

The parallel evolution of ocean and coastal management policies in Portugal

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Abstract

In 2006 the Portuguese government presented two key documents on the country's future ocean and coastal management strategies, following numerous initiatives in these policy areas during the last two decades. This paper summarises the institutional developments in those two areas and discusses the main aspects of the most recent proposals. Attention is brought to the fact that coastal management and ocean policies in Portugal have evolved in relative isolation from one another. The conclusion stresses the need for concrete measures to implement a national coastal and ocean management strategy and the pertinence of the integration of both areas.

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1. Introduction

In Portugal there are at present no unified policies for integrated planning or management of the country's ocean and coastal domains. Efforts to develop integrated approaches to coastal management date back to the 1980s, whereas advances on the country's ocean policy are much more recent, its genesis lying in the preparatory works to the World Exposition held in Lisbon in 1998. Interestingly, the year 2006 saw the presentation by the Portuguese government of two documents outlining the strategies for the country's future coastal management and ocean policies, the *Bases for the National Integrated Coastal Zone Management Strategy* [1] and the *National Strategy for the Ocean* [2].

A striking feature in the efforts towards integrated policies for Portugal's oceans and coasts is that, for their most part, they have been conducted in isolation of one another. As will be discussed below, even the most recent proposals in both areas show few if any signs of mutual integration. While this might seem difficult to understand when both areas are advocating integration, there are a number of reasons at the domestic level for that separation.

The practice at the international level sometimes also follows such segregation [3,4].

This paper presents a description and an analysis of the parallel development of Portugal's ocean and coastal management policies and is structured as follows: Section 2 contains a brief overview of the principal threats and pressures faced by Portugal's coastal and marine environments. Sections 3 and 4 provide a description of the initiatives related to the development of policies for Portugal's coastal and ocean spaces, respectively. In Section 5, the reasons behind the separation between the two policy areas are discussed and the potential for integration is explored. Conclusions on future steps in the development of the two policy areas and on the rationale for their mutual integration complete the paper in Section 6.

2. The status of Portugal's coastal and ocean spaces

Portugal has a coastline that is approximately 2830 km long, with a wide variety of configurations—such as sandy beaches and dunes, high cliffs and low-lying rocky shores—and habitats, among which are highly productive estuaries and coastal lagoons. The country's Exclusive Economic Zone (EEZ) is 18 times larger than its landmass and, with a

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total area of just under 1.7 million km², it is the largest of the European Union's (EU) member States in European waters.

Coastal and maritime activities have traditionally been important to the country's economy and to the historical, social and cultural identity of the Portuguese. It thus constitutes no surprise that, like many other coastal areas elsewhere on the globe, Portugal is witness to a significant concentration of population on its coastal strip. This pattern of migration to the coast has its root in the mid-19th century and has been aggravated in recent decades by the decay of significant segments of the country's agriculture and forestry sectors further inland, which has led people to seek alternative occupations along the coast. Although the figures vary, estimates point at circa 75% of the Portuguese population living in the 25% of the territory that constitutes its coastal zone. This concentration of population and human activities along the coast necessarily leads to a series of impacts and threats upon the coastal and marine environments, the most relevant of which are presented in Table 1.¹

3. The evolution of coastal planning and management

3.1. Territorial management

Before addressing the evolution of the coastal management regime in Portugal, it is useful to briefly refer to the three levels of territorial management in the country,² as laid down in Decree-Law 380/99, and amended by Decree-Law 310/2003 (see also Ref. [11]).³ The system, aimed at regulating the organisation and utilisation of the national territory, is composed of a hierarchy of instruments setting the strategic framework and the procedures for planning and management at different territorial levels [12]. At the national level, the overarching instrument is the National Programme for the Territorial Planning Policy, made public in 2006. The two other types of instruments at the higher level are the sectoral plans having a territorial incidence and the special land-use plans, comprising plans for protected areas, plans for catchment areas of public waters and coastal zone management plans.⁴ The latter, as

¹See Refs. [5,6] for a description of the evolution of coastal demography in Portugal and its consequences for the alterations of the country's coastline.

²In this document, the expressions "land use planning/management" and "territorial planning/management" are used to refer to the Portuguese concept of "*ordenamento do território*". The choice for English translations which are not synonymous results from the intention to convey the broader meaning of the Portuguese expression. In this context *ordenamento*, meaning "ordinance", or "to put in order", contains elements of both planning and management of the uses of land and of the occupation of the Portuguese territory.

³In the regions of the Azores and Madeira, the respective instruments are the Regional Legislative Decrees 14/2000/A and 8-A/2001/M.

⁴In Portuguese, respectively, *Planos de Ordenamento de Áreas Protegidas*; *Planos de Ordenamento de Albufeiras de Águas Públicas*; *Planos de Ordenamento da Orla Costeira*.

special plans and in accordance with the Decree-Law 151/95 (Art.3), are administrative regulations binding upon all public and private entities and to which lower level plans—such as municipal plans—must abide. According to such hierarchy, should there be any unconformities between, e.g., coastal management plans and municipal plans, it is the latter that must be changed so as to come in line with the first.

At the regional level, planning is assured by means of regional territorial management plans, which should be harmonised with the special land use plans.

Finally, the third tier consists of municipal and inter-municipal territorial management plans, the first subdivided into municipal master plans, urbanisation plans and detailed plans.⁵

3.2. Initiatives in the 1970s, 1980s and early 1990s

The basis for the current legal framework underlying the management of Portugal's coastal zones is often considered to be Decree-Law 468/71—most recently amended through Law 54/2005—which established the regime governing the country's so-called Public Maritime Domain⁶ as a strip of coastal land and water subject to State ownership and management, extending 50 m landwards from the spring high water mark and seawards to the limit of territorial waters. Innovative at the time of publication of the first instrument—in 1971—was the designation of an "adjacent zone" on land, where occupation was to be restricted as a means of protecting against threats posed by the sea [13]. Such a measure, together with the concept of the Public Maritime Domain itself, has been considered of critical importance in limiting human settlement on the coast [9].

In view of the importance of the maritime sector for the country in the 1970s, the management of the coastal zone and the implementation of the provisions of Decree-Law 468/71 was overseen by the Directorate General for Ports. It was only in the early 1990s, through Decrees-Law 451/91 and 201/92, that the Ministry of Environment was awarded the tutelage of the public maritime domain lying outside port areas—a move believed to have resulted from the recognition of the environmental value of the coastal zone [1].

From the late 1980s dates the transposition into national legislation of the European Coastal Charter, formalised in Decree-Law 302/90, which set the legal regime for the urbanisation of the coastal zone. The intention was to establish a series of guiding principles for land occupation, access to the coast and the location of infrastructures and public spaces. Such principles should then be applied in the various types of planning instruments, including port expansion plans. In practice, however, this is not what has happened, and principles such as the minimum distance

⁵In Portuguese, respectively, *Planos Directores Municipais*; *Planos de Urbanização*; *Planos de Pormenor*.

⁶In Portuguese, *Domínio Público Marítimo*.

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