignments of the ground on any of its territory. This enables to target areas for residential, commercial and industrial development, in addition to identify

the areas dedicated to agriculture. In coherence with the territories of ecological interest which should be mentioned in the development plan, the town plan must specify what areas will be the protection object. In addition, the municipality must specify what type of development it intends to do on these circles. (MAMROT, 2009). It is therefore here to determine if a natural environment will be fully dedicated to the conservation, or if the recreational activities and tourism will be put forward. To take such a decision, a huge circles knowledge is necessary since the presence of threatened or vulnerable species, for instance, it can influence the type of development that will allow long-term to ensure the sustainability of these forests, wetlands and waterfalls.

2.3- Urban planning Regulations:

It is rather by the establishment of urban planning regulations that the municipality may compel the citizens, more specifically the promoters, to observe the desired orientations in the protection of natural environments. Indeed, the urban plan can not serve as a support for a municipality that desire to not refuse to issue a permit for the construction of a building in wooded regions for example, despite the fact that the urban development plan can make reference to a specific zoning in this sector limiting development (MAMROT, 2009).

The zoning regulations are particularly interesting in the natural environments context enables the municipality to cut the territory in as many types of zoning as it wants. Subsequently, on the inside of each zoning, it is possible to authorize or prohibit the different uses and constructions under the use of the ground wants on the inside for the so called zone (MAMROT, 2009).

3- USES REGULATION:

The town planning tools and the governance of territories may be adequately sufficient to the fight against the exploitation, colonization or the destruction of natural spaces. Indeed, it is the type of practices of the latter which could lead to such consequences despite that a natural space either judge by the protected "laws". Thus, it is recognized that the regulation of uses is an important factor which could contribute to the protection of natural spaces and it is this regulation which would be the most effective in terms of practical results.

3.1- The privatization as an alternative to the failure of the public intervention:

The external effects are the consequence of the absence of property rights on the resources and not to a failure of the market (Vallée, 2002). The consequences on the environment of human activities, production or consumption have been qualified by the economic analysis of external effects, or externalities. "The environmental externalities may be positive or negative depending on whether they correspond to an improvement or degradation of the environment (Vallée, 2002). It seems clear that in environmental economic, the negative external effects are used to represent the nuisance and pollution phenomena (Faucheux & Noël, 1995).

From the 1970s and mainly in the 1980s many works on the solution that could make the property rights to the problematic of the sustainable management of common property have been conducted by researchers from different disciplines but is related to the power of the "free market environmentalism".

The essence of this current is the belief in private property as the best solution to preserve the environment. It is necessary to "support all at once that without private property, the degradation of the environment would be aggravated and

that the urgent task is precisely to restore the rights of ownership and, if possible, to extend wherever this is possible" (Falque in Falque & Milliere, 1992).

To do this, the Free Market Environmentalism will not so much deal with the subject of "free markets" but more than that of "institutional arrangements" (Anderson & Leal, 2001) which will operate around the property rights (private) of environmental goods and natural resources. Anderson and Leal explain in their book "Free Market Environmentalism" that the heart of the Free Market Environmentalism is a well-defined system of property rights on natural and environmental resources.

By identifying that people tend to act in their own interest, Anderson and Leal underline the importance of institutional arrangements which produce positive incentives for environmental management.

In fact, it is the tenure of the land, private or public, which will have a major influence on the strategy to adopt in order to maintain a natural environment.

For these reasons, the voluntary conservation, or private land stewardship, on the part of the owners, should be encouraged. Although not representing the strategy most likely to ensure an effective protection and perennial of the middle, the voluntary conservation may be present in the simple form of a statement of intent (Olivier, 2009). This moral commitment on the part of an owner, designed with the assistance of a conservation authority, has as main role to raise awareness of the process of conservation and the importance of natural environments.

The declaration of intent may make mention of the permitted activities or not on the earth, according to the sectors and of biophysical characteristics that are there. A derivative of the declaration of intent, the management agreement, management and development, committed this time the owner vis-à-vis the organization of conservation by the signing of a

contract. This agreement allows you to assign the activities related to the development and enhancement in the conservation body, either in whole or in part.

This tool seems to be particularly appropriate in the case where the public action is the owner of a field to protect, because it does not necessarily have the tools to ensure the management. The conservation body is therefore well placed to respond to this need.

These conservation tools highlight the importance to join conservation organizations in order to achieve interesting results while being realistic on the monetary plan and practice.

3.2- Regulation by public action:

The public policies correspond to the second source of regulation that we have identified. The protection of nature is a political problem and fact in this the object of public policies. These public policies in their implementation will lead to the establishment of protected areas and management measures and in protection who are seeking to compel the uses of outer space as a function of backup objectives and conservation of species and natural environments.

The protection of nature and natural spaces has become a priority objective of the political agenda of governments. However, public policies for the protection of natural spaces, to the difference of the private appropriation, return more and more to the scientific data. In effect, the definition of standards and rules is based on scientific knowledge and on the expertise. Public policies for the protection of natural spaces and more widely to the nature frequently seek to impose on individuals of new models of behavior by the regulatory means.

3.2.1- Management of protected areas:

It is necessary for any urban body to continue its development. The environmental concern is relatively recent. The challenge is

therefore about finding development strategies that meet these two basic objectives seemingly contradictory.

In order to achieve a good outcome, it is essential to include the step of initial planning and to identify the sectors that will be submitted to the work and which be retained in full.

The vision is a part of a subdivisions conservation concept, or Conservation design. The main principle of this approach is to increase the density development in order to allow large areas in the natural state. Each individual field is therefore to be reduced in size, but the wooded lands make up this "loss". In a Design Conservation perspective, the area of the natural environment following the development should represent at least 50% of the total area of the plots to be developed (Arendt, 1999). To this percentage should be added the circles on which already exist development constraints, such as wetlands, flood plains, etc. (Savard, 2006).

3.2.2- Promoting a better integration of ecosystems and natural landscapes in life areas:

The Policy for the protection and development of natural environments identifies the conservation priorities and proposes a framework for intervention and a process of coordinated planning conducive to the formulation of innovative solutions and winning favoring the protection of natural environments without thwarting the development.

Although several real estate developers have understood the advantage of preserving the mid-natural places in the design of new development projects, it is not in-core common practice. Several real estate developments are still made at the price of the slaughter of trees of a forest or the backfilling of a swamp.

This context leads to debate current social or battle two visions. There is the one of the conservationists who seek the full protection of natural environments, regardless of the price,

to ensure a healthy quality of life for present and future generations. The other vision is one of the developers for which the protection of natural environments is often an obstacle to the profitability.

One of the major challenges of the Policy for the protection and development of natural environments is to reconcile these two visions. This conciliation is based on the principle that the integration of natural environments in the urban frame can mislead as much economic wealth that provide a quality of life.

3.2.3- Management of protected areas:

A development at the heart of a natural area to protect is one of the strategies of regulating uses the more significant ones. This involves constructing the middle according to its ability to support, that is to say what he is able to accommodate while preserving its ecological integrity. It is too likely that a natural environment gives understands a few more sensitive areas, by the presence of plant species rare, but that the rest of the workplace is conducive to certain activities. In such a case, what are the adjustments made in this environment that will enable to reconcile its different uses, the integral conservation and the presence of visitors.

3.3- Social Regulations:

Focusing only on the regulation by public policy and by the rights of ownership and use, would lead to forget the role of the regulating process "social". The problem of regulating the uses of natural spaces has a social dimension, such as the stressed Jean-Daniel Reynaud (1993) for which the process of regulating is hole-wind at the center of social groups and more widely of human societies, by the development, modification, and deletion of standing rules (Reynaud, 1993). The social regulation can "be defined as the set of processes by which is hand-held, are

transformed or to delete the rules and which lead to relations relatively stabilized between actors" (Melé, 2006).

The social regulation is distinguished first of two other sources of regulation in the sense that it does not correspond to the rules of law, but to institutional arrangements more or less formalized. In this perspective, the concept of "social regulation" refers to the process of production of "rules of the game" of the system of relations of actors within the regime. These rules 'groom' the decisions and individual actions.

In effect, the acquisition of a natural environment by the public action does not necessarily mean that its protection is provided for the years to come. Some actions for the management, development and advocacy is needed in order to highlight the attractions of the middle and to prevent degradation.

Each natural environment is unique in its assembly of characteristics; there are no absolute rules to follow. Some guidelines may however prove useful in the type of adjustments and implementation value desired for a workplace in particular.

The communication component / awareness of this whole approach must also be a priority. This movement must be equipped with a collective will in order to function optimally, and a strategy based on transparency and the communication is the key.

Particular importance should be given to the transmission of information concerning the voluntary conservation. As well, an explanatory document could be designed mentioning all the options to the scope of the owners (servitude, ecological gift, natural reserve, etc.), the benefits, and to the environment, and for the owner, as well as references to agencies that can assist the owner in its approach possible.

4- CONCLUSION:

The report between environment and planning is no longer organized by the simple necessity of protection, nor the pure question of integration, but by a necessary prior strategy of action. The environmental situation and the human action are opposite. They are more and more arrested as well as a dynamic movement data in the space and on the time (global environment). They motivate the prior diagnostic (state), the project (wills), the conformity of local objectives and overall business imperatives (the balance), taking into account of the effect or its sustainable perspective.

REFERENCES:

- ANDERSON, T., LEAL, D., (2001), *Free Market Environmentalism*, New York: Palgrave
- ANDREU-BOUSSUT, V., CHOBLET, C., (2006), *Entre gouvernance locale et institutionnalisation des territoires : Le Parc naturel régional, un modèle pour la GIZC ?*, VertigO
- AZNAR, O., (2002), *Services environnementaux et espaces ruraux Une approche par l'économie des services*, Thèse de Doctorat de Science Economique, Université Bourgogne
- BARDE, J. Ph., (1992), *Économie et politique de l'environnement*, PUF
- BERARD, L., BRISEBARRE, AM., GILLOIRE, A., LIZET, B., MARCHENAY P., (1984), *Rôle des savoirs naturalistes et populaires dans la gestion des écosystèmes humanisés, Rapport M.N.H.N. -Ministère de l'Environnement.*
- CHARLES, L., KALAORA, B., (1999), *Natura 2000, loi chasse, la France et l'Europe. Exception ou allergie française à l'environnement ?*

DESCOLA, Ph., (2008), *A qui appartient la nature ?*, La vie des idées.fr

FABIANI, J.-L., (1995), *Les créateurs de la nature. Enjeu et justification d'une pratique paradoxale*

FAUCHEUX, S., et NOËL, JF., (1995), *Economie des ressources naturelles et de l'environnement*

GERBER, JD., (2005), *Structures de gestion des rivalités d'usage du paysage Une analyse comparée de trois cas alpins*, Thèse de doctorat IDHEAP, Lausanne

LAJARGE, R., (1997), *Environnement et processus de territorialisation, Le cas du Parc Naturel régional de la Chartreuse (France)*

LATOUR, B., (1999), *Politique de la nature, La Découverte*

LENOBLE, R., (1969), *Histoire de l'idée de nature*, Albin-Michel

LÉVÊQUE, C., et VAN DER LEEUW, S., (2003), *Quelles natures voulons-nous ? : pour une approche socio-écologique du champ de l'environnement*

MELE, P., et LARRUE, C., (2008), *Territoires d'action Aménagement, urbanisme, espace, L'Harmattan*

REYNAUD, JD., (1993), *Les règles du jeu. L'action collective et la régulation sociale*, Armand Colin.

SAVARD, D. (2006). *Le concept de conservation des lotissements : à la recherche de collectivités durables. In Éléments – Revue écologique en direct. Archives décembre 2006*,