



Is “socio-ecological culture” really being taken into account to manage conflicts in the coastal zone? Inputs from Spanish Mediterranean beaches



Eduard Ariza ^{a,*}, Ferran Pons ^b, Françoise Breton ^a

^a Department of Geography, Facultat de Filosofia i Lletres, Universitat Autònoma de Barcelona (UAB), 08193, Bellaterra, Spain

^b Department of Public Law and Legal Historical Sciences, Facultat de Dret, Universitat Autònoma de Barcelona (UAB), 08193, Bellaterra, Spain

ARTICLE INFO

Article history:

Received 17 February 2016

Received in revised form

6 October 2016

Accepted 15 October 2016

Keywords:

Beaches

ICZM protocol

Socio-ecological systems

Coastal law

ABSTRACT

Legal instruments traditionally used for regulating beach management during the last decades have not been very effective in protecting beach socio-ecological systems in many countries. In the last 5 years, two new laws, which impact the Spanish Mediterranean coast, the Mediterranean ICZM Protocol and the amendment to the Ley de Costas 22/88 have been passed. This study analyzes the conflicts existing in various beaches on the Catalan coast and the potential of these new instruments to improve their management. The Protocol has better integrative potential and is more focused on governance than the LC. However, both show a limited capacity to influence beach management in the study sites due to various shortcomings: lack of specificity, lack of capacity to sanction, narrowness of the approach, lack of coordination with lower administrative levels, rigid institutional set up and an inability to restore coastal ecosystems. In order to improve management of some of the conflicts, we suggest scaling down and enforcing specific articles of the Protocol.

© 2016 Elsevier Ltd. All rights reserved.

1. Introduction

Coastal zones have suffered in the last decades the pressure of human activities and settlements worldwide (IPCC, 2014). The impacts have been multiple: resource depletion, landscape destruction, mining, water pollution, degradation of wetlands, saltwater intrusion, land and ocean grabbing, among others.

Within coastal zones, the first km of the coastal fringe has been particularly under pressure (Ariza et al., 2014; Pilkey and Dixon, 1996). Beach-dune systems have suffered the effects of coastal development and other pressures associated with tourism and leisure so that, currently, in many coastal areas, beach socio-ecological systems are subject to dysfunctional dynamics (Defeo et al., 2009). They are suffering cumulative impacts on different spatial and temporal scales.

During the 80's, several coastal planning laws were enacted in many developed countries (USA, France, Spain among others) (Aguirre, 2013; Pons, 2015). With national specificities, the general goals were common to all of them. They aimed at protecting coastal

dunes and landscape from development and ensuring public access to the coast (the coastal fringe within 0.5–2 km). To do so, the laws established a public domain (defined by marine dynamics influence), established access and right-of-way easements and limited urbanization in the area adjacent to the public domain. More than 20 years later, it may be said that although some achievements have been made (increased enforcement of the law and partial control of excesses of tourism activity (Leira, 2007)), beach ecosystems are, in general, severely degraded (Phillips and Jones, 2006; Cooper et al., 2009; Williams and Micallef, 2009).

There are various reasons for the present state of beaches: 1) The product of the hegemonic cultural priorities in the management of natural resources over the last 40 years (control of the influx of resources in the economy (Martinez Alier, 2003); 2) The prioritization of short-term strategies over long-term ones (following 5–7 year political cycles) (Breton et al., 1996); 3) The general institutional and technological set-up that lacked institutional learning capacity, property regime set up or technological change (Sarewitz, 2004); and 4) The characteristics of the coastal policies, laws and their enforcement (Suárez de Vivero and Rodríguez Mateos, 2005; European Parliament, 2009; Barragán Muñoz, 2010; Arnold, 2011; Bagstad et al., 2007).

* Corresponding author.

E-mail address: ariza.eduard@gmail.com (E. Ariza).

In many areas, degradation processes occurred before the enactment of the Coastal Acts in the 80's. Coastal development was initiated in the second half of the 20th century. In the case of the Spanish Mediterranean coast, tourism activity was a very active transformative agent from the early 60's. The Coastal Act of 1969 (previous law) was very soft in protecting coastal ecosystems from urbanization and infrastructure development associated to tourism. This law did not restrict areas included in the Law for the development of Centers and Zones of National Tourist Interest of 1963, which promoted tourism development along the Spanish coast (Alemany Llovera, 2004; Nebot, 2012). Therefore, the coastal planning laws subsequently enacted, had a limited capacity to stop degradation processes and a null capacity to restore already degraded ecosystems such as dune systems. Part of the lack of effectiveness of coastal planning laws was the inclusion of transitional clauses that excluded areas land already classified for development from protection. In some countries such as Spain, the amount of land included in such category was significantly high (Pons, 2015). Another element diminishing the protection of natural areas of beaches was the establishment of variations in legal regulations that lead to the imperviousness of beach areas (Ruppert, 2008) as a consequence of the pressures exerted by politically powerful actors (Cheong, 2011; Naredo and Montiel, 2011).

In Catalonia, nowadays, the regional administration hold jurisdiction over coastal management, in accordance with article 149.2 of the Statute of Autonomy, but must respect the general rules of maritime-terrestrial public domain established by the State. Such regional role is particularly specific in establishing shoreline and beach management plans and in granting titles of occupancy and use of that domain. Regarding plans, it included the approval in 2005 of two urban master plans of the coastal system, preferably covering the easement area protection (100 m undeveloped land and 20 m in urban land) and the area of influence (500 m). As for the titles of occupation, by Royal Decree 1404/2007, of 20 October and 1387/2008, of August 1, the State transferred to the Generalitat of Catalonia effective competence for granting. This transfer brought closer the Catalanian government to coastal management, but with the disadvantage of not accompanying it by adequate funding of the related expenses. Another difficulty for the effective implementation of integrated coastal zone management in Catalonia lies within the division of powers between the state and the regions on various sectors concurring in that area, such as ports, inland waters, discharges, fishing, quality of bathing water or protection of marine areas, which just drift in a fragmented regulation and management.

Over the last 35 years, new academic and governance propositions demanding more integrated approaches have been developed in relation to the management of natural resources: those proposed in socio-ecological systems literature (Folke et al., 2005; Anderies et al., 2004) and the Ecosystem management approach (United Nations 1992, Grumbine, 1994). These have focused on the complexity of the interaction between the human system (actors, norms, activities, structures ...) and ecological systems and assume that relationships among components of the system are non-linear (thresholds are present), occur at different scales and are mediated by feedback loops that regulate the system. The consequence of this recognition is the demand for a new type of governance that deals with inherent uncertainty (Mayumi and Giampietro, 2006), recognizes the plurality of values and assumes the need to establish collective deliberative bodies where collaborative science-policy interface institutions may be created ((Koetz et al., 2012; Breton and Škaričić, 2013) that define and value services provided by nature to society (De Groot et al., 2002; Farber et al., 2006; Fisher et al., 2009).

In the last 15 years, in the coastal-marine realm different laws with binding effects in the Spanish Mediterranean coast have been passed. They have provided a new approach, more thematically and spatially integrated. The most salient ones are the Water Framework Directive (WFD) the Marine Strategy Framework Directive (MSFD) and the Directive for Maritime Spatial Planning (MSP). Although their added value is undeniable, there are many challenges posed by their implementation such as the need for regional coordination or more technical accuracy of developed approaches, methods and tools (Bellás, 2014).

In the concrete case of the management of Spanish Mediterranean beaches, since 2011, two important legal texts with significant influence have been passed, The Protocol on Integrated Coastal Zone Management (ICZM) and the Ley 2/2013. The ICZM Protocol is the first supra-state legal instrument specifically aimed at coastal management with a significant potential to influence changes in governance processes and increase social demand for ICZM ((Billé and Rochette, 2015). It also establishes the need to keep urbanization out of beach ecosystems (Sanò et al., 2011). In spite of its potential, there is a real risk of it not being effective to significantly improve coastal management in the Mediterranean region, as well as, having only a limited impact on domestic coastal law development (Billé and Rochette, 2015). On the other hand, Ley 2/2013 was enacted with the goal of providing legal security. The law has been criticized for a number of reasons (it was not politically agreed and it reduces the Maritime-Terrestrial Public Domain, MTPD) (Losada, 2013; Pons, 2015).

Within this context, the goal of this paper is to assess the potential capacity of these new legal texts to deal with the conflicts existing on selected beaches of the Spanish North-Western Mediterranean coast. As the ICZM Protocol and Ley 2/13 came into force in a far more evolved culture of integrated coastal management than the previously existing regulation, Ley de Costas 22/88, it is logical to expect that the new legal documents will provide improved management capacity. The time since the Ley de Costas 22/88 was initially passed (more than 25 years ago) may be considered as a long enough period for the coastal community with legislative power involved (EU/National/Autonomous/Local governments) to have properly assessed its effectiveness to draw conclusions about the need for correction and develop new regulation accordingly.

2. The beaches studied

Beaches with different bio-physical properties and socio-economic characteristics were selected in three municipalities (Port de la Selva, Cadaqués and Sant Pere Pescador) of the Spanish North-Western Mediterranean region. In Port de la Selva, the beach of Platja de Ribera and the beach of Platja de Port de la Selva were studied, in Cadaqués, the urban beaches of Llané Gran, Portdoguer and Sa Platja, and in Sant Pere Pescador, the beach of Sant Pere Pescador (Table 1) (Fig. 1). The beaches of Port de la Selva and Cadaqués are located on the outskirts of the Natural Park of Cap de Creus. Although its management is independent of the regulation established for the park area, historically the park's socio-ecological dynamics have affected its surroundings by attracting tourists to the area or by the exchange of ecological flows. In the case of Sant Pere Pescador, the beach is included in the Natural Park of Els Aiguamolls de l'Empordà and thus, it is subject to the Natural Park regulations besides those of Coastal Law 22/88. The existence of responsibilities of different administrations and binding legal requirements with different goals has created an incoherent management framework with the main consequence that the management of the beach is not coordinated with the management of the Park.

Download English Version:

<https://daneshyari.com/en/article/5473928>

Download Persian Version:

<https://daneshyari.com/article/5473928>

[Daneshyari.com](https://daneshyari.com)