

# Rights of Nature Case Study Nature (Mexico City)

*In February 2017, Mexico City’s new Constitution entered into force, which included a reference to the rights of nature and a pledge to enact secondary legislation to recognise such rights.*

<b>Location</b>	Mexico City, Mexico
<b>Date</b>	February 2017
<b>Source</b>	Constitutional protection (city level)
<b>Jurisdiction level</b>	Local
<b>Context</b>	<p>Mexico City is the capital and largest city of Mexico as well as the most-populous city in North America and the largest Spanish-speaking city in the world, with a population of nearly 9 million residents, extending to over 21 million in the greater metropolitan area. In 2016, political reforms resulted in Mexico City becoming an entity comparable to the 31 states of Mexico, strengthening its political autonomy and opening an opportunity for the creation of its first ever city constitution.</p> <p>The new constitution was developed through an extensive public participation process. While Mexico’s Congress gave the Mayor of Mexico City exclusive authority to draft the city’s constitution, he chose instead to establish a diverse, non-partisan, gender-balanced drafting group comprising 28 citizen representatives recognised for their various academic, political, cultural and social roles across the city, tasked with devising a constitutional drafting process and preparing a first draft.</p> <p>Public input was then gathered through a range of participatory activities, including online collaborative drafting, an online ‘Imagine Your City’ survey which attracted more than 31,000 responses, events such as roundtable discussions and debates, mobile kiosks, and a crowdsourcing initiative in collaboration with the free Change.org petition website, which enabled citizens to submit proposals for the constitutional text. The latter generated more than 350 proposals with over 400,000 signatories.</p> <p>The draft was then passed from the drafting group to the 100-member Constitutional Assembly who, with additional input including from the international community, edited, finalised and approved the text, which entered into force on 5 February 2017.</p> <p>The constitutional drafting followed the First International Forum for the Rights of Mother Earth, held in Mexico City in June 2016. The Forum was</p>

	<p>focused on the importance of legislating the rights of Mother Earth and worked towards supporting and implementing the constitutional amendment. The report from the event noted that “Mexico has gained significant legal steps to shift from an anthropocentric to a biocentric view”.</p>
<p><b>Rights of Nature recognition</b></p>	<p>Article 13 of the Mexico City Constitution guarantees a ‘liveable city’ which includes the right to a healthy environment, as well as the protection of animals, right to public roads, right to public space, right to mobility and right to free time.</p> <p>In particular, Article 13(A) on the right to a healthy environment provides that:</p> <ol style="list-style-type: none"> <li>1. Everyone has the right to a healthy environment for their development and well-being. The authorities shall adopt the necessary measures, within the scope of their powers, for the protection of the environment and the preservation and restoration of the ecological balance, with the aim of satisfying the environmental needs for the development of present and future generations.</li> <li>2. The right to the preservation and protection of nature will be guaranteed by the authorities of Mexico City within the scope of their competence, always promoting citizen participation in the matter.</li> <li>3. In order to comply with this provision, a secondary law will be issued whose purpose is to recognise and regulate the broadest protection of the rights of nature made up of all its ecosystems and species as a collective entity subject to rights.</li> </ol>
<p><b>Significance</b></p>	<p>It is important to note that Article 13 does not explicitly guarantee rights of nature, but rather focuses on the right to a healthy environment, the guarantee of that right by the authorities and the acknowledged need for the preservation and protection of nature to be participatory. However, the Constitution is explicit in noting that rights of nature recognition is necessary “[i]n order to comply with this provision”. To that end, the Constitution anticipates that “...a secondary law will be issued whose purpose is to recognise and regulate the broadest protection of the rights of nature”. Nature is viewed broadly as being “...made up of all its ecosystems and species as a collective entity subject to rights.”</p> <p>Notably, the crowdsourcing approach to drafting the constitution represented a significant opportunity to expand collective imagination about the ways in which residents wanted to live together and interact with their built and natural environment. The participatory process, with considerable public input and opportunities for collective dialogue, was reportedly influential in lowering barriers to civic engagement, which in turn bolstered citizenship and offered an embodied experience of democracy in action, demonstrating what might be possible even within large populations with a diversity of inhabitants and arguably strengthening the foundation for new ways of living together in</p>

	<p>community, including potentially nature guardianship and relationship practices.</p> <p>The inclusion of a rights of nature provision within the Mexico City Constitution sends a strong message about the importance of this issue, which can have far-reaching impact in circumstances where a national government is unable or unwilling to adopt similar guarantees.</p> <p>It also offers a useful example in practice, which reverberates beyond its borders. For example, following the rights of nature constitutional guarantee within Mexico City, in 2019, the State of Colima in Mexico amended its constitution to include rights of nature. Article 2(IX) of the Colima State Constitution provides that everyone has the right:</p> <p>IX. To live in a healthy and safe environment for their development and well-being:</p> <ul style="list-style-type: none"> <li>(a) Nature, consisting of all its ecosystems and species as a collective entity subject to rights, must be respected in its existence, in its restoration, and in the regeneration of its natural cycles, as well as the conservation of its structure and ecological functions, in the terms that the law establishes;</li> <li>(b) Biodiversity, natural ecosystems, genetic heritage and native species are common and public interest goods, so their use will be in the terms indicated by law; protection, preservation and recovery are the joint responsibility of the public, private and social sectors; and</li> <li>(c) The State will promote the right to use and access eco-technologies applied to ensure the use of natural resources in a clean way and with the goal of meeting human needs by minimising their environmental impact.</li> </ul> <p>Environmental damage and deterioration will generate responsibility for whoever causes it, as provided for by law.</p>
<b>Implementation</b>	<p>The new Constitution entered into force in September 2018. It is unclear whether secondary legislation focused on the rights of nature has yet been drafted or enacted.</p>
<b>Key documents and links</b>	<ul style="list-style-type: none"> <li>☀ <a href="#">Mexico City Constitution</a> 2017 (in Spanish)</li> <li>☀ <a href="#">First International Forum for the Rights of Mother Earth report</a> (2016)</li> <li>☀ GovLab <a href="#">case study</a> on Crowdsourcing Mexico City’s Constitution</li> <li>☀ <a href="#">Colima State Constitution</a> 2019 (in Spanish)</li> </ul>

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