

# Legal System Relating to Shellfish and Fish Farming in Southern France Lagoons

MICHEL DESPAX

University of Social Sciences of Toulouse, 186, Avenue de Muret, 31300 Toulouse, France

## 1) Juridical problems raised by the localization of fish farming activities :

Lagoons are constituting areas where activities are in competition : henceforth beside fishing, touristic activities -through bathing, wind surfing, water skiing- fish farming is developping. This latter needs the affectation of adequate sites, sometimes of a large extent, which are limited in number.

From a juridical point of view the reservation of sites on the coastal area makes it necessary to combine two means :

- on one side *planning documents* must be prepared in order to define the limits of the various activity zones. Thus a national scheme for shellfish farming and fish farming was elaborated the orientations of which have been approved in 1979 ; the rule relating to the protection and the development of coastal areas of August 25, 1979 has afterwards defined some measures in favour of the sageguard of fish farming activities, giving a legal base to the reservation of zones.

Later on, the law of January 3, 1986, relating to the coast, stated special provisions allowing urbanization to the benefit of economic activities requiring the close proximity of water.

In a more accurate way, the sea development schemes ("schémas de mise en valeur de la mer") must lay down the main orientations relating to development and protection and in particular decide of "the use of marine and land areas" as well as the measures of protection for the marine and coastal environment.

At last town planning documents which apply to coastal areas, and chiefly the plans for land use (P.O.S.) determine the charges in land use and the aptitude of the zones for the various activities thanks to land zoning.

- On the other side fish farming takes place on the public property which French law protects carefully. No part of the public property can be alienated and the private use of an allotment of it requires an authorization. Fish farming activities need a *concession* granted by the administration holding discretionary powers. So this type of workers don't have the advantage of the juridical stability which characterizes agriculture.

## 2) Shellfish farming

Shellfish farming is currently developping and if its place is still modest on the Salses-Leucate Lagoon (with concessions extending over 190 acres), on the contrary, these activities concern 3 250 acres on the Thau Lagoon. The latter is the shellfish