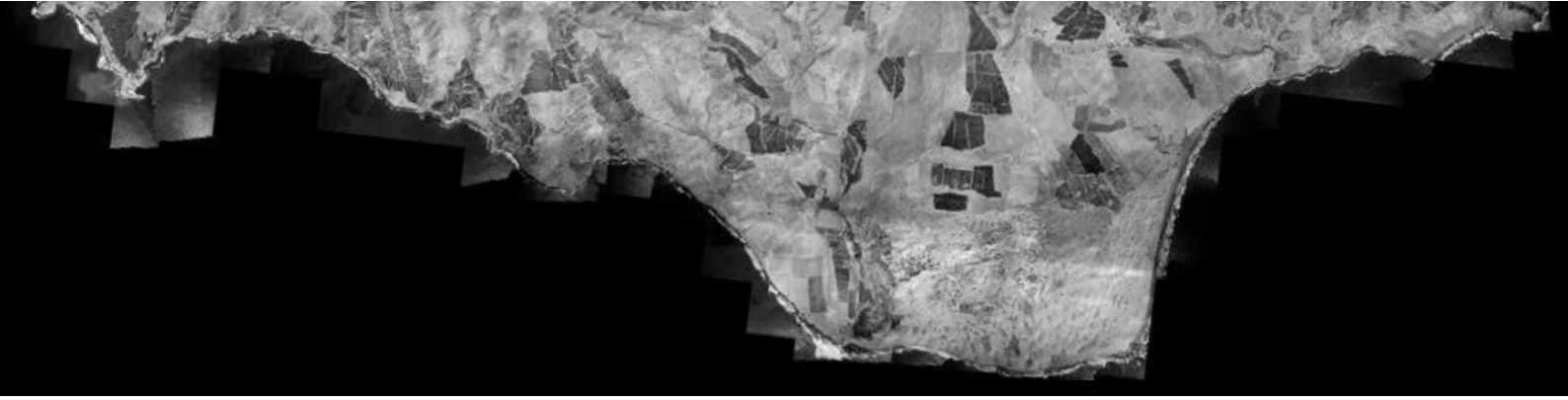

university of groningen / faculty of spatial sciences

CARL VON OSSIETZKY universität OLDENBURG

A public good under threat:

Coastal grabbing and the Coastal Shore Act in Gran Canaria, Canary Islands

Till G. Fleck

Double Degree Program

Master of Environmental and Infrastructure Planning
Rijksuniversiteit Groningen | Faculty of Spatial Science
s3466940

Master of Water and Coastal Management
Carl von Ossietzky Universität Oldenburg
3482387

1st Supervisor: Prof. Frank Vanclay | 2nd Supervisor: Ferry van Kann | 10th of July 2018

Abstract

The coastal areas of the European Union (EU), although representing just a small percentage of its terrestrial surface, house nearly half of its population. Their fragile, diverse and fluctuating nature meets not only with an increasing number of users but also with an intensification of uses. The resulting pressure on these highly contested areas leads to their commodification and privatization. Coastal grabbing, a phenomenon of accumulation and dispossession of coastal land, leading to exclusion and alienation of the local population, describes this process. This thesis investigates in Gran Canaria, Spain, to what extend coastal grabbing is taking place on the coasts of the EU. The island has experienced a sudden boom of unplanned construction since the 1960s. Sprawling beach hotels led to a degradation of its coastal resources and an exclusion of access. In 1988 the Costal Shore Act *Ley de Costas* in 1988 was implemented to stop these developments. Since then, large parts of Spain's coast have been declared as a public good. Due to the prohibition of private property in this public domain, the law was able to stop the further urbanization and modification of the first line of the coast. However, the success of the law to prevent coastal grabbing is debatable. Regarding the treatment of the property from the time before its implementation, the law itself turned out to exclude financially weaker user of the coastal zone via a concept of concessions and taxes but also with new investments irregularities can be found when large tourism investors are involved.

Keywords: Coastal grabbing, commons, public good, dispossession, accumulation, Ley de Costas

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List of Abbreviations

CE	Constitución Española (Spanish Constitution)
Costas	General Directorate of Sustainability of the Coast and the Sea
CPR	Common-Pool Resource
ECVC	European Coordination Via Campesina
EU	European Union
IPCC	Intergovernmental Panel on Climate Change
LC	Ley de Costas (Coastal Shore Act)
LC69	Ley de Costas 1969
LC88	Ley de Costas 22/1988
MPA	Marine Protected Area
MTPD	Maritime-terrestrial public domain
MTZ	Maritime-terrestrial zone
PA	Protection Area
RGC	Reglamento General de Costas (General Regulation of Coasts)
UA	Urban Area

1. Introduction

Forming the interface between firm soil and the open sea, coastlines offer a diverse and complex environment. Their multitude of characteristics, implying also a multitude of resources and habitats, made coastlines attractive to human settlements, a trend which still persists (Carter, 2013; Glavovic, 2013). It is not only the richness of resources but also their logistic attractiveness for marine trade and transportation, culture and recreational activities that make coasts so desirable for residential purposes (Neumann et al., 2015). Globally, the population density in coastal regions is already higher than the density of inland populations and it is expected to further exceed the latter (IPCC, 2014), making coasts the "primary human habitat" (Glavovic, 2013, p. 912). A similar development is taking place in the EU where already in 2009 41% of its population lived in coastal regions (< 50 km distance to the see), where higher rates of population growth were recorded than inland (Eurostat, 2010). However, the coastal regions do not only attract settlements but also an increasing amount of tourists, making coastal tourism the most popular expression of touristic activity, able to multiply local populations in numbers (Honey & Krantz, 2007).

This constantly accelerating development of the coasts caused tremendous socio-economic and environmental changes over the past decades (Neumann et al., 2015) which can be observed in the widespread "conversion of natural coastal landscapes to agriculture, aquaculture, silviculture, as well as industrial and residential uses" (IPCC, 2007, p. 319). The Intergovernmental Panel on Climate Change (IPCC) lists the major Anthropocene impacts: "drainage of coastal wetlands, deforestation and reclamation, and discharge of sewage, fertilizers and contaminants into coastal waters. Extractive activities include sand mining and hydrocarbon production, harvests of fisheries and other living resources, introductions of invasive species and construction of seawalls and other structures" (IPCC, 2007, p. 319).

Consequently, coastal regions experience high pressure on their quite limited amount of space. A situation which is aggravated due to its richness and diversity and gives reason to pay special attention to coastal protection and conservation. Since large parts of the global population are living in this area, they can represent "the frontline in humanity's battle to learn to live sustainably

on Earth" (Glavovic, 2013, p. 912). Therefore, the question about how to organize the coastal strip has global relevance.

In organizing the use and access to these highly contested areas, policies differ from country to country. In general, a binary view, the question whether regarding the coast as a public good, a common or private property exposed to global trade and investment can be examined (Isabella, 2016). A regulation of access to the coast via privatization can already be found in the roman empire (Pringle, 2016), a phenomenon that is still present on the Italian coasts (Marin et al., 2009). Nevertheless, some countries chose the other path and declared their coastlines public property, for example Israel or the US states, New Jersey and Hawaii (Kingdon, 2016).

During the past two decades, a trend of ongoing neoliberalism is putting these common goods under threat and local laws made to protect them may have to give way to transnational agreements and further commodification of nature (Barbesgaard, 2017). Land grabbing (or in this context coastal grabbing), resulting from globalization, liberalization of national land markets and increased foreign direct investments exacerbates the already complex situation (Zoomers, 2010) and endangers the livelihood of local coastal populations (Bavinck et al. 2017). Coastal grabbing, including blue grabbing under its definition, is a relatively new subdivision within the older debate of land grabbing and describes the dispossession of coastal land from local proprietors by more powerful actors, for example the state or tourist companies (Hill, 2017). Up to now, literature on coastal grabbing has been concentrated mainly on the Global South (Bavinck et al., 2017; Benjaminsen & Bryceson, 2012; Hill, 2017). This focus has tradition: Although the discussion about land grabbing arose in Europe with Marx (1867) and the enclosures in England, it was Luxemburg (1913) that moved the focus towards the effects of dispossession and imperialism in the colonies of the Global South (Lee, 1971) where the main focus has remained up until recently (Borras & Franco, 2012; Edelman et al., 2013; Wolford et al., 2013).

An explorative study of the European Coordination Via Campesina (ECVC) and the Hands off the Land Network (2013) as well as from Van Der Ploeg et al. (2015) however confirmed that land grabbing is a global phenomenon and consequently taking place in the Global North as well. Therefore, the attention on land grabbing was brought back to the place of its origin, Europe. In the European context, although the phenomenon is the same, the dimensions of the symptoms differ. Key (2016, p. 7) differences as followed: The scale of land grabbing in Europe is a "limited

but creeping problem" and hence prone to be underestimated. It is further characterized by the involvement of 'land deal brokers' and a lack of transparency. Additionally, the increasing amount of land owned by banks threatens local use and access rights (ECVC, 2013). Furthermore, subventions have a big influence on large-scale land deals in the EU. Van der Ploeg et al. (2015, p. 149) discovered a correlation of increasing subsidies for large-scale farmland and a "dramatic concentration in land ownership" between the years 2000 and 2011.

It is precisely because of the hidden character of land grabbing in Europe and the absence of coastal grabbing studies in countries of the EU that investigation of its occurrence and possible measures against it, as well as their effectiveness, are needed. Especially as an acceleration of the process can be expected (ECVC, 2013) and land concentration is ongoing (Key, 2016). However, the European land grabbing discussion is still predominantly focusing on farm land. According to Zoomers (2010) though, this discussion has to be broadened towards a more comprehensive approach answering the questions of what form land use will take in the future, which purposes it will serve and above all who will do it? Insights about where, to what extent and how coastal grabbing is taking place in Europe are missing so far. The supranational character of the European Union makes the phenomenon less obvious. Nevertheless, land grabbing has been proven to take place in the EU (ECVC, 2013) which leads to the conclusion that the occurrence of coastal grabbing is most probably as well.

Spain is one of the countries which declared their coasts a public good in its constitution and safeguards it under the Coastal Shore Act *Ley de Costas* (LC). With this law the Spanish state wanted to both take back control over illegal housing, sprawling along the coastline but also act against the rapid increase of tourist accommodations forming barriers between the coast and the land which exclude the local population from its access (Torres Alfosea, 2010). At the same time, the law changed not only the property rights along the Spanish coasts but had a strong impact on the spatial planning of the latter. Responsibilities and restrictions for the spatial planning of the coastal strip, with over 7.880 km of length, occupying an area of 13.560 ha (Jefatura Del Estado, 1988), changed. As already described above, the coastal regions are a highly contested area with many stakeholders. Planners are used to deal with the multitude of spatial claims and assess the impact of spatial fluctuations (Allmendinger, 2017). Concluding from the spatial impact not only of the law but also of coastal grabbing, the insights from an expert of the spatial planning field can offer an adequate evaluation of the impact of those changes and the

consequences for the spatial organization. Nonetheless, it is not only the specific knowledge of a planner which can contribute to analyze the case but also the case itself can contribute to the planning debate. As countries apply different approaches, insights into the working of this commons law can contribute to the planning field since they provide answers to meta questions like the spatial distribution of commons and private property and where which property regime appears more adequate. Especially as those questions represent a globally emerging dilemma and have a high impact on the use of the coast.

To answer the research question: "*How does the declaration of the Spanish coast as a public good contribute to the prevention of coastal grabbing in Gran Canaria?*" first five sub-questions are elaborated:

1. How did the historical background shape the situation we find nowadays in Gran Canaria?
2. What forms of coastal grabbing can be found in the public domain of Gran Canaria's coast?
3. What are potential threats are endangering the coastal public good?
4. How much does the LC contribute to create and maintain Gran Canaria's coast as commons?
5. How does the LC influence the condition of Gran Canaria's coast?

Therefore, the Spanish approach of declaring the coast as public good is presented and analyzed. By reflecting on the past, the role which the LC plays in protecting against potential coastal grabbing on the island of Gran Canaria is questioned critically. Is the LC capable to protect the coastal common good in such a way that the incentives of the local community to preserve their coasts can be maintained? This is be done reflecting on the actual discussion on common space initiated by the theories of Ostrom (1990b). Furthermore, its effectiveness in relation to nature conservation and providing a fair access to the coastal resources is evaluated as well as possible threats and improvements.

In the following, a literature review is present insights of the actual academic debate on the topic of coastal grabbing and the commons, followed by a presentation of the selected research area Gran Canaria. Afterwards the methodology presents the research question together with the sub-

questions and explains why a qualitative research method in form of a case study has been chosen. To gain the necessary insights, policies and documents have been analyzed and semi-structured interviews executed. Subsequently, the gathered data is presented and analyzed, leading to a discussion of the findings and a conclusion offering answers to the research questions.

2. Literature Review

Not only human developments are under steady change, nature itself is steadily changing between order and disorder. Coasts, the interface of firm land, open ocean and air, embody this process (Carter, 2013). Being a fluctuating and unstable ecosystem, the coast never existed as a static piece of land, as people in continental regions are used to (Falaleeva et al., 2011). Shorelines are steadily changing between erosional: shoreline shifts landwards, and accretional: shoreline shifts seawards, processes. These conditions can easily last more than one lifetime until they shift, which makes it difficult for humans to understand them as changing processes (Pilarczyk, 1990). Varying in width and changing over time makes a normal delimitation of zonal boundaries impossible. Consequently, coastal limitations are frequently marked by environmental gradients (e.g. highest water line during the strongest storm event measured) or by zones of transition. Indeed, it is the complexity of a highly fluctuating interface between land and water and the axiomatically indicated change which makes coastlines difficult to understand (Carter, 2013).

Legal issues of property rights, rather rigid in their perception of spatial boundaries over time, have their problems in adopting to the dynamic changes of the coastal zone (Cooper & McKenna, 2008). Therefore, in the past, coasts have been perceived as an open resource, free to be used by everyone (Schoenbaum, 1972). It is its lack of tangibility, as described earlier, which gives reason to receive the coastal zone as a commons (Carter, 2013). Nevertheless, increasing pressure due to the growing coastal population, demands governmental management (Schoenbaum, 1972).

One of those stressors is coastal grabbing, a term which has recently emerged in the general land grabbing debate (Bavinck et al., 2017). For a full understanding of coastal grabbing, the phenomenon itself as well as its position in the general land grabbing debate is analyzed in this chapter. It can be anticipated that coastal grabbing is a process of commodification into private and state property (Bavinck et al., 2017) and therefore in sharp contrast with the traditional coastal common-property rights (Sandberg, 1995). Hence, to provide the full picture, the theory of the commons is elucidated in the second half of this chapter.

2.1 Coastal Grabbing

Being a result of the progression of the broader discussion of land grabbing, coastal grabbing is a rather young subdivision of the general debate and reflects a geographical demarcation of the coastal area (Bavinck et al., 2017). It is product of an evolutionary process which tries to overcome the broad problem of land grabbing by constantly subdividing the topic into smaller more detailed parcels. Nevertheless, a common definition of the grabbing process is still missing (White et al., 2012). In this thesis the understanding of coastal grabbing is based on the definition which reflects different notions of the grabbing debate and thereby represents the most adequate demarcation of it:

Coastal grabbing is a combination of dispossession of previous users and capital accumulation by some powerful actors - public or private, foreign or domestic - of coastal (marine and terrestrial) space and resources via any means - 'legal' or 'illegal' - for purposes of speculation, extraction, resource control or commodification at the expense of the local population, land stewardship, food sovereignty and human rights.

Still, to fully understand the dimensions of the phenomenon it is helpful to first analyze the origin of the land grabbing discussion and its different notions before evaluating coastal grabbing in more detail.

2.1.1 Primitive Accumulation

Having access, the right to enter a defined physical property (Schlager & Ostrom, 1992), to land or resources, is decisive not only for the health and wealth of a community but also for its level of autonomy. One can argue that the access to land is likewise to the provision of a livable life (ECVC, 2013; White et al., 2012). Trends of industrialization, urbanization and globalization are shaping societies nowadays extensively all over the world and transform the direct access to land or resources into a more abstract one. Nonetheless, the access to land, although it is not exclusively for agricultural purposes anymore but also for other types of business, leisure or nature protection and indirectly through the consumption of agricultural products, remains a fundamental pillar of the wealth of any local community (Van Der Ploeg et al., 2015).

Land dispossession has a long history but the start of the theoretical discussion can be found when critical classic theorist Karl Marx (1867) came up with the expression of land grabbing while describing the enclosures in England. For him 'primitive accumulation' is "the historical process of divorcing the producer from the means of production" (Marx, 1867, p. 875), including

processes of commodification and privatization of (communal) land as well as the oppression of rights to the commons (Harvey, 2005). The thematic was further elaborated by Rosa Luxemburg (1913) who described the dispossession of peasants of their commonly organized lands in Europe but especially shifted the attention towards the colonies (Lee, 1971). By taking advantage of the environmental damage in the colonies, the imperial countries limited the self-determination of the local population (Hughes, 2005). Apart of the provision of resources, Luxemburg declared the delivery of cheap labor for the ongoing industrialization as one of the main aims of the 'primitive accumulation' (Lee, 1971).

2.1.2 Accumulation by Dispossession

The phenomenon of primitive accumulation did not experience much attention during the following decades. This could relate to the end of colonialism and the post-colonial land reforms which tried to break up large land-holdings during the second half of the 20th century, and which – at this time – were even supported by the World Bank. Nevertheless, at the end of the 20th - and in the beginning of the 21st century the consequences of years of neo-liberal politics, including market liberalization and an increase of foreign direct investment, changed the climate again towards large land accumulations in the name of development (White et al., 2012). "Exporting of environmental damage by importing at low cost from far away became a keynote of the policy of industrial nations […] implement[ing] colonial policy without direct rule" (Hughes, 2005, p. 297).

Formerly predominantly communal properties turned into open-access resources, threatened to endure the 'tragedy of the commons' (Ostrom et al., 1999). Dispossession of land and resources by mainly non-domestic owners has a major impact on their general ecological degradation. By leaving the local scale of possession, the emotional connection and above all the direct feedback of consequences of action received from nature loses its comprehensive sphere. A collective memory of sustainable management, as is found in local communities is missing by global actors (Hughes, 2005).

Building up on the theories of Marx (1867) and Luxemburg (1913), David Harvey (2005) was among the first who picked up the land grabbing discussion again. Within the long history of capital accumulation, a new evaluation of the 'primitive accumulation' was needed, beside the fact that describing the ongoing accumulation processes as 'primitive' appeared inadequate (Harvey, 2005). As a consequence, Harvey (2005) substituted the term with 'accumulation by dispossession'. Opening up the focus of 'primitive accumulation' from traditional

commodification he included speculative raiding, intellectual patenting or biopiracy into the concept of 'accumulation by dispossession'. He further highlights the escalating decline of environmental commons, the commodification of cultural goods and hitherto public assets as consequences of the ongoing accumulation process. Introducing the new notion of a combination of accumulation and dispossession processes led to a renewed interest in the topic (Benjaminsen & Bryceson, 2012).

2.1.3 The Global Land Grab

Global trade agreements opened the doors for global players in search of the resources required by the ever more extensive life style of the Global North increasingly, outside of their domestic boarders (White et al., 2012). When towards the end of the first decade of the 21st century, an interplay of economic crisis, scarcity of food and oil, effects of climate change and loss of biodiversity increased the pressure on the global markets, the whole process speeded up. This caused a rush for land of an as yet unknown intensity and introduced the term 'global land grab' (Borras & Franco, 2012; Rulli et al., 2013; Zoomers, 2010). The increasing demand for resources and land takes place everywhere at the expense of the Global South (Borras Jr. & Franco, 2010) and the poor parts of populations in general (Zoomers, 2010). The motives of the grabbing actors have been categorized more diversly, containing: "logging, food, fuel and increasingly bio-fuel production, tropical forest products and plantation forestry, ranching, productions of illegal narcotics, access to water of hydropower, precious minerals and metals, oil, natural gas, carbon sinks and protection of flora and fauna and global biodiversity" (Wolford et al., 2013, p. 190). Big scale land deals of mostly non-domestic investors accelerated the exclusion of local communities from their access and use of land and resources and brought the topic up the agenda of the international community in March 2009 (Wolford et al., 2013).

Whereas symptoms such as monopolization of land stayed the same compared to the earlier trends of land grabbing, the spatial scale and the speed of the acquisitions, increased dramatically. Consequently, possible impacts on livelihoods and economic structures are becoming more intense (White et al., 2012). Beyond that, in contrast with the 'primitive accumulation' in which dispossession was used as a tool to generate cheap labor, White et al. (2012, p. 624) observes that nowadays the potential labor workforce, freed through dispossession of land, cannot be absorbed anymore and a "surplus population" is created.

Consequences result in the streams of refugees expropriated of their lands and geopolitical conflicts (Zoomers et al., 2016).

2.1.4 Different Shades of Grabbing

While the intensity of the rush on land is steadily increase, the discussion developed as well. A spatial and thematical demarcation was necessary. As a result literature now talks about green (Fairhead et al., 2012; White et al., 2012), water (Rulli et al., 2013), ocean (Bennett et al., 2015) and coastal grabbing (Bavinck et al., 2017) with the related blue grabbing (Benjaminsen & Bryceson, 2012). While the last two notions are presented, in detail in the next section, the previous ones are introduced first, in brief, to provide a better understanding of the connotations which the different demarcations entail.

The notion of 'green grabbing' sophisticates the debate of land grabbing with a new dimension. Referring to land grabs executed in the name of nature conservation, green grabbing addresses projects of REDD+ (Reducing Emissions from Deforestation and Forest Degradation), carbon offset as well as the implementation of nature protection areas (Fairhead et al., 2012).

'Water grabbing' on the other hand describes a process which comes along with land grabbing and refers to the appropriation of fresh water resources within the land grabbing process itself (Rulli et al., 2013). It further describes the "abstraction where established user-rights and public interests are disregarded" (Duvail et al., 2012, p. 322).

Given the enormous size of the ocean and the quantities of material dispersed in it, the open ocean appeared an infinite source of resources which most states were keen to share. To guarantee those access and user rights to everyone the ocean was declared 'the common heritage of mankind' (Uys van Zyl, 1993). Its area is divided into three oceanic zones with geological and legal significance:

- "the nearshore zone corresponding to the 12-mile territorial sea,
- the continental shelf zone corresponding to the 200-mile exclusive economic zone
- the abyssal plain or deep seabed corresponding to an international area beyond the legal jurisdiction of individual nations" (Uys van Zyl, 1993, pp. 49–50)

Nonetheless, under the logic of growth the commodification of the ocean is under progress (Barbesgaard, 2016) which results in an intensification of large-scale, capital-intensive uses with major impacts on small-scale users (Barbesgaard, 2017). As a result, the claims on part of the

ocean become more common not only in the exclusive economic zones but also in the open ocean (Hughes, 2005). The blue growth initiative, which tries to go beyond simple fisheries and reaches out to manage all marine and coastal resources, is one example of this (Barbesgaard, 2017). In this context 'ocean grabbing' focuses mainly on the dispossession of small-scale fishery. Bennett et al. (2015) defines 'ocean grabbing' as:

"… dispossession or appropriation of use, control or access to ocean space or resources from prior resource users, rights holders or inhabitants. Ocean grabbing occurs through inappropriate governance processes and might employ acts that undermine human security or livelihoods or produce impacts that impair social–ecological well-being. Ocean grabbing can be perpetrated by public institutions or private interests." (Bennett et al., 2015, p. 62)

Although 'ocean grabbing' is also including the coastal zone, its strong focus on fishery as well as the perception of the coast as a boundary or area of transition, granting access (Bennett et al., 2018) rather than the central notion required for a further division: the coastal grabbing. But before discussing the more precise notion of coastal grabbing, a general overview of the actual land grabbing discussion in literature is encapsulated in figure 1.

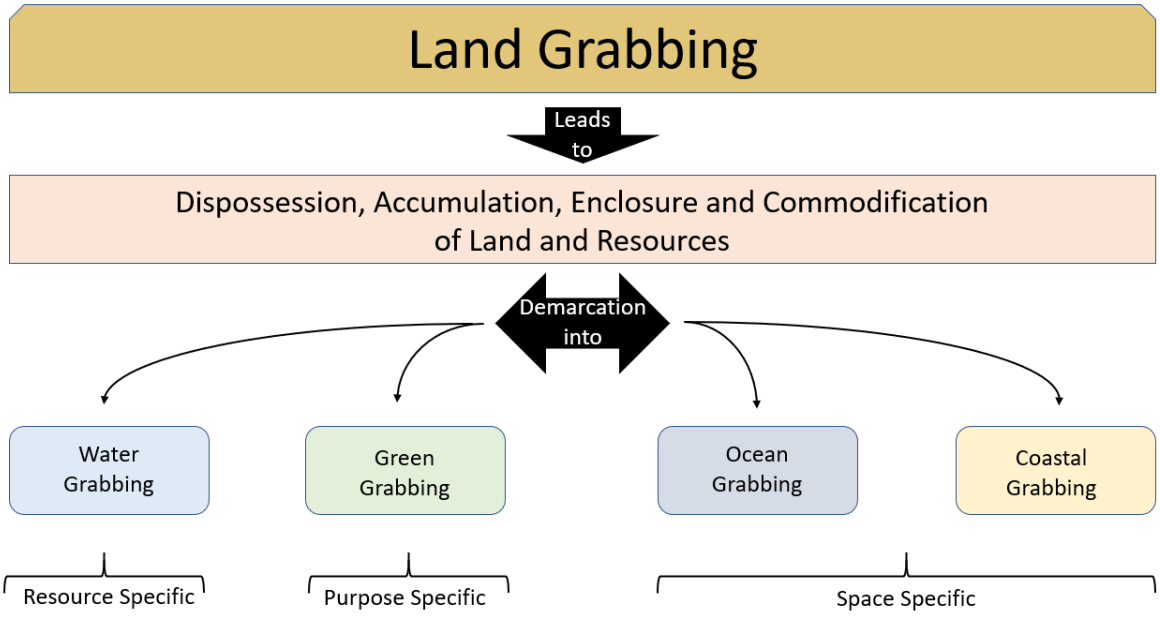

Figure 1: Conclusion of the thematical and geographical demarcation taking place in the land grabbing discussion. (author, 2018)

2.1.5 Coastal Grabbing

Even though not using the term of coastal grabbing, some land grabbing literature distinguished already between dispossessions in the coastal zone from those taking place in inland areas.

Therefore, Benjaminsen and Bryceson (2012) introduced the term of 'blue grabbing'. In their analyses of dispossession within the specific context of a Marine Protected Area (MPA) of the coastal region of Tanzania, they defined 'blue grabbing' as ''combination of dispossession of previous users and capital accumulation by some powerful actors" (Benjaminsen & Bryceson, 2012, p. 350). This expression was later taken up by Hill (2017) to describe her observations of a MPA in Malaysia.

Since Benjaminsen and Bryceson (2012) focused on the process of dispossession as a consequence of nature conservation measures, a notion already discussed in literature under the expression of green grabbing (Fairhead et al., 2012), to use the expression of 'blue grabbing' in the context of the more water related coastal areas seemed a logical deduction. Via the implementation of a MPA or Marine Park (MP) powerful actors like tourism and governmental operators gain control over coastal and marine resources, excluding prior user communities (Hill, 2017). "Efforts of hegemonic neoliberal conservationists adopting policies promoted by intergovernmental organizations" demanding an increasing number of MPAs and MPs, are expected to accelerate this process in the future, which will exert increasing pressure on coastal communities (Hill, 2017, p. 98).

Also Cormier-Salem and Panfili (2016) focused on the coastal area in their study about dispossession as result of mangrove reforestation projects on the coasts of Senegal, though they did not make a reference to the blue grabbing but integrated it into the wider debate of 'green grabbing'. Figure 2 provides a clear overview on the spatial distinction of land, coastal and ocean grabbing, vizualizing that coastal grabbing has overlapping areas with land as well as with ocean grabbing.

In contrary to 'accumulation by dispossession' (Harvey, 2005) the ownership of the areas involved remains formally in the hands of the state or village when blue grabbing is conducted. It is rather a privatization of the benefits supplied by the land and its natural resources exploited by tourism companies, state officials and NGOs which takes place. Aa an example, are large tourism complexes exploit the natural beauty without involving the local population or only by doing so at a minimum level. The process also contrasts with 'primitive accumulation', instead of aiming for the wage of labor it focuses on "the wide-open spaces with wildlife or beaches and coral reefs that are valued by conservation organizations and the tourist industry" (Benjaminsen & Bryceson, 2012, p. 351).

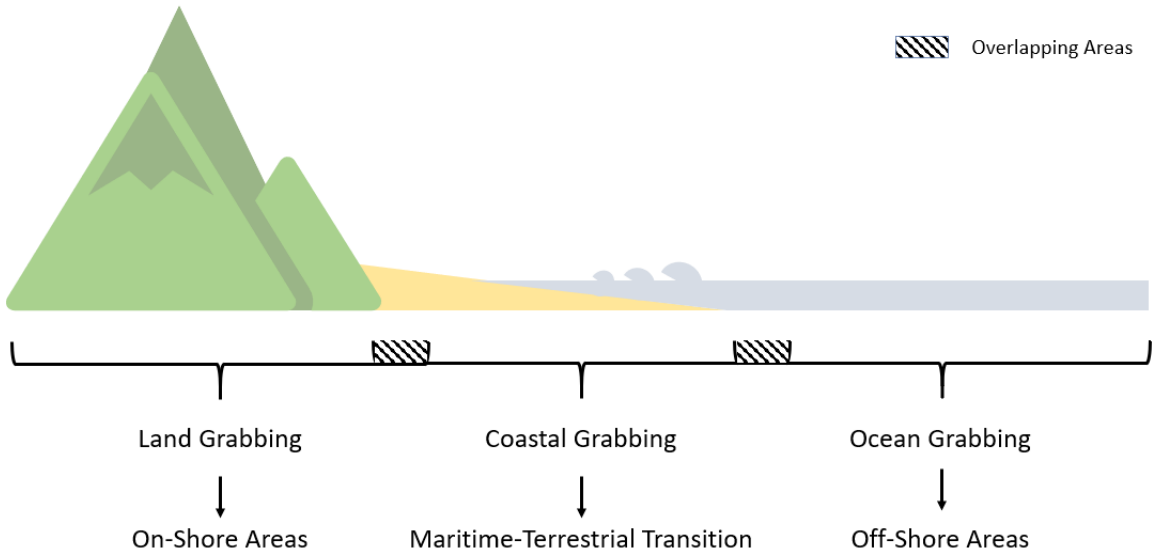

Figure 2: Spatial distinction of land, coastal and ocean grabbing. The hatched areas symbolize the areas where coastal grabbing overlaps with the other two. (author, 2018)

Offering a wider scope in relation to the causes of dispossession of coastal areas, Bavinck et al. (2017) introduced the expression of coastal grabbing. He "refers to the observed phenomenon of contested appropriation of coastal (marine and terrestrial) space and resources by outside interests" (Bavinck et al., 2017, p. 15). Although, all studies identify the same perpetrators, NGOs, industry and governmental actors, Bavinck et al. (2017) is more comprehensive in his election of cases. Implementation of a MPA is just one of the examples he describes apart form contamination via aquaculture, mining and exclusion caused by religious class distinctions, leading to dispossession.

For this thesis, the expression of coastal grabbing is used as it allows a wider spectrum of motivations to conduct grabbing in the coastal areas. Nevertheless, 'blue grabbing' is included in this perception of grabbing as well as all earlier mentioned notions of grabbing. Thus, a mixture of different definitions of grabbing is used, clarifying what coastal grabbing encompasses in this thesis, leads to the following definition:

Coastal grabbing is a combination of dispossession of previous users and capital accumulation by some powerful actors - public or private, foreign or domestic - of coastal (marine and terrestrial) space and resources via any means - 'legal' or 'illegal' - for purposes of speculation, extraction, resource control or commodification at the expense of the local population, land stewardship, food sovereignty and human rights.

Coastal Grabbing is so far the latest outcome of the land grabbing discussion which is undergoing a process of refinement and sophistication. It can be further resumed that processes of dispossession always have been in direct conflict with commons. The commodification of ground and access stands in direct conflict with commons theory. In the next section first, the theory of the commons is presented for a better understanding of this conflict and what exactly is understood as commons.

2.2 The Commons

"Today, a commons is understood as any natural or manmade resource that is or could be held and used in common" (Berge & van Laerhoven, 2011, p. 161). Still, the management of a commons remains a rather vaguely defined concept which can be observed by the large body of literature concentrating on different areas to apply the commons. Since the 1990s, the applicability of the theory expanded and can now be found as "a core element […] of complex social-ecological system" studies (Berge & van Laerhoven, 2011, p. 162) since the emphasis widened from mainly local and agricultural to now include global and technical issues such as the internet.

In the debate about the commons it is inevitable to name one of its most known critics, David Hardin and his 'Dilemma of the Commons' (1968) which brought the commons into disrepute. Conducting a mind game with his readers, Hardin (1968) asks them to slip into the imaginary role of a pastor who is sharing a pasture under common property. In his metaphor he further questions what would happen if each pastor added some more sheep to his herd. Being used above its capacity, the pasture would consequently degrade. Hence, every user would try to exploit the pasture as much and as fast as possible before the other users could do the same. For the single user this strategy represents a rational conclusion as it increases his personal share to a maximum in comparison to the other. This describes the moment when the "freedom in the commons brings ruin to all" (Hardin, 1968, p. 1244). The consequential overuse will make the pasture not suitable for future uses anymore and the economic value is lost without reaching its full potential. An undesired result for the user community making the rational choice of the single user to an irrational one for the commons. For Hardin there are just two ways to avoid such a dilemma: to transfer those goods either in private or state property (Ostrom, 2000).

Nevertheless, neither of these have proven to be a panacea, immune to failure (Ostrom, 2000), nor does every common property system leads to a tragic outcome (Young, 2011). Ostrom (2000) argues that Hardin's (1968) tragedy oversimplifies and leaves out important characteristics of a commons. At the same time, the discussion about the commons is diverse and hard to grasp entirely. Whereas in Gran Canaria the coastal areas are declared a public good, the phenomenon of coastal grabbing works against this kind of coastal property regime. Thus, to clarify the characteristics of important notions and to help to better understand what the meaning of 'the commons' is, important literature of the commons is discussed in the following sub-sections. It is further necessary to clarify what characterizes the resources of a commons, which forms of property rights exist, how are they organized and who has access. This is done in the following subsections before synthesizing first the commons with the coast and later with coastal grabbing.

2.2.1 What are the Commons

Actually, commons are something everyone experiences every day in her or his daily life. Commons are "fishing grounds, forests, pastures, parks, groundwater supplies and public highways" and can be summarized as "resource[s] or facilit[ies] shared by a community of producers or consumers" (National Research Council, 1986, p. 13). They can be stationary like a forest or in motion like a fish stock, renewable like a pasture or limited like minerals, some are commons due to their size and uncontrollable character like the open ocean and others are commons of choice like community gardens or shared working spaces. One thing they all have to figure out is: How to organize the individual use, to obtain an ideal production or consumption rate for the whole community (National Research Council, 1986)?

"[…] If tradition presupposes ''a common possession'' it does not presuppose uniformity or plain consensus. [...] It is a space of dispute as much as of consensus, of discord as much as accord" (Scott, 1999, p. 124; cf. González & Fernández, 2013, p. 361). This contested character is also reflected in the definition given by the National Research Council (1986): "A commons is an economic resource or facility subject to individual use but not to individual possession" (National Research Council, 1986, p. 13).

2.2.2 Common-Property Resources and Property Regimes

It is necessary to further clarify what is understood under the mentioned resources and what types of possession exist. The resources of a commons or 'common-property resources' as Feeny et al. (1990) calls them, share two characteristics:

- Control of access: Due to their physical nature, size (e.g. large lands or forests, oceans and atmosphere) or migratory character (e.g. fish stocks, birds), control of access to the resource is costly and problems of exclusion can occur.
- Subtractability: The exploitation of the resource by one user negatively affects the availability of the resource for the other users.

Concluding from this, they define common-property resources as "a class of resources for which exclusion is difficult and joint use involves subtractability" (Feeny et al., 1990, p. 4).

Property Regime	Rights Holder	Property Rights	Access	Examples
Open access	Everyone	No defined property rights	Access open to everyone	Atmosphere
Private property	Individuals or Firms	Exclusive and transferable	Exclusive, can exclude others	Farmlands, forest
Communal property	Community of interdependent users	Either exclusive or transferable	Equal access and use for the community, can exclude others	Inshore fisheries, forests, water-user associations
State property	Government	Coercive power of enforcement	State can decide how to regulate or subsidize	Parks, highways, wildlife, forests

Table 1: Property regimes with rights holder and type of access defined by Feeny et al. (1990) and Ostrom et al. (1999). (author, 2018)

Literature refers to common-property resources when they talk about no one's property or open access, state or communal property (Schlager & Ostrom, 1992). In total there are four types of property regimes, listed in table 1, which literature distinguishes between.

According to Feeny et al. (1990) it is important to know the property regime but it is insufficient to draw conclusions about the behavior and outcome that regime will take since it is involved in a wider institutional arrangement. For example, users who are not holding any property rights can also improve and invest into the resource system and not only the resource owner (Schlager & Ostrom, 1992). However the property regimes and their ability to regulate use and access to resources influence to which degree the resources are maintained or degraded (Young, 2011), as illustrated in figure 3.

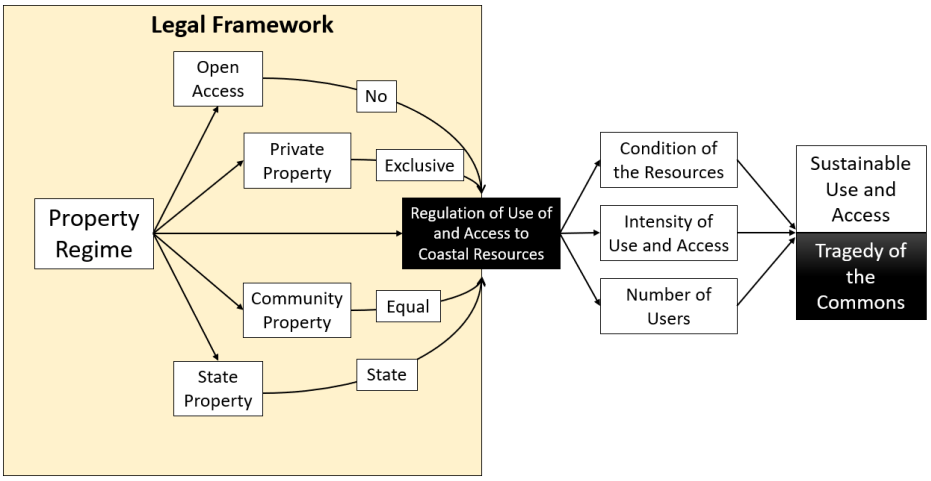

Figure 3: Property regimes and their ability to regulate use of and access to resources influence their condition as well as the intensity of use of and access to them and their number of users. Those parameters influence whether or to which degree the resources are maintained or degraded. (author, 2018)

2.2.3 Common-Pool Resources

In the following debate Ostrom (1990b) further developed the expression of common-property resources. For her it is important to make a distinction between the resource, with its intrinsic nature and the property rights, having its use and access at its disposal. She was able to transform the discussion about the commons from the negative connotation of the 'tragedy of the commons' towards an alluring solution for a sustainable resource use by introducing the more specific term of common-pool resources (CPRs). Those incorporate all resources of nature and human production in which "exclusion of beneficiaries through physical and institutional means is especially costly, and exploitation by one user reduces resource availability by others" (Ostrom et al., 1999, p. 278).

The latter refers to the subtractability described earlier. Potential dilemmas occur if people concentrate on their own, mostly short-term interests, causing outcomes of no one's long-term interest, as demonstrated in the metaphor of Hardin's (1968) tragedy of the commons. To avoid those dilemmas Ostrom (1999) makes clear that it is important to be able to restrict the access to the CPR and to maintain incentives for future benefits. Furthermore, trust in and between the users as well as their autonomy and the valuation of the sustainability of the resources are playing an important role in avoiding the CPR dilemma. Apart from those general aspects it is made very clear that every CPR is different and requires case specific adoptions (Ostrom et al., 1999).

2.2.4 How to Govern the Commons

Cooperative behavior, necessary for the management of a commons, is difficult to achieve. The institutionalization of a CPR system first needs to overcome the impulses of short-term

individualism leading to self-interest. This includes the danger of conflicts and undermines the maintenance of a CPR system (Ostrom, 1990a). According to Anthony and Campbell (2011, p. 293): “A classic collective action problem”.

For example, an expansion of the user group through migration can be a serious threat for CPR. The new members do not automatically share the same values and the domestic user can feel threatened to participate in the race for the use of resources. This can be caused by immigration but also through tourism or changes in the user patterns. Consequences can include “disruptions of daily life, new and unevenly distributed economic benefits for members of the same community, shifting values and knowledge sets, new forms of social hierarchies and corporate-like management systems, and the potential for conflict and corruption” (Moscardo, 2008; cf. Stronza, 2010, p. 58).

Also, the involvement of the national government can hinder the local self-organization and reduce the access to maintain the resources (Ostrom et al., 1999). How those scenarios can be avoided and what is necessary to overcome self-interest and achieve cooperative behavior towards a common goal was analyzed by Ostrom (1990a) in her book ‘Governing the Commons’. Her main question was under what kind of institutional framework people would ignore their individual self-interests to be able to work together towards a common good. For Ostrom (1990a) there are three key measures to avoid the dilemma of the commons. One is via coercive intervention by the state implementing a supervision and top-down regulation of the resource use, the second is via privatization causing self-regulating markets and finally the individual self-regulating his/her use of resources. If the latter is done in cooperation with others, a cooperative governance is created.

To make this governance a successful one Ostrom (1990a) lists eight design principles:

1. Clearly defined resource boundaries.
2. Adoption of the rules regarding the provision and use of resources to local conditions.
3. The ability to modify those rules for those who are affected by them.
4. Monitoring what is accountable to the resources users.
5. Sanctions with an incremental intensity need to be established.
6. Provision of accessible and affordable measures to resolve conflicts.
7. No conflicts with external government authorities about the right to manage.

8. A hierarchical organization of the use, provision, monitoring, enforcement, conflict resolution and governance activities.

Although agreeing with the relevance of the eight steps, Anthony and Campbell (2011) highlight that Ostrom (1990a) has a more critical bias towards the state and therefore misses the potential of the latter in enabling the success of the CPR system to work. Potential incentives set by the state include the simple threat to intervene, which mobilizes people to cooperate and avoid this intervention, the provision of required resources, the confirmation of legitimacy of the collective activity and finally the manipulation of perceived costs and benefits, making cooperative action more attractive. Moreover, the state can take the role of a consultant who participates together with the interested individuals in forming a CPR (Anthony & Campbell, 2011).

Furthermore, Anthony and Campbell (2011) see potential for the state to integrate Ostrom's (1990a) steps. This can be achieved if the state provides the legitimacy to the management of the commons. In addition, it can help to adjust the approach to the local conditions and to monitor the use of the resources. Finally, it can also be the state who provides an arena to solve conflicts (Anthony & Campbell, 2011). Ostrom (2000; 1999) argued that trust is a crucial factor making CPR management work. Also here Anthony and Campbell (2011) see great potential in the influence the state can take. "Laws, policies and norms signaling interdependence and a common identity can encourage generalized trust – that is, the belief that most other people in a group can be trusted – which in turn can facilitate cooperative behavior oriented towards the collective good" (Anthony & Campbell, 2011, p. 295).

Finally, it is necessary to include comprehensive science for commons governance (Dietz et al., 2008). Many strategies are designed without regarding the local circumstances or the actual state of science, causing severe and tragic problems on the local level. Nonetheless, investigations of common governance strategies have concentrated mainly on the local level. Referring to the increasing claim of humanity on nature Dietz el al. (2008, p. 1910) stresses that "humanity is challenged to develop and deploy understanding of largescale commons governance quickly enough to avoid the large-scale tragedies that will otherwise ensue."

2.2.5 Access and Rights

Nevertheless, it remains important to continuously ask who has access to those resources as the composition of user groups changes over time (Ostrom et al., 1999). In general terms access

can be defined as the ability to capture benefit from things (Ribot & Peluso, 2003). Bennett et al. (2018) differentiate in relation to the coast between two categories of access:

- Resource access: “The ability to benefit from the harvest or use of living (e.g., fish, seafood, plants, mammals) and non-living (e.g., rocks, sand, minerals, tides, currents, wind) marine resources”.
- Spatial access: “The ability to enter and use geographic areas of the ocean and coast for a variety of activities and purposes – for example, to harvest or manage resources, for development activities (e.g., aqua- culture, energy development, mining, oil and gas) and for non-consumptive activities (e.g., for recreation, for transportation or shipping, to visit cultural areas)” (Bennett et al., 2018, p. 187).

Those forms of access are influenced by rights which can be based upon law, custom, or convention and the thereby maintained privilege to property. However, access is not only a matter of rights and therefore property rights are no synonym for access (Ribot & Peluso, 2003).

Still rights play an important role. In the daily life individuals organize themselves in activities, which are made predictable by operational rules. Rules are “generally agreed upon and enforced prescriptions that require, forbid, or permit specific actions for more than a single individual” (Schlager & Ostrom, 1992, p. 250). Those rules are changeable under collective action, which can be a change of habits. Rights however are the authorized product of rules. Thus there are many rules supporting one right and with every right duties are implied, for example the observation of the right, which is again supported by rules (Schlager & Ostrom, 1992). The two most important rights are those of access (similar to spatial access) and withdrawal (similar to resource access). However, there is a crucial difference between simply exercising a right and being able to participate in its creation. It is the inherent authority of the users to declare operational rights which gives power to collective choice rights. Regarding the use of CPRs those include the rights of management, “to regulate internal use patterns and transform the resource”, exclusion, “to determine who will have an access and how that right can be transferred” and alienation “ to sell or lease either or both of the previous rights” (Schlager & Ostrom, 1992, p. 251). Although those rights often appear cumulative they are independent from each other.

2.2.6 Beyond Subtractability

Whereas Ostrom's (2000) CPRs are defined as 'subtractable', Lazzarato (1996) stresses that immaterial knowledge and aesthetic values can even increase and expand the more they are shared and used. With this assumption Lazzarato (1996) goes one step further than the National Research Council's (1986) collective consumption goods, which can be consumed without diminishing the availability of the resource to other users, like the light of a street lamp. Heritage for example needs an open interplay with other forms of commons to grasp its full value. Those can be a well-informed population, curious tourists, institutions or academic networks. Hence, a heritage increases in its value the more people appreciate it (Alonso Gonzalez, 2014).

Coastlines can offer both, resources characterized by their subtractibility but also knowledge and aesthetic values. They represent a high diversity of resources which do not only represent a value of exploitation but also of heritage (Carter, 2013; Glavovic, 2013). The preservation of those common heritages has been regulated in a 'command and control' style (Dietz et al., 2008). This approach, so Dietz et al. (2008), is only effective if there are sufficient resources on the government side for an effective enforcement of the control. If this is not the case, damage will occur from multiple sources or so called 'nonpoint sources'. The effective enforcement of the protection of the natural heritage is therefore under examination.

2.2.7 Commons and Coasts

Property rights of the coasts and the adjacent seas with their long tradition in CPR management are often strongly bedded into the local culture and appear mainly uncodified. This makes them unclear and weak in front of jurisdiction. Nevertheless, they are not excluded from the ongoing commodification of land. During the last decades Europe experienced an acceleration of this process due to expanding aqua- and mariculture (Sandberg, 1995) increasing the pressure on the coast and its adjacent waters and causing privatization, licensing and market based solutions (Mansfield, 2004). "Basically, the North Atlantic region is characterized by a transfer to the state or to a union of states the property rights of specified marine resources on a coast and within the 200 mile economic zone" (Sandberg, 1996, p. 8). A development which could be observed in Spain as well, where from the 1960s onwards the national government tried to cover the lacking coastal legislation and thus transferred the coast into state property (Torres Alfosea, 2010). In addition, an increasing amount of recreational activity on the coasts results in a growing number of private properties, resorts, marinas, beach hotels and theme parks which sometimes even

reach out towards the sea in the form of jetties, bathing pools or other forms of constructions (Sandberg, 1995). Cumbrera and Lara (2010) documented examples in the province of Andalucía in southern Spain which can be taken as exemplary for the whole Spanish coastline. Sandberg (1995) argues that although both forms of development, the commodification and the increasing recreational uses, rely on a clean and healthy environment their fragmented structure and the inequality of properties make cooperative large-scale management difficult and often the state has to intervene implementing further development (sewage system, roads etc.) and changes the character of the coast even more. Gómez-Pina et al. (2002) observed various examples of this process along the Spanish coast.

Apart from the two earlier developments Sandberg (1995) distinguishes a third one which she calls the "Entrenchment of State Property Rights to European Coasts" (1995, p. 4). The demand for a free and equal access to the coasts forced states to implement massive regulations for all kinds of public facilities able to cater for large numbers of seasonal tourists together with the normal coastal dwellers. Consequences are competition between leisure and traditional fishers, deterioration of coastal culture and an overcrowding caused by the free access to the 'public coasts' lowering its recreational value. "The equality achieved through state intervention and improved access tend to undermine the individual freedom sought at the same coast" (Sandberg, 1995, p. 4). To avoid further degradation of the coasts, European governments have been under pressure to install large Protected Areas (PAs) in which local uses are mainly prohibited (Sandberg, 1995). Hence the approach shifted from finding solutions with local stakeholders to separation and no-take zones, a process which Wolf (2015) describes as the paradigm shift from sharing to sparing.

In conclusion, there are two major effects of the entrenchment of state property rights. First, with the creation of public areas through open access the incentives for self-regulation among the users is lacking. Consequences are overuse and deterioration of the coasts. Second, through the protection measures by which the state tries to outbalance the negative impact of the open access, an alienation of the local users takes place (Sandberg, 1995). Local institutions which successfully controlled the resource use in the past are replaced by governmental ones although those are often lacking the funding for sufficient control. This frequently leads to a further degradation of resources (Cabral & Aliño, 2011).

2.2.8 Commons and Grabbing

Process of land grabbing and commons have been intrinsically connected since land grabbing was first mentioned by Marx (1867). Although commons have a long tradition in Europe (Lana & Iriarte-Goñi, 2015) neo-liberal policies and the theory of Hardin (1968) had and still have serious influences on the perception of land. Key (2016) describes the territorial policy of the EU as an overall "economistic assessment of land where land is principally viewed as a commodity, best governed through a market-based approach"(2016, p. 22).

Consequences of the ongoing wholesale commodification are the escalating diminution of the global environmental commons (land, air, water) together with a thriving degradation of natural habitats caused by capital-intensive land use (Harvey, 2005). Indicating "a new wave of enclosing the commons" Harvey (2005, p. 148) describes privatization reaching out towards hitherto public assets and public utilities of all kinds. Berge and van Laerhoven (2011, p. 161) foster this connection between the commons and the land grabbing arguing that commons are well known as "which is being enclosed by capitalist entrepreneurs". This impression is also owed to the sticky character of property rights which are hard to get rid of. Sandberg (1996) states that once something has turned into private property is almost impossible to reverse. Such an approach "would require a political decision of expropriation and full financial compensation to the individual owner" (Sandberg, 1996, p. 8)

"Commons suggest alternative, non-commodified means to fulfil social needs, e.g. to obtain social wealth and to organize social production. Commons are necessarily created and sustained by communities, i.e. by social networks of mutual aid, solidarity, and practices of human exchange that are not reduced to the market form" (De Angelis, 2003, p. 1; cf. Alonso Gonzalez, 2014, p. 364). While private property and especially the phenomenon of land grabbing focuses on the possession of the commons to make profit (e.g. through exploitation of resources, control of land, real estate, renting etc.), the state regulates the access towards those via institutional arrangements (Alonso Gonzalez, 2014).

Therefore, the ECVC and the Hands off the Land Network are for a paradigm shift to encounter processes of land-grabbing by "reevaluating the importance of land as public good, reduce the commodification of land and promote public management of territories" (ECVC, 2013, p. 26). Also Sandberg (1995) demands a reinvention of the coastal commons although she admits that this will cause strong opposition from property holders. There are no panaceas, so Ostrom

(2007), referring to simple and universal solutions. According to Young (2011) it will be necessary to go beyond those panaceas. “The success or effectiveness of specific solutions is normally determined by a combination of conditions occurring in real-world situations” (Young, 2011, p. 77)

2.3 Conceptual Framework

Visualizing the interrelation of the theories discussed above, figure 4 combines them into a conceptual framework. In the middle, it describes a chain of action which is taking or already took place in coastal regions. Towards the left of the middle column the respective impacts on the access to, and use of, coastal resources is shown whereas the black arrow on the right symbolizes the contribution each action has to the further acceleration of the process of coastal grabbing. This arrow is not increasing in size because each action has an equal potential to increase the amount of coastal grabbing. As a result of this development, coastal grabbing can take place or can be encouraged with the associated consequences for the local population.

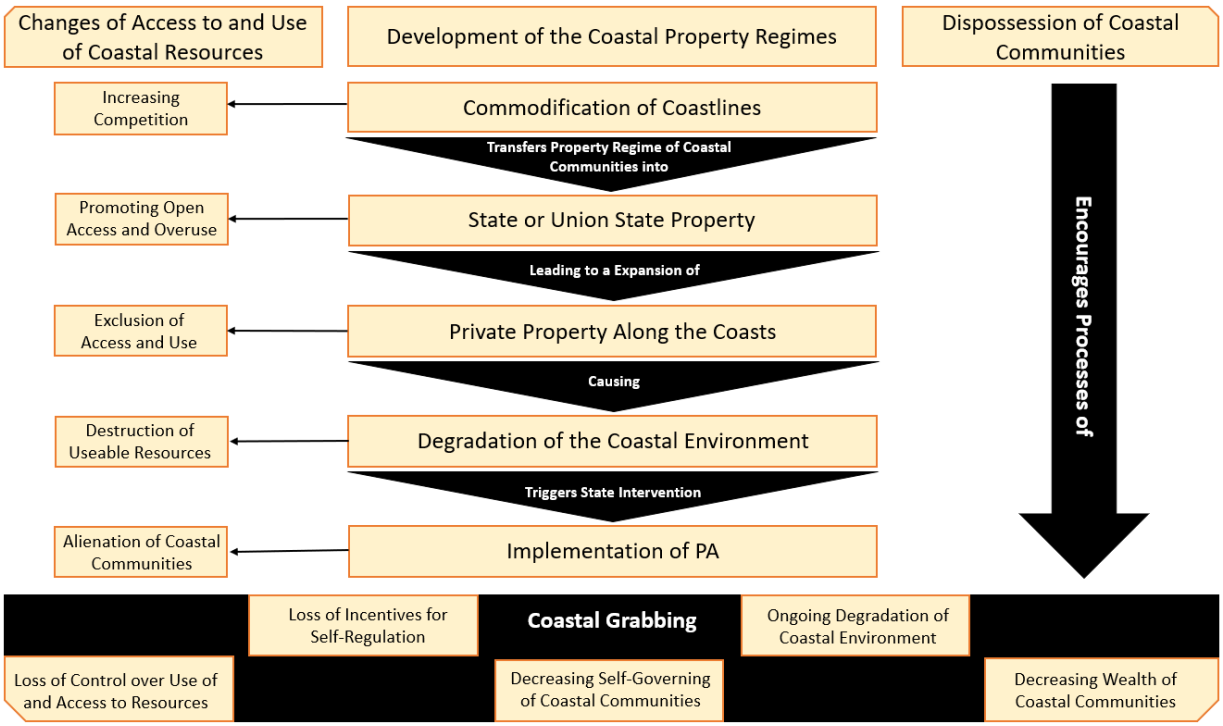

Figure 4: Conceptual framework (author, 2018)

3. Research Area

Canary Islands (Spain)

For this study the autonomous municipality Canary Islands of Spain was elected, representing an archipelago of seven volcanic islands, Fuerteventura, Lanzarote, Gran Canaria, Tenerife, El Hiero, La Palma and La Gomera, with a surface of 7490 km². They are located in the Atlantic Ocean, approximately 2000 km southwest of the Spanish peninsula and 120 km west of the coast of Morocco. Gran Canaria and Tenerife are the two islands housing the major part of the population, of which Gran Canaria is examined in more detail. The mild climate on the islands varies between 18° C and 25° C which in combination with its remote location caused the evolution of over 300 endemic plant species (Santana-Jiménez & Hernández, 2011).

Historically, the Canary Islands represent a former Spanish colony, conquered between 1478 and 1496. The colonial acquisition also represents the first appearance of land grabbing. The most apparent traces of the land dispossessions during this period is found in the names of the cities and villages on the archipelago which are carrying the names of the former royal family, which received the land as a present from the king (Stevens-Arroyo, 1993).

Land uses have been changing dramatically due to the harsh climatic and environmental conditions. The aboriginal population, the Guanches, mainly focused on pasture with little production of crops. Most of the land was common property. After the colonialization of the Canary Islands the focus shifted mainly to the production and export of crops. In the middle of the 19th century this export-oriented crop production collapsed, among other reasons because of the misuse of water (Aguilera-Klink et al., 2000). The predominantly extensive land use changed dramatically in the first half of the 20th century due to new irrigation technology large high-yield tomato and banana plantations emerged (Otto et al., 2007). In the 1960s a new sector entered the Canarian market in form of mass beach tourism. Since then the tourism sector has become the strongest economical sector on the islands, representing 34% of the Canarian GDP and delivering nearly 40% of all of employment on the islands (Gobierno de Canarias, 2017b).

The coastal area plays a major role in the spatial organization of the islands. Although the Canary Islands represent the autonomous municipality with Spain's longest coastline, divided between the provinces of Santa Cruz de Tenerife with 518 km and Las Palmas with 608 km (Instituto Nacional de Estadística, 1985), the amount of (flat) land, which is mainly located in the coastal

zone, is very limited due to the islands' volcanic origin. This increases the pressure on land use in these areas (Otto et al., 2007). Whereas the coastal zone, in this case the first 500 m from the sea, represents only 0,55% of Spain's surface it is 8,24% on the archipelago of which in the province of Santa Cruz de Tenerife 14% and in Las Palmas 21,1% are already occupied (Greenpeace, 2013). Increasingly tourism, as the main economic driver is occupying the coasts (Cruz et al., 2011) as the main tourism activity on the islands is concentrated on the beach (ISTAC, 2017). Finally, Spanish policies and frameworks at a national level have shown to favor large-scale possessions, delivering a legal base for land grabbing processes (ECVC, 2013).

With the highest amount of occupation and one of the most modified coasts of Spain, the island of Gran Canaria was chosen as an exemplary study site for this thesis. In the following the characteristics of the island are elaborated in more detail.

Study Site: Gran Canaria

As mentioned above, tourism is the most important industry on the Canary Islands, with a principle demand for coastland. In 2017 Gran Canaria set a new record with 4.587.576 tourists visiting the island and was after Tenerife the most visited island of the archipelago (Frontur Canarias, 2018). Of those tourists, 73% went exclusively to the beach (ISTAC, 2017). This fact is underlined by figure 5 which demonstrates that the main centers of tourism are located on the beaches in the south of the island. Mogán, Maspalomas and Playa del Inglés are home of large beach resorts and majority of Gran Canaries 164 hotels (Statista, 2016)

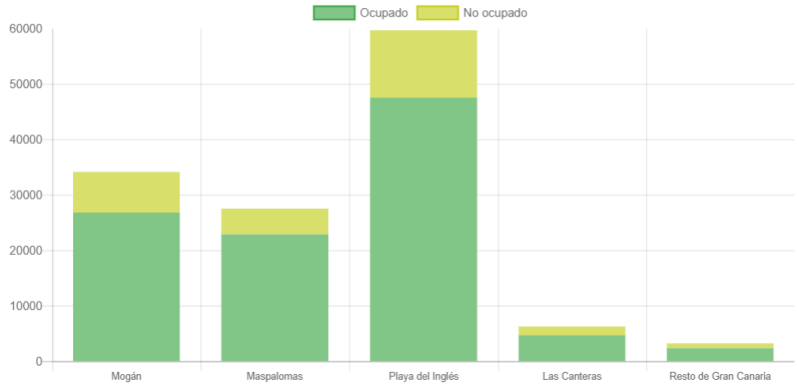

Figure 5: Tourists in Gran Canaria per area. Dark green: occupied beds; light green: not occupied beds. (ISTAC, 2017)

Although tourism occupies only 1,77% of the surface of Gran Canaria (Perez, 2016) a Greenpeace study of the coasts of the municipalities Mogán and San Bartolome de Tirajana, revealed the beaches of Maspalomas and Playa de Inglés (figure 6) belonging to the latter one, as the second

most artificially modified coasts of Spain after those of Andalusia. In San Bartolome de Tirajana for example 41% of the coast has already been urbanized (Greenpeace, 2013).

Additionally, with 843.158 inhabitants in 2017, representing 40% of the Canarian population and an area of 1.560 km², representing only 21% of the Canarian surface, Gran Canaria has with 542 inhabitants per km² the highest population density of all the islands (ISTAC, 2016). An ongoing population growth (ISTAC, 2016) is causing an urban expansion concentrated mainly in the lower lying coastal areas (Melgosa Arcos, 2007). An example is the municipality of Telde in the east of the island where nearly 50% of the coastal zone is urbanized (Greenpeace, 2013). Notwithstanding the fact that large areas of the island are not suitable for human land use, due to their steep character (Otto et al., 2007) the scarcity of space is increased by large areas of nature conservation. 42% of Gran Canarias's surface is, due to its natural richness, under nature protection (Santana-Jiménez & Hernández, 2011).

In conclusion, the pressure on the Gran Canaria's coast is high – due to its geomorphological characteristics, population growth and an expanding beach tourism. At the same time, the coastal zone of Gran Canaria is of high geopolitical value due to the relatively high amount of land available for productive purposes in proportion to the islands total surface. This enhances a continuously growing economic value which is an object of speculation. It is this combination of space scarcity, dense occupation and high value which makes Gran Canaria's coastal zone the ideal study site to investigate the appearance of coastal grabbing in the EU. Additionally, being an archipelago, the borders of investigation can be marked out easily and without confusion. For better orientation, figure 6 provides a map of the island with all sites mentioned for the purpose of this thesis.

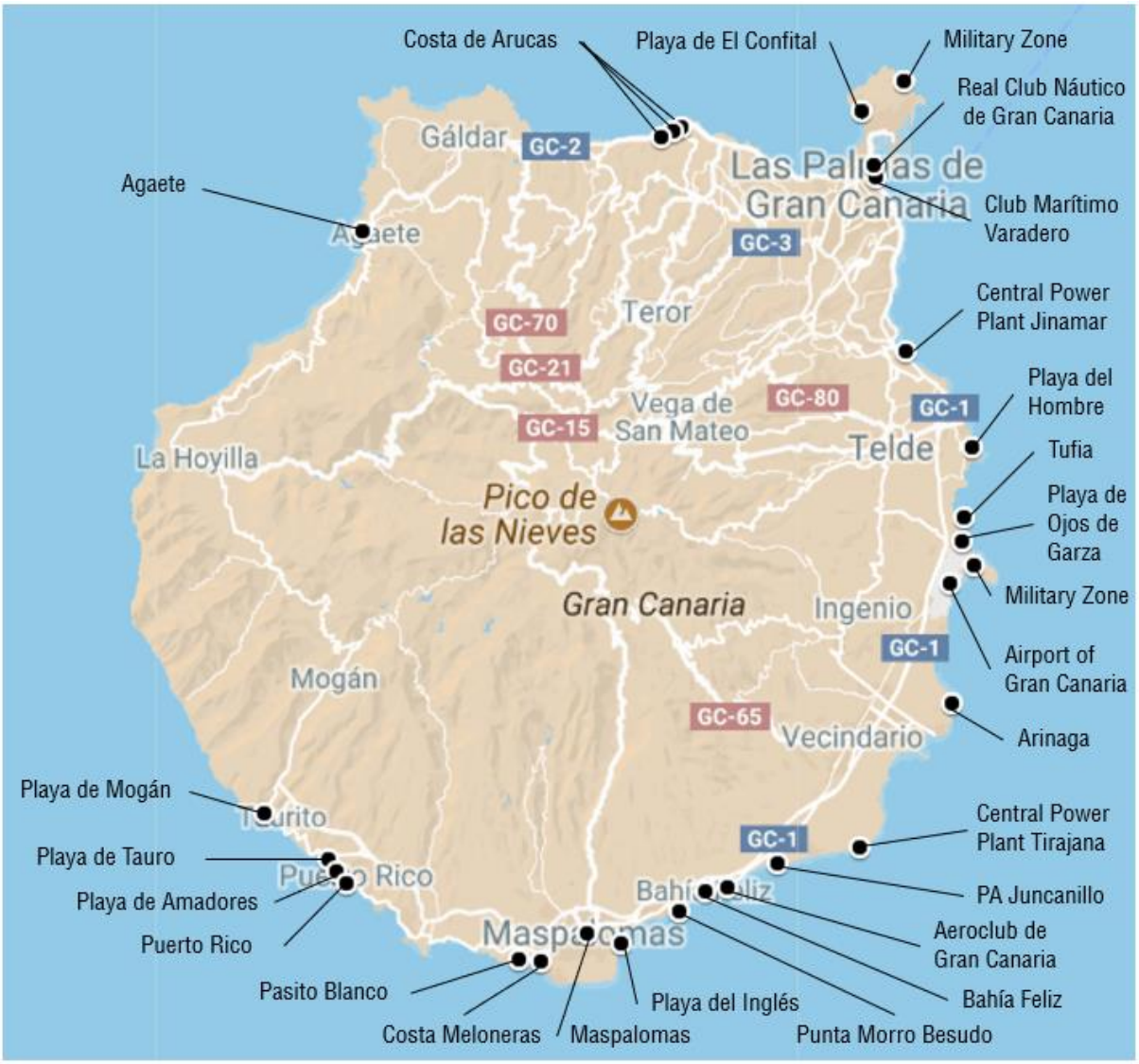

Figure 6: For a better orientation and visualization all places treated in this thesis are marked in the map. (Google, 2018)

4. Methodology

In the previous chapters the urgency for further investigations concerning coastal grabbing in the EU has been illustrated. The theoretical background supplied by a review of past and current literature about land grabbing as well as the commons theory provided a clear idea of the physical and social dimensions of the phenomenon. Finally, the presentation of the research area explained why the Canary Islands or more precisely Gran Canaria has been chosen as the study site for investigation into which forms of coastal grabbing exist at present. Furthermore, the research expands on whether the Coastal Shore Act offers a solution to prevent coastal grabbing.

In touristic destinations such as Gran Canaria large groups of tourists are disrupting the sensitive structures of local communities (Zoomers, 2010). The increasing numbers of users also threatens the conditions of the resources, e.g. the beaches and dunes (García et al., 2003), which consequently threatens the incentives for the community to act as custodians of the natural environment as they may no longer fully benefit from the services provided by these natural resources (Ostrom, 2000). Is the LC capable of protecting the common good of the coast in such a way that the incentives of the local community to preserve their coasts can be maintained? Is it even increasing the capacity of nature conservation? Where do we find constraints? What can be improved?

The methodology to answer these questions is outlined in the following sections illustrating the research strategy with the inherent choice of research methods and the related data collection and analysis of the research.

4.1 Research Strategy

To provide substantive information needed to answer the research question: "*How does the declaration of the Spanish coast as a public good contribute to the prevention of coastal grabbing in Gran Canaria?*", a qualitative research strategy is used. The strategy, which is elaborated in the following, will also provide answers to the resulting sub-questions:

1. How did the historical background shape the situation we find nowadays in Gran Canaria?
2. What forms of coastal grabbing can be found in the public domain of Gran Canaria's coast?

3. What are potential threats are endangering the coastal public good?
4. How much does the LC contribute to create and maintain Gran Canaria's coast as commons?
5. How does the LC influence the condition of Gran Canaria's coast?

Qualitative research methods refer to the production of descriptive data. This is done in a holistic and meaningful manner aiming to grip the particularity of cases (Taylor et al., 2015). According to Travers (2001) it connects the field of science to the wider societal context of social, political and economic tasks. By addressing moral and political issues qualitative research allows us to understand how scientific expertise works in practice (Travers, 2001). Although, it represents a multiplicity of positions there are still some general characteristics: Qualitative research focuses on the reason, the how and why, of things, with respect to the context. Its methods of argumentation are based on transparence and reflexivity (Seale et al., 2013). Hence, it creates descriptive data in a comprehensible manner.

The case study method, as one of the qualitative research methods has be elected as core element for this thesis, as well as a data collection based on a triangulation, as shown in figure 7, consisting of policy analysis, data collection and semi-structured interviews. The reasoning for this selection of the case study method and the tools of data collection are explained in detail in the following section.

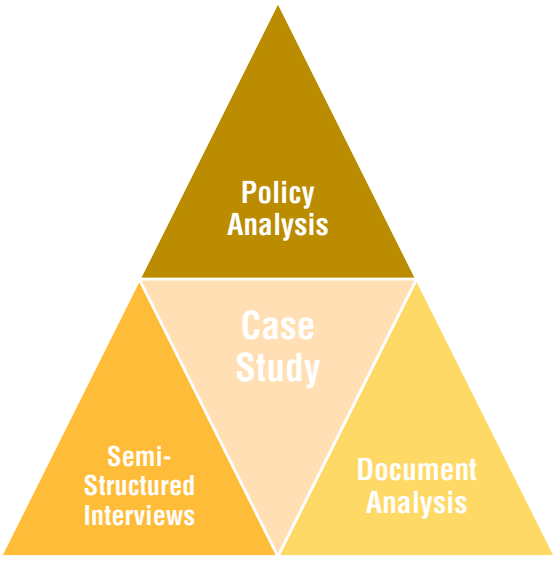

Figure 7: This thesis is a qualitative research with the case study method as a core element supported by a triangulated data collection, consisting of policy analysis, data collection and semi-structured interviews. (author, 2018)

4.2 Case Study

Ostrom (1990b) refers to natural science when giving reasons why to choose the case study method. She argues that "biologists also face the problem of studying complex processes that are poorly understood. Their scientific strategy frequently has involved identifying for empirical observation the simplest possible organism in which a process occurs in a clarified, or even exaggerated, form. The organism is not chosen because it is representative of all organisms. Rather, the organism is chosen because particular processes can be studied more effectively using this organism than using another" (Ostrom, 1990b, p. 26). It is the particularity of a case which is also embraced by Flyvbjerg (2006) when he argues for a stronger integration of *phronesis*, an ethical questioning of the reason and purpose of our actions, into the world of science.

This thesis uses the case study method as qualitative research method to examine the particular case of the enforcement of the Spanish Coastal Shore Act, *Ley de Costas*, in the context of the Canarian Island Gran Canaria. Representing one of the favorite methods of common studies (National Research Council 1986; McCay and Acheson 1987; cf. Berge & van Laerhoven, 2011), it appears ideal for the evaluation of the common character of the LC. Being part of the nonexperimental methods, the case study method is "a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real-life context using multiple sources of evidence" (Robson, 1993, p. 146; cf. Flyvbjerg, 2006).

With the small-N of the case study method, this study has the possibility to not only dive deep into the formal and informal institutions of spatial planning practice and culture but also analyze the implementation in practice which together are representative of the local planning system (Helmke & Levitsky, 2004). Furthermore, this system represents "some fundamental values in a society in relation, for example, to the legitimate scope and aspirations of government, the use of land, and the rights of citizens" (Nadin & Stead, 2008, pp. 43–44). Those very specific connotations of the local planning system, analyzed through the case study method, are able to distill important on-site information that can be used in the wider context of the analysis of coastal grabbing as a spatial phenomenon on the national and international level.

4.3 Policy Analysis

Revealing the goals of one or various policies, a policy analysis is an adequate research method to review the LC in detail. It provides insights about possible changes of the policies over time and the implications thereof (Levinson & Sutton, 2001). In practice, the organization of space, is articulated through the language of policies (Healey, 1996) and its interpretation has become crucial to address the increasing complexity of the field of spatial planning (Enengel et al., 2014). In this thesis, the creation, the changes and the actual status of the LC are analyzed to gain a deeper understanding of how the national and international political context has shaped the law over time and what the consequences in the execution of the law are.

4.3.1 Selected Policies

For the policy analysis the past versions of 1969, the actual version of 1988 and the modifications of 2013 of the LC as well as the *Constitución Española* (Spanish Constitution) have been obtained from the official website of the Spanish government.

4.3.2 Analysis of the Policies

The analysis of the policy documents was conducted with a focus on the relevant articles determining use of and access to coastal resources as well as its spatial demarcation.

4.4 Document Analysis

For the analysis of the process of creation of policy documents it is important to include the historical as well as political context, to understand the actual outcome of the law (Levinson & Sutton, 2001). Analyzing topic related documents enriches the policy analysis by contributing information about the political and socio-economical context. Those documents "contain text (words) and images that have been recorded without a researcher's intervention" (Bowen, 2009, p. 27). Thereby a more comprehensive picture of the research topic is created as the analyzed documents "[…] may corroborate observational and interview data, or they may refute them, in which case the researcher is 'armed' with evidence that can be used to clarify, or perhaps, to challenge what is being told" (Yanow, 2007, p. 411; cf. Owen, 2014, p. 8). The process of analysis involves the selection, making sense of, and synthesizing of data obtained from those additional sources (Bowen, 2009).

4.4.1 Selection of Documents

For this thesis academic documents, statistical data, newspaper articles as well as historical orthophotos and planning documents have been selected to supply the thesis with additional background knowledge about the historical context and other socio-economic developments which have been or still are influential on the research topic.

4.4.2 Analysis of the Documents

The analysis of the documents was conducted with a focus on the relevant information about developments related to the policy documents mentioned in the previous chapter. In addition, attention is set on comparing the theoretical ambitions of the policy documents with the practical execution in the field. Historical orthophotos have been used to compare with actual ones to illustrate developments and draw conclusions.

4.5 Semi-Structured Interviews

In order to achieve qualitative and case specific information, semi-structured interviews have been conducted. This form of interview enables the collection of descriptive and detail rich insights of the participants' understandings and personal points of view of the situation. Hence it represents an important part of the data collection (Baumbusch, 2010). The in-depth character of the interviews allows a "personal and intimate encounter in which 'open, direct, verbal questions are used to elicit detailed narratives and stories'" (DiCicco-Bloom and Crabtree, 2006; cf. Whiting, 2008, p. 36). A guide to open ended questions was created as a point of departure for the face-to-face interviews, leaving space for additional questions to come up during the interview. Thereby the interview remains flexible enough to achieve data beyond the interviewers expectations and potentially enriches the discussion of the research (Baumbusch, 2010).

For this thesis, the semi-structured interviews have been used to gain inside about study related issues on the study site of Gran Canaria. Those include issues of access and use of coastal resources and the perception of the law as protector or excluder. Furthermore, opinions over and experience with the execution of the law, the condition of the natural coastal resources and its appreciation as a common resource have been questioned together with other related issues which came up during the interviews.

4.5.1 Selection of the Interviewees

For the interviews, experts from the scientific field of coastal management, governmental representatives (of state, regional and local level with responsibilities in the spatial management of the coast), representatives and experts of the beach tourism industry as well as representatives of the local community have been elected. The interviews have been conducted in Gran Canaria during May 2018. A list of characteristics on which the selection of the interviewees was based is visualized in table 2. Finally, a number of seven interviews with a duration from 30 to 50 minutes have been executed, interviewing representatives of the positions listed in table 3.

GOVERNMENTAL REPRESENTATIVES	ACADEMIC EXPERTS	TOURISM EXPERTS	SPATIAL PLANNER
Leading position.	Research experience in coastal management.	Conducts business within or attached to the areas affected by the LC.	Works related with the coast.
Responsible for the coordination of spatial planning along the coast.	Research experience in spatial planning.	Conducts business relying on access and/or use of the coastal resources (e.g. beach tourism).	Responsible for or involved in the execution of the LC.
Responsible for the legal execution of the LC.	Research experience in coastal ecosystems.	Relies on the integrity of the coastal resources.	Responsible for or involved in coastal management.
Long experience within the field.	Research experience in coastal economy (e.g. tourism, fishery etc.).	Long experience within the field.	Responsible for or involved in coastal nature conservation.

Table 2: Criteria of selection for the different categories of interviewees. (author, 2018)

4.5.2 Analysis of the Interviews

For the analysis of the interviews the latter have been transcribed. The analysis of the transcripts was conducted via MAXQDA. Thereafter, the interviews have been coded according to the manual.

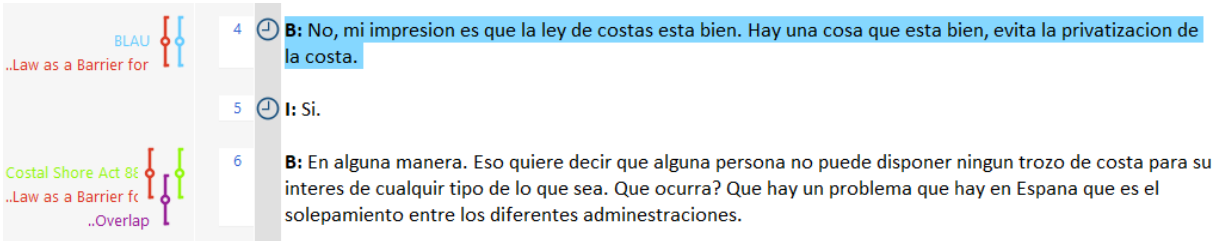

Figure 8: Text segment of one of the transcribed interviews showing several codes (partly) overlapping. (author, 2018)

The coding was conducted as a free coding where codes created by the author were assigned to text segments. Various codes can be assigned to the same segment if needed and sometimes the coding can be overlapping. An example of the coding is shown in figure 8 and the list of coding in table 4.

CATEGORY OF INTERVIEWEE			
GOVERNMENTAL REPRESENTATIVES	Level	Department	Position
	Government of Spain	Ministry of the Environment, Rural and Marine Affairs.	Head of the Demarcation of Coasts of Las Palmas de Gran Canaria
	Government of the Canary Islands	Ministry of the Environment and Territorial Planning	Head of the Coastal Management Service
			General Directorate of Environmental Quality and Environmental Impact Service
	Island Council	Environment	Advanced Technician
ACADEMIC EXPERT	Institute	Faculty	Position
	University of Las Palmas de Gran Canaria	Marine Sciences	Associate Professor
TOURISM EXPERT	Company	Location	Position
	Grupo Lopesan	Las Palmas de Gran Canaria	Director of Communication
SPATIAL PLANNER	Company	Location	Position
	AT Hidrotecnia SL	Tamarceite	Management

Table 3: Position and title of the interviewees. (author, 2018)

Color	Code	Sub-Code	Coding in all documents
	Perception of the Coast	From the Population	4
		From the Fishermen	3
		From the Tourism Industry	4
	Historical Background	Reasons for Path Dependency	6
		Moratorium	1
		History of Spatial Occupation	4
		Development of Coastal Tourism	6
	Reason of Failure	Avoidance of Problems	4
		Private Property	1
		Corruption	1
		Too Complicated	3
		Missing Regulation of Resource Uses	3
		Missing Political Will	1
		Financial Shortcuts	3
		Bureaucracy	1
		Missing Planning	2
		Fragmentation	7
		Overlap	2
		Missing Surveillance	3
		Path Dependency	1
		Economic Exploitation	2
		Administration Vs. State Interests	2
		Weak Spot of the Law	2
	Use of Resources	Tourism	4
		Fishery	7
		Ground	6
		Local or Foreigner	4
		Ocean	3
		Beach	4
	Spatial Occupation	Military	1
		Cement Factory	1
		Airport & Power Plant	2
		Artificial Beaches	2
		Harbors	4
		Hotels	3
	Access to Resources	Possibility to Exclude Access	4
	Opinion about Situation/Law/Common	Needed Improvements	0
		Positive - Works in certain aspects	3
		Problems	0
		Condition Stays the Same	1
		Law as a Barrier for Privatization	4
		Condition improved	1
		Missing Administrative Support/Will	5
		Too Rigid	1
		Bureaucracy	5
		Need for stronger Execution	2
		Wish for more Simplicity	2
		Wish for better Conservation	4
		Need for more Surveillance	2
		Need to Integrate Use of Resources	1
		Lack of Common Mind	2
	Execution of the Law	Concession	2
		Tear Down of Buildings	6
		Protection	2
		Praxis	3
		Blocking of Development	4
		Enforcement of Access	3
		Enforcement through Citizens	2
	Coastal Shore Act LC88	General	6
		Modification 2013	2
		Taxation Under LC88	1
	Invasion of the MTPD	Residential	7
		Buildings	5
		Infrastructure	4
	Administrative Responsibilities	State	3
		Municipality	2
		Canarian Government	2
	Access to Resources	Possibility to Exclude Access	4

Table 4: List of coding used during the analysis of the interviews and number of usage. (author, 2018)

4.6 Constraints and Limitations

In this last section of the methodology, constraints and limitations which have been found during the research are annotated. First of all, the trial of making contact with the persons of interest via e-Mail in advance of the journey to Gran Canaria remained largely without response. Only the academic experts replied with great interest and offered help.

Furthermore, making contacts via telephone once being on the island remained unsuccessful. Eventually, the assistance of academic contacts and their referrals made it possible to reach out to other experts of interest for further interviews. Another successful approach was to simply wait in front of the offices of interest until the expert had a little window of time to attend to me. Nevertheless, especially in the case of the tourism experts even this method was of little success, which is why only one interview with a representative of a larger hotel group was conducted.

In conclusion, to execute qualitative interviews, it is advantageous to have personal contacts and referrals to open the right doors. Moreover, more time is required to pave the way to the interviewees – which thoroughly conducted would shorten the time frame of this thesis. For the time given, the outcome of interview is reasonable and provides a good basis for the research. Nevertheless, it is obvious that much more material could have been gathered and analyzed.

5. The Coastal Shore Act and its Execution

Spain's coast is "valuable for the great possibilities it offers, but scarce in the face of the growing demands it supports, and very sensitive and difficult to recover in its physical balance" (Jefatura Del Estado, 1988, p. 23386) attests the introduction of the *Ley 22/1988 de Costas* (LC88 – Coastal Shore Act). Their legal right is fundamentally contained in the LC88, of 28th June 1988, and in the royal decree 876/2014, 10th October 2014, which approves the *Reglamento General de Costas* (RGC – General Regulation of Coasts). The basic nature of this legislation, which is presented in the following, legitimizes the protection and defense of the coast by the State. Despite the different attempts to reform this basic legislation, it has enjoyed great stability (Rodríguez Beas, 2016) until very recently, when it underwent a substantial modification through the *Ley 2/2013 de Protección y Uso Sostenible del Litoral* (LPUSL – Act for Protection and Sustainable Use of the Shore), of 29th May 2013.

In the following, the development of the Coastal Shore Act is analyzed, taking into account the most influential socio-economic developments which shaped its legal framework but also its execution up to now. Figure 9 gives an overview of the development of the legal jurisdiction referring to the Spanish coast. The analysis focuses on the laws and the general political and societal development influencing them. Decrees and regulations will not be included in the analysis – as they are less important, and these details reach beyond the limits of the thesis. First, the origin of the Coastal Shore Act as well as its embedment in the Spanish Constitution are presented. This allows a more profound evaluation of the present shape of the law. Second, the most important articles of the Coastal Shore Act declaring the spatial demarcation of the public good and the associated regulations of access and use are highlighted, together with the analysis of the modification of 2013. Finally, the theoretical outline is compared with information about its practical execution and the situation of the study site of Gran Canaria.

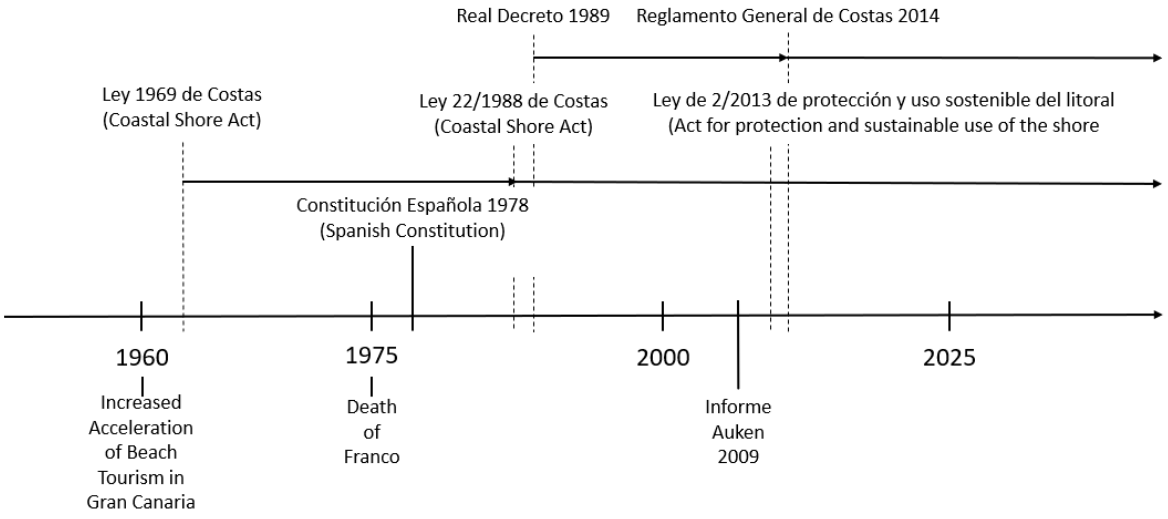

Figure 9: Development of the legal jurisdiction of the Spanish coast. (author, 2018)

5.1 Predevelopment of the Coastal Shore Act

The present legal jurisdiction described above is based on a development which started in the late 1960s, responding particularly to the acceleration of beach tourism from the beginning of the 1960s onwards in Spain but also Gran Canaria (García Cabrera & Castro Sánchez, 2000). For the analysis of the actual character of the Coastal Shore Act but also for the evaluation of the appearance of coastal grabbing it is helpful to know its origin which is explained in the following sub-sections.

5.1.1 Franco and the Exploding Beach Tourism

With its implementation in 1969, the first Coastal Shore Act was introduced within the era of the dictatorship of general Franco, which endured from 1936 until 1975 (Pack, 2006). The primary aim of the regime was to end the lack of legislative cover of the Spanish coastline. To this day, the only laws affecting the transition of land and water are the harbor laws of 1880 and 1929 which considered the safety of the harbor areas and not the total coastline (Torres Alfosea, 2010). With only 30% of occupied coastline in 1918 there was no reasoning for a specific normative body nor could the coastal environment be declared to be under threat, a status which was not changing significantly throughout the first half of the 20th century (Losada, 2013). Thus, only from the 1960s onwards, human pressure increased overall in the form of a massive development of beach tourism causing a large-scale development of urban settlements on the shoreline. Those developments, in combination with sand mining, the interruption of the littoral drift and the

general increase of human activity along the coasts put Spain's coast, which has been to date without any specific legal protection and thus under threat (Gómez-Pina et al., 2002).

Apart of closing a legal flaw, the Franco government additional encouraged direct foreign investments which had already reached 12% in the region of Las Palmas in the beginning of the 1960s (Pack, 2006). This was further reinforced by the West-German law *Strauss* of 1968 which liberalized German investments and had major impact in the territory of Gran Canaria. In the following years, large scale territorial speculations without any governmental control brought huge numbers of foreign investments on the island and excluded the Canarian population from the land market. Agriculture, which was so far the most important sector, decreased dramatically and made place for the new booming construction industry (García Cabrera & Castro Sánchez, 2000). This development was confirmed by one of the interviewees who mentioned that the difficult agricultural sector along the coast of Gran Canaria, due to serious water shortages, turned "overnight" into touristic centers. The hotel capacity in the Canary Islands increased from 12.048 beds in 1963 to 29.202 beds in 1969, a rise of 142% in six years. A development which is referred to as the 'first tourism boom' on the Canary Islands (Pack, 2006).

Manifesting the coastal shore legally as a public good, the first *Ley de Costas 1969* (LC69 – Coastal Shore Act of 1969) can be interpreted as the cornerstone of transforming the Spanish coastline into the public domain it is nowadays. Nevertheless, at the time of its creation, the motivation of the Franco regime did not to consider the Spanish coastline as a precious and fragile ecosystem which is exposed to disturbance and therefore in need for protection (Jefatura del Estado, 1969).

In the first place, the government's objective was to create a law which organized the coastal strip to better accommodate the growing coastal tourism, the latter was planned to play a major part of the state's income (Torres Alfosea, 2010). Similar ambitions were already expressed in the law 197/1963 of Centers and Zones of National Touristic Interest which declared in its first article: "Objective of the present law is the organization of tourism on the national territory based on the planning and development of centers and zones of touristic interest" (Jefatura Del Estado, 1963). As a result of this strong focus on touristic development, private property was seen as needed trigger and not in conflict with the public domain. This perception was especially expressed in the following article 1 which declared that the maritime-terrestrial public domain (MTPD) are beaches (only those without vegetation or with a rare and characteristic one), the maritime-

terrestrial zone (MTZ – areas affected by the tides up to where the highest waves of an ordinary storm reach) and the territorial sea including the containing resources. Furthermore, it states that private property which will be enclosed in those public domains will remain with all its legal rights. Moreover, article 5.3 declares all territories which have been claimed form the sea are property of those who claimed them and hence excluded from the law of 1969 (Jefatura del Estado, 1969). In accordance with one of the interviewees, the first Coastal Shore Act allowed the "urbanization of the coast without any problem".

During the following 20 years the law regulated the coastal planning and its legal concept had a major influence on the authors of the Spanish Constitution of 1978 since the existing LC69 can be seen as the main inspiration to embed the coast as a public good into it (Torres Alfosea, 2010).

5.1.2 Embedment in the Constitution

After the death of Franco in 1975, a time of *transición* (transition) began with the purpose to smoothly transfer Spain into a monarchial democracy (de Andrés, 2004). This *transición* also included the creation of the *Constitución Española* (CE – Spanish Constitution) which was approved in 1978 and declared the Spanish coast by its very nature as public good (Gobierno de España, 1978). According to article 132.3 CE belongings of the state's public domain are those "determined by the law and in any case the maritime-terrestrial zone, the beaches, the territorial sea and the resources of the [exclusive] economic zone and the continental platform" (Gobierno de España, 1978, p. 29331). Furthermore, article 45 CE, guarantees the right to an adequate environment and obliges public authorities to preserve it.

In this way, the state legislator must necessarily start from the natural realities that the CE marks in Article 132 CE and cannot resort to irrational criteria. Thus, the state is not only empowered, but also obliged to protect the MTPD in order to ensure both, the maintenance of its physical and legal integrity as well as its public use and its landscape values to serve the social functions covered by Article 45 CE. In comparison to LC69, the constitution puts no limitation on beaches and more importantly, does not exclude private property from the public domain. In any event, the more precise regulations need to be articulated in the legal form of a law and the constitution does not restrict future laws to circumcise the potential of what is included into the public good by the vague constitutional articles with precise definitions. It took ten years until, on the 28th June 1988, the LC88 as the legal expression of the constitutional article 132.2 was validated.

5.2 The Coastal Shore Act

In this chapter the valid legal framework concerning the MTPD is examined. This concerns the Coastal Shore Act 1988 and the act for protection and sustainable use of the shore, LPUSL. The latter is a modification of the first and only the relevant changes concerning the access and use of coastal resources is presented.

5.2.1 Urgency for Protection

Whereas the LC69 was created to accommodate a growing beach tourism by implementing legal jurisdiction, the new law of 1988 was clearly inspired from a more ecological and egalitarian perspective. In the *Exposición de Motivos* (exposition of reasons) the increasing pressures of a growing coastal population and the intensification of tourism, agriculture, industry, transport, fishing and others are pointed out as threats to the already fragile coastal environment by definition (Jefatura Del Estado, 1988).

At the beginning of the 20th century 7% of Spain's population lived within the first five km of the coast it was already 35% in the year of the creation of the law. A proportion which could be tripled because of the additional touristic population of which 82% was concentrated on the coasts (Jefatura Del Estado, 1988). The total occupation of the Spanish coastal zone (the first five km from the sea) in 1988 is depicted in figure 10. On the island of Gran Canaria this situation can be seen as similar or even more intense, although the first tourism boom ended with the oil and economic crisis in 1972. Tourism on the Canaries newly expanded in the 1980s with the second tourism boom and growth rates of over 20% per year. Again, governmental control and spatial planning were missing and allowed the first forms of mass tourism emerging on the island (García Cabrera & Castro Sánchez, 2000). In addition, the favorable climatic conditions increased the pressure on the coasts since on the islands the duration of the tourist season is year-round, compared to four months on the European continent (Peña-Alonso et al., 2018).

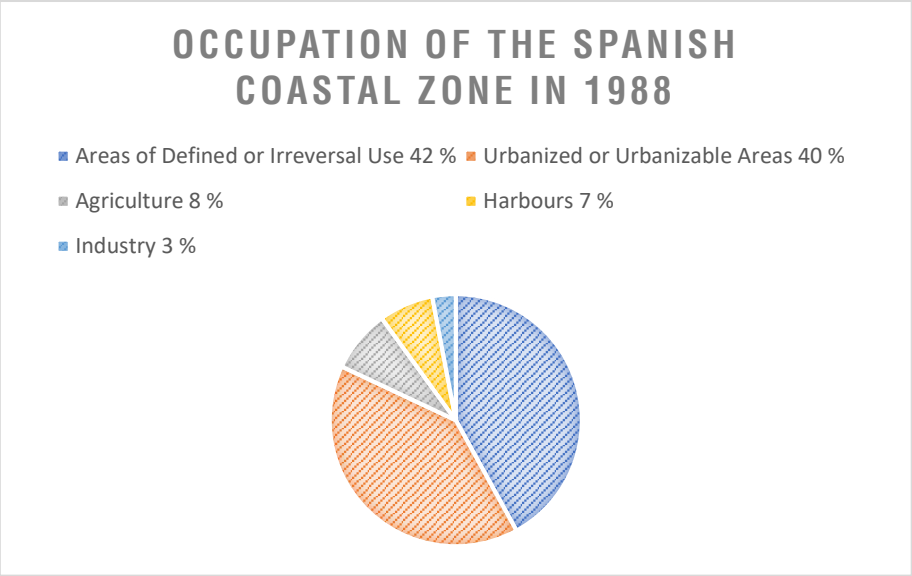

Figure 10: Occupation of Spanish coastal zone, the first five km from the ocean, in 1988 according to the LC88. (author, 2018)

Reason for the lacking control is according to the authors of LC88 (1988) an insufficient legal coordination of the public domain and the ground. The authors further mention a lacking will to guarantee the conservation of this sensitive area or to include the external costs, its rentability or social value into the development. An opinion which has subsequently been confirmed by various interviewees. The Head of the Coastal Management Service described the situation in Gran Canaria before LC88 as "chaotic" and an other interviewee stated that in multiple of Gran Canarias municipalities no general plan existed. Other impacts of the first and the second toursim boom on Gran Canaria were a displacement of fishing communities and a destruction of fishing ground due to the expanding tourism industry (Castro et al., 2015).

Furthermore, the law claims that the ongoing privatization of the coast restricted the public access on many occasions and unjustifiably prevented the latter from the enjoyment of the community (Jefatura Del Estado, 1988). According to the Head of the Coastal Management Service this development led to several self-declared private beaches in Gran Canaria or closures of access towards them. The authors of the law (1988) further conclude that it is the double phenomenon of natural degradation and privatization which requires a better solution, the new law, to protect the coastal strip and to regulate "the rational exploitation of its resources, guarantee its use and enjoyment open to all, with exceptions fully justified by the collective interest and strictly limited in time and space, and with the adoption of adequate restoration measures" (Jefatura Del Estado, 1988, p. 23386).

Concerning the international socio-economic context at this time, the strong focus on environmental protection fits well to a sprouting global environmental consciousness with other developments taking place. Such as the implication of a Coastal Shore Act in France in 1986, the publication of the UN report on the environmental condition of our planet 'Our Common Future' in 1987, the preparation for the UN climate conference in 1992 in Rio de Janeiro (Torres Alfosea, 2010). Another reason for the radical and inclusive outline of the law was the absolute majority, which was necessary for the implementation of the law, achieved by the socialist party during the national elections in 1986 (Registro Nacional, 2018). This allowed them to implement the same without making compromises to the conservative or national parties in the parliament.

5.2.2 Maritime-Terrestrial Public Domain

Increasing ambitions for nature conservation are also expressed by the extension of the MTPD, including now includes dunes, cliffs (article 3.1b LC88) and land gained from the sea as a direct or indirect consequence of works (article 4 LC88), which under article 5.3 of LC69 would have remained in private property. Moreover, the definitions of the already existing parts of the public domain under LC69 were expanded. Whereas beaches were included in the MTPD depending on their vegetation under article 1.1 of LC69, the LC88 announced them unconditionally as a public domain (article 3.1a LC88). Also, the characteristic which marks the boundary of the MTZ was changed from the 'highest waves of ordinary storms' (article 1.2 LC69) towards the 'waves of the strongest storms'. Additionally, zones of mudflats, marshes, estuaries and, in general, the lowlands that are immersed as a consequence of the ebb and flood of the tides, of the waves or of water filtration from the sea are included into the MTZ (article 3.1 LC88). The elements of the MTPD are also pictured in figure 14.

5.2.3 Spatial Demarcation

The adjacent area to the MTPD is, in order to provide an adequate transition, still regulated by the LC88 and divided into four zones, which are also visualized in figure 14:

- The zone of protection, which replaced the former zone of surveillance of 20 m under LC69, shifts between 20 and 100 m, depending on the ground (20 m in UA and 100 m in not UA). Other than the MTPD this zone is not restricting the property but the uses. Residential and hoteliers' uses are prohibited but not private property. Swimming pools, tennis or golf courts, etc. or even buildings of commercial use and restauration can be

found within it (Ecologistas en Acción, 2007). The license for this zone are granted by the autonomous municipalities and the city councils (article 25).

- The zone of transit is especially designated for sea front promenades and limited to 6 meters of width (although it can reach up to 20 m under exceptional conditions). The transit width of the transit zone is not added to the zone of protection but included in the latter. In this zone permanent use and private property is prohibited, only concessional uses, e.g. from restaurants, are allowed. The administration of the zone of transit is centralized under the General Directorate of Sustainability of the Coast and the Sea (Costas) (article 27 and 44.5 LC88).
- The access zone guarantees free access to the coast every 200 meters and every 500 meters for vehicles (e.g. ambulance, police etc.) (article 28).
- The zone of influence for not UA, which reaches up to 500 m and safeguards space for parking slots and other forms of needed infrastructure to maintain the previous zones free of these occupations if possible (article 30).

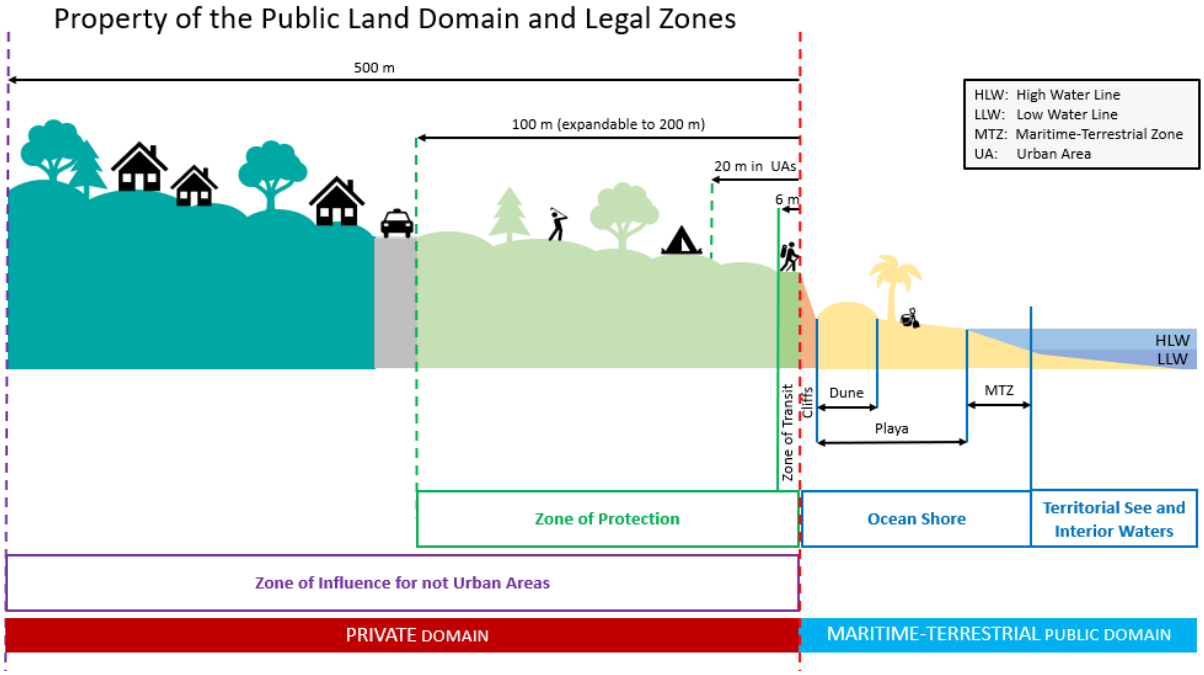

Figure 11: Overview of the maritime-terrestrial public domain and the adjacent private domain. (author, 2018)

5.2.4 Use of and Access to the MTPD

According to the legal framework, established under the LC88, particular uses of the MTPD are free while others are strictly regulated. The property of the MTPD though remains in the hand of

the state with fulltime public access. As a result, there is not a single private beach in Gran Canaria and no limitations of swimming or access along the shore apart of some extraordinary exceptions (Head of the Demarcation of Coasts, personal communication, 2018), e.g. military zones (which are excluded due to reasons of national safety), the central power plant of Jinámar (which was built before the law of 1988 and access to which would now imply a safety risk), harbors (which fall under the special public domain of harbors and therefore have a particular regulation of access) and the airport of Gran Canaria (which was also built before the law). Those are excluded according to article 2b in the public interest. Although exceptions from the law are possible for these infrastructures, similar projects which have been built after the enforcement of the LC88 tried to at least guarantee a minimal stretch for transit in between the infrastructure and the ocean as shown in figure 11 by the green line, marking the MTPD, while the purple line represents the boarder of the zone of protection.

Figure 12: The old central power plan of Jinámar (up left) lies inside the MTPD (green line) whereas the newer power plant of Barranco de Tirajana (up right) lies outside the MTPD and only invades the zone of protection (purple line). Also the more recently built airport Aeroclub Gran Canaria (down) remains outside the MTPD. (Gobierno de Canarias, 2017a)

For uses of the inherent nature of the MTPD such as bathing, walking, resting, the launching of boats but also fishing, collecting of plants and seafood etc., access, guaranteed by the transit and access zone in UA, has to be free, public and without charge (article 31 LC88). Although the law allows the free access which enables a potential use of the coastal resources it does not regulate particular uses. This is done through various other regulations creating an "absurdity" of overlapping competences, so one of the interviewed experts.

With a retroactive character, LC88 transferred all private property rights that found themselves within the new borders of the public domain into occupational rights of concessions of 30 years, ending on the 28th July 2018 in Gran Canaria as the Head of the Demarcation of Coasts mentioned, with the possibility to extend them another 30 years, without any right of compensation (article 25). Those concessions also imply a taxation of which one part is oriented on the value and size of the occupied space and the other on the possible profit the occupier gains from the space. The enforcement of the character of the coast as a public domain is further expressed as it states: "The present law establishes the prevalence of the publicity of this natural domain (...) thus excluding the possibility of consolidating the appropriation by individuals of lands of the public domain." (Jefatura Del Estado, 1988, p. 23387).

The director of communication of the Lopesan Group described the enforcement of this particular rule as the creation of two realities, the one of those who built before 1988 and those who built after. Also, it is important to mention that under the LC88 there is no form of legalization of illegal buildings. In Gran Canaria illegal buildings get legal rights of occupation after four years if the administration took no action against them. In the MTPD though, buildings will always remain illegal so the Head of the Coastal Management Service.

Nevertheless, there are exceptions from the rule. Uses which by their nature cannot have other ubication than in the MTPD are allowed to occupy the latter (article 25.2 and 32). Among those uses are harbors of general interest which are excluded from the MTPD and declared as public harbor domain (article 30 LC88) but also those related to rescue, observation and security or those of water extraction or emissary (article 34 LC88). But apart from those few examples the law recognized important enough to mention, there is no precise definition or list of uses that by their nature need to take place in the MTPD and consequently some of the exceptional uses established nowadays in the MTPD can be questioned.

Yacht Clubs

An example are the *club náuticos*, private sailing or yacht and leisure associations of mostly a wealthy audience which are found in Gran Canaria in several instances according to one of the interviewees, although their positioning does not completely rely on direct access to the ocean such as offices or restaurants which are normally part of those complexes. It is understandable that boats need to be placed in a harbor but exclusive club houses with leisure areas as can be seen on figure 12 could easily be placed outside of the MTPD.

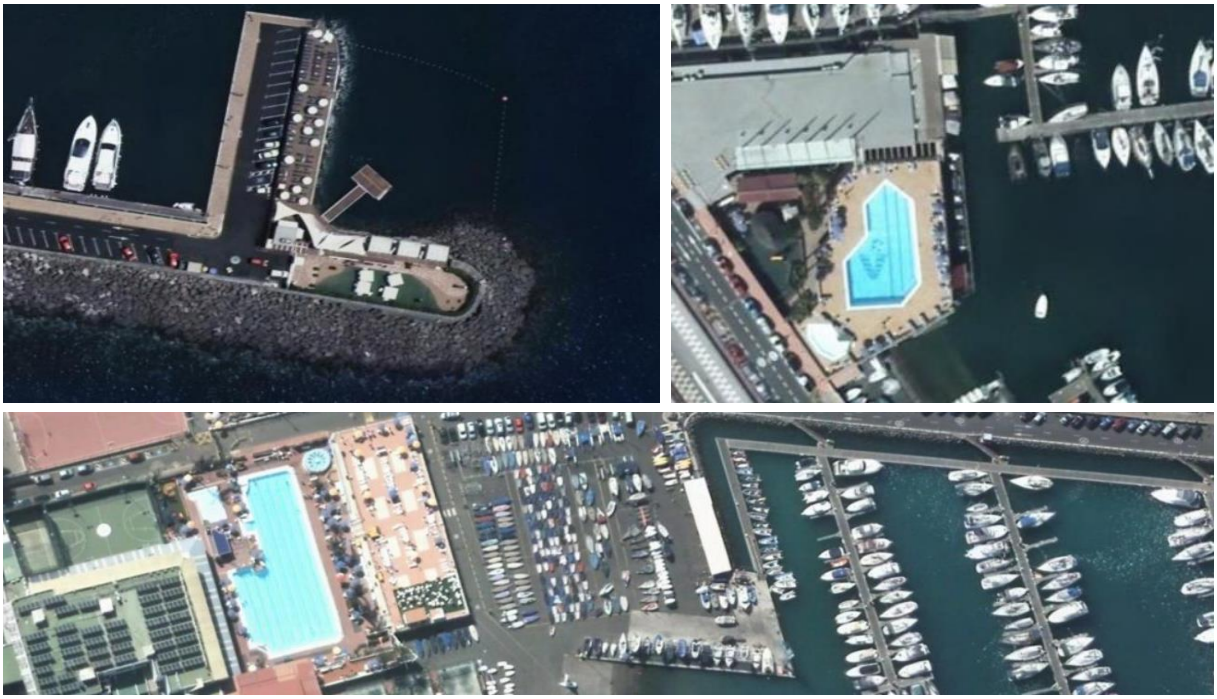

Figure 13: Clockwise: Dock of the harbor Puerto Deportivo Pasito Blanco with the club house of the La Punta Yacht Club placed on it, swimming pool of the Club Marítimo Varadero and swimming pool plus club house of the Real Club Náutico de Gran Canaria, both in the harbor Puerto de la Luz of Las Palmas de Gran Canaria. (Gobierno de Canarias, 2017a)

Harbors

Beyond that, sport and leisure harbors have shown to be a serious threat to the resources of the public domain that makes their exclusion critical. Castro et al. (2018) discovered a direct correlation between the increasing infrastructure supplied by the expanding tourism (e.g. highways) on the island, offering the harbors a better connectivity and led to an increase of catch. Also, the creation of various new harbors during the first and second boom of tourism offered the fishermen the possibility to go fishing more frequently and additionally increased the amount of catch even though the number of fishers lowered. Both effects let the already threatened Canarian fish stock further decline. In the last 30 year the biomass of some stocks lowered approximately 90% (Castro et al., 2018). While the artisanal small-scale fisher declined in

numbers, the recreational fishing grew substantial, increasing the pressure on the remaining stocks (Castro et al., 2015). Still it has to be admitted that although ports are allowed to be placed in the MTPD aerial photos prove that all ports of Gran Canaria were built before 1988 and just some have been extended in the meantime. Even though plans for further leisure ports were made in 1994 (figure 13), they have not been implemented (Gobierno de Canarias, 2017a). Plans for new harbors still need the approval from the department of Demarcation of Coasts (state) and the Coastal Management Service (autonomous community) said the Head of the Coastal Management Service. He further explained that in comparison to previous years the consciousness about sediment flows, impacts on the seabed and marine vegetation had increased significantly and approvals for new harbors are checked very carefully.

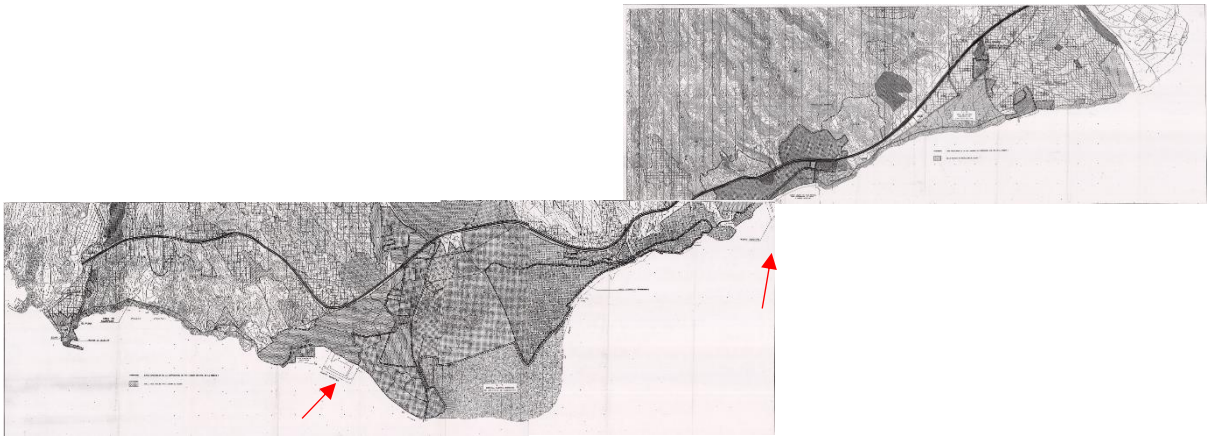

Figure 14: Plans for leisure ports at the coast of Maloneras (left) and Punta de Tarajillo (right) from 1994. (Gobierno de Canarias, 2017a)

5.2.5 Competences

Not only are the access and use of resources regulated by the Coastal Shore Act but also the competences of spatial planning, management and protection have been redistributed (Head of the Coastal Management Service, personal communication, 2018) between the state on the national level, the autonomous communities on the regional level (*Gobierno de Canarias* – Government of the Canaries), the island councils (*Cabildo de Gran Canaria*) and the municipalities (*Ayuntamientos*) on the local level. This is done in article 110 till 115 LC88. Figure 15 gives a complete overview how the competences along the shore are divided amongst the different administrative levels and departments.

On the national level the state, based on article 132.2 CE, is the owner of the MTPD. This is nevertheless, in direct conflict with the competences of the autonomous communities which are responsible for the spatial planning in their territory (Rodríguez Beas, 2016). As a consequence,

the spatial planning of the Canarian Government stops where the MTPD starts, whereas in the protection zone competences are overlapping. Nevertheless, according to LC88 all legislative competences on the MTPD, from its delimitation to its protection, have been given to the state whereas the executive competences remain with the autonomous communities and municipalities (Ordenación Territorial del Gobierno de Canarias, 2008).

The competences of the state are expressed for example in article 110a as: "The demarcation of the property of the maritime-terrestrial public domain, as well as its affectation and disaffection, and the acquisition and expropriation of land for incorporation into said domain" and further in 110c: "The guardianship and police of the maritime-terrestrial public domain and its easements, as well as the monitoring of compliance with the conditions under which the corresponding concessions and authorizations have been granted" (Jefatura Del Estado, 1988, p. 23399).

Regarding the autonomous communities, LC88 provides them with executive rights on the regional level concerning the spatial planning along the coast, urbanism and coastal management. Furthermore, they own executive competences in terms of the environment, protected natural areas, ports or protection of historical-artistic heritage (article 114 LC88).

Finally, in article 115 the competences of the municipalities are distributed containing the regulation, management and monitoring of activities and uses that are carried out on beaches. The municipality can "exploit, where appropriate, the seasonal services that may be established on the beaches by any of the direct or indirect management methods provided for in the legislation of the local regime" (Jefatura Del Estado, 1988, p. 23399). Furthermore, the municipality is responsible for the maintenance of the beaches and obliged to keep them in a proper condition (article 115c LC88).

In conclusion, spatial organization, allocation of concessions as well as the protection from the sea towards the borders of the MTPD is under state authority with Costas as executive body incorporated in the Ministry of Environment, although maintenance and other services of surveillance of the swimming areas is responsibility of the municipalities. From the border of the MTPD towards the hinterland the demarcation of the following zones (transport and protection) is still determined by the state but organized and planned by the Government of the Canaries and the island councils as well as the municipalities.

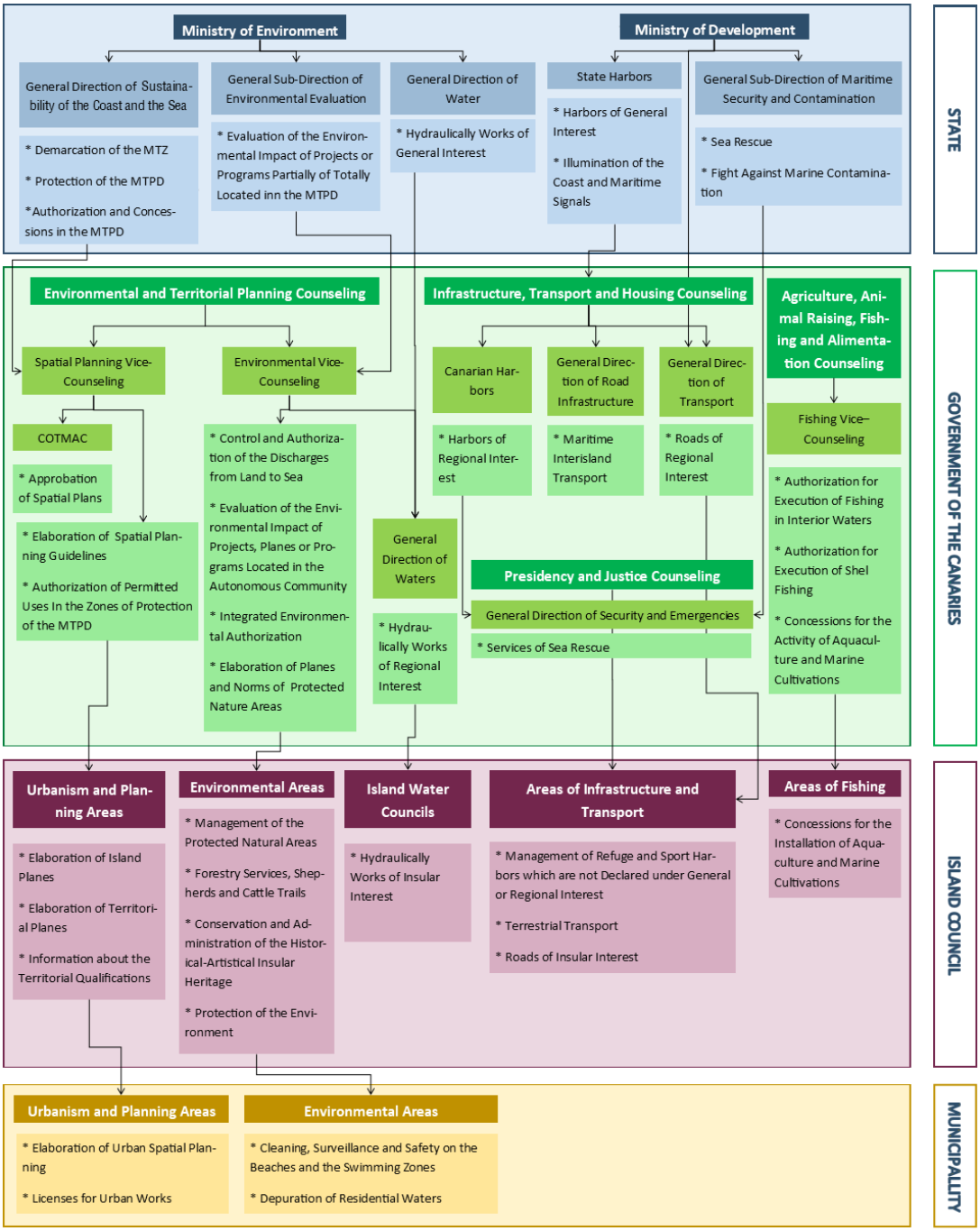

Figure 15: Separation of competencies of the different administrative bodies along the Canarian shore. (Ordenación Territorial del Gobierno de Canarias, 2008, translated by author)

The overlapping as well as the fragmentation of the different competences was criticized strongly by two of the interviewees. In praxis this overload of competences leads to bureaucratical barriers which strangle developments along the coast of Gran Canaria through its sheer slowness explained the director of communication of the Lopesan Hotel Group. But also the execution of the law when it comes to the demolition of illegal houses in the MTPD becomes complicated. “The execution is part of the responsibility of the state” explained the Head of the Coastal Management Service but the realocation of the inhabitants is left to the municipalities.

5.2.6 Informe Auken

Complaints against replacements or restrictions against private property along the Spanish shore finally reached the European level and a petition caused the European Parliament to compile a report under the lead of Margarete Auken, who gave the report the name *Informe Auken*, in 2009 (Alfosea & José, 2009). Article 4 of this report had a tremendous influence on the ongoing coastal planning praxis and the arrangement of property rights as it "requests the Spanish authorities to ensure that no administrative act that would oblige a citizen to cede legitimately acquired private property finds its legal base in a law which has been adopted after the date of construction of the property in question, since this would infringe the principle of non-retroactivity of administrative acts which is a general principle of Community law […] and would undermine guarantees affording citizens legal certainty, confidence and legitimate expectations of protection under EU law" (Auken, 2009, p. 9).

Furthermore, the report encourages the (former) property owners in article 10 that "if aggrieved parties fail to obtain satisfaction in the Spanish courts, they will have to appeal to the European Court of Human Rights, given that the alleged violations of the fundamental right to property do not come within the jurisdiction of the Court of Justice" (Auken, 2009, p. 10). The Spanish authorities are asked to review their coastal law and if necessary conduct changes (article 22) otherwise funding from the EU will be set aside (article 28) (Auken, 2009).

5.2.7 The LPUSL 2013 and the Reinforcement of Private Property

Under the pressure of the European Parliament but also in view of the year 2018 and the expire of the first concession of occupation (Lozano Cutanda, 2013) a new law under the title *Ley 2/2013 de Protección y Uso Sostenible del Litoral* (LPUSL – Act for Protection and Sustainable Use of the Shore) was introduced with the purpose to obtain "legal security by establishing a framework in which legal relationships on the coast can have long-term continuity" (Jefatura Del Estado, 2013, p. 40691). Therefore, several modifications of the LC88 have been introduced of which the most important are presented in the following sub-section.

First of all, a number of changes affecting the delimitation of the MTPD have been made, of which in general can be said that they circumcised what was declared as MTPD under the LC88. For example, excludes the LPUSL artificially inundated areas if those have not been part of the MTPD before their inundation (article 1.2a). This leaves artificially created salt marshes, marine salt fields or aquaculture in their private property whereas they would have fallen into the MTPD under

article 3 LC88. Under the same article initial b) also beaches and dunes which have unconditionally been part of the MTPD are now only part of the latter "up to the limit that is necessary to guarantee the stability of the beach and the defense of the coast" (Jefatura Del Estado, 2013, p. 40696). As a consequence, the spatial demarcation of the MTPD has to be renewed in order to confirm the newly excluded areas from the MTPD. Nevertheless, in the case that private property is newly added to the MTPD the administration offers a concessional right of 75 years (article 1.8 LPUSL).

However, the most serious changes have been made concerning the rights of residential private property owners. Those who find themselves in status of transmission have now the possibility to reapply for a concession of an occupational right without any restriction (Jefatura Del Estado, 2013). Furthermore, the LPUSL gives homeowners the right to repair and conduct works of improvement, consolidation and modernization "that do not imply an increase in volume, height or surface of existing constructions" (Jefatura Del Estado, 2013, p. 40698) whereas in the former article 13 of LC88 only small adjustments for hygiene under strong regulations have been allowed. Moreover article 66.2 of the LC88 was modified, changing the length of concessions for occupation in the MTPD from 30 to 75 years (article 1.21 LPUSL). At the same time the rules to inherit those concessions have been loosened in the following article 1.22.

Finally, there have also been changes affecting the coastal environment. Whereas under the original LC88 only those areas which have been declared as UA before LC88 was enforced could reduce the protection zone from 100 m to 20 m, municipalities are now allowed to apply this rule also for areas so far not declared as UA if they are sufficiently connected to urban facilities and can offer a sufficient housing density (first transitory provision LPUSL). Beyond that a new distinction between natural and urban beaches, depending if they border on a natural or an urban area, was introduced within article 1.12. It offers lower restrictions on natural protection for so called urban beaches and to enable "the authorization for the celebration of events of general interest with tourist repercussions" (Jefatura Del Estado, 2013, p. 40699). Nevertheless, the cases of subsequent declaration of UAs and thereby the legalization of houses have been low in Gran Canaria, as according to the Head of the Demarcation of Coasts the residents have problems to meet with the minimal conditions listed above or to present proof of the legality of their buildings.

5.3 Praxis

Even though the previous chapter already contained some examples of execution of the LC it is important to elaborate in more detail the impact it has had on the reality of Gran Canarias coastal planning.

5.3.1 Invasion of the MTPD

Although the LC88 has now been in place for 30 years, invasions of MTPD are still present in many parts of the island. They vary from direct invasions of sprawling self-build houses over legalized hotels, holiday and residential housing, to indirect invasions of the accompanying infrastructure of the adjacent settlements. In the following sub-section, the different forms of occupation of the MTPD still present in Gran Canaria are surveyed.

Figure 16: Left image shows holiday residences and hotels in the zone of protection in Punta Morro Besudo in San Agustín. The right image shows mainly residential houses around the beach Playa del Hombre in the east of the island. (Gobierno de Canarias, 2017a)

As already mentioned, some occupations of the coast got exclusive rights to remain in the MTPD. Still the consequences of declaring every private property with former legal occupational rights into concessional rights of occupation were tremendous for property owners along the shore. Figure 16 provides an impression of the quantity of houses with concessional rights within the zone of protection in Gran Canaria. Apart from the legal property there were also a huge number of properties without any legal occupational right, a result of lax execution and control of many coastal municipalities (Head of the Demarcation of Coasts, personal communication, 2018).

Gran Canaria is exemplary for this praxis. On the one hand, an uncontrolled outburst of construction and classification of ground without any control took place during the first and second boom of tourism until 1988 (Head of the Coastal Management Service, personal communication, 2018). On the other hand, a long practice of uncontrolled self-build houses (figure 17) taking place along the coast was confirmed by the Head of the Demarcation of Coasts. Several motives triggered this 'culture of self-build houses': For the Head of the Demarcation of Coasts the cheap prices of the coastal land had a mayor influence on its appearance in the past. But also the previous mentioned high bureaucratical burdens with long waiting periods for legal permits as well as old or missing spatial plans facilitated self-build houses. Over decades regional plans have been absent and still today many of the land use plans for the spatial planning in the municipalities are outdated and up to 20 years old. For example, in the municipalities of San Bartholomé de Tirajana the current land use plan is from 1997 (Gobierno de Canarias, 1997) or in the municipality of Mogán where spatial organization relies on plans from 2001 (Gobierno de Canarias, 2001). Finally, lacking surveillance, as confirmed by the spatial planner and the technician of the island council; and the former praxis of giving houses a legal status after four years of occupation motivated the growth of small settlements all along the coast. Places like Tufia, Playa de Ojos de Garza (both figure 18) or San Andrés de Arucas were confirmed by the Head of the Demarcation of Coasts as examples of illegal self-build houses. "Those settlements often started as small huts which incrementally grew over the years to several floor high buildings" explained one interviewee. Some of them would theoretically have the chance to become legalized but a documentation or register of ownership is missing in most of the cases explained the Head of the Demarcation of Coasts. Nevertheless, not all of the houses are the main place of residence. "There are also a high number of secondary houses, often built by the inhabitants of the villages of the hinterland as beach residences" clarified an interviewee.

Figure 17: One of the typical 'self-build' house one can find all along the coast of Gran Canaria. (author, 2018)

Figure 18: On the left image, the village of Tufia, on the east coast of Gran Canaria lies within a nature protection area in the MTPD. On the right image, the village of Playa de Ojos de Garza. With a strong high tide, the sea is touching the first line of houses. (author, 2018)

In the case of hotels, the legal situation is even more complicated than of the regular residential houses due to the superior status of the tourism branch on the island. Representing the main driver of the Canarian industry enables them special treatments, a fact which was confirmed by all the interviewed governmental representatives. Officially all the hotels placed in the MTPD or the zone of protection in Gran Canaria are under a legal status annotated the Head of the Demarcation of Coasts, which means that they are officially registered and excluded by the law or have legal concessions for their occupation. Nevertheless, taking a look at older orthophotos some irregularities are striking.

For example, in Maspalomas the land use plan of Costa Meloneras from 1998 shows only the areas in dark red and white as UA (figure 19) whereas the areas marked in light red are declared as abandoned cultivated areas. However, the underlying orthophoto, showing the actual situation, demonstrates clearly the occupation of the shore by the hotels Lopesan Vila de Conde and Hotel Riu Gran Canaria without regarding the necessary distance of at least 100 m to the MTPD (red circle). The orthophotos of figure 20 proves that those hotels were not there before the enforcement of the law. Still the zone of protection was reduced to 20 m, as demonstrated by figure 21, a measure which according to the law,

Figure 19: Plan of the spatial occupation of the year 1998 (light red: agricultural area; dark red and white: urbanized area; yellow: naked ground) and an underlying orthophoto of the year 2017. (Gobierno de Canarias, 2017a)

could only be done if the area was declared as an UA before the law was put into place or under the modification of 2013 if the occupation of the area, although not declared as UA, showed characteristics of an UA already before 1988. In both situations this was not the case.

Figure 20: Historical orthophoto from the year 1998 (left) with no construction in the marked area and 2002 (right) with hotels under construction. (Gobierno de Canarias, 2017a)

Figure 21: The zone of protection in front of the Hotel Riu Gran Canaria with the typical distance of 20 m for an UA. (Gobierno de Canarias, 2017a)

Other questionable constructions of hotels can be seen in Puerto Rico, a tourist town in the south of the island, where orthophotos from 1998 (Gobierno de Canarias, 2017a) show that the hotel Gloria Palace Amadores did not exist back then but was constructed in the zone of protection, demonstrated in figure 22. Also, at the nearby artificial beach Playa de Amadores, shown in figure 23, up to five hotels have been constructed after 1998 finding themselves completely or partly in the zone of protection (Gloria Palace Royal Hotel & Spa, Holiday Club Playa Amadores, Apartamentos Amadores Beach, Aparthotel Mirador del Atlantico and Hotel Riu Vista Mar). Furthermore, many restaurants have been built in the MTPD which is supposed to remain free of any private property. All these examples are tourist destinations in the south of the island.

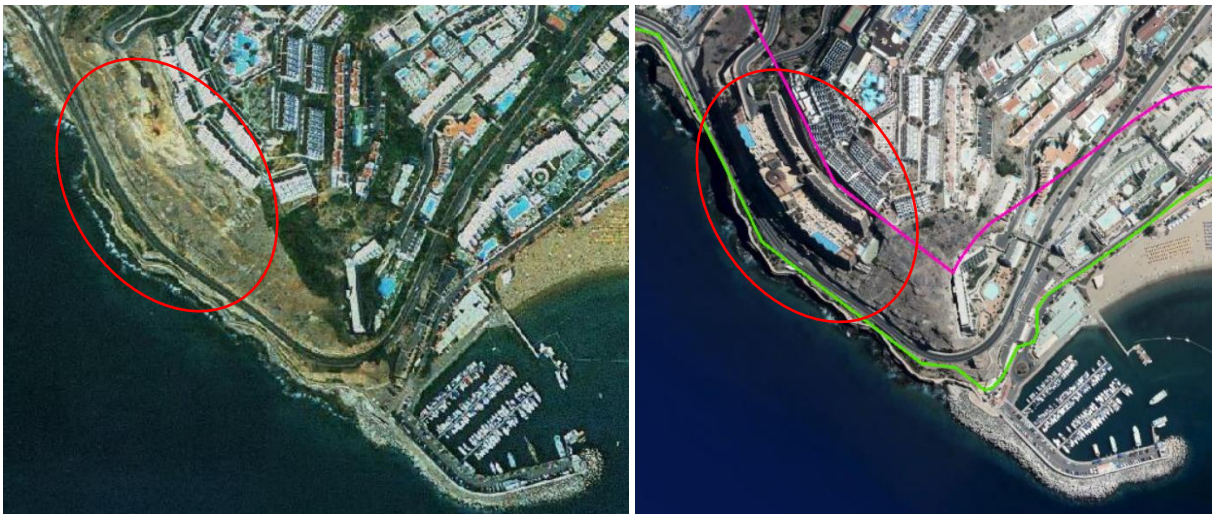

Figure 22: The hotel Gloria Palace Amadores in Puerto Rico did not exist on the orthophoto of 1998 (left) but is placed in the zone of protection where no residential uses should be allowed in 2017 (right). (Gobierno de Canarias, 2017a)

Figure 23: The artificial beach Playa Amadores is still under construction on the orthophoto from 1998 (left) and in the zone of protection (right) construction has not yet started on most of the surrounding hotels, which exist there now (2017). (Gobierno de Canarias, 2017a)

Although the previous already date back several years, irregularities regarding the treatment of tourism complexes along the coast have also been discovered more recently. On the beach Playa de Tauro (figure 25 bottom left and right) concessions have been handed out to a British investor for the implementation of an artificial beach combined with the further development of adjacent hotels, restaurants and shops. Those concessions are in conflict with environmental regulations and thus with the MTPD. The trial is still ongoing. However, the former Head of Costas of the Canary Islands was dismissed as a first consequence and assumption for further irregularities in other coastal areas are under investigation (Paz, 2016).

Furthermore, there are a number of indirect invasions from the adjacent settlements to the MTPD. As the executing spatial planner argued: "In the end they have to make their tea", implying that those settlements although not in the MTPD need infrastructure which might have to invade the latter. From her personal experience, in particular it is (illegal) wastewater pipes which are to be found, crossing the MTPD towards the ocean. The General Directorate of Environmental Quality and Environmental Impact Service sees a problem in the declaration of ground as urban area in the adjacent zones to the coast since it increases the spatial pressure on the latter through infrastructure. Although the LC protects the first line of the coast it cannot avoid the further urbanization of the hinterland. Figure 24 demonstrates how the municipality of San Bartolomé de Tirajana in the south of Gran Canaria developed from a nearly uninhabited area to one of Spain's most artificial coasts in little over 50 years. In 2013, 41% of its coast had already been urbanized (Greenpeace, 2013). This urbanization is not only a result of an expanding tourism but also an accelerating population growth. Its pace becomes clear by comparing it with the Spanish peninsula. Whereas in 1950 the Canarian population represented 2,87% of Spain's population it was already 4,45% in 2011 (ISTAC, 2016).

Figure 24: Orthophotos of the south of Gran Canaria from 1961 and 2017 demonstrating the rapid urbanisation of the coast of Maspalomas and Playa del Inglés. (Gobierno de Canarias, 2017a)

5.3.2 Problems of Execution

Although the Coastal Shore Act has now been in force for three decades in many places the results cannot meet the ambitious motives of the law. Reasons for the lacking execution are manifold but according to the interviews the most dominant one seems to be a lack of political will. Illegal houses in the MTPD should have been removed within a few years after the implementation of LC88 (Alfosea & José, 2009). Though, actions have been so far only scattered. For example, historical orthophotos document the developments at the beaches Playa de El Confital and Playa de Tauro shown on figure 25.

Figure 25: Replacements in Gran Canaria. Left orthophoto from 1998, right from 2017. Top images show the beach Playa de El Confital, lower images show the beach Playa de Tauro on which not only the replacements of houses but also the new artificial beach is visible. (Gobierno de Canarias, 2017a)

According to Alfosea and José (2009) the replacements were mainly done occasionally to avoid large public and media attention. An assertion that was confirmed by various interviewees for Gran Canaria. The public acceptance of the replacements is generally low due to a "lack of transparence from parts of the authority which are failing to explain how some of the areas got excluded from the MTPD whereas others not", according to one interviewee. The interviewed executing spatial planner summed up that consequently "politicians avoid those confrontations with the society, but they do the same with economical assets like hotels, this time not to avoid negative media attention but because they represent an important economical driver". This strategy of avoiding problems goes as far as excluding areas of spatial planning which are not confirm with the law (Spatial Planning Expert, personal communication, 2018).

According to the interviews, another reason for the problems with the execution of the LC88 is the fragmentation and overlap of competences. This "normative labyrinth" as one interviewee called it makes an adequate execution of the law complicated and together with the strategy of conflict avoidance leads to the solution that in many cases the status quo is simply maintained. Figure 26 testifies this praxis, showing how the municipality of Telde advertises the illegal houses of Playa de Ojos de Garza as 'a charming neighborhood' instead of intervening against their illegal occupation.

Figure 26: Information board advertising the beauty of the illegal houses of the beach Ojos de Garza. (author, 2018)

"Finally, a lack of surveillance, resulting from a general lack of money is again one reason why many assets are not replaced", explained the General Directorate of Environmental Quality and Environmental Impact Service.

5.3.3 Interplay with Nature Conservation

In relation to nature conservation the environmental technician of the island council described a positive effect. Although the law itself does little for the environmental condition of the coast, apart from keeping the MTPD free of new constructions and preventing its further degradation, it helps substantially to restore coastal areas of nature conservation. Being declared as state property allows the environmental department a larger margin to execute measures than in PAs with high percentages of private property (Environmental Technician, personal communication, 2018). The salt marshes of Juncanillo del Sur for example fall mainly in the MTPD and have been restored better than the PA of Arinaga where the coastal strip represents only a minor part of the PA.

Figure 27: The PA Dunas de Maspalomas does not reach the shoreline in respect of the LC. (Gobierno de Canarias, 2017a)

At the same time the LC guarantees the access to and use of the coast in the coastal PAs as for example at the famous dunes of Maspalomas. Here, in respect to the strict open access policy,

the PA and its restrictions of access and use do not reach up to the very shoreline, as demonstrated by figure 27.

5.3.4 Perception

According to the communication director of the Lopesan Group, the tourism industry is dedicated to maintaining the coast in a good condition, as it represents the basis of their main activity. Therefore, they work together with the municipalities. Nevertheless, he acknowledged that their commitment should be going beyond fulfilling their normal obligations.

All interviewed experts acknowledge that the law provides a bolt to the sprawl of the coastal communities and tourist centers. One interviewee added that the general public perceives the coast as something wonderful which provides pleasure as well as economic income. This is further underlined by the General Directorate of Environmental Quality and Environmental Impact Service who states that in the past it was the public who complained when access to the coast was closed and stood in for their public domain. It was also the public who brought the case of Playa the Tauro to the court (Paz, 2016) and it is the public who is organizing resistance now against the extension of the harbor of Agaete in the North-West of the island (Herrera, 2018). A development which shows awareness of and attachment to the fragile coastal environment.

Nevertheless, regarding the general coastal resource users, one interviewee explained that in Gran Canaria the perception of the coast and the LC is positive, and its value is generally acknowledged but there are huge deficits in taking responsibility. None of the user groups sees themselves responsible and instead of protecting the coastal condition through e.g. a self-regulated resource use they prefer to blame the other user groups if conditions are degrading which is especially the case between different groups of fishermen. The alarming condition of the Canarian fish stock (Castro et al., 2015, 2018) and the ongoing self-build houses along the coast confirm the lack of self-regulation. Another interviewee concluded: “When the responsibility is shared, it seems that it is of no one. Although it is actually of everyone.” He further elaborates that often the coast is not perceived as an environmental asset but a static resource which always has been there and therefore requires little care.

5.3.5 Critics

Potential for improvement was mentioned during the interviews. Demands for stronger execution and surveillance, more simplicity, more conservation and a better integration of the resource uses into the law were expressed. The professor of the Marine Science Faculty of the local university

complained that “many uses of the resources are regulated by other institutions as those responsible for the coastal management”. Hence an integrated coastal zone management is difficult, and a sustainable resource use is absent. If the vice-counseling for example restricts the catch of barnacles but the ministry of environment keeps the access open those restrictions are hardly maintained. “It would not be a problem”, explicated the technician of the island council environmental department, “if there was enough surveillance”.

5.3.6 Socio-Economic Impact

Three of Gran Canarias Municipalities have been announced under Spain’s most artificial coasts (Greenpeace, 2013). Whereas some areas already reached their limits, e.g. in Playa del Inglés only 0,7 ha have been newly covered between 1998 and 2009 other seem still to expand such as Maspalomas with 270,7 ha and Tauro with 114,6 ha newly covered ground during the same period (Cruz & Cruz, 2013). Nevertheless, business seems to become more local. Foreign investments in the Canaries have lowered to 37.168,3 million € in 2016, a quarter of what it was in 2014 whereas the investments done from the Canaries have increased more than 180% (ISTAC, 2016). The communication director of the Lopesan Group explained this with localization and an increasing degree of education. During the first tourism booms there was simply very little potential for entrepreneurship on the side of the Canarian population, this has changed.

Although business becomes more local on the island and the number of visitors is breaking records the wealth is poorly distributed through society. Working conditions in the Canaries are precarious, expressed by the highest percentage of low income of all autonomous communities (ecca, 2017) and also the percentage of part-time employment which is rising faster than in any other part of Spain (Marrero et al., 2016). Spain itself has already the second highest rate of economic inequality in the EU but within Spain the Canaries are one of the regions where the highest rise is recorded (Martínez, Salvo, & Padilla, 2017). While 0,2% of the population agglutinates 80% of the wealth (CCE, 2016), 44,6% of the Canarian population is in danger of poverty (EAPN España, 2017). While the economy of the Canaries rose constantly from 2014 onwards (ISTAC, 2018) it seems that the wealth remains concentrated in the hands of a small part of its population.

To sum it up the Coastal Shore Act represents a complex policy for the protection of the Spanish coast of which table 5 offers an overview connecting the different zones with their inherent legislative characteristics. The LC was able to maintain the coastal zone of Gran Canaria free from

new occupations, apart from some irregularities discussed above. Nonetheless, the administration has to deal with the inherited problems of the pre-LC88 era. Here a culture of avoidance combined with a lack of money maintains a status tolerated occupation of the MTPD. But also, the “normative labyrinth” as one of the interviewees described it makes legal uses complicated as well as time and money intensive.

	Characteristics	Access	Use	Administration	Property Regime
MTPD	* Territorial waters and the Interior water * MTZ (determined by the waves of the strongest storm) * Beaches, dunes, cliffs, mudflats, marshes, estuaries * Lowlands affected by seawater * Land gained from the sea	* Open access, in UA guaranteed via access zone (at least every 200 m for pedestrians and every 500 m for vehicles)	* Free, public and without charge for ordinary uses and as long those are in accordance with the laws and regulations corresponding to LC88 * Uses can be limited by exceptional circumstance like nature conservation * Uses of intensity, danger, or rentability require authorization	* State, through the department of Costas of the Ministry of Agriculture and Fishery, Nutrition and Environment * Autonomous community of Canaries, responsible for regulation	* Public good under state property
Zone of Protection	* Width of 20 m in UA, otherwise 100 m which can be expanded to 200 m	* Access can be excluded by property owner	* Crops and plantations * Public services * Opaque enclosures up to a maximum height of one meter and 80% of vegetation * Prohibit are residential uses, including those of hotelier as well as intense forms of infrastructure	* Autonomous Community and the municipalities	* Private property or state property
Zone of Transit	* Included in the Zone of Protection, Width of 6 m, in UA up to 20 m	* Open access	* Pedestrian * Only concessional uses e.g. from cafes and restaurants if they do not limit the open access	* State, through Costas	* Municipality property
Zone of Influence	* At least 500 m in not UA	* Access in accordance with property rights	* Reserved areas for parking to allow the pedestrian access to the coast * Constructions need adopted to the urban legislation	* Municipality	* Private or municipality property

Table 5: Conclusion of the different zones put along the coastline under LC88 and their administrative characteristics. (author, 2018)

6. Discussion

In the following chapter the results of the analysis of the Spanish Coastal Shore Act LC and its application at the study site of Gran Canaria are discussed to reveal how much the law and the spatial distribution resulting from it are preventing coastal grabbing and which aspects of the public good are in line with the theory of the commons.

6.1 Ley de Costas – Excluder or Protector?

The LC declares the Spanish and therefore also the Canarian coastline to be a public good. A first conclusion would be that by doing this, coastal grabbing is prevented. Nevertheless, the analysis of the collected data revealed that the situation is more complex than it appears. To what degree the law itself leads to some form of coastal grabbing and where it works effectively in preventing it is discussed in the following sub-section.

6.1.1 Dealing with the Past

Regarding the historical development along the coastline of Gran Canaria it can be concluded that forms of coastal grabbing in the pre-LC88 era took place. The uncontrolled appropriation of coastal territory and the increasing direct foreign investments together with a policy which even tried to accelerate this development are clear indicators for such "contested appropriation of coastal (marine and terrestrial) space and resources by outside interests" as Bavinck (2017, p. 15) defined it.

The heritage of Franco's dictatorship was an uncontrolled outgrowth of urban and touristic centers along the coast of Gran Canaria. As a first step clear legal rules were needed. With the outstanding manifestation of the coast as a public good in the Spanish Constitution, the administration of the transition supplied the coast with a strong legal basis. The coast was handed over in the property of the state with the obligation that the latter guarantees everyone free access as well as maintains its condition. Consequently, this basis was manifested in the legal form of LC88.

Based on the motivation of the creators of the Coastal Shore Act it can be said that the motives of the LC88, although it was not explicitly articulated, were to avoid coastal grabbing as defined earlier in the thesis. The law was meant to stop the ongoing urbanization and artificialization of the coast and the exclusion of access. All those processes took place in Gran Canaria. Further it

can be concluded that the law was strongly motivated by ambitions to restore, maintain and conserve the coastal resources which would have supported its character as commons. This involved the revision of the errors done during previous decades.

In order to undo the past errors, the main approach chosen was to transfer the coastal space including large quantities of private properties into state property. A proposition which according to Sandberg's (1996) is almost impossible and only expropriation and full compensation could be successful to reverse the property of ground that has turned into private hands. Yet, the solution the Spanish authorities chose to handle these particular assets, which found themselves in the newly defined MTPD was to give them a transitionary status. A compromise solution to avoid the payment of extensive compensations. This process turned out more complicated than expected. Instead of a clear implementation it is, after 30 years, still ongoing. The unsuccessful outcome confirms Sandberg's (1996) prediction.

6.1.2 Excluder

At the same time, the appropriation of the coast by the state was nothing else than an enormous dispossession of the former property owners. Still, it is not comparable to normal forms of coastal grabbing since the dispossession did not lead to any form of exclusion of access and also uses have been maintained free and open. Though, this does not mean that this process is free of critique.

To compensate their loss, the state administration offered that remaining property owners in the MTPD could apply for concessions of occupation. Albeit, those concessions are tied to taxes on the occupied area and the profit obtained from the occupation thereby represent the first act of exclusion. Those who have little financial resources find themselves in a disadvantaged position with fewer possibilities to maintain their concession than those who are economically better situated. Consequently, wealthier property owners whose residence at the coast may already be their secondary residence as well as hotel groups and tourism enterprises along the coast are better off. The Head of the Demarcation of Coasts defended this accusation, arguing that hotels most of the time have legal concessions whereas many residential buildings do not. Nonetheless, he admitted that the financial capacity of the residential property owner is often lacking which puts them into and disadvantaged situation in comparison to the hotels.

Furthermore, the connection of this procedure to high bureaucratic obstacles is again a mechanism which favors those who have the time and resources to afford legal assistance and bridge longer waiting periods. Denying occupational rights on concession to those who cannot provide the sufficient documentation excludes those who had less resources in the first place (e.g. to contract a lawyer) and subsequently describes the second act of exclusion. Besides, regarding the little importance the municipalities of Gran Canaria paid to spatial planning, it is debatable if it should be those who simply adopted to the lack of planning culture or if it should rather be the municipalities who must take account for deserting their duty.

Additionally, the modification from 2013 is another example of a measure favouring the financially better off property owners. Just a few years before the first round of concession was to end, the modification was put in place offering the prolongation of those first 30 years by another 75 years. Furthermore, it offers this concession in combination with the right to maintain and modify if needed the property as well as to inherit the same which the original LC88 did not. The result comes quite close to a right of property. An approach which rewards those who had the resources to maintain their position in the MTPD up to this moment.

Finally, it can be said that the LC itself is conducting its own form of coastal grabbing, excluding those of little resources and putting financially stronger users in an advantageous position. A mechanism which threatens to turn the public good into a zone of exclusive occupation. Nevertheless, replacements of residential houses have caused polemic and resistance by the public and created a strategy of avoidance from parts of the responsible administrations in Gran Canaria. A status quo of tolerated illegality is maintained in which no one wants to soil her/his hands.

6.1.3 Protector

However, a distinction has to be made between how the Coastal Shore Act dealt and deals with the heritage of the time before its execution and the development that happened afterwards. Especially in the area of the MTPD the LC achieved to largely stop further appropriation by prohibiting all forms of private property. New large scale coastal grabbing cannot legally take place anymore in the MTPD. The Coastal Shore Act succeeded in limiting the ongoing sprawling of the urban and touristic coastal centers in Gran Canaria towards the sea, apart of the irregularities observed in the south of the island. Also forms of blue grabbing as described by Benjaminsen and Bryceson (2012) are avoided since the LC guarantees unrestricted use of and

access to the shoreline which was demonstrated on the case of the PA of the dunes of Maspalomas.

Under the actual execution of the Coastal Shore Act the only forms of coastal occupation that can newly occur in the MTPD are those of excluded uses. In this case planning has been more comprehensive during the last 30 years. The examples of the more recently constructed power plant and airport have shown that those exclusive rights are not abused –rather they tried to find a compromise, guaranteeing a minimum of access while enabling the execution of the facilities. Also, at present the development of new or the extension of existing sport and leisure harbors has been stopped. Anyhow, this comprehensive and cooperative form of integrating exclusive user rights into the MTPD depends as well on the political priorities and will be threatened to change without a conscious civil society standing up for the integrity of their coastline.

6.1.4 Threats

Nevertheless, those rights of exclusion which are based on uses which according to their nature have to take place at the coast as sport harbors or *club náuticos* open a loophole for an invasion of the MTPD. User of those facilities which often require a membership are mostly from wealthy parts of the society and not all of those partly exclusive uses 'have to' take place in the MTPD as the example of the club house of Pasito Blanco or the swimming pools in Las Palmas de Gran Canaria demonstrated. A more precise formulation of the right of exclusion but also a more restrictive execution from the responsible administration could avoid such violations of the character of the public domain in the future.

Yet, in the zone of protection the situation is more differentiated. Here the greater margin for property, uses and demarcation given by LC determines the success to avoid coastal grabbing more on the prevailing political will then on the law itself. The results from the analyzed cases confirm that especially the demarcation of the zones and the determination of land use depends a lot on the priorities of the particular executing administrative. Big scale investors are acknowledged to be given preference when it comes to the question whether an area close to the coast should be declared as UA or not. Also the examples of the coast of Meloneras where large areas were turned into UA to reduce the zone of protection and the beach of Tauro where first small houses were replaced to hand out permits for the touristic exploitation of the same area a few years later exemplify this praxis. However, the systematic bias which the tourism industry in experiencing from the administration is not justified. As already observed by Benjaminsen and

Bryceson (2012) tourism enterprises tend to exploit the natural beauty with a minimal involvement of the local population. The high level of inequality in the Canaries and the poor working condition testify similar procedures in Gran Canaria. Luckily public resistance has shown to have some impact on this praxis as the latter case has shown. Here a sense of awareness of the local population is slowly emerging where they are standing up for their rights and taking care that their public good is maintained.

To conclude, with regard to the treatment of the less advantageous members of the society, a certain fairness regarding their position and circumstances is missing. In relation to the remaining properties in MTPD, the consequent advantage of the large scale and resource strong users causes an indirect form of coastal grabbing, conducted by the law itself instead of the private actors. In the long run this approach could lead to a situation in which only the financially strongest of the actors remain in the exclusive position of occupying the first line of a cleared coast. To avoid such situations a more case specific execution of the law, concerning local circumstances, could be helpful. An increasing fairness would also require a consequent execution of the law. Scattered replacements will always lead to resistance and are counterproductive with regard to gaining understanding from the public. Therefore, not only the political will but also the funding of the responsible departments need to be strengthened. In the end, a further clarification of the uses that are excluded by the law could further foster the law to prevent coastal grabbing in the MTPD. Nevertheless, regarding the situation before 1988 and the inherited aspects that the LC had to deal with it has to be acknowledged that the law successfully manifested the coastal shoreline in the hands of the public.

6.2 Public Good

Land or in this particular case coastal grabbing leads to a disappearance of commons via their commodification explains Harvey (2005). By prohibiting all forms of private property in the MTPD, the LC counteracts this threat. While the state, which plays a central role in the management of the MTPD and in the planning of a space that exceeds even this (zone of protection, zone of influence), has the unrestrained control.

6.2.1 Untapped Potential

However, Ostrom observed “that neither the state nor the market is uniformly successful in enabling individuals to sustain long-term, productive use of natural resource systems” (1990b,

p. 1). Results from Gran Canaria seem to give reason to this observation as the environmental status of the coast has improved only occasionally according to the interviewed local environmental technician and resources like the fish stocks are constantly deteriorating. Although, Ostrom (1990a) does not deny the possible success of a coercive top-down control of the resources via the state, she points out that this is only possible with an effective surveillance. Also, Dietz et. al (2008) advocate this opinion and highlight that a command and control government of a common only works with sufficient resources from the government side. Both, surveillance and resources are lacking in Gran Canaria. Therefore, the implementation of a CPR management could offer the needed support and bypass the missing governmental capacity.

Although, the coast as a public good is imbedded in the Spanish Constitution the state misses the opportunity to proactively advocate its common character as it is described by Anthony and Campbell (2011). Taking the role of a facilitator the state could create a successful CPR system, as the most important part, the confirmation of its legitimacy is already done. Still, no signs of any intention from the administration could be discovered in Gran Canaria and also from Ostrom's (1990a) eight principles for a CPR management only three (clear definition of resource boundaries, sanctions with incremental intensity and a hierarchical organization) can be found with certainty in Gran Canaria.

On the one hand, the scarcity of a general framework is reflected in the public perception of the coast, although appreciated as a valuable resource, it does not reach the level of self-regulation to maintain it. On the other hand, the constant interruption of the coastal user groups in Gran Canaria by an ever increasing crowd of tourists together with an unevenly distribution of economic benefits as it is the case for the Canaries in general are a serious threat for every CPR management according to Stronza (2010). A regulation of this disruption is impossible for the local users as the entrenchment of state property rights to the coasts of Gran Canaria demand the free access. Consequences observed by Sandberg (1995) can also be found in Gran Canaria, for instance the competition between leisure and traditional fishers and the overcrowding of the coastal area. A deficit which could be avoided by handing over responsibilities to a more local level and allowing self-determination to limit the disturbance and create the needed framework as it is advertised by Ostrom (1990a).

Though on a planning level, the LC grants the local administration a secondary role, which raises the question as to whether the legislator has missed the opportunity to place the local

administration at the center of coastal management, as it is a subject that clearly affects their circle of interests. For Ostrom (2000) one of the reasons why commons are not omnipresent is that individuals are trapped in the tragedy of the commons, destroying their resources as it is highlighted by the fishermen. Often individuals have no means to communicate and thereby are not able to build trust and a sense of a common future. This is further reinforced by the fragmentation of the different authorities on the coast. Also, the slow working and bureaucratic administrative apparatus makes the legal use of coastal resource especially difficult for those with little resources. A problem which triggers illegal usage and in the long run creates overuse and a degradation of the coast. Hence, a decreasing fragmentation would be the first step to counter act this process. Responsibilities along the coast could be clustered under one head organization which would increase the integrated character of the management and could also lead to a faster and simpler treatment of coastal issues while improving the communication between user groups to create a common identity.

This common identity is not only important to protect the natural integrity of the coast but the public good itself. Illustrated in the example of the intervention from the EU and the Informe Auken which caused the modification under LPUSL 2013 of the LC, it becomes clear how easily this public good can be reduced. With the modifications done under LPUSL 2013 the rights of the property owners have been strengthened, making not only the recapture of the public domain more complicated e.g. by enlarging the time of concessions or enabling the assets to be inherited but also allowing some forms of commodification of the coast by excluding new aquacultures or saltworks from the MTPD.

6.2.2 Achievements

Nevertheless, little achievements have already been accomplished. The character of Gran Canaria's coast has been embraced by the public. They perceive the coast as their own and demand their right for free access and use if it is refused for any reason. Nevertheless, an insufficient and restricted right of self-determination concerning the uses of the coasts means that the appearance of sustainable and common coastal management by its population is still absent.

In relation with nature conservation the LC has shown to be flexible and cooperative when it comes to other legislative measures of nature protection such as the PAs along the coast. In areas where both overlap, the execution of regenerating and maintaining measures has been

facilitated. The state who owns the coastal public domain is obliged by the constitution to be in favor of measures which improve the natural condition. In this sense the LC is even increasing the capacity of nature conservation.

6.3 Final Evaluation

Summing everything up, how does the declaration of the Spanish coast as a public good contribute to the prevention of coastal grabbing in Gran Canaria? The results are contradictory. On the one hand, the law safeguards successfully a stretch of the coastline for the use by all members of Gran Canaria's society. It effectively stopped the commodification and privatization and the attributed exclusion of access and use of the MTPD. Furthermore, it facilitated the restoration of the coastal environment in PAs and thereby worked against its degradation in those areas. At the same time, it prevented the alienation of coastal communities in PA as it guarantees their access and use to the coast.

But on the other hand, we have seen that the law executes some form of coastal grabbing itself. Insinuating the coast under the property regime of the state introduced the replacement of coastal property owners. This does not necessarily have to be bad if it is done in a fair manner but in the case of the LC it puts large scale property owners in an advantageous position due to their bigger legal and financial possibilities. Additionally, it promotes an open access which can lead to overuse and degradation if a form of self-regulation does not take place by the users themselves. So far access can only be restricted in a complicated process under the jurisdiction of a declared PA. Although a further degradation of the coastal environment was prevented their general condition is not improving and is a long way from what could be achieved.

To conclude, Gran Canaria shows some of the symptoms of Coastal Grabbing such as a decreasing self-governance, loss of incentives for self-regulation and to some extend the loss of control over use of and access to coastal resources. Thus, the case of Gran Canaria reveals that coastal grabbing in Europe is taking place in a complex and multifaceted way. This again matches with the observations done by the ECVC (2013) regarding other forms of land grabbing in Europe. Consequently, the LC is not able to prevent coastal grabbing completely, but it offers practical experience and lesson learned. It showed for example how difficult it is to undo mistakes of the past and to step out of a path dependency created over decades. We can conclude that the sooner

and more comprehensive our coastlines are protected the better because once mistakes have been made the process of undoing them is challenging and lengthy. Also, its embedment into the constitution as a public good can be seen as exemplary though a clearer description of the properties of the included coastal areas would guarantee its inviolability. Finally, the cooperative character between nature conservation and public domain is outstanding and provides inspiration not only for the prevention of coastal grabbing but the solution of the dilemma and conservation and resource uses.

7. Reflection and Conclusion

Before presenting the final conclusion, a reflection on the on the research process will be done. It reveals where strategies have been successful as well as where problems appeared. Furthermore, recommendations are given how problems could be avoided and what could be changed.

7.1 Literature

Concerning the coastal and land grabbing literature, the case of Gran Canaria can be distinguished in its development of the grabbing process. The common body of literature mainly describes cases similar to the first and second boom of tourism in Gran Canaria. Nevertheless, the role of the state as an excluder of uses in the way it was done under the LC was up to this moment only described in literature of green and blue grabbing and for the purpose of nature protection. Also approaches like the LC to prevent coastal grabbing have not been documented so far in literature. Consequently, the thesis is able to supply new insights to the coastal grabbing discussion started by Bavinck (2017) and enrich the discussion of land grabbing in general.

Relating to the theory of the commons, the theory of Ostrom et al. (1990a, 1999, 2000, 2007) proved to be useful to evaluate to what extend the from the LC declared public good represents successful commons and where improvements would be needed. Many processes, threatening the commons, as were described in literature, could be found as well in the case of Gran Canaria. Hence, the commons literature was able to give reason to the shortcomings of the coastal public domain under the LC.

7.2 Research Area

Originally it was planned to conduct research not only on Gran Canaria but also on the neighbor island Tenerife. However, the additional time and resources that would have been needed for travelling there, would have expanded the limits of this investigation. Nevertheless, the selection of the case of Gran Canaria allowed to dive deeper into the space specific conditions and to provide a comprehensive picture of the situation of the island, while it prevented the thesis to remain on the surface of what is obvious.

7.3 Methodology

Regarding the methodology the qualitative research strategy was able to provide case specific insights and to fulfill the aspirations of the research. Nevertheless, for further research also alternative strategies could be useful. For example, a quantitative research regarding the amount of property according to each user in the MTPD and the zone of protection would have been able to reveal a more precise picture of the monopolization providing insights on the equality of uses in these zones.

7.4 Analysis

Also the policy analysis, although adequate for the framework of the thesis, could be expanded for further in-depth research. The specific degrees corresponding to the different versions of the LC could offer further insights towards the resource use but especially a further study of the regional and local policies of the autonomous community of the Canary Islands and the municipalities could supply a more comprehensive picture of the legal framework of Gran Canarias coasts.

For the document analysis, the visor supplied from the Canarian Government was very useful. The great amount of orthophotos, aerial photos, land use plans and all kind of other planning documents facilitated the investigation and analysis of the local situation and allowed not only to examine the execution of the law but also the statements of the interviewees.

However, concerning the semi-structured interviews a limitation was the little cooperation from stakeholders of the tourism industry. Besides this, interviewing other user groups of the coastal zone could have provided additional insights about the situation of the coastal resources. Therefore, in the case this thesis should be repeated, the time frame should be enlarged.

Finally, the analysis exposed that the final date of the first 30 years of concessions would have been the 28th July. Knowing this beforehand would have given reason to execute the interviews with the Head of the Demarcation of Coasts of Las Palmas de Gran Canaria later to acquire further information about how the placing of the concessions is done in praxis.

Recapitulating, study site, timeframe and methodology elected for this thesis appear adequate to provide a first impression on how coastal grabbing is handled on the territory of one of the EU member states. Nevertheless, there is plenty of potential for additional research.

7.5 Final Conclusion

The case of Gran Canaria exposed that coastal grabbing is not just a phenomenon of the Global South but taking place in the EU as well. The low occupation of Gran Canaria's coast in the past prevented the appearance of a sense of urgency to develop and implement stronger and more comprehensive regulations for their spatial appropriation. Consequently, the sudden boom of the coastal tourism, triggering an acceleration of the population growth, hit the island unprepared. During the first wave of growth, the dictatorship of Franco even supported the uncontrolled appropriation of Gran Canaria's coast for the greater good of dividends. Later, during the second wave, the Spanish state was occupied with the transition from a dictatorship into a democratic monarchy and did not slow to react soon enough to prevent further outgrowths of coastal appropriation.

Subsequently, the situation the LC had to deal with was chaotic and challenging. To answer the research question *"How does the declaration of the Spanish coast as a public good contribute to the prevention of coastal grabbing in Gran Canaria?"* it can be concluded that the implementation of the public domain along Gran Canaria's coast was a mayor step towards the prevention of coastal grabbing. The law succeeded substantially in preventing further coastal grabbing in the extended MTPD and further regulated it in the adjacent zones. Nevertheless, its implementation led to a dispossession of overall the poorer parts of Gran Canaria's coastal population and caused a reversed form of coastal grabbing in which large property owner do not have to further accumulate but remain with their property while the remaining users are displaced.

By providing open access to everyone Gran Canaria's coast was somehow democratized. Nevertheless, from a commons perspective providing open access without sufficient local responsibility and self-determination prevents the creation of a public perception of the coast as a common asset which has to be maintained by everyone. A perception that would be needed regarding the shortcomings of surveillance and financial resource of the administration. It rather creates a situation of alienation of the local user, a situation which was partly confirmed for Gran Canaria by the interviewed experts. Still for a representative evaluation of the perception of the coast by Gran Canaria's population further in-depth research would be required.

The contents of this study disclosed the problems and conflicts that are created when a law invades the domain of spatial planning as substantially as it is done by the LC. Presenting the problem of coastal grabbing and discovering its presence on the coast of Gran Canaria exposed

a problem the highly contested European coasts have to deal with. Coastal grabbing is a growing global problem and measures should be taken to prevent it. Already Dietz et. al (2008) proclaimed that humanity is challenged to develop and deploy large scale commons. Unfortunately, and although the aspirations of the LC are promising, its implementation has not proven to be a convincing approach to prevent coastal grabbing on a larger scale. A solution on the European level will be inevitable in the long run. The case of Gran Canaria can contribute to such a solution offering insights about successful measures and constraints to prevent future problems. For example, to overcome the dichotomy between local and global the globally shaped policies need to maintain sufficient space for local autonomy to avoid becoming an instrument of coastal grabbing itself as it happened in Gran Canaria.

While, the current planning theory is able to provide solutions to find the right dispersion of power it has not recognized the coast as the unique space it is. This thesis helps clarify the special circumstances planners have to encounter along the transition of the maritime and terrestrial terrain. Planners have to find a balance between the protection of the fragile coastal environment and the possibility of the local population to take advantage of their surrounding nature. At the same time, they have to guarantee that this possibility of use of the coastal space is conducted in a fair manner preventing the exclusion of weaker user groups and providing just living conditions to all parts of the population. Also regarding the latter aspects the thesis is able to provide lessons learned of good approaches but also of those who should not be repeated in the future.

Nevertheless, the thesis also demonstrated that the topic is multifaceted and for a complete picture further research would be needed. Regarding the Coastal Shore Act itself an investigation of the circumstances that led to the irregularities of the occupation of the MTPD during the 1990s could reveal loopholes and provide a more comprehensive picture of its efficiency. To better understand the development and adoptive processes of user groups on Gran Canarias coast a long-term observation could keep track with the upcoming awareness of the coastal population and reveal whether it is a short trend or a profound identification with the resources of the coast. Additionally, a comparison in between the different islands of the archipelago and their local approach towards the coastal management would be able to provide information about the influence the local jurisdiction plays. Furthermore, a long-term study could also confirm whether the prognosis made by literature are becoming true for the case of Gran Canaria or not. Will the

further degradation of the coastal resources lead to more and more PAs along the coast as predicted by Sandberg (1995) or will the local society successfully prevent future irregularities of invasion of their public domain? On the global level, a comparison of the various approaches which have been established by the different members of the EU would be helpful to further collect successful attempts but also to become aware of the dimensions of coastal grabbing in other coastal areas of Europe. Finally, this should lead to a reevaluation of the importance of the coastal land and the wealth it is able to provide for all parts of society if it is managed properly.

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