

CONCLUSIONS TOPIC 2

Registration of the maritime-terrestrial zone. Prohibitions and limitations imposed by the public maritime-terrestrial domain. Historical enclaves and easements. Contribution of the land registry to environmental protection. International sustainability goals.

One of the main challenges of our times is the realisation of a future scenario based on environmentally sustainable economic development, which guarantees the quality of life of present and future generations. This requires that the environmental commitments reflected in the European Green Pact, 'for a cleaner and more competitive Europe', be complemented by an additional triangle formed by legal creativity, collective responsibility and institutional proactivity, to be implemented State by State.

In this endeavor, which is everyone's, there is a share of responsibility and cooperation that corresponds to the land registry, given that land, which is its object, is private property and a source of economic utility, but it is also a natural resource of the first magnitude and the basis of important ecosystem functions and services that must be preserved and protected.

Undoubtedly, for countries bordering seas and oceans, the maritime-terrestrial zone is a part of the State's territory characterised by its mutability, its political value, its economic value, its environmental value and consequently by the need for special protection, which has almost unanimously resulted in the State's control over it and the declarations of large extensions of public domain in it.

1. The 23rd IPRA-CINDER Congress highlighted the many issues that arise in the maritime land area:
 - Amongst these is the difficulty of demarcating a largely public, inalienable and imprescriptible area in which private property has been exceptionally recognised. On the other hand, this area is changeable, often at the whim of nature itself, or of human actions carried out illegally and with little respect for the environment and biodiversity.
 - Likewise, in most coastal countries, there are constant conflicts between the institutions and authorities involved, which, without clear and sufficient legislation, claim competence over this area, both to legislate on it and to grant permits and licences.
 - Most of the legislation analysed in this congress shows a disjointed and difficult-to-interpret legislation.

- The material difficulties for a precise knowledge of the maritime-terrestrial zone and its control have fostered in many territories, for decades, a permissive culture that has ignored insufficient regulations.
 - In the last sixty years there has been great pressure on the coasts due to urban development, which has taken place without adequate institutional articulation and which has produced endless illegal activities; marine pollution, mangrove felling, illegal appropriations and constructions that have been clearly detrimental to biodiversity and the ecosystem.
2. Faced with this problem, the participants propose, in order to ensure the utilization of the maritime-terrestrial zone with respect for the environment and in harmony with nature, starting from the fact that the environment is a fundamental element for human development and an asset that brings together the richness and biodiversity of the planet.
- That a new definition of the maritime-terrestrial zone be made, based on the criterion of risk assessment and with the aim of protecting life, property and coastal areas.
 - Recognition of the changing nature of our coasts.
 - That the State becomes the guarantor of the protection of the environment and natural resources:
 - o Exercise control over the maritime-terrestrial zone, enact legislation to regulate it and apply sanctions, both administrative and criminal, to those who break the law.
 - o Carry out coastal titling processes which, in the international context, as evidenced by the Food and Agriculture Organisation of the United Nations (2012), have emerged as a key element for the conservation and sustainable management of marine areas and territory around the world.
 - o And that, in turn, through public policies on coastal titling, the State can grant rights to people who have a well-grounded claim to those, avoiding irregular actions. Achieving a balance between sustainable use and conservation of the territory and its biodiversity.

In the maritime-terrestrial zone, it is the State's duty to guarantee access to quality information, which is complete, accurate and endowed with a presumption of veracity that avoids conflict and litigation.

In order to achieve this, it is concluded that access to the land registry of rights of use or coastal concessions is necessary, which would produce great benefits arising from legal certainty. Security that not only protects the rights of the owners, but also encourages investment and sustainable real estate development, and at the same time protects the environment and the so-called 'Rights of Nature'.

All this with the development of a Specific Registration System for Concession Related Rights in the maritime-terrestrial zone would improve the legal security of these rights. This system should detail the temporal conditions and limitations of the rights of use, ensuring that acquirers fully understand the nature of their rights and the corresponding conservation obligations.

It should also provide for the integration of a fee indexation system to adjust the value of concessions according to their duration and environmental impact, ensuring that the state receives fair compensation and that properties in concession areas maintain a market value that reflects their temporality. In addition, the imposition of mandatory environmental practices would strengthen private developers' commitment to sustainability, promoting responsible development and a balanced relationship between the private sector and the public interest.

3. Paradigmatic examples:

- Coastal planning policies in Australia and New Zealand, which have achieved a more sustainable management of their coastlines.
- The participants presented various comparative law studies of different legislations such as those of Brazil, Spain, France, Colombia, Costa Rica, Chile, Peru, Portugal and the Principality of Monaco, all of which concluded that there are common problems and a challenge that must be addressed at a global level.