



Mar Menor

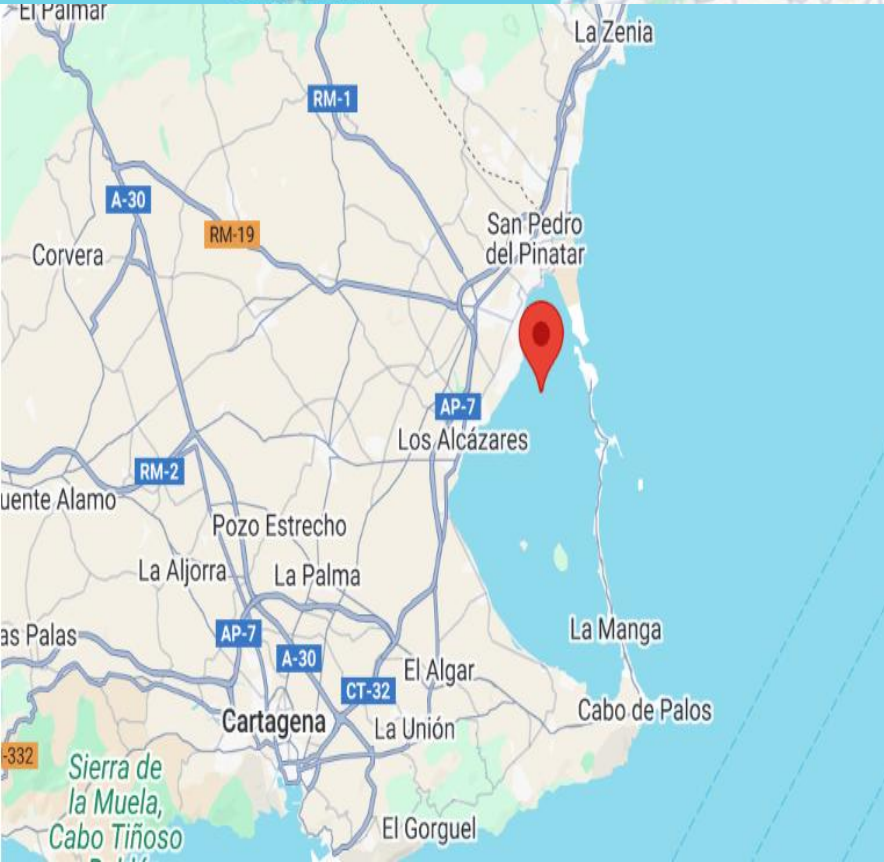
Overview of the first
constitutional ruling on the
rights of nature in Spain

Agenda

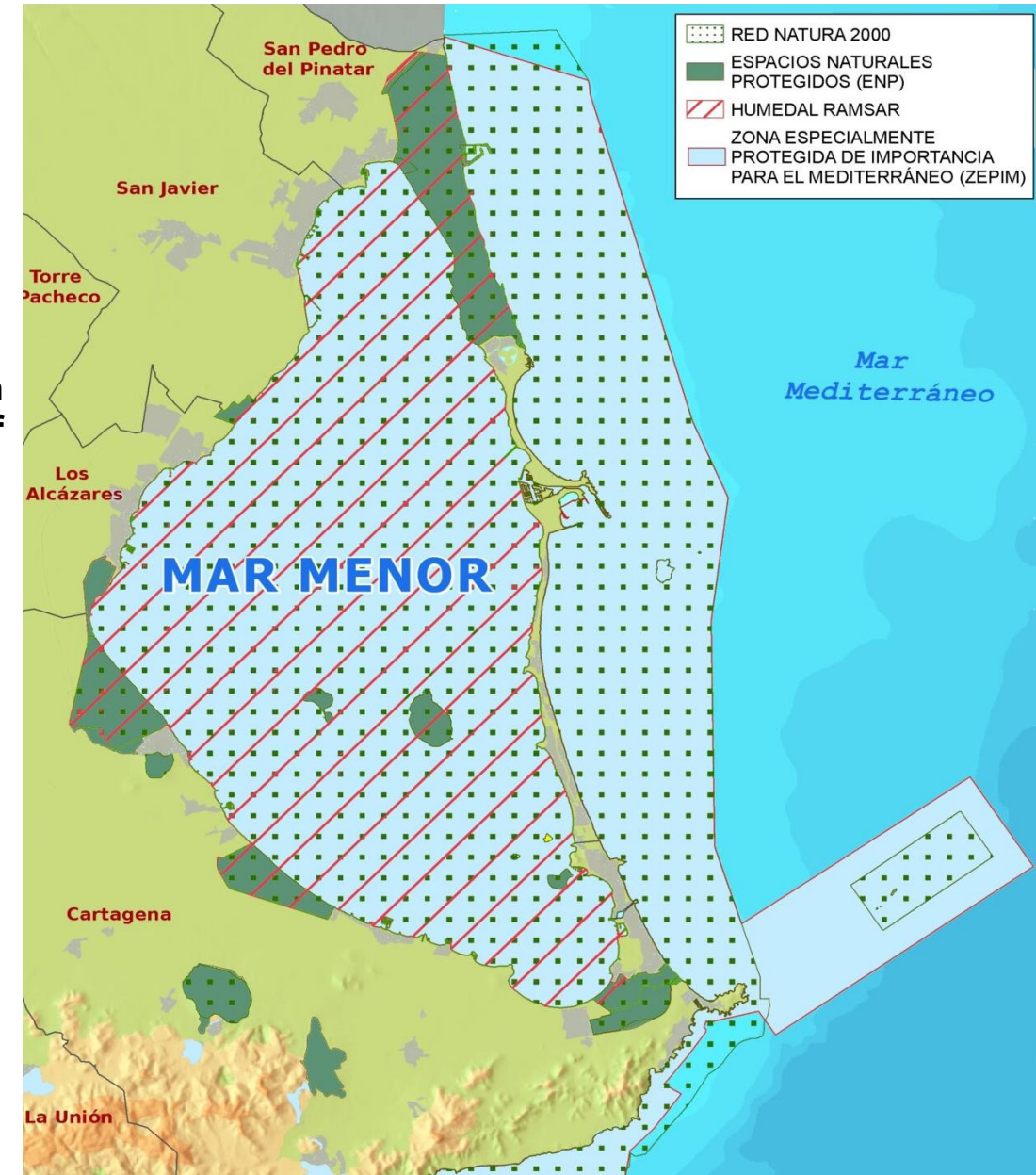
- Context of Mar Menor
- Law 19/2022 on the legal personhood of Mar Menor
- Constitutional ruling 142/2024 of 20 November
- Discussion




Mar Menor: a context



- Located in the southeast region of Murcia.
- Europe's largest saltwater lagoon, with a surface area of approximately 135 km², a coastline length of 73 km and a maximum depth of 7 m.
- Protected area by multiple international treaties, EU legislation and Spanish legislation
- Rich biodiversity







**Law 19/2022, of 30 September, on
the recognition of the legal
personhood of the Mar Menor
lagoon and its basin.**

- Legal personhood (*personalidad jurídica*) (art. 1)
- Rights granted to Mar Menor (art. 2)
- Mechanism of protection (art. 6)

Legal personhood of Mar Menor: an *eco-centric* model

Legal personhood: *“The legal personhood of the Mar Menor lagoon and its basin is established and thus it is recognized as a subject of rights”* (art. 1)

RIGHTS (art. 2)

Right to exist and evolve naturally means respecting this ecological law, protection ensure the balance and regulation capacity of the ecosystem in the face of the imbalance caused by anthropic pressures.

Right to protection implies limiting, stopping and not authorising those activities that pose a risk or harm to the ecosystem.

Right to conservation requires actions to preserve terrestrial and marine species and habitats and the management of associated protected natural areas.

Right to restoration: once damage has occurred, remedial actions in the lagoon and its catchment area, which re-establish natural dynamics and resilience, as well as associated ecosystem services.

Public action: *“Any natural or legal person is entitled to defend the ecosystem of the Mar Menor and can enforce the rights and prohibitions of this law through an action filed in the corresponding Court or Public Administration”* (art. 6)



Constitutional ruling 142/2024 of 20 November 2024

- **Environment & human dignity**
- **Protection of future generations**
- **Modern Environmental constitutionalism**

Constitutional ruling 142/2024

*“(…)**the well-being of people depends on the well-being of life-supporting ecosystems is unequivocally derived from the most recent jurisprudence of the European Court of Human Rights** (…)”*

- **Overview: Appeal of the Law 19/2022 for breach of constitution**
 - Breach of art. 10 on human dignity
 - Breach of art. 45 on the protection of environment
- **Court’s response:**
 - Recognition of legal personhood and rights to Mar Menor does not violate human dignity but reinforces such dignity.
 - An eco-centric view of the environment grasps the connection between ecosystems and quality of human life.
- **Decision:**
 - The appeal is dismissed, and the Law 19/2022 is upheld.



Key issues of the Law & Ruling



1. First time nature is recognised rights under Spanish legal system
 2. Granting of rights of nature legitimised by the Constitutional Court
 3. From anthropocentric to eco-centric understanding of the environment
 4. Decision based on the legal experience from other jurisdictions
 - ECHR – Kilmaseniorinnen ruling
 - Constitution of Ecuador
 - Laws in Bolivia & Brazil
-

(...) The 'differentiation between evils affecting human health and risks damaging other animal or plant species and the environment is due, to a large extent, to the fact that man does not feel part of nature but rather as an external force destined to dominate or conquer it in order to put it at his service (...) [Supreme Court Ruling of 30 November 1990]

¡GRACIAS!

THANK YOU

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THE RIGHTS OF NATURE

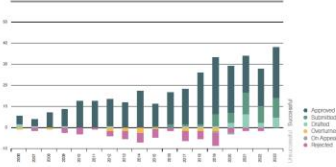
A GROWING MOVEMENT

The rights of nature describe a concept that recognizes the value of nature independent of human interests. Originating in the seminal article 'Should Trees Have Standing?' by Christopher Stone (1972), it breathes life into a relational understanding between humans and their environment. It is an understanding that has always co-existed in both Western and non-Western worlds. It is one, however, that was all too frequently ignored.

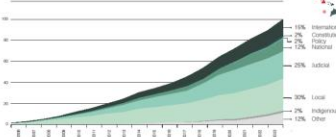
Amid multiple environmental crises, concepts like the human right to a healthy environment are fostering new hope. The rights of nature go one step further and protect nature for its own sake. Decisions are negotiated between human and non-human nature. This radical idea puts the rights of nature in line with revolutions of the past. Following Copernicus and Galileo, the Sun replaced the Earth as the centre of the solar system. After Darwin and Wallace, the human became only one of many life forms. The rights of nature combine such re-centring and de-centring to better reflect an entangled reality within ethics and law.

With the rights of nature, to quote Article 71 of the Constitution of Ecuador (2008), nature begins to have "the right to integral respect for its existence". Growing both in theory and practice, between 2006 and 2024, 456 initiatives in 40 countries and territories across the globe paint the image of a diverse movement. Its multilayered cultural expressions and legal implementations present a challenge for tracing it. The Eco Jurisprudence Monitor took up the challenge and has been documenting global initiatives since 2022. The website acts as a continuously updated interactive platform operating on the principles of open access and collaboration. The presented map is based on its data. Both map and monitor aim at building an alliance between citizens, activists, policymakers, researchers, and, ultimately, all of nature.

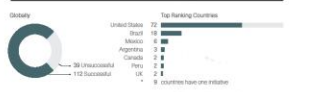
Development of Legal Implementation



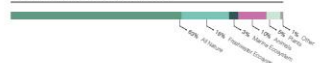
Growth by Legal Type



Local Level Initiatives



Distribution of Ecological Actors



Map Legend

Country Initiatives	Legal Type
Quantitative	Unsuccessful
16 - 159	International
6 - 15	Constitutional
1 - 5	Policy
0	National
0	Judicial
0	Local
0	None
0	Constitutional rights of nature
0	Constitutional rights of nature debate
0	Indigenous
0	Other

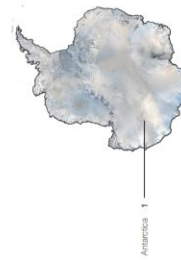
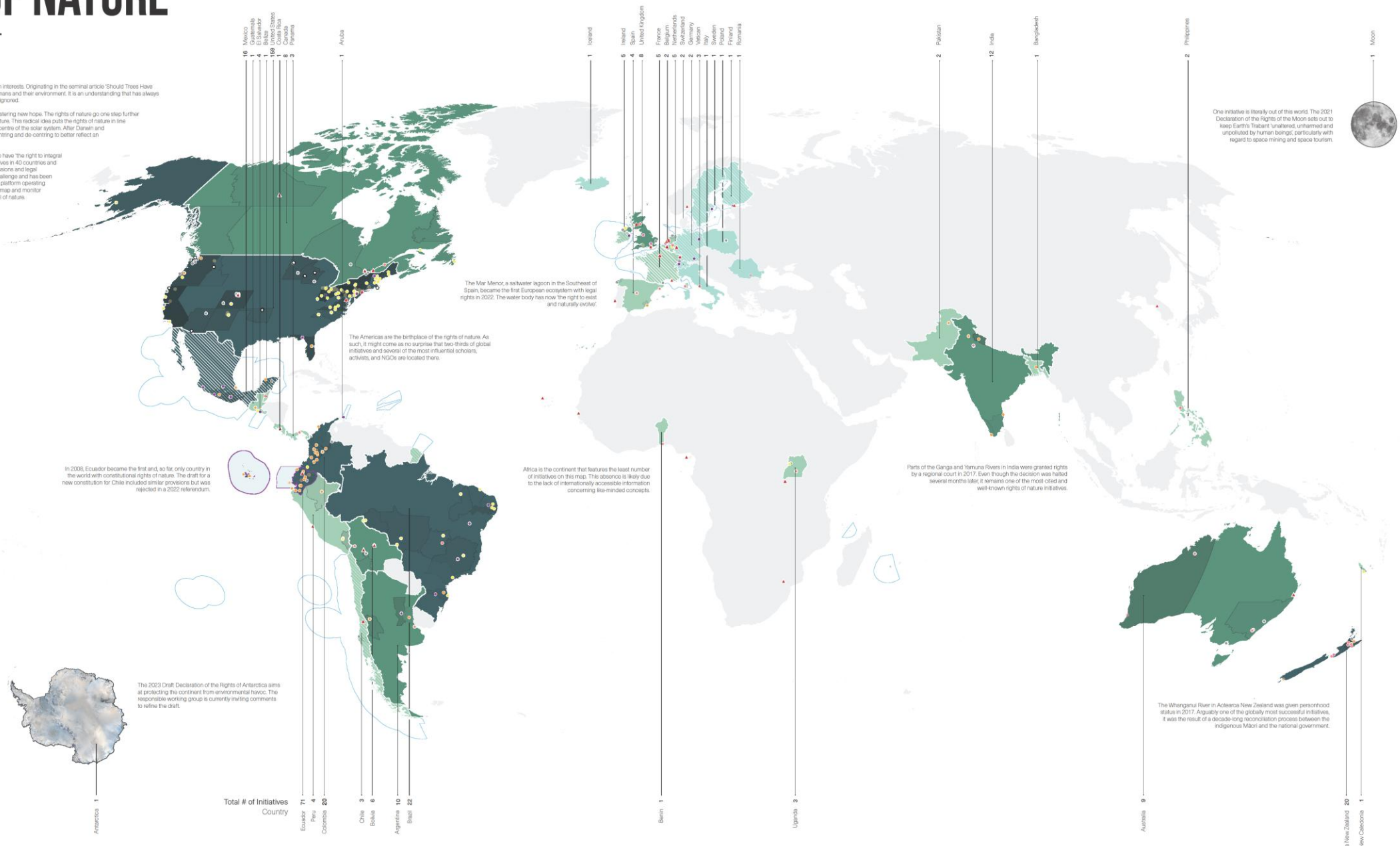
Disclaimer

World Map Projection: Eckart V
This map serves illustrative purposes only. The boundaries, denominations, and, more generally, all rights of nature-unrelated information shown on this map do not imply any judgment on the part of the creator concerning the legal status of any territory or the endorsement or acceptance of such boundaries, denominations, or the like.

Also: Puzos and the project with data adapted from the Eco Jurisprudence Monitor (as of 2024, since 2008). Maps and graphics are by Climate Cartography. The work is based on a previous design by Eurus Kim. Special thanks to Rajia Schlechter, Cat Haas, and Hannes Puzos. All errors remain the sole responsibility of the lead.

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All data is available at www.zenodo.org/records/13962714. For additional information see www.ecojurisprudence.org. Everything shown is licensed under CC BY 4.0.



The 2023 Draft Declaration of the Rights of Antarctica aims at protecting the continent from environmental havoc. The responsible working group is currently inviting comments to refine the draft.

Total # of Initiatives	Country
71	Ecuador
4	Peru
20	Colombia
3	Chile
6	Bolivia
10	Argentina
22	Brazil
1	Benin
3	Uganda
9	Australia
20	Actarora New Zealand
1	New Caledonia

The Americas are the birthplace of the rights of nature. As such, it might come as no surprise that two-thirds of global initiatives and several of the most influential scholars, activists, and NGOs are located there.

The Mar Menor, a saltwater lagoon in the Southeast of Spain, became the first European ecosystem with legal rights in 2022. The water body has now the right to exist and naturally evolve.

Africa is the continent that features the least number of initiatives on this map. This absence is likely due to the lack of internationally accessible information concerning like-minded concepts.

Parts of the Ganga and Yamuna Rivers in India were granted rights by a regional court in 2017. Even though the decision was halted several months later, it remains one of the most cited and well-known rights of nature initiatives.

The Whanganui River in Actarora New Zealand was given personhood status in 2017. Arguably one of the globally most successful initiatives, it was the result of a deciding reconciliation process between the indigenous Maori and the national government.

One initiative is literally out of this world. The 2021 Declaration of the Rights of the Moon sets out to keep Earth's "lunar" unharmed, unharmed and unpoliced by human beings, particularly with regard to space mining and space tourism.



Actarora New Zealand 20
New Caledonia 1