



Rewilding Law Group

News from our Call on – *Legal Personhood for Mar Menor*



Photo: aerial view of Mar Menor / Jose A. (CC BY 2.0) via Flickr / Wikimedia Commons

Thanks to everyone who joined us on 2 February 2025 to discuss legal personhood in the case of **Mar Menor** lagoon, especially to our speaker [Sara González Merinero](#). Below is a recap of what we discussed with some useful links.

Relationship Building	
<i>Connecting and knowledge-sharing</i>	<p>We use the first half hour of our calls to connect in small groups. The aim is to allow members to get to know each other in the hope that we can build a community of rewilding lawyers, practitioners and others, amongst which to share knowledge and experience of rewilding and law. If you want us to put you in touch with anyone you met, let us know and we can try to connect you.</p> <p>We also share knowledge via the Rewilding Law Hub in partnership with Rewilding Europe and Rewilding Britain.</p> <p>We would be very grateful if you could fill out our 5-minute survey with your feedback on the Hub so that we can keep it going.</p>

Background – Legal Personhood

*Setting the scene
– recent
publications on
legal personhood*

The topic of discussion was **legal personhood**, and the case of Mar Menor lagoon in Spain, which is said to be the first ecosystem in Europe to be enshrined with legal rights under a western system of law according to [Eco Jurisprudence Monitor](#).

In 2020, professor of philosophy of law Teresa Vincente Giménez, backed by several NGOs, helped draft and propose a law recognizing “that the Mar Menor and its basin have rights to protection, conservation, maintenance, and, where appropriate, restoration...” The law gives the Mar Menor—a lagoon located in Murcia, Spain—a legal personality. By August 2021, the advocates collected half a million signatures to gain a parliamentary vote on the initiative. In April of 2022, the Spanish parliament voted 274 to 53 to ratify the law granting Mar Menor legal personhood. On July 13, 2022, the Commission of Ecological Transition and Demographic Challenge of the Congress of Deputies approved the law, sending it to Spain’s Senate for ratification. The Senate overwhelming approved the law on September 21, 2022, by a vote of 230 in favor and 3 against, officially making the Mar Menor lagoon and its basin a legal person. This marks the first ecosystem in Europe to be enshrined with legal rights under a western system of law. Articles III and IV of the law assign legal guardianship and representation for the Lagoon to Public Administration, with support from the local community, scientific committees, and a monitoring commission, in addition to empowering any natural person the ability to enforce the enumerated rights of Mar Menor.

Above summary cited from Kauffman, Craig, Catherine Haas, Alex Putzer, Shrishtee Bajpai, Kelsey Leonard, Elizabeth Macpherson, Pamela Martin, Alessandro Pelizzon & Linda Sheehan. Eco Jurisprudence Monitor. V2. 2026. Distributed by the Eco Jurisprudence Monitor, available here:

<https://ecojurisprudence.org/initiatives/proposed-law-for-recognition-of-legal-personality-to-the-laguna-del-mar-menor-and-its-basin/>.

Speaker – Sara González Merinero

*Sara’s background
as an
environmental
lawyer*

[Sara González Merinero](#) is a Spanish regulatory and environmental lawyer working as in-house legal counsel. She provides volunteer legal support for non-profits, and in particular has been collaborating with [Rewilding Spain](#) on the large herbivores project in Alto Tajo, with a focus on the administrative law issues of Przewalski horses. She also works closely with the [Sabin Center for Climate Change Law](#).

*Mar Menor’s
significance and
why it needed
legal personhood*

Sara’s presentation is available [here](#). She touched on:

- **Mar Menor – the significance of this lagoon for Spain:** Located in the southeast region of Murcia, Mar Menor is Europe’s largest saltwater lagoon with a surface area of approximately 135km², a coastline length of 73km and a maximum depth of 7m.

	<ul style="list-style-type: none"> - Protected area – Mar Menor was already protected by multiple international treaties, EU legislation and Spanish legislation, but this was still not adequate to prevent its degradation. - Biodiversity hotspot – Mar Menor is rich in biodiversity, but its recent degradation as a result of agriculture, livestock, tourism, mining and construction industries puts its biodiversity at risk. - Law 19/2022 of 30 September on the recognition of the Mar Menor lagoon and its basin – conferred legal personhood (<i>personalidad jurídica</i>) on Mar Menor in article 1; granted rights to Mar Menor in article 2, and provided a mechanism of protection in article 6.
<p><i>What does Legal Personhood mean for Mar Menor?</i></p>	<p>Sara outlined the eco-centric model of legal personhood for Mar Menor under Spanish law:</p> <ul style="list-style-type: none"> - Legal personhood in this case means “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). - What rights does Mar Menor have as a result? <ul style="list-style-type: none"> <input type="checkbox"/> The right to exist and evolve naturally <input type="checkbox"/> The right to protection <input type="checkbox"/> The right to conservation <input type="checkbox"/> The right to restoration - Who can defend Mar Menor? 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)
<p><i>Constitutional challenge to the law granting Mar Menor legal personhood</i></p>	<p>The law which was passed in Spain granting legal personhood for Mar Menor was <u>challenged in Spain’s constitutional court by the Vox parliamentary group</u>, on the basis that:</p> <ul style="list-style-type: none"> - it violated the right to private property and freedom of occupation; - it imposed disproportionate restrictions on agricultural activities in the region; and - the concept of rights of nature is unclear.
<p><i>The Spanish constitutional court upholds Mar Menor’s protection</i></p>	<p>Sara provided insights into the ruling of the Spanish Constitutional court 142/2024 of 20 November 2024 in which the court upheld the protection of Mar Menor and dismissed the challenge to the law granting Mar Menor legal personhood, saying:</p> <ul style="list-style-type: none"> - Recognition of legal personhood and rights for Mar Menor does not violate human dignity as the challengers claimed, on the contrary, it reinforces such dignity. - An eco-centric view of the environment grasps the connection between ecosystems and quality of human life.

	<p>The court stated that the fact that “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”.</p>
<p><i>Key Issues from the Ruling</i></p>	<ul style="list-style-type: none"> - This was the first time nature rights were recognised under Spanish law - The granting of rights to nature has been endorsed by the constitutional court at the highest level - The case signals a change in the legal understanding of the environment to an eco-centric approach rather than an anthropocentric approach. - Spanish courts looked to the experiences of other jurisdictions to inform their decision, including the ECHR – <i>Kilmaseeniorinnen</i> ruling; the Constitution of Ecuador and similar laws in Bolivia and Brazil.
<p>Discussion</p>	
<p><i>The right to dignity – is it exclusive to humans?</i></p>	<p>In challenging the law protecting Mar Menor, it was argued that the lagoon could not benefit from protection, since according to the Spanish constitution, only human beings can have dignity. However, the Spanish constitutional court did not see this as an argument which would invalidate the law. On the contrary, protecting Mar Menor was seen to <i>reinforce</i> human dignity.</p> <p>Furthermore, outside the Mar Menor case, the idea that human beings are born with the unique quality of dignity, which distinguishes us from other beings (primarily animals) and justifies the special protection of our rights above all others, is being challenged. The More Than Human Life (MOTH) Project in particular, calls into question the “species aristocracy” and suggests that the crises of our time require a more ecocentric approach to rights in order to advance the rights and well-beings of humans, non-humans, and the web of life that sustains us all.</p> <p>For more on this topic see the book “More than Human Rights: An Ecology of Law, Thought and Narrative for Earthly Flourishing” edited by César Rodríguez-Garavito which is available in full free of charge here, especially “Rethinking Human Rights for a More-Than-Human Worlds” by Will Kymlicka from page 51 onwards.</p> <p>Also of interest is the “Pledge for Animals” campaign urging us to treat animals with dignity, to give them legal protection and ensure they are valued by society, recognising that animals’ lives matter for their own sake.</p> <p>There are also courses offered by the Non-human Rights Project which were recommended by one of the call participant’s – information here.</p> <p>An interesting article from Professor Arie Trouwborst, which also touches on our relationship with animals: “The Serengeti Rules and the Untold Value of Fellow Earthlings: Wildlife Law in an Era of Ecological Emergency, Eye-Opening Science, and Maturing Morality” available here.</p>
<p><i>Rights of Nature – a growing movement</i></p>	<p>We are seeing progress on the rights of nature in various areas – here are some links with further information:</p>

	<ul style="list-style-type: none"> - Should Trees Have Standing? Toward Legal Rights for Natural Objects by Christopher D. Stone 1972 article available here and the full book reference here – one of the earlier texts on rights of nature. - Website of the Global Alliance for the Rights of Nature: https://www.garn.org/ - Ecological Jurisprudence: The Law of Nature and the Nature of Law, by Alessandro Pelizzon Open Access book 2025 available here – it “presents a comprehensive, scholarly and insightful exposition of the philosophical underpinning of the legal systems of thought and practice that legitimize and facilitate human exploitation of Earth. More importantly, it explains how these problems can be, and are being, addressed, and of the implications and significance applying an ecological approach to law”. - “Legal Personality in Antarctica” by Trevor Daya-Winterbottom, The Yearbook of Polar Law XIV (2022) 125-144, critically explores New Zealand’s global trusteeship approach to Antarctica, and the development of guardianship approaches to protecting lakes, harbours, mountains, rivers, and territorial waters. In particular, the paper examines the growing influence of indigenous claims (including the Ngāi Tahu relationship with the Sub-Antarctic islands) and novel techniques for conferring legal personality on mountains and rivers and interrogates these themes and provide tentative conclusions for a new approach to Antarctic protection based on legal personality. - Environmental Personhood: New Trajectories in Law by Francine Rochford 2024 details here – examines the increasingly widespread movement to recognise the environment as a legal person. - Rights of Nature in Europe: Encounters and Visions, Edited by Jenny García Ruales, Katarina Hovden, Helen Kopnina, Colin D. Robertson, Hendrik Schoukens 2024 details here – in addition, one of the authors (Colin D. Robertson) raises one aspect of interest concerning the dichotomy between wild nature and cultivated nature, with the latter involving a partnership with humans. On this and the topic of the conservation and furtherance of cultivated diversity see SEED asbl, Luxembourg https://seed-net.lu/ and the European Coordination: Let's Liberate Diversity https://liberatediversity.org/. - Geneva Forum on Rights of Nature is also a useful source of information on Rights of Nature. See more here.
<p><i>Lawyers for Nature – Key developments and News on Rights of Nature</i></p>	<p>On 5 March 2025, Lawyers for Nature shared positive news from the world of Rights of Nature in the UK detailing developments for:</p> <ul style="list-style-type: none"> - The River Roding – Lawyers for Nature co-founder Paul Powlesland as River Guardian has been advocating for the River Roding which has now officially been given a “Voice of the Roding” on the Roding, Beam and Ingrebourne Catchment Partnership. The Roding will now have a representative to speak on behalf of the river. Paul also founded the River Roding Trust and drafted the Declaration of Rights of the River Roding. There is an open vacancy for someone to represent the voice of the River Roding at Catchment Partnership meetings – apply here. - The River Ouse – has become the first river in the UK to have its rights recognised. Lewes District Council has championed a Charter of Rights to protect

	<p>its biodiversity and health, recognising its right to biodiversity and freedom from pollution.</p> <ul style="list-style-type: none"> - Nature Rights in Wales – Recent recommendations from a report commissioned by the Welsh Government suggests that Nature should be considered a “key stakeholder” in decision-making when it comes to flood policy. <p>Lawyers for Nature welcome anyone interested in discussing creative projects around Rights of Nature or Nature Governance to get in touch to have a conversation.</p>
<p><i>Next Rewilding Law Group Call</i></p>	<p>The next Rewilding Law Group call will be our spring 2025 quarterly call at 2:30pm UK / 3:30pm CET on Tuesday 13 May 2025. We will be discussing rewilding the sea, with a case study of the Solent Seascape Project and some of the legal challenges they have faced, led by Louise MacCallum, Solent Restoration Project Manager and part of the Blue Marine Foundation.</p>