

Shadows of Strife: The role of Environmental Law in Safeguarding People and the Environment in Times of Conflict

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ABSTRACT

Local conflicts about environment: the French coastal law — the case of Corsica

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The French Parliament has decided in 1986 to enact the French coastal law. At that time, this legislation has been approved unanimously, despite the criticisms and the worries from political and corporations. Before 1986, French law had legislations about the public domain but the coast was more and more popular to live in or to visit for holidays (above all after the « glorious thirty », spending power had increased). As a consequence, the more people wanted to buy or to rent on the coast, the more urban development was increasing. Besides, this coastal legislation comes after the devolution French movement in 1982. So this coastal law gives local authorities powers to take decisions which can protect or destroy the coastal environment. Indeed, on a local level, municipalities, departments and regions, as administrative areas, can make choices about urban development on the coast.

However, since 1986, the coast remains a conflictual area, juridically and politically. Tensions are still increasing on the coast, under the effects of climate change, coastal erosion, urban development, administrative trials are more and more brought.

Some areas in France are particularly concerned by local conflicts on the coast, such as Corsica. As a matter of fact, conflicts about urban development and environment are regular in Corsica. According to the administrative Court of Bastia (Corsica), 35% of the trials are in relation with these subjects. Since 2015, Corsica has its own local urban plan but the coastal legislation still creates conflicts between corporations, municipalities, environmental associations and it belongs to the administrative judge to interpret the law. Case law has a powerful place to settle these conflicts. The coast is more and more under a « jurisdictionalization », due to the number of case law.