

PROPERTY REGIMES OF FRENCH COASTAL LAGOONS AND THEIR IMPLICATIONS FOR MANAGEMENT

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In general, coastal lagoon management puts a lot of emphasis on participatory approaches with stakeholders. It is, however, also of importance to consider the “stockholders”, i.e. to consider who owns the lagoon. In this contribution we discuss the property regimes of coastal lagoons in S France and discuss the implications for management. French public law (Code général de la propriété des personnes publiques) makes a clear difference for public property between “Public Domain” and private property of the different public entities. Public domain property is imprescriptible and inalienable, i.e. the property rights cannot be changed in the future and neither transferred nor sold to somebody else. In contrast, private properties of public entities can be sold or transferred to other owners. Coastal lagoons are, in principle, included in the Maritime Public Domain owned by the French State following the definition used as “salty ponds (étangs) with a direct, natural and permanent connection with the sea”. This definition may, however, create a conflict between the actual features of a coastal lagoon, which are often brackish and not really salty (e.g., oligohaline and mesohaline lagoons), while the connection with the sea can often be temporary or artificial. In practice, many of the larger coastal lagoons (e.g., Salses-Leucate, many lagoons close to Narbonne, Thau lagoon) are Maritime Public Domain. Human exploitation as e.g. salt extraction, shellfish farming, is not excluded, but regulated by temporary concession to private actors. In contrast, large parts of the lagoon surface in the Palavas lagoon complex, in the Camargue and in Corsica are either privately owned or owned by the municipalities, departments etc. This is mainly explained by historic reasons, either because property rights were well established before the Edit of Moulins in 1566, or because private owners acquired the properties of the Crown or the Clergy (vente de biens nationaux) after the French revolution. Fragmented ownership is a clear difficulty for the integrated management of coastal lagoons and even the private ownership by public entities often creates uncertainties. Since 1975, the Conservatoire du Littoral is active to acquire coastal lagoons to cope with these difficulties.

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