

# Rights of Nature Case Study

## Mar Menor lagoon

*In July 2020, citizens in Spain submitted a ‘popular legislative initiative’ (PLI), which allows citizens to propose a law, to the Spanish parliament. The PLI seeks recognition of the right of the Mar Menor lagoon to exist as an ecosystem and to be protected and preserved by the government and residents. The outcome of the PLI is expected in mid-2021.*

<b>Location</b>	Region of Murcia, Spain
<b>Date</b>	July 2020
<b>Source</b>	Legislation (proposed)
<b>Jurisdiction level</b>	To be confirmed
<b>Context</b>	<p>Mar Menor is the largest saltwater lagoon in both Spain and in Europe. It is a roughly triangular shaped area of water, bordered by a 70 km coastline and separated from the Mediterranean Sea by a 22 km stretch of sand, with a surface area of nearly 170 square km and warm water no more than seven metres in depth.</p> <p>For several decades, the lagoon has been subjected to significant pollution and ecological damage, resulting purportedly from discharge from nearby agricultural and mining activities, poor sewage systems in towns adjacent to the lagoon, and inadequate regulations and environmental protection action. In 2016, an extreme eutrophication – a massive growth of algae caused by a discharge of nutrients, mainly from agriculture – turned the water of the lagoon green and killed 85 per cent of the seagrass. As the excessive algae degraded and the lagoon salinity altered, thousands of fish were unable to breathe due to lack of oxygen and were beached on the shore. Tourists stayed away from the terrible smells, beaches lost their Blue Flag water quality status and house prices fell dramatically, damaging the local economy and community cohesion.</p> <p>Inspired by studying attempts in other countries to grant rights to nature, Teresa Vicente Giménez, a professor of philosophy of law at Murcia University, worked with her students on a study about the legal rights of the Mar Menor. She then shared the idea in a local newspaper, La Opinión de Murcia, and argued that the most feasible way to give rights to the lagoon was through a ‘popular legislative initiative’, a participatory democratic mechanism which allows citizens to propose a new law pursuant to Article 87(3) of the Spanish Constitution and relevant legislation. In July 2020, Vicente Giménez, backed by NGOs that campaign for the preservation of the Mar Menor, submitted the PLI and began the process of gathering supporting signatures from the public.</p>

<p><b>Rights of Nature recognition</b></p>	<p>The PLI seeks recognition of the right of Mar Menor lagoon to exist as an ecosystem and to be protected and preserved by the government and residents. If the proposal is approved, the lagoon would be represented by three groups: legal guardians, a monitoring committee of ‘protectors’ and a scientific advisory board. Any citizen or legal entity would be able to file a lawsuit on behalf of the lagoon to enforce its rights.</p>
<p><b>Significance</b></p>	<p>As for other rights of nature strategies, this initiative represents an avenue for revisiting and exploring an existing human relationship with a particular ecological entity. Lagoons, shallow bodies of water separated from a larger body of water, are common coastal features around many parts of the world, occurring along nearly 15 percent of the world's shorelines. They constitute specific and often highly biodiverse ecosystems as well as places of recreational and livelihood significance for humans.</p> <p>The action also shines a light on the adverse ecological impact of current widespread agricultural practices, in particular the intensive use of nutrients including nitrogen and phosphorus (one of the nine <u>planetary boundary</u> categories identified by the Stockholm Resilience Centre) to fertilise crops, and the interaction of such substances with soil and water systems. It also raises questions concerning the inadequacy of the current legal and political framework to address these issues, in terms of the content of the laws themselves, their implementation and impunity for violations or inaction.</p> <p>This initiative is at a preliminary stage, with expected challenges including the <u>constitutionality of the proposal</u>, its interplay with traditional <u>environmental protection measures</u>, and the <u>low rate of success historically</u> of other PLI attempts. Its success in recognising the rights of the lagoon and its broader impact in terms of raising public awareness of the rights of nature paradigm will likely depend on the wider advocacy strategy adopted by the citizens, local councils and allies involved. For example, another PLI initiated by citizens in Spain in relation to the introduction of a basic income had as an <u>explicit goal</u> the generation of 500,000 conversations about the concept of basic income rather than just collecting signatures.</p>
<p><b>Implementation</b></p>	<p>The PLI is currently pending, with nine months (with the possibility of a three-month extension where this is considered justified by the relevant authorities) to gather 500,000 supporting signatures for the initiative to be voted on in parliament. Its outcome is expected in July 2021.</p>
<p><b>Key documents and links</b></p>	<p>☀️ <a href="#">PLI proposal</a> (July 2020) (in Spanish)          ☀️ The <a href="#">Constitution</a> of Spain 1978 (in English)</p>

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