



External Geophysics, Climate and Environment

## The impact of legal vulnerability on environmental inequalities. A case study of coastal populations in Guadeloupe (French Antilles)

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## ARTICLE INFO

## Article history:

Received 22 September 2017

Received in revised form 24 September 2017

Accepted after revision 24 September 2017

Handled by Isabelle Manighetti,  
Rutger De Wit, Stéphanie Duvail,  
and Patrick Seyler

## Keywords:

Coastal hazards  
Environmental inequalities  
Legal vulnerability  
Postcolonialism  
Postslavery  
Guadeloupe  
Interdisciplinary

## ABSTRACT

This paper draws on sociology, geography and law to analyse the exposure of populations to coastal multihazards in a postcolonial and overseas context. The research is based on a case study conducted in two municipalities in Guadeloupe (French Antilles): Deshaies and Capesterre-Belle-Eau. The corpus of data consists of 52 interviews conducted with inhabitants and institutional actors, as well as a set of spatialized data and a regulatory corpus. The analysis underscores how public policies must contend with a complex territorial reality that is still bound to the postcolonial past and legacy of slavery in Guadeloupe. The potential contradictions between regularization policies, hazard prevention policies and policies to curb insalubrious housing tend to expose the most fragile populations to what we refer to here as legal vulnerability.

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### 1. Introduction

This paper draws on sociology, geography and law to provide an interdisciplinary analysis of how exposure to natural hazards intersects with social vulnerabilities. We examine the exposure of populations to coastal natural hazards in a postcolonial and overseas context. Our research is based on a case study conducted in two

municipalities in Guadeloupe (French Antilles): Deshaies and Capesterre-Belle-Eau (CPE), respectively on the west and east coast of the island of Basse-Terre, and both exposed to multiple coastal hazards (Fig. 1).

The question underpinning this article is the following: which factors aggravate the socio-environmental vulnerability of coastal populations despite the implementation of well-intended public policies? Our main focus is on *legal vulnerability*, which tends to further encompass other types of vulnerability. Legal vulnerability may result from historical legacy and/or contemporary processes. It has two dimensions that are interrelated:

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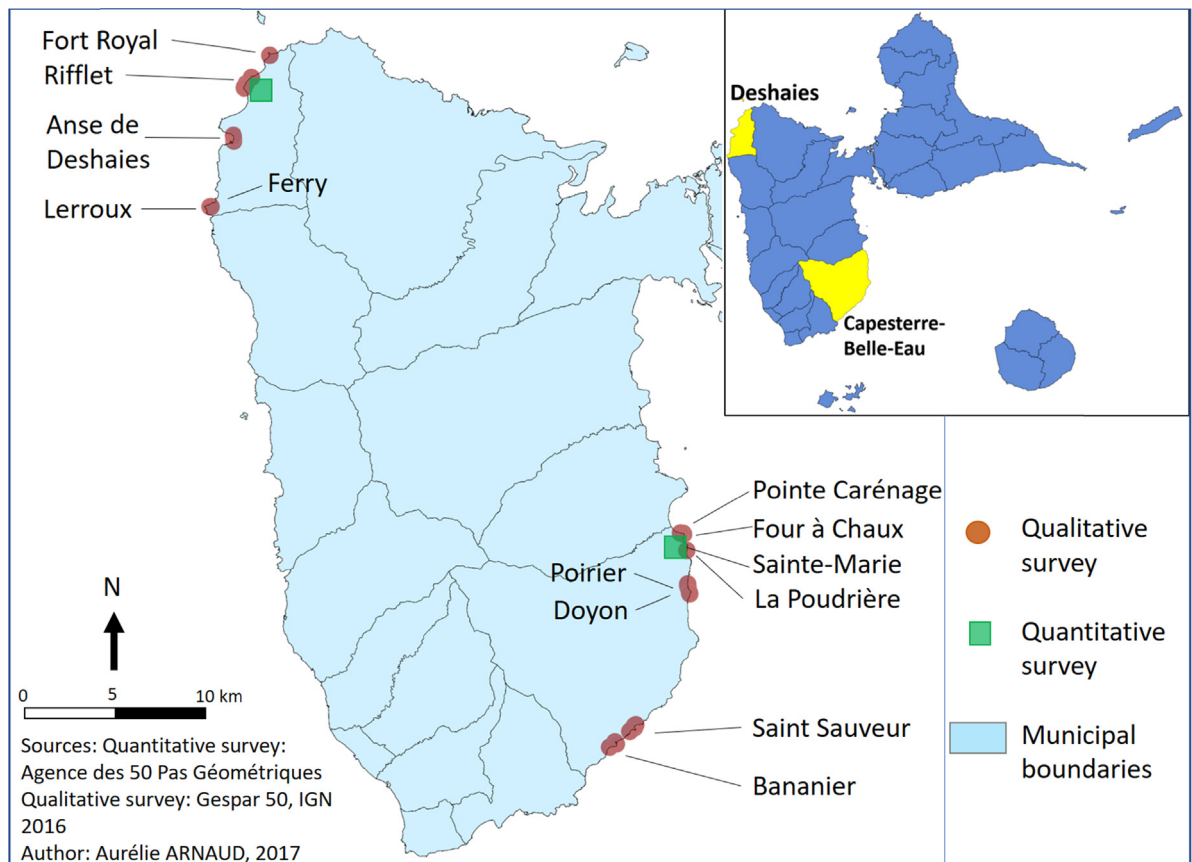


Fig. 1. Map of the fieldwork sites.

- access to legal tools and information, their understanding and handling;
- the legal situation of individuals and their assets (occupation without right or entitlement, involuntary detention of a fraudulent property title, inability to provide proof that would allow a situation to be legalized, presence on the territory without a stay document, undeclared professional activity, etc.).

Our research is conceived within the analytical framework of environmental inequality. The notion of environmental inequality designates situations in which environmental vulnerabilities (exposure to environmental hazards or inaccessibility to environmental amenities) and social vulnerabilities are compounded (Taylor, 2000). Previous research has shown that a large array of interacting economic, social, cultural and ethno-racial factors are bound up in the notion of social vulnerability, and such factors tend to reinforce each other in contexts of environmental inequality (Adeola, 2001; Bullard, 1993). Coastal environmental inequalities occur when the populations most exposed to natural hazards are also the most socially vulnerable (Mavromatidi et al., 2017). Coastal urbanization has dramatically increased around the world, thus exposing more and more populations to natural hazards (IPCC, 2014). Research has further shown that postcolonial contexts tend to be subject to environmental

inequalities in general and to coastal environmental inequalities more specifically (Jonah and Kofi Adu-Boahen, 2016; Licuanan et al., 2015).

## 2. Context

As a colonial settlement, Guadeloupe was organized around plantations, with preference given to the plateaus of Grande Terre and the fertile volcanic land on the periphery of Basse-Terre (Sainton, 2012). In 1674, an edict by King Louis XIV of France declared that the coastal zone of the French Antilles was the property of the State and could not be built-up along a strip that ran 81.20 meters inland. The role of these “50 Steps of the King”<sup>1</sup> was to facilitate military defence, traffic flows and access to the sea for fishing as well as for commercial and artisanal activities (Chadenas et al., 2016; Constant-Pujar, 2011; Dufau, 1990). The latter were grouped together in market towns that long remained active in daytime but were not commonly places of residence (Sainton, 2015).

<sup>1</sup> This legal term was defined in 1681 by the Marine Code under Colbert: “Shall be considered sea shore and beach all that is covered and uncovered during the new and full moons, and the point up to which the high tide of March extends on the shore” (Constant-Pujar, 2011, translated here).

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