

Article

Latin America and the Search for a Coastal Law: Lessons from the Legislative Procedure in Colombia

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Abstract: In 2009, a network of scholars identified the legal framework associated with coastal management in eleven Latin American countries. They found an important lag in several countries, including Colombia. According to many scholars, a clear regulatory framework is of the utmost importance for integrated coastal management; however, the hurdles to reaching this goal have been poorly analyzed. This article aims to illustrate the challenges and barriers to legislate on coastal and marine issues in Colombia. The methodology and analysis used in this study can serve as an example to other Latin American countries. We combined comparative, documentary, and analytical research techniques to describe the current Latin American state-of-the-art legal framework. Additionally, from 16,224 gazettes (official records of the Congress of Colombia) we identified 80 bills concerning coastal and marine activities for a period of 17 years. However, only 2.1% of those bills addressed marine or coastal issues from the perspective of planning and management procedures. Instead the majority focused on social uses and economic activities. This research identified the difficulties that could be faced by a country in regulating its coast from an integrated perspective. These findings could support future procedures to approve coastal laws in Latin America and other countries on the world.

Keywords: coastal management; Latin America; legislative procedure; the Congress; Colombia



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1. Introduction

A coastal law is critical for effective management of marine resources and associated communities [1]. The United States of America established the first coastal law fifty years ago in 1972 (National Oceanic and Atmospheric Administration, Coastal Zone Management Law of 1972, as amended through the Energy Policy Law of 2005 (1972)). Coastal laws have subsequently been established by several other nations, such as South Africa (in 2009 [2]), Spain (in 1998, updated in 2013 [3,4]), and Cuba (in 2000 [5]). Other countries, mainly those with federal governments, have developed specific coastal regulations according to each state, such as Australia and the United Kingdom [1,6]. However, a coastal law should be clearly differentiated from coastal policies.

In general terms, a law is a set of objective rules that govern society by enabling and supporting social interactions [7], whereas a policy is a wider instrument that delineates the intentions and decisions of governments in addressing perceived problems. Policies often precede the establishment of pertinent laws. Sometimes, policies are developed with the intention of reducing the strength of existing law. In comparison to laws, policies are more difficult to enforce, may be non-binding, and consequently have less effect and as such, are more easily approved by governing bodies than laws that run counter to the

interests of powerful political entities. Policies often encounter little legislative resistance, in part because they can be unenforceable, which can result in limited effectiveness in addressing the issue of interest. The prevalence of weakly enforceable policy over meaningful laws is frequently the case in Latin America. For example, in Colombia, coastal and marine policies [8,9] and a strategic planning initiative called “CONPES 3990” approved in 2020 have proven insufficient to compel appropriate actions by coastal stakeholders [10]. This example serves to illustrate how laws are required to force the implementation of coastal policies.

The research on coastal legislation is limited. While the first legislative studies appeared in the juridical scientific literature in the 1970s [11], few journals have a scope that includes research on the legislative issues for coastal and marine areas. There is, however, a growing literature on the subject. Recent papers related to coastal legislation have focused on analyzing the efficacy of the legal framework to several topics, such as the protection of marine ecosystems [12,13] or resources [14], land use planning inside integrated coastal zone management [15], harmonizing with urban planning [16,17], coastal boundaries [18], coastal zone management in a small island developing state [19], benefitting local stakeholders [20], and improving environmental impact assessment [21]. Few papers have addressed legislative procedures. An important exception is Neal et al. [22], who focused on the reasons why coastal regulations fail in the U.S.

Starting in the second half of the 20th century, several instruments have been created to support planning and to regulate activities from an integrated perspective. Land-use plans are of almost universal implementation and constitute an effective complementary tool for managing coastal zones [15,23]. Institutional programs that involve Integrated Coastal Zone Management (ICZM) and Marine Spatial Planning (MSP) are other important instruments. However, they do not clearly recognize coastal and marine territory with the same importance of continental areas (e.g., Land-Use Planning) [24], minimizing the importance of the interaction between social uses and economic activities in coastal and marine areas. To illustrate this, one of the ICZM legislation approaches defined by Cullinan [25] is called the “Extended Land-Use Planning Approach”.

The nature of planning and management tools highlights the relevance of differentiating the three realms on the *maremtory* area, a term which Botero [23] uses to refer to marine, terrestrial, and coastal areas. The first covers the three-dimensional space from the territorial sea border (24 nautical miles) or the “depth of closure” [26] to the border of the economical exclusive zone. The second realm includes the inland area extended from the limit of the coastal realm to a local municipal border; the purpose is to make these boundaries compatible with the decision-making process. Finally, the third realm is the most inaccurate and flexible [27] because it is located between the other two realms. However, the border between coastal and terrestrial realms can be fuzzy and may change according to the perspective of delimitation [28,29]. Prior work notes that borders defined by law are the most relevant; however, there is not a consensus about what constitutes the terrestrial-coastal border in national legislations, which use static lines (i.e., 50 or 100 m from the highest tide point) or geographical characteristics such as changes in vegetation cover or land-use [28]. Despite uncertainties and potential inaccuracies, previous demarcation lines are key elements for enforcing any law or policy.

A coastal regulation is expected to align with the pertinent interactions of coastal socio-natural systems [2]. Accommodating the complexity of such systems requires the establishment of a structure of coastal and marine territory. Although several different categories have been proposed to classify human activities on coastal areas, the scheme initially proffered by Barragán [30] and later adjusted by Botero [31] is the most pertinent [31]. This scheme differentiates between two different groups of categories: one group includes six social uses and is focused on social wellbeing, while the other group includes five economic activities, i.e., reflects a profit interest in the coastal and marine zones (Table 1). Therefore, a coastal regulation should recognize this structure of social uses and economic activities in order to align with legal principle of general interest. A classification of this type further

facilitates various instruments, such as the Coastal Interactions Matrix initially proposed by UNESCO [32] and later adapted by Botero et al. [33].

Table 1. Structure of coastal and marine territory (coastal and marine uses and activities—CMU/A).
Caption: Marine (M): activities developed completely in the sea; Coastal (C): activities developed on the interface land-sea; Terrestrial (T): activities developed on land.

Category	Social Uses	Location			Category	Economic Activities	Location			
		M	C	T			M	C	T	
Natural area	Public natural protected area	X	X	X	Extractive or primary	Oil exploration	X	X	X	
	Civil society natural protected area			X		Extraction of molluscs and bivalves		X		
Human settlements	Low density residential			X		Coastal mining (sand, salt)		X		
	High density residential			X		Offshore mining	X			
	Low density second residence			X		Trawling fishing	X			
	High density second residence			X		Artisanal fishing	X			
	Palafittic settlements		X			Industrial fishing	X			
	Luxury residential			X		Aquaculture		X	X	
Local traditions (cultural heritage)	Public cultural protected area	X	X	X		Basic	Commercial agriculture			X
	Artisanal handicrafts			X			Low scale agriculture			X
	Ancestral areas	X	X	X	Poultry farming/Pig farming				X	
	Ceremonial zone	X	X	X	Commercial wood extraction				X	
Infrastructure and facilities	Beach nourishment		X		Low scale wood extraction				X	
	Road infrastructure			X	Livestock				X	
	Electrical installations	X	X	X	Industrial		Mariculture	X	X	
	Public docks		X				Power generation (tidal)	X		
	Coastal defense works		X				Power generation (wind)	X	X	X
	Walks and ridges			X			Power generation (waves)	X		
	Pipelines (gas/oil)	X	X	X		Power generation (thermal)		X	X	
	Railways			X		Manufacture			X	
	Maritime signaling (canals, buoy)	X				Shipyard industry		X	X	
	Coastal signage (lighthouses, signs)		X			Steel industry		X	X	
	Airports	X	X	X		Maritime trade and transport	Internal Maritime Transport	X		
	Submarine cables	X					Internal maritime transport	X		
	Marine outfall	X			International maritime transport		X			
Dumping ground	Waste incinerator			X	Megaports (HUB)			X		
	Desalination			X	Ports of general merchandise			X		
	Landfill			X	Ports of solid bulk			X		
Defense and security	Military installations on land			X	Multipurpose ports			X		
	Naval military installations		X		Ports of liquid or gaseous bulk			X		
	National or local police facilities			X	Container ports			X		
					Fishing ports			X		
				Tourism and recreation	Nature tourism	X	X	X		
					Nautical Tourism	X	X			
					Sun, sea and sand tourism		X			
					Cruise Tourism	X	X			
					Whale Watching Tourism	X				
					Adventure trip	X	X	X		
					Urban recreation		X			
					Sport fishing	X				
					Golf courses			X		
					Recreational diving	X				

Recognizing the importance of legal codification for adequate implementation of ICZM and MSP, this research aims to illustrate the challenges and barriers to the approval of a coastal law, using the legislative procedure in Colombia as an example. Additionally, this paper seeks to foster discussion of coastal law and policy in Latin American countries, where coastal regulations are in many cases non-existent, fragmented, or obsolete. Additionally, this paper seeks to analyze coastal regulations from a new perspective, namely, the legislative procedure within a Congress or Parliament, where the logic of politics works in very different ways than in technical institutions of the Executive power.

Colombia as a Case Study

Colombia is located on the northwest corner of South America, with access to the Pacific Ocean and the Caribbean Sea. The Colombian coastal zone extends 3882 linear km [34] and has been delimited by several public policies in three large oceanic and coastal regions: the Continental Caribbean Region (CCR; 1642 km), the Insular Caribbean Region (ICR; 52 km), and the Pacific Region (CPR; 2188 km). Inside these regions, ten Coastal Environmental Units have been delimited: five in the CCR, one in the ICR, and four in the CPR [7]. Furthermore, delimitations have been made inside these units to create Units of Integrated Management. Therefore, a clear hierarchy for management can be identified, although only coastal policies [8,9] and regulations from the executive power recognize this geographical structure [35]. Currently, the administrative hierarchy lacks the strength of legislative authority. Colombia traditionally approves coastal policies and strategies instead of laws [9]. The Environmental Policy for Coastal Areas [8], for example, which included several innovations for managing the coastal zone (such as the aforementioned Coastal Environmental units), was approved at the beginning of the Twenty-First Century. The Colombian Oceanic Commission approved the National Policy for Oceans and Coastal Spaces [36] in 2007, and it was updated in 2017 [9]. This national coastal policy includes social, economic, and institutional aspects in its content. The National Planning Department [37] approved a strategic planning document called “CONPES 3990” in 2020. This document updated the existing aforementioned coastal policies and established a route for Colombia to become a “Bioceanic Power” by the year 2030.

Each country has a particular legislative procedure according to its political system (e.g., Presidential, Parliamentary), and different steps to approve laws [11]. In Colombia, the legislative procedure is regulated by the Organic Law of the Congress (Law 5th of 1992), which defines eight steps to convert a bill into a law [38]. This organic law defines the reasons a bill may be denied or archived, the constitutional commission which is to debate each bill, and several other features of legislative procedure. Because Colombia is a centralized country, only the Congress can process a law. Therefore, the scope of the topics legislated or not by this institution foretells the future of coastal regulation in the country.

2. Materials and Methods

This research was carried out in two-stages (Figure 1). Initially, we conducted a wide diagnosis of thirteen countries, stemming from the legal aspects of the ICM Decalogue defined in 2009 by the Latin Ibero-American Network for Integrated Coastal Management—IBERMAR [39]. In addition, we updated the exhaustive comparison done by Milanés [40] between each legal framework in fifteen Ibero-American and Caribbean countries. These inputs were integrated in the analysis carried out by the authors, as is shown in Appendix A.

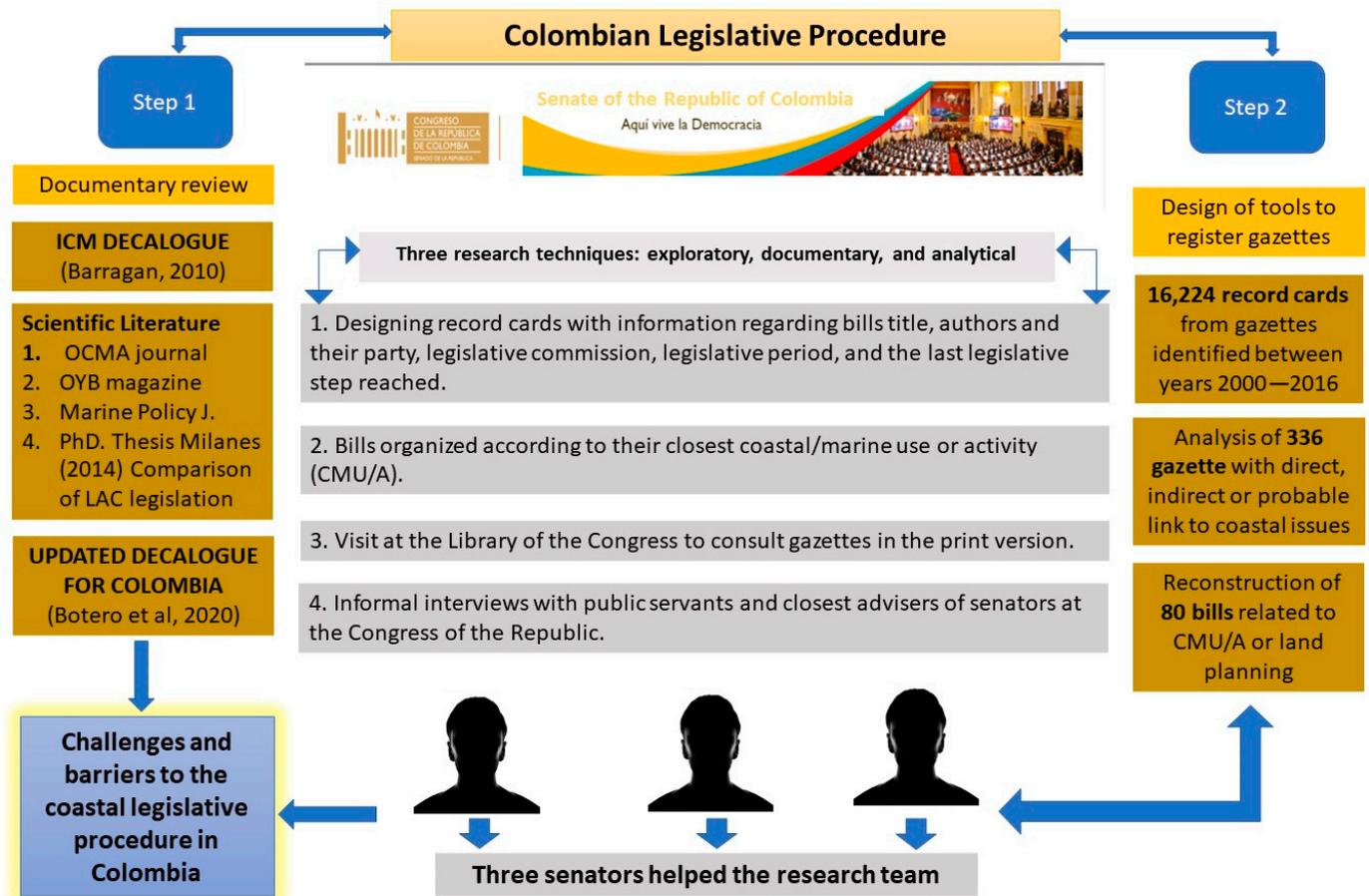


Figure 1. Methodological scheme followed to investigate the legislative procedure in Colombia. Caption: senado.gov.co/index.php/az-legislativo/gacetas (accessed on 15 February 2022).

We differentiated national regulations of each country according to the manner of implementation. Those regulations that aimed to prioritize ecosystem protection over economic benefit were categorized as ‘environmental approach’. Similarly, all laws that prioritize the development of economic activities/infrastructures, such as ports, tourism, or fishing, were categorized as ‘economical approach’ because the focus on the economic growth of the country.

The second stage was focused on the legislative procedure in Colombia, as a case study useful to the development of legislative procedures in other middle-income countries [41]. Considering the scarcity of methods for investigating legislative procedures, the legislative procedure in Colombia was studied with exploratory, documentary, and analytical research techniques. The main sources of information were the Official Gazettes of the Colombian Congress in which every proposal for a bill and corresponding debates must be published.

In total, 16,224 gazettes were identified, although only 2.1% ($n = 336$) contained materials that had a direct, indirect, or probable relationship with marine/coastal issues. To identify all bills related to coastal/marine issues, information of the bill(s) published in each gazette was recorded onto single cards. Record cards had information about each bill such as the title, authors and their party, commission, legislative period, the President of the Republic, and the last legislative step reached.

Conducting a legislative inventory required organizing each gazette in order, identifying, and correcting overlapping information, and identifying, and filling when possible, information on procedure gaps that was not available in the gazette. Bills were organized according to their closest coastal/marine use or activity (CMU/A), although the bills could occasionally be allotted to more than one group. To complete this task, the Library of the

Congress was visited several times to directly consult the gazettes in print version and to resolve concerns and questions with public servants working there.

3. Results

An overview of the situation of Latin America helped to frame the case study within the region and to identify issues specific to Colombia. Almost half of the countries in Latin America have not approved a regulation to clearly delimit their coastal zones and define specific management actions (Table 2). In 1977, Costa Rica became the first country in the region with specific regulations for coastal zones. Only five other nations in the region subsequently approved similar coastal legislation.

Table 2. State-of-the-art of coastal regulation in Latin American countries (Further details in Appendix A).

Country	Coastal Management (Year)	Environmental Approach	Economic Approach
Argentina	NO	NO	YES
Brazil	YES (1988)	YES	YES
Chile	NO	NO	YES
Colombia	NO	YES	YES
Costa Rica	YES (1977)	YES	YES
Cuba	YES (2000)	YES	YES
Dominican Republic	NO	YES	YES
Mexico	NO	YES	YES
Panama	NO	YES	YES
Puerto Rico	YES (1972)	YES	NO
Uruguay	NO	YES	YES
Nicaragua	YES (2009)	NO INFO	NO INFO
Venezuela	YES (2001)	NO INFO	NO INFO

Despite often-absent coastal legislation, almost every Latin American country has a law for environmental issues. All except for Puerto Rico have laws for sectoral aspects (e.g., ports, tourism, housing, etc.). It is important to note, however, that Puerto Rico remains under the US legal framework. We were unable to find documentation on environmental and economic legislation related to coastal areas for Nicaragua and Venezuela. For most of the nations, the common trend is regulation with a fragmented perspective, i.e., issue by issue rather than within a holistic framework. Additionally, few of the nations in the region update their coastal regulations to match advances in the field.

In the case of Colombia, a review of 336 gazettes allowed us to reconstruct the legislative process for 80 bills. Of these, 52 were directly related to marine/coastal matters, while 28 had an indirect connection. The 52 bills with CMU/A links covered a wide range of issues. The Colombian Senate has seven constitutional commissions, according to specific themes (Table 3); three commissions concentrated on 77% of all bills (1st, 2nd, and 5th), and two commissions debated bills relevant to almost all CMU/A (2nd and 3rd). This illustrates the dispersed way in which coastal issues are processed in the Colombian Congress.

Although our research identified eighty bills with a relation to the CMU/A or land-use planning, none of the bills fulfilled the characteristics of a true “Coastal Law”. One third of the bills were about land-use planning, and 21% were about extractive or primary activities such as mining, fisheries, and oil exploitation. Maritime trade was the third most frequent topic covered by the bills, mainly related to the harbor business. Human settlements and tourism were analyzed in the same number of bills (8%), while the other seven topics were not considered in a bill during the last 17 years.

Table 3. Bills according to the Constitutional Commission of the Congress (LP: Land Use Planning; HS: Human Settlements; EX: Extractive or Primary; MT: Maritime Trade; TR: Tourism and Recreation).

Legislative Commission	Commission’s Topics	LP	HS	EX	MT	TR	Total
First	Territorial organization; public administration; peace; intellectual copyright; ethnic affairs	12	0	0	2	2	16
Second	International affairs; national security; foreign trade; ports and harbors	3	1	2	4	1	11
Third	Taxes; financial, saving and insurance activity; central planning	1	1	2	2	0	6
Fourth	Public budget; industrial copyright; internal trade; public institutions	0	2	0	1	0	3
Fifth	Agriculture and livestock; environmental affairs; land use planning; marine resources; energy and mining	2	0	11	0	0	13
Sixth	Technology and communication; disasters; public services; scientific research; transport and public works; tourism; education and culture	0	0	0	2	1	3
Seventh	Public management; worker’s unions; social security; sports and recreation; sanitary affairs; housing; civil society organization; woman and genre	0	0	0	0	0	0

Another key finding is the very low success rate of the legislative process, with less than 20% of total bills converted into law (Figure 2). Half of the bills analyzed were archived because of a procedure called “transit of legislature”, which is established in the Bylaw of the Congress (the 5th Organic Law of 1992): “a new bill must have its first debate in the same legislative period it was submitted (20 July to 20 June) and three other debates and a conciliation procedure must be in the following legislative period; otherwise, the bill must be archived” [38]. Other reasons for a bill being archived were a negative decision of the commission (13%) and the removal of the bill by the author prior to debate (11%). In sum, only one-fifth of bills became laws: three bills about land-use planning, one bill about social uses, and six bills about economic activities. Although the aforementioned causes reflect the specific case of Colombian legislative procedure, these results show that the approval of a law is not an easy and simple procedure. On the contrary, many obstacles exist. For example, when two bills with similar scope are presented, the most recent is archived ‘by accumulation’, as illustrated in Figure 2.

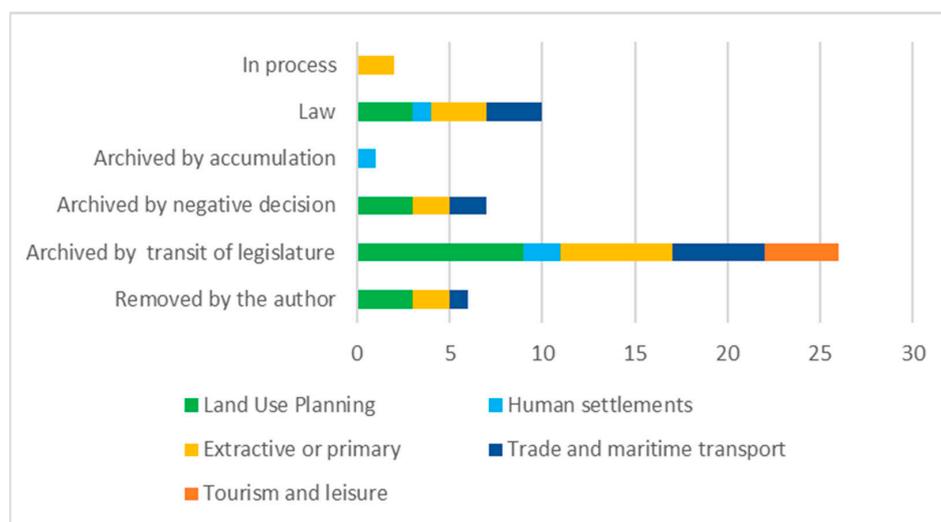


Figure 2. Bills directly related with CMU/A.

In addition, we found that the success rate of bills linked to CMU/A was low when their genesis was legislative as opposed to executive, which is consistent with other research related to the legislative procedure in Colombia (e.g., [42]). After 2005, only one bill has been approved as a law, evidencing an important loss of interest in Congress with respect to coastal and marine issues. Further evidence of weakening interest is that after 2006 the executive power presented only two bills, while Congress presented 29 bills in the same period without any success; the last bill with a legislative origin that became a law dates to 2004.

4. Discussion

There is no scientific consensus about what exactly should be included in a coastal law. While the most relevant framework was established by Cullinan [25], this only centered on ICM-related concerns. In the case of Latin American countries, a coastal law usually is understood as a regulation to delimit common areas (public goods and services) on the shore which, according to each country, belongs to the Nation/State [43]. This jurisdictional perspective is particular to certain countries, and in those with different legal traditions, such as the U.S. or Canada, the shore could be private property [22]. Consequently, one of the bases of coastal regulation in countries with a civil law system is to hand over public jurisdictions to private owners. The Spanish coastal law of 1988 [3] is one a clear example; it defines in Articles 3, 4 and 5 which areas and elements are part of the maritime public dominion. Cuba has adopted a similar approach; Article 4 establishes the limits of the coastal zone and the extent of protected areas [5,19,40].

Almost all countries studied have regulations for environmental and sectoral issues, although most lack laws for effective coastal management. Within the countries of Latin America, only Argentina lacks an environmental regulation for coastal areas, confirming the diagnosis made by the IBERMAR network in 2009 [39]. Similarly, every country except Puerto Rico has a kind of regulation for coastal economic sectors. This pattern could be explained by the economic interest in coastal zones by national governments, which recognize the importance of integrating coastal natural resources into the economy [2]. Overall, our findings show that most Latin American countries have been more interested in regulating the economic use and environmental protection of coastal resources as independent entities rather than establishing a binding framework to harmonize them into an integrated approach [44].

We found that Colombia has exhibited a pattern consistent with the broader Latin American context. In this country, a strong focus on a sectoral system by the Congress is evidenced over the integrated or holistic approach suggested by several academic studies on coastal and marine areas [45]. Although Colombia has extensive and diverse marine and coastal areas which provide a broad range of ecosystem services, the country has not approved a coastal law. Current environmental degradation could be a consequence of the predominance of uses and activities with an absence of consistent coastal regulation [46]. The two current coastal and marine policies appear to be insufficient to achieve the sustainable development goals, indicating that a law is necessary for enforcement.

Notably, the Colombian bills about human coastal settlements are contradictory. Colombia has more than 1300 human settlements on the coast, 26% of which are luxury condominiums [21], which implies the need for stricter regulation to prevent transferring public lands to private owners. Several bills have sought to address tourism, and recreation, and safety on beaches, two with almost identical content. The underlying emphasis on tourism is challenged by the lack of legislation on sustaining the health of coastal systems and keeping them attractive to wealthy visitors. The impacts of tourism on coastal zones are very well known [47,48]. In the absence of appropriate legislation, tourism often degrades the natural and cultural heritage of coastal zones, as has often been the case in Latin America. As a result, beaches are often privatized, and sensitive ecosystems lost [49].

An appropriate legislative framework is essential to effective implementation of any policy, including those related to coastal and marine issues [50]. Despite the hundreds of

thousands of square kilometers of marine areas belonging to Colombia and the presence there of almost all social uses and economic activities [21], only four bills have addressed topics under the structure of CMU/A during the time period circumscribed by our analyses. Despite their potential importance in Colombia, various topics received no attention, including five social uses (natural areas, infrastructure and facilities, dumping grounds, defense, local traditions) and two economic activities (basic and industrial). All of these activities are commonly regulated in other countries [2].

Legislative failure can result in the health of the land–water interface not receiving suitable attention from public institutions, society in general, and lawmakers in particular [31]. Consequently, coastal systems may suffer from poorly regulated development and construction practices, resulting in increased erosion and land speculation [51,52]. Additionally, marine areas and even coastal zones have been excluded from the vast majority of proposed bills and other scientific programs related to land-use planning. Indeed, reliance upon the single term “land planning” is evidence of institutional bias against insular and continental coastal zones.

A coastal law for Colombia should include a geographical perspective that links the terrestrial environment with the adjacent coasts and seas [7,53]. The Congress has the potential to process a bill that connects the marine and terrestrial realms in a single legal instrument that regulates social uses, economic activities, and jurisdictional lines in coastal areas. Such a coastal law could be developed with consideration of the failures of similar efforts in other countries, i.e., [21,22,52], in order to avoid mistakes.

Note that the analysis presented here did not differentiate between bills by length, scope of action, or perceived depth of political support. Certainly, such elements contribute to the fate of legislative efforts; yet, the primary driver of legislative success is clearly the origin of the bill, which must have its genesis in the executive branch to have any chance of becoming law. Considering this, it is imperative that the executive branch provide the initiative for developing a meaningful coastal law for Colombia.

5. Conclusions

While regulating coastal and marine areas, uses, and activities has been a priority for many countries throughout the world, only half of Latin American nations have legislation on this topic. Many countries, including Argentina, Chile, and Mexico, have legal frameworks for economic use and environmental protection of coastal and marine areas; however, these fail to harmonize the CMU/A into an integrated approach.

Despite the bills processed within the last two decades, Colombia lacks a law to regulate its coastal and marine territory. This can be traced back to a challenging legislative process, a low degree of technical knowledge about coastal and marine issues in the Congress, and individual interests in maintaining legal loopholes. In fact, several bills with the same text were found, demonstrating the difficulty of processing a law despite the interest of individual legislators. Moreover, while a persistent interest in land-use planning was identified, the only law approved in the period of analysis does not mention the coastal environment, which effectively limits the attention paid to coastal zones. In sum, a bill that covers all the complexity of coastal and marine territories continues to warrant consideration; despite there being several bills defined as coastal laws, these are merely improvements of current decrees.

During the last two decades, the legislative power in Colombia has been co-opted by the executive branch. However, if the country desires an effective coastal law, leadership from the legislative power will be necessary. The current analysis of the legislative procedure is a first step to understanding why a country such as Colombia lacks an integrated coastal law, and thus can serve as guidance for other countries with similar legislative patterns.

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and methodological review. B.C.—English language style check. All authors have read and agreed to the published version of the manuscript.

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Conflicts of Interest: The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Appendix A

Table 1. Comparative analysis of the status of regulatory and legal coastal frameworks in Iberoamerican countries.

Country	Legal Coastal Framework	Objective
Mexico [54–56]	1. Political Constitution of the Mexican Republic, 1997.	<ul style="list-style-type: none"> • Rule in articles 27, 42 and 48 the territorial dominion regarding the coastal zone and shore.
	2. Federal Law of the Sea (DOF01/1986).	<ul style="list-style-type: none"> • Establish maritime areas of national sovereignty as the territorial sea and Exclusive Economic Zone.
	3. General Law of Ecological Balance and Environmental Protection (LEGEEPA) (DOF01/1988; DOF02/2007).	<ul style="list-style-type: none"> • Define the ecological order of the territory.
	4. Law of National Waters (LAW)(DOF10/1992).	<ul style="list-style-type: none"> • Regulate the exploitation, distribution, control and rational use of national waters.
	5. General Law of Human Settlements (GLHS- DOF07/1993).	<ul style="list-style-type: none"> • Plan and regulate the territorial ordering of human settlements.
	6. General Law of National Assets (GLNA)(DOF07/1994).	<ul style="list-style-type: none"> • Establish the assets that constitute the heritage of the nation.
	7. General Law of Wildlife (GLW)(DOF01/2002).	<ul style="list-style-type: none"> • Institute the national policy in wildlife material.
	8. Federal Law of Fishing and Aquaculture (FLFA)(DOF07/2007).	<ul style="list-style-type: none"> • Order and define the indicators regarding the exploitation of fishing and aquatic resources

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Costa Rica [57]	1. Law of Maritime-Terrestrial Zone (LMT), 1977.	<ul style="list-style-type: none"> Establish that this zone constitutes part of the national heritage, belonging to the state and it is inalienable and imprescriptible [58]. Grant the usufruct and the administration of the ZMT to the municipality of the respective jurisdiction.
	2. Regulatory Coastal Plans (Jurado, 2005)	<ul style="list-style-type: none"> Promote the physical ordering of the territory in the maritime land zone and adjacent land, through which land use is determined.
	3. Political Constitution. 4. International Agreements. 5. Law of Maritime-Terrestrial Zone. 6. Organic Law of the Environment. 7. Law of Biodiversity. 8. Law of Fishing and Aquaculture. 9. Law of Marine and Tourist Quays. 10. Law of National Coastguard Service. 11. Law of Urban Planning. 12. Sectoral Laws of Coastal Management.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
Panama [59]	1. <i>General Environmental Law (Law 41 of 1998).</i>	<ul style="list-style-type: none"> Push the conservation, preservation and restoration of environmental quality, the management of protected areas, as well as forests and water basins.
	2. Law n° 44, 2006 create the Authority of Aquatic Resources of Panamá (AARP).	<ul style="list-style-type: none"> Give special attention to coastal management through the implementation of policies, plans and programs, that favor the development of fishing and aquatic activities to increase its competitiveness, its production level and food safety.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Cuba [19,60]	1. Law n° 81/97 of the Environment (GORC, 1997).	<ul style="list-style-type: none"> Define the studies that evaluate the environmental impact on the territory including the coastal territory.
	2. Law Decree n° 212 “Management of Coastal Zone” (GORC, 2000).	<ul style="list-style-type: none"> Establish the limits of the coastal zone and its protection zone according to the typology of the coast. Define the uses of the coastal zone, highlighting its public character and the citizens’ right to freely enjoy it without paying. Establish specific prohibitions for determined activities or constructions in the coastal zone or its zone of protection. Establish a special regime for the cays and peninsulas, particularly restrictive, given its fragility.
	3. Law Decree 164, “Regulation of Fishing”, 28 May 1996.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	4. Law Decree n° 200, “of the Contraventions of Environmental Material”, 22 December 1999.	
	5. Law 85, “Forest Law”, 21 July 1998.	
	6. Law Decree n° 201, “of the National System of Protected Areas”, 23 December 1999.	

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Dominican Republic [61]	1. Law 64/00	<ul style="list-style-type: none"> Address in chapter V the theme of coastal marine resources.
	2. Law of Fishing 5.914 of 1962, the 202-04 of the SINAPs, Decree n° 303 of 1987.	<ul style="list-style-type: none"> Relative protection of mangroves.
	3. Law 319/1997 and Law 200/1999.	<ul style="list-style-type: none"> Protecting marine areas requires its revision and adequacy when taking action for the MCI.
	4. <i>Law of Territorial Ordering, consigned in Law 64 00.</i>	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
Puerto Rico [62]	1. Program of Management of the Coastal Zone 12 July 1978.	<ul style="list-style-type: none"> Adopt as the coastal element, the Usage Plan for the Territory of Puerto Rico.
	2. Federal Law of Coastal Zone in 1972.	<ul style="list-style-type: none"> Offer to the states and territories of the US the flexibility of creating its own program of coastal management, where its individual priorities are represented to be later accepted and approved by the NOAA federal agency.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Colombia [63–65]	1. Law 10 of 1978 named “Definition of Maritime Territory”.	<ul style="list-style-type: none"> Regulations are issued on the territorial sea, the exclusive economic zone and the continental shelf, giving powers to the national Government for maritime and coastal management.
	2. Political Constitution of Colombia. 6 July 1991.	<ul style="list-style-type: none"> Define the territory of the nation, including the Archipelago of San Andrés, Providencia and Santa Catalina and its keys, Malpelo Island, as well as the subsoil, the territorial sea, the Contiguous Zone, the Continental Shelf and the EEZ.
	3. Decree 28, 11 1974. “Code of Natural Resources and the Environment”.	<ul style="list-style-type: none"> Contain the actions of prevention and control of the contamination of water resources, and the measures to prevent pollution and the affecting of the marine environment.
	4. Law 10 of 1978 “Definition of Maritime Territory”.	<ul style="list-style-type: none"> Maritime territory definition. Regulations are issued on territorial sea, the exclusive economic zone and continental shelf, and empowers the national government for maritime and coastal management
	5. Decree 1541 of 1978 “Water Resource Regulatory Standard”.	<ul style="list-style-type: none"> Regulatory norm of the water resource. It is prohibited to treat any waste that contaminates or eutrophicates the waters, causing damage or endangering human health, flora or fauna, or preventing other uses.
	6. Decree 1875 of 1979 “Prevention of the pollution of the marine environment”.	<ul style="list-style-type: none"> Dictate rules on the prevention of pollution of the marine environment.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	7. Decree1876 of 1979 "Management of Natural Marine Resources".	<ul style="list-style-type: none"> Establish standards for the administration by the ministry of Mines and Energy of non-living natural resources affected in territorial sea and the Exclusive Economic Zone.
	8. Decree1877 of 1979 "Integral use of marine resources".	<ul style="list-style-type: none"> Establish the framework for the constitution of companies for the use of living and non-living natural resources of national maritime zones.
	9. Decree1436 of 1984 "Partial Regulation of Law 10 of 1978".	<ul style="list-style-type: none"> Establish the baselines from which to measure the width of the territorial sea and the exclusive economic zone in Colombia.
	10. Law 2324 1984 of "Reorganization of General Maritime Management".	<ul style="list-style-type: none"> Give DIMAR its status as the highest maritime authority, with responsibilities in the regulation of research, uses and coastal-shore management, beach concession and preservation and environmental protection.
	11. Decree1333 of 1986 of Urban Planning.	<ul style="list-style-type: none"> Defines the regulatory framework for urban planning, including coastal cities.
	12. Law 9 of 1989 "Law of Urban Reform".	<ul style="list-style-type: none"> Modify and reorganize the regulatory, institutional and competence framework related to Urban Development
	13. Law 13 of 1990 "General Statute of Fishing".	<ul style="list-style-type: none"> Regulate the integral management and rational exploitation of fishery resources in the Territorial Sea, EEZ and in continental waters.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	14. Law 1 of 1991 "Statute of Maritime Ports".	<ul style="list-style-type: none"> Privatize the maritime port infrastructure. Establish mechanisms for sector expansion plans and granting of concessions.
	15. Law 70 of 1993 "Territorial Rights of Blacks".	<ul style="list-style-type: none"> It is the norm claiming blackness. It bases the territorial rights of the areas ancestrally occupied by the black ethnic group. The great majority are located on the Pacific coast.
	16. Law 105 of 1993 "General Statute of Transport".	<ul style="list-style-type: none"> Competencies and resources are redistributed between the nation and the territorial entities for coastal and maritime transport.
	17. Law 136 of 1994 "Municipal Organization".	<ul style="list-style-type: none"> Establish rules for the modernization of the organization and operation of municipalities
	18. Law 152 of 1994 "Law Organic Development Plan".	<ul style="list-style-type: none"> Establish the scope, validity and processing of the four-year development plans.
	19. Resolution 257 of 1997 "Sustainability of Mangroves".	<ul style="list-style-type: none"> A national monitoring and parameters system is established unified for mangrove ecosystems and their surrounding areas. Competent monitoring framework is reorganized.
	20. Law 388 of 1997 Law of "Territorial Development."	<ul style="list-style-type: none"> Establish the conceptual framework and mechanisms for formulation of municipal and district territorial planning plans.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	21. Decree70 of 2001 <i>“Restructuring of Energy and Mines sector”</i> .	<ul style="list-style-type: none"> The energy mining sector and its attached units are integrated and linked to planning and coastal shore research.
	22. Decree804 of 2001, <i>“Regulation of Maritime Public Service Transport”</i> .	<ul style="list-style-type: none"> Regulate the maritime transport activity: Transportation of coastal trade, tourist, mixed and public, as well as chartering, tariffs and ship leasing.
	23. Law 768 de 2002. <i>“Administrative Political Regime and District Attorney”</i> .	<ul style="list-style-type: none"> Establish powers, instruments, and resources to promote the integral development of coastal districts and the cities of Cartagena de Indias, Barranquilla and Santa Marta.
	24. Law 1021 of 2006 <i>“General Forest Law”</i> .	<ul style="list-style-type: none"> Establish the National Forest Regime, in order to promote the Sustainable development of the forestry sector. Also regulate activities in coastal natural forests.
	25. Decree 4440 de 2008, <i>“Use of beaches and other ecological structures”</i> .	<ul style="list-style-type: none"> Modify article 16 of Decree 3888 of 10 October 2007, noting that the use of beaches will be subject to regulations issued by the respective local administration and/or the port captaincy.
Chile [66]	<ol style="list-style-type: none"> DFL n° 340 de 1960 Law Decree n° 1.939 of 1997 Supreme Decree n° 475 of 1994 	<ul style="list-style-type: none"> Referred to Maritime Concessions. Referred to the administration of the Coastal Edge. Referred to the National Coastal Edge Use Policy (NCEUP, 2006).

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Argentina [67]	1. Civil Code of the Republic of Argentina (Law 340, article 2.340)	<ul style="list-style-type: none"> Define territorial seas, inland seas, bays, coves, harbors, anchorages, rivers, their channels, sea beaches and internal river banks, as public goods. The article 2.343 establishes the possibility of private appropriation of some resources such as “the fish, plants and herbs that grow in the coasts of the sea”.
	2. Law 24.543/1995	<ul style="list-style-type: none"> Approve that the nation exercises full sovereignty up to the outer limit of the territorial sea (12-mile shore), while the provinces only have jurisdiction concurrent with the national state of up to 3 miles (Laciar, 1987).
	3. Law 20.136/1973	<ul style="list-style-type: none"> Claim ownership of existing living resources in sea zones under Argentinean sovereignty.
	4. Treaty of Río de la Plata and its Maritime Front (1973)	<ul style="list-style-type: none"> Establish the jurisdiction of the river between Argentina and Uruguay.
Uruguay [68]	1. Law of Populated Centers (1946), Law n° 10.723. 2. Code of Water (1978), Law n° 14.859.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	3. Law n° 16.170 (1990) • Article N° 47 of the Constitution of the Republic.	<ul style="list-style-type: none"> Instruct the Ministry of Housing, Territorial Ordering and Environment to study and define several protection areas located in the coastal zone.
	4. Law of the Evaluation of Environmental Impact (n° 160466, 1994) and its Regulatory Decree (349/05).	<ul style="list-style-type: none"> The objectives are not defined in the base reference.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	5. Law n° 17.283	<ul style="list-style-type: none"> • Declare general interest for the protection of the environment.
	6. Law n° 17.234	<ul style="list-style-type: none"> • Declare general interest for the creation and management of a national system of protected natural areas.
	7. Law of Ordering and Sustainable Territorial Development (n° 18.308). 2008.	<ul style="list-style-type: none"> • In article 10 establish the creation of the National Guidelines for Coastal Space under the application of the Ministry of Housing, Land Management and the Environment.
Brazil [69]	1. Federal Constitution of 1988.	<ul style="list-style-type: none"> • Include the coastal zone as national heritage and establish the requirement of the Environmental Impact Report (RIMA) for the implementation of potentially impacting activities. (Barragán 1998) and Morales 1999)
	2. Federal Law n° 7.661, of 16 March 1988 3. National Law of Coastal Management.	<ul style="list-style-type: none"> • Coastal management guide by establishing the National Coastal Management Plan (PNGC) with the objective of “providing general standards for the environmental management of the coastal zone of the country”. • Specify that “states and municipalities can establish, by law, specific plans of coastal management”.
	4. Decree 5.300 (2004). Institute the Integrated Management Project of Orla Marítima (Orla Project).	<ul style="list-style-type: none"> • Stipulate higher standards for the use and occupation of coastal zones and regulations related to its management.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	5. Law n° 4771 of 15/09/65, new Forest Code.	<ul style="list-style-type: none"> Determine the forests for permanent preservation to those forests in the margins of water courses, dunes, inclines.
	6. Law n° 7511 of 07/07/86: Law n° 6.938, of 31 of August 1981: They deal with the National Environmental Policy.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	7. Law n° 5.357, of 17 November 1967.	<ul style="list-style-type: none"> Provide sanctions for vessels or maritime or river terminals that release debris or oil in Brazilian waters and other measures.
	8. Law n° 8.617 of 4 January 1993.	<ul style="list-style-type: none"> Arrange the territorial sea, the contiguous zone and the exclusive economic zone and the continental shelf.
	9. Law n° 8.630 of 25 February 1993 Law of Port Modernization.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	10. Law-Decree n° 221 of 28 February 1967: Establish the Fishing Code.	
	11. Law-Decree n° 1.561 of 13 July 1977: Provide land union occupation.	
	12. Decree n° 1.265 of 11 October 1994: Approve the National Maritime Policy.	
	13. Decree n° 1.540 of 27 June 1995: Discipline or COGERCO.	
	14. Decree n° 1.694 of 13 November 1995: Create the National System of Fishing and Aquatic Information (SINPESC) and regulate the aquaculture and public waters belonging to the union and other measures.	
	15. Law N ° 11.428 of 22 December 2006: Law of Atlantic Forests.	

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Portugal [70]	1. Law 16/2003 Public Domain Maritime Regime, implemented by Law Decree n° 468/71, of 5 November.	<ul style="list-style-type: none"> This was the first initiative that took place to delimit the coastal zone, ensuring a 50-m protection band in relation to the maximum high tide line of equinoctial living waters.
	2. Law Decree n° 302/90, of 26 September 1990.	<ul style="list-style-type: none"> Establish the coastal urban management system, determining the principles of occupation, use and transformation of the coastal strip (2 km wide) that must be taken into account in the planning and ordering of the territory.
	3. Law Decree n° 309/93, of 2 September.	<ul style="list-style-type: none"> Regulate and approve the plans for coastal planning (POOC). These plans will cover coasts and continental sea waters and their beds and banks with a maximum protection range of 500 m from the line that limits the margin of sea water (MAOTDR, 2007a).
	4. Law Decree n° 316/2007, of 19 September, Special Plans of Ordering the Territory, and include the Plans of Ordering the Coastal Borders and the Plans of Ordering Estuaries.	<ul style="list-style-type: none"> Include plans for coastal planning and estuary planning. These aircraft have as their main objective the "... safeguard of resources and" ... the permanence of indispensable systems for the sustainable use of the territory."
	5. Law of Water, 208/2007 of 29 May.	<ul style="list-style-type: none"> Protect and improve the environmental components of water, as well as the sustainable management of water resources within territorial districts.
	6. DL 208/2007 of 29 May)	<ul style="list-style-type: none"> The objectives are not defined in the base reference.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Spain [3,4,71]	1. Spanish Constitution of 1978.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	2. Law of Coasts of 1969.	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
	3. Law 22/1988 of Coasts developed by Regulation (Royal Decree 1471/1989 [3])	<ul style="list-style-type: none"> Conceived practically for the management of DPMT and not for the coast as a whole. The Law corrected a series of historical errors, such as those made by the Coastal Law of 1969 when defining public domain assets.
	4. Law 27/1992, of State Ports and Merchant Shore.	<ul style="list-style-type: none"> Attribute competences in the management of the use of the DPMT in favor of different bodies of the state administration and the port authorities corresponding to the DPPE.
	5. Law of Water (Law 29/1985 and RD 1/2001).	<ul style="list-style-type: none"> They are sectoral laws related to coastal themes.
	6. Law of Protected Natural Spaces (Law 4/1989).	
	7. Law of Ground (Law 6/1998).	
	8. Law 30/1992 of Public Administration Legal Framework (amended in 1999).	
	9. Law 38/1995 of the Right to Access Environmental Information.	

Table 1. Cont.

Country	Legal Coastal Framework	Objective
	10. Royal Decree-RD- legislative 1320/1986 of evaluation of environmental impact. 11. RD 258/1989 regarding spills of hazardous substances from land to sea. 12. RD 2510/1977 regarding the layout of the straight baselines. 13. Law 10/1977 of "Law of Territorial Sea". 14. Law 3/2001 of "Law of Maritime Fishing". 15. Law 42/2007 "Law of Natural Heritage and Biodiversity." 16. Law 45/2007 "Law of Sustainable Development of Rural Medium".	<ul style="list-style-type: none"> The objectives are not defined in the base reference.
[4,72]	17. Law 2/2013, of 29 May, the Protection and the Sustainable Coastal use and modification of the Law 22/1988, of 28 July, of Coasts.	<ul style="list-style-type: none"> Clarify the delimitation of the concept of Maritime-land public domain and improve the demarcation procedure. (A wide review of coastal boundaries concepts, terms, and approaches can be checked at [28,73]. Establish that the maritime-terrestrial zone will be set as far as the waves reach in the greatest known time periods, based on the technical criteria established, adding greater certainty, safety and uniformity in the boundaries (A wide review of coastal boundaries concepts, terms, and approaches can be checked at [28]). Prohibit the construction of new residential edifices on the coast, both in the public maritime land domain (seacoast and beaches) and in its adjacent area of protection easement. This is reinforced with specific preventive mechanisms, prohibiting also that improvement works imply increases in size, height or surface. Incorporate specific regulations against the effects of coastal climate change.
Bolivarian Republic of Venezuela [40,74]	Law of Coastal Zones, 2001.	<ul style="list-style-type: none"> Define the Coastal Zone in the land strip with a minimum 500 m inland. Within it is the Public Domain area that must have at least 80 m inland. Both distances are defined from the High Average Tide Line (LMAP). In the zone shore the maximum limit is 12 nautical miles.

Table 1. Cont.

Country	Legal Coastal Framework	Objective
Nicaragua [40,75]	Decree N° 78-2009, Regulation of Law N° 690, "Law for the Development of Coastal Zones".	<ul style="list-style-type: none"> • According to articles 9 to 12 literal d and 21 of Law 690 and Article 19 of the Decree78-2009 Regulation to Law 690, for the effects to delimit the coastal zones at the request of individuals, the Internal Regulations CDZC-01-2011 is approved, regarding the procedure for the purpose of delimiting coastal zones at the request of individuals. • As established, the individual interested in delimiting their coastal property in accordance with the law must request this service in writing to the municipality of their territorial constituency and must attach the corresponding plan and legally acquired domain title, duly registered in the Public Registry of the Property. The demarcation is executed using the geodetic method.

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