

Legal System and Management of Southern France Lagoons

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1) Along the Southern Coast of France, on a distance of about 170 miles between the Spanish border and the river Rhone, are located some fifteen lagoons ("Etangs" in French), extending over 100.000 acres, the Thau lagoon representing 19.000 acres.

These lagoons, separated from the sea by a sand bar and generally related with it by passages called "Graus", are natural zones allowing economic activities and of great touristic interest. They form, with their surroundings, a fragile and threatened environment.

Various sources of pollution can be pointed out : activities related to the vineyard growing and the wine output (highly developed in this area), harbour and industrial activities, sometimes directly connected to the lagoons, the exploitation of the basins through shellfish farming, the sanitation of collectivities impeded because of seasonal touristic crowd, raise difficult problems. The efforts already achieved couldn't prevent some crisis : the raising of polluting phenomenons have affected shellfish farming several times and forbidden their trade for a while.

2) However, *protecting provisions*, either general or specific, have developed in France. Numerous texts can be applied. Mainly :

- The law of December 16, 1964 relating to water regulation and the fight against pollution, that concerns the various categories of water and the control of pollution through the technique of discharge authorizations ; besides, it aims, thanks to the receipt of fees by water Agencies from polluters, at financing equipments to fight against pollution.

- The law of July 19, 1976 relating to classified installations for environmental protection grants administration with a police power in order to fight against damages provoked by polluting installations, especially industrial.

- Specific texts deal with town and country planning. Some of them, included in the town planning code, aim at regulating building works, particularly along the coast ; the plans for land use define rules of urban development and can forbid the building in some areas. The law of January 3, 1986, relating to the coast, establish rules aiming at the protection of zones still spared by equipment.

On the other hand, law maker wanted, by the law of January 7, 1983, synthetic documents to be established, sea development schemes ("*schemas de mise en valeur de la mer*") in order to settle fundamental policies of protection, exploitation and coastal improvement. The documents must be worked out on the initiative and under the authority of the state, the opinion of public collectivities being requested.

- Finally, various texts can be referred to which, without concerning specifically the coast, can be applied in this geographical area : thus the law relating to sites protection (May 2, 1930), the law relating to the protection of nature (July 10, 1976) the decree relating to natural regional parks (April 25, 1988), the decree

relating to the protection of biotopes (November 25, 1977). Besides, special provisions have been adapted concerning produces issued from the lagoons exploitation. Thus several texts define conditions of dispatching or selling to consumers (decree of August 20, 1939, modified by the decree of June 12, 1969, decisions of October 20, 1976 and of December 21, 1979) ; a project of rule of the EEC must create an agreement applying to establishments in conformity with technical and sanitary standards.

3) Within the legal frame and even beyond, a policy of *fight against pollution* is implementing. Public and private initiatives combine in order to conciliate both economic development and environmental protection :

- The method of bay conventions ("contrats de baie") which was not taken into account by the law but was used by public powers to allow concertation between public collectivities and users must enable to consider the sources of pollution as a whole and to propose remedies. A bay convention for the Thau Lagoon, currently pending, was mentioned in a report published in February 1990. This document proposes improvements of sanitation system, the adoption of measures against pollution by paints containing TBT ("Tributyl-étain" that protects the hull of boats) and the modernization of shellfish farming.

- The area of Southern France Lagoons is also concerned by the law of January 7, 1983 that applies to zones forming a geographical and maritime unity. Thus a sea development scheme ("schéma de mise en valeur de la mer") is currently prepared for the Salses-Leucate Lagoon that deals with needed actions in order to improve fishing, touristic activities and environmental protection. A preliminary report has already been established.

- The provisions of the town planning code ensure the mastering of the land use. Thus, around the lagoons, zones have been devoted to urbanization but large areas have been classified into natural zones (called "ND" in the code) protected because of nuisances, of sites quality, nature or landscapes (item R. 123-18, town planning code) ; within these zones buildings can be forbidden or regrouped.

- At last an action was carried on for the improvement of the sanitation system around the lagoons, all the more necessary that economic activities (of harbours, shellfish farming, vineyard growing) and touristic activities add up their impact. Some stations of treatment are saturated, particularly when strong precipitations occur. The effort has focused on the improvement of classical networks and the development of the filtering basin technique ("lagunage") ; this method uses self purification by the action of sun rays on the waters passing from one basin to the other ; it can't work on great quantities of pollution but it is useful to complete the action of classical stations (around the Thau lagoon more than one third of effluents is treated by the filtering basin technique).

4) *The Camargue area : an attempt of conciliation between economic activities and ecology.*

In the delta of the river Rhone, at the south of Arles and up to the mediterranean sea, an unequalled natural zone is spreading, with many lagoons and ponds, characterized by an exceptional biological wealth. The Camargue which allows traditional activities (agriculture, breeding, fishing and hunting), is an attractive place for tourism and an essential area for birds migration (300 different species can be observed).

The fragile environment of this damp zone made it necessary to develop protection by several juridical means, chiefly :

- A *national reserve* was classified in 1975 -the origin of which goes back to 1927- and attributed to the management of an association, the National Society for nature protection. The aim is to preserve the environment and to develop scientific research on an area of 32 500 acres where public is not allowed.

- On a larger territory spreading over 200 000 acres was created in 1970 the *natural regional park of Camargue*. According to the constitutive convention the purpose is to be respectful of the laws of natural balance in connection with human activities. A conciliation must be found between economic needs and nature protection in a very fragile environment.

- Lastly must be underlined the action of the Conservatory of Coastal Areas and Lake Shores which was set up by the law of July 10, 1975 and leads a land policy based on ground purchase. In Camargue the Conservatory has bought a land property of about 750 acres (the "Mas de la Cure") half of it being affected to agriculture and breeding and the other half to natural areas. The aim is to conciliate agricultural practices (particularly rice cultivation) with the protection of natural environment and landscape.