

Rights of Nature, Environmental Due Diligence and the Law of the Sea: Lessons from the Mar Menor

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Abstract

This article examines the recognition of legal personality granted to the Mar Menor by Spanish Law 19/2022 through the perspective of the law of the sea. Although the lagoon is legally classified as internal waters and therefore falls outside the direct spatial scope of UNCLOS, its ecological interdependence with the Mediterranean Sea raises broader questions concerning marine environmental governance. The analysis argues that the Mar Menor does not represent a transformation of international legal subjectivity or the emergence of a new subject of international law. Rather, it illustrates how rights of nature can operate as an innovative domestic mechanism to strengthen the implementation of existing international environmental obligations, particularly the due diligence duties associated with the protection and preservation of the marine environment. By analysing UNCLOS, relevant international jurisprudence, regional Mediterranean frameworks and comparative rights of nature experiences, the article demonstrates that the principal contribution of the Spanish model lies in enhancing enforcement, participation and accountability. The Mar Menor therefore functions as a laboratory for testing new procedural approaches to environmental protection while remaining firmly embedded within a State-centred international legal order.

Keywords: Rights of Nature; Mar Menor; Law of the Sea; UNCLOS; Due Diligence; Marine Environment

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1. Introduction

The recognition of legal personality granted to the Mar Menor under Spanish Law 19/2022¹ constitutes one of the most innovative and conceptually ambitious developments in contemporary

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¹ Ley 19/2022, de 30 de septiembre, para el reconocimiento de personalidad jurídica a la laguna del Mar Menor y su cuenca, «BOE» núm. 237, de 03/10/2022 <www.boe.es/buscar/act.php?id=BOE-A-2022-16019>. The Spanish Constitutional Court upheld the constitutionality of granting legal personality to the Mar Menor, affirming that innovative, ecocentric environmental protections are compatible with the Constitution: Sentencia 142/2024, de 20 de noviembre (*BOE núm. 311, de 26 de diciembre de 2024*) <<https://hj.tribunalconstitucional.es/HJ/es/Resolucion/Show/31317>> (for a commentary to the judgment, see José Francisco Alenza García, 'Sobre los aparentes derechos reconocidos al Mar Menor. A propósito de la STC 142/2024' (2025) 265 *Revista de Administración Pública* <<https://revistas.uva.es/index.php/reap/en/article/view/10579>>).

environmental law within Europe. While the initiative has attracted considerable attention in Spanish constitutional and domestic environmental law scholarship,² its broader significance becomes more apparent when analysed through the lens of the law of the sea. Framed within the expanding global discourse on the ‘rights of nature’,³ the Mar Menor case offers a particularly revealing test of whether such approaches can be meaningfully integrated into a legal system that remains fundamentally structured around State sovereignty and responsibility. More specifically, this contribution argues that the Mar Menor does not signal a transformation of international legal subjectivity, but rather illustrates how rights of nature can function as a domestic technique to strengthen the implementation of existing international environmental obligations.

A proper understanding of this experiment requires a preliminary clarification of central doctrinal importance: the Mar Menor is legally classified as internal waters under Spanish sovereignty. Under the United Nations Convention on the Law of the Sea (UNCLOS), internal waters are subject to the full sovereignty of the coastal State, in a manner analogous to land territory.⁴ The spatial regime of maritime zones established by UNCLOS begins at the baseline and does not extend into internal waters.⁵ Consequently, the Mar Menor is not directly governed by the law of the sea, nor is it subject to the jurisdictional allocation of rights and obligations that characterises maritime zones such as the territorial sea or exclusive economic zone. From a formal legal perspective, therefore, the recognition of legal personality for the Mar Menor is entirely a matter of domestic law. This formal exclusion, however, should not obscure the fact that internal waters may still be functionally integrated into broader marine environmental regimes, especially where ecological processes transcend jurisdictional boundaries.

2. The Mar Menor: Ecological and Legal Context

² For an overview of the Spanish legal scholarship, see, inter alia, Francisco Pérez-Crespo Vinader, Gabriela Cuadrado-Quesada and Susanne Schmeier, ‘The Mar Menor lagoon and the rise of rights of nature in Europe: A critical analysis of a transformative legal paradigm’ 2026 (29) Earth System Governance <<https://www.sciencedirect.com/science/article/pii/S2589811626000261#bib5>>; Rubén Martínez Dalmau, ‘Una laguna con derecho a existir. La Naturaleza como sujeto de derechos y el reconocimiento de la personalidad jurídica del Mar Menor’ (2023) 52 Teoría y Realidad Constitucional 357; Juan Manuel Ayllón Díaz-González, ‘Sobre derechos de la naturaleza y otras prosopopeyas jurídicas, a propósito de una persona llamada Mar Menor’ (2023) Actualidad Jurídica Ambiental <<https://www.actualidadjuridicaambiental.com/articulo-doctrinal-sobre-derechos-de-la-naturaleza-y-otras-prosopopeyas-juridicas-a-proposito-de-una-persona-llamada-mar-menor/>>; Santiago Álvarez Carreño and Blanca Soro Mateo, ‘El reconocimiento de personalidad jurídica y derechos propios del Mar Menor y su cuenca como respuesta a la crisis del derecho ambiental’ (2023) Anuario. Observatorio de políticas ambientales 985 <https://www.boe.es/biblioteca_juridica/anuarios_derecho/abrir_pdf.php?id=ANU-O-2023-10098701026>.

³ On this point, see, David R Boyd, *The Rights of Nature: A Legal Revolution That Could Save the World* (ECW Press 2017); Daniel P. Corrigan and Markku Oksanen (eds), *Rights of Nature: a re-examination* (Routledge 2021); Mihnea Tănăsescu, *Understanding the Rights of Nature: a Critical Introduction* (Transcript Verlag 2022).

⁴ UNCLOS, Art 2.

⁵ For a definition of ‘internal waters’, see UNCLOS, Art 8.

Despite its formal classification as internal waters, the Mar Menor presents a complex ecological reality that extends beyond purely domestic legal considerations. The Mar Menor is a marine coastal lagoon covering an area of 135 km², making it the largest coastal lagoon in the Spanish Mediterranean and one of the largest in the western Mediterranean. With an average depth of 4 metres and a maximum depth of 7 metres, it is separated from the Mediterranean Sea by a sandy barrier built over volcanic rock outcrops, extending for 22 kilometres and ranging in width from 100 to 1,500 metres. This barrier, known as La Manga, is intersected by five channels ('golas') that connect the lagoon with the Mediterranean Sea.⁶ The lagoon is characterised by shallow waters, high salinity and a delicate ecological equilibrium shaped by the interaction between marine processes and land-based inputs. Such geomorphological and hydrological characteristics reinforce the scientific understanding of the lagoon as part of a continuum between land and sea, rather than as a closed or self-contained system.

The environmental condition of the Mar Menor is strongly influenced by its surrounding catchment area, which is dominated by intensive agricultural activity. Nutrient runoff, particularly nitrates and phosphates, enters the lagoon through an extensive network of watercourses, leading to eutrophication processes that have severely degraded the ecosystem. Episodes of hypoxia and mass mortality of marine species have underscored the fragility of the lagoon and the inadequacy of existing regulatory responses.⁷ These dynamics demonstrate that, despite its legal classification as internal waters, the Mar Menor cannot be treated as an isolated environmental unit. Its ecological interdependence with the Mediterranean Sea renders it part of a broader marine system. This interdependence exemplifies a core premise increasingly emphasised in ocean governance literature, namely that marine ecosystems are ecologically connected across jurisdictional divides, thereby challenging strictly compartmentalised legal approaches.⁸

3. The Law of the Sea and Environmental Obligations

This ecological connectivity is central to understanding the indirect relevance of the law of the sea. While UNCLOS does not directly regulate internal waters as such, it establishes a comprehensive legal framework governing the protection and preservation of the marine environment. Central to this framework is Article 192 UNCLOS, which provides that "*States have*

⁶ This definition of 'Mar Menor' reflects the wording of the Law 19/2022.

⁷ Miguel Á Pérez-Martín and others, 'Understanding Nutrient Loads from Catchment and Eutrophication in a Salt Lagoon: The Mar Menor Case' (2023) *Water* <<https://www.mdpi.com/2073-4441/15/20/3569>>; Adrián López-Ballesteros, Dennis Trolle, Raghavan Srinivasan and Javier Senent-Aparicio, 'Assessing the effectiveness of potential best management practices for science-informed decision support at the watershed scale: The case of the Mar Menor coastal lagoon, Spain' (2023) *Sci Total Environ* <<https://pmc.ncbi.nlm.nih.gov/articles/PMC9760569/>>.

⁸ Michelle Bender, Lydia Slobodian, Kristina M. Gjerde, Philippe Cullet, Pradeep Singh and Chloe Olsen, 'The Rights of Nature and Legal Personhood in an Ocean Context' (2025) 39 *Ocean Yearbook Online* 79.

the obligation to protect and preserve the marine environment." Although formulated in general terms, Article 192 constitutes the cornerstone of Part XII of the Convention and must be interpreted together with the more specific obligations contained in Articles 194, 207 and related provisions concerning the prevention, reduction and control of pollution from all sources, including land-based sources. Read as a whole, Part XII requires States not only to refrain from causing marine environmental harm but also to adopt positive legislative, administrative and enforcement measures capable of effectively preventing environmental degradation.

These obligations apply to activities conducted under the jurisdiction or control of States whenever they may affect the marine environment, irrespective of whether the source of pollution originates within maritime zones or on land. Consequently, although the Mar Menor is legally classified as an internal coastal lagoon, the serious deterioration of its ecological status, resulting primarily from land-based agricultural pollution eventually reaching the Mediterranean Sea, falls within the functional scope of the obligations established by UNCLOS. The Mar Menor therefore illustrates how the Convention extends its normative influence beyond the formal delimitation of maritime zones through an ecosystem-oriented understanding of marine environmental protection. This functional approach reflects the scientific reality that coastal lagoons, estuaries and enclosed marine ecosystems form part of interconnected ecological systems whose degradation inevitably affects the health and resilience of the wider marine environment.

Recent scholarship on ocean governance has further emphasised that conventional environmental law has often struggled to prevent cumulative ecological degradation because it predominantly regulates environmentally harmful activities rather than fundamentally questioning the models of production and exploitation that generate them.⁹ In many instances, regulatory regimes remain fragmented, sector-specific and reactive, limiting their capacity to operationalise precautionary and ecosystem-based management approaches. The environmental crisis affecting the Mar Menor exemplifies these structural limitations. Despite the existence of extensive national and European environmental legislation, pollution accumulated over decades, demonstrating that formal regulation alone does not necessarily translate into effective environmental protection. More broadly, this reflects what has been described as the limits of an anthropocentric 'oceanic ethic', in which environmental protection remains subordinated to patterns of resource use and economic exploitation.¹⁰

The interpretative content of the obligations arising under Article 192 UNCLOS has been significantly clarified by the jurisprudence of the International Tribunal for the Law of the Sea

⁹ *ibid.*

¹⁰ *ibid.*

(ITLOS). In its 2024 *Advisory Opinion on Climate Change and International Law*,¹¹ the Tribunal held that the obligation to protect and preserve the marine environment entails a duty of due diligence. This duty requires States to adopt all appropriate legislative, administrative and regulatory measures that are reasonably capable of preventing environmental harm, to ensure effective monitoring and enforcement, and to maintain continuous oversight of activities conducted under their jurisdiction or control.¹²

The Tribunal further explained that due diligence is neither a fixed nor a static standard. Rather, it is an evolving obligation whose precise content depends on the nature and magnitude of the environmental risk, the state of scientific knowledge, and technological developments.¹³ In this regard, the Advisory Opinion emphasises the close relationship between due diligence and the precautionary approach, making clear that the degree of diligence expected from States increases in proportion to the seriousness of the environmental risk, the foreseeability of potential harm, and advances in scientific understanding.¹⁴ Accordingly, States cannot discharge their obligations merely by demonstrating formal compliance with existing regulatory requirements where the best available scientific evidence indicates a significant risk of serious harm to the marine environment.

Finally, the Tribunal acknowledged that, although the obligation of due diligence applies to all States, its concrete implementation may vary according to the particular circumstances of each case, including the capabilities and available resources of the State concerned.¹⁵ Such differentiation, however, does not diminish the binding nature of the obligation; rather, it reflects the inherently contextual character of due diligence as a standard of conduct under international environmental law.

This interpretation is consistent with the broader evolution of international environmental law. International courts and tribunals have progressively characterised due diligence as a dynamic standard of conduct requiring States not merely to adopt environmental legislation but to ensure its effective implementation through appropriate legislative, administrative and judicial measures.¹⁶ The obligation therefore extends beyond formal regulatory compliance and encompasses the establishment of governance structures capable of preventing environmental harm through

¹¹ *Climate Change*, Advisory Opinion, ITLOS Reports 2024.

¹² *ibid.*, para 235.

¹³ *ibid.*, para 239.

¹⁴ *ibid.*, para 243.

¹⁵ *ibid.*

¹⁶ See *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010 (I), para 101; *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025, paras 113 ff.

continuous monitoring, adaptive management, effective enforcement and scientifically informed decision-making.

The Advisory Opinion is particularly relevant for situations such as the *Mar Menor* because it confirms that the obligations under Article 192 extend beyond the mere adoption of formal legislation. Rather, States must ensure that domestic legal and institutional frameworks are capable of effectively achieving the objective of preventing environmental degradation. This necessarily includes effective environmental monitoring, adaptive regulatory mechanisms, robust enforcement procedures and decision-making processes informed by the best available scientific evidence. In this respect, the obligation of due diligence assumes a distinctly preventive character, requiring States to act before irreversible ecological damage occurs rather than merely responding after environmental harm has materialised.

3.1 Rights of Nature as Environmental Due Diligence

The relationship between rights of nature and international environmental law has generally been analysed through the concepts of legal personality, the emergence of ecocentric legal paradigms and ecological constitutionalism.¹⁷ While these approaches have significantly enriched contemporary legal scholarship, they do not fully explain the practical relevance of rights of nature within the existing framework of the law of the sea. From the perspective advanced in this article, their principal contribution lies elsewhere. Rights of nature should primarily be understood as institutional and procedural mechanisms through which States may more effectively implement their obligations of environmental due diligence.

Due diligence is an obligation of conduct rather than of result. Its effectiveness depends not only upon the substantive standards established by international law but also upon the institutional arrangements through which those standards are implemented domestically. Consequently, the practical fulfilment of Article 192 UNCLOS ultimately depends upon the existence of governance structures capable of ensuring environmental monitoring, access to justice, administrative accountability, public participation and effective judicial oversight.

Viewed from this perspective, the recognition of legal personality for ecosystems assumes a predominantly functional significance. Rather than creating new international rights or modifying the allocation of international responsibility, Rights of nature reinforce the institutional conditions necessary for the effective discharge of obligations already incumbent upon States. Legal personality

¹⁷ See Domenico Amirante and Silvia Bagni, *Environmental Constitutionalism in the Anthropocene. Values, Principles and Actions* (Routledge 2022).

facilitates the representation of ecological interests before domestic authorities and courts; procedural rights expand access to justice; participatory mechanisms strengthen public oversight; and specialised institutional arrangements improve transparency, monitoring and accountability. Collectively, these mechanisms enhance the preventive dimension that lies at the heart of environmental due diligence.

Accordingly, rights of nature should not primarily be understood as a theory of international legal personality but as a model for the domestic implementation of international environmental obligations. Their innovative contribution lies in providing States with additional legal techniques capable of translating the abstract obligations established by the law of the sea into concrete mechanisms of environmental governance.

4. Law 19/2022 and the Operationalisation of Environmental Due Diligence

Spanish Law 19/2022 may be understood as a practical example of how rights of nature can strengthen the domestic implementation of international environmental obligations.

The environmental crisis of the lagoon does not result from a lack of applicable legal norms but from deficiencies in their implementation and enforcement. It is precisely in response to this enforcement gap that Law 19/2022 introduces its most innovative feature: the recognition of legal personality for the Mar Menor.¹⁸ In functional terms, this move can be interpreted as an attempt to operationalise due diligence through enhanced procedural mechanisms rather than through the creation of new substantive international obligations. More concretely, the law establishes a system of institutional representation of the lagoon – *Tutoría del Mar Menor* –¹⁹ and introduces broad standing mechanisms, including *actio popularis*, allowing individuals and associations to initiate proceedings in defence of the ecosystem.²⁰

The ecological importance of the lagoon had already been recognised prior to this legislative intervention through multiple international and regional designations. The Mar Menor is included in the Ramsar List of Wetlands of International Importance, reflecting its global ecological

¹⁸ Law 19/2022, Art 1. Article 2 of Law grants the Mar Menor and its basin four core rights: the right to exist and evolve naturally, the right to protection, the right to conservation, and the right to restoration. Rather than constituting an isolated legislative innovation, these rights reproduce the core normative framework that has emerged across contemporary Rights of Nature regimes, thereby situating the Spanish experience within a broader transnational evolution of environmental constitutionalism, see Ayllón Díaz-González (n 2).

¹⁹ Law 19/2022, Art 3. The *Tutoría del Mar Menor* is a collegiate governance body composed of three constituent bodies: the Committee of Representatives, the Monitoring Commission, and the Scientific Committee.

²⁰ Law 19/2022, Art 6.

significance.²¹ It is also designated as a Specially Protected Area of Mediterranean Importance (SPAMI) under the Barcelona Convention system, which identifies sites of particular ecological relevance and subjects them to cooperative protection.²² These overlapping frameworks demonstrate that, notwithstanding its classification as internal waters, the lagoon is embedded within a broader system of international environmental governance. They also illustrate how different legal regimes may converge around the protection of ecologically significant areas without altering their formal jurisdictional status.

The regional dimension further reinforces the relevance of the law of the sea. The Mediterranean Sea qualifies as a semi-enclosed sea under UNCLOS, which entails obligations of cooperation among coastal States.²³ The Barcelona Convention and its protocols develop these obligations further, particularly in relation to land-based sources of pollution and integrated coastal management.²⁴ While these instruments do not directly regulate internal waters, they situate the Mar Menor within a broader cooperative framework that reflects the interconnected nature of marine ecosystems. Such regional frameworks may provide an intermediate level at which innovative concepts, including ecosystem-based governance and potentially rights of nature approaches, can be progressively tested and diffused.

Within this multilayered context, Law 19/2022 introduces a significant conceptual innovation by recognising the Mar Menor as a legal subject endowed with rights. This development is framed within the broader discourse on the rights of nature, which seeks to move beyond anthropocentric approaches by recognising the intrinsic value of ecosystems. At first glance, such an approach appears to challenge the State-centred structure of international law and to suggest a shift towards an ecocentric paradigm. In line with recent theoretical approaches, such recognition is often accompanied by an emphasis on ecological connectivity, reciprocity between humans and nature, and the need to provide institutional mechanisms capable of giving nature a voice in decision-making processes.²⁵ Indeed, proponents of rights of nature explicitly argue that such frameworks

²¹ See Ramsar Sites Information Service <https://rsis.ramsar.org/ris/706?_goaway_challenge=meta-refresh&_goaway_id=bac7270b688809c6cd273bd6f456546f&_goaway_referer=https%3A%2F%2Fchatgpt.com%2F>.

²² See on SPAMI Collaborative Platform, SPAMI List <<https://spami.medchm.net/en/spami-list/map>>.

²³ UNCLOS, Arts 122-123.

²⁴ Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention), 10 June 1995, 1102 UNTS 27; Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, Syracuse, 7 March 1996; Protocol on Integrated Coastal Zone Management in the Mediterranean, Madrid, 21 January 2008.

²⁵ Harriet Harden-Davies, Fran Humphries, Michelle Maloney, Glen Wright, Kristina Gjerde and Marjo Vierros, 'Rights of Nature: Perspectives for Global Ocean Stewardship' (2020) 1122 *Marine Policy* <www.sciencedirect.com/science/article/pii/S0308597X20303365>.

aim to transform the underlying environmental ethics of legal systems by recognising nature as a subject of rights rather than merely an object of regulation.²⁶

The Mar Menor demonstrates that innovative domestic legal mechanisms recognising rights of nature do not operate outside the framework of the law of the sea. Rather, they may contribute to the progressive implementation of the preventive and ecosystem-oriented obligations already embedded in Article 192 UNCLOS. Although rights of nature remain a matter of domestic constitutional and legislative choice, they may increasingly function as institutional expressions of the evolving standard of due diligence required by contemporary international law for the protection of marine ecosystems. This suggests a growing convergence between developments in domestic environmental constitutionalism and the evolutionary interpretation of Part XII of UNCLOS, without altering the sources or content of States' international obligations.

5. Rights of Nature and the Structure of International Law

A closer analysis reveals that the Spanish model does not fundamentally alter the underlying structure of the law of the sea, but rather operates within the traditional architecture of international law. The Mar Menor does not acquire autonomous legal capacity in the international legal order, nor does it become a subject of international law. Its rights are exercised through human representatives, including public authorities and private actors. This mediated structure indicates that its legal personality is functional rather than ontological. It is designed to facilitate enforcement, enhance accountability and provide new procedural avenues for environmental protection. This reflects a broader understanding of legal personhood in environmental contexts as a regulatory technique aimed at structuring human conduct, rather than as a recognition of independent agency in a strict legal sense.²⁷

This functional dimension is particularly evident in the introduction of *actio popularis*, which allows individuals and organisations to bring legal actions on behalf of the Mar Menor.²⁸ This significantly expands access to justice and introduces a decentralised enforcement mechanism. From the perspective of the law of the sea, this innovation addresses a structural limitation, namely the reliance on States as the primary enforcers of environmental obligations. In practice, States may lack the political will or administrative capacity to enforce such obligations effectively. By empowering private actors, the Spanish model seeks to overcome these limitations and to strengthen the practical implementation of environmental norms. From a broader governance perspective, such mechanisms

²⁶ Bender, Slobodian, Gjerde, Cullet, Singh and Olsen (n 8).

²⁷ *ibid.*

²⁸ Law 19/2022, Art 6.

reflect a shift away from exclusive State control over environmental protection towards more participatory models, in which civil society may play a direct role in representing environmental interests.²⁹

Nevertheless, this innovation remains confined to the domestic legal sphere. The allocation of responsibility under UNCLOS is not altered, and States remain the primary subjects responsible for compliance with environmental obligations. The Mar Menor does not possess standing before international tribunals and cannot invoke rights at the international level. Its legal personality therefore operates within, rather than beyond, the State-centred framework of international law. This confirms that current developments in rights of nature do not displace the foundational architecture of international law, but rather operate as complementary mechanisms within it.³⁰

The compatibility of Law 19/2022 with the law of the sea must therefore be assessed in both formal and substantive terms. Formally, the law is fully compatible with UNCLOS, as States retain the sovereign right to adopt more stringent environmental measures within their jurisdiction.³¹ Substantively, however, the recognition of ecosystem-specific rights raises questions regarding the coherence of the broader legal framework. The law of the sea is built upon principles of unity, coordination and predictability, particularly in semi-enclosed seas where cooperation among States is essential.

These tensions become more apparent when considered in light of recent developments in international law, particularly the 2023 Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement).³² The BBNJ Agreement represents a significant evolution in the law of the sea, introducing mechanisms for environmental impact assessment, area-based management tools and capacity-building. It reflects a shift towards ecosystem-based governance and the recognition of cumulative environmental impacts. However, it remains firmly grounded in a State-centred framework and does not recognise legal personality for marine ecosystems. Importantly, while the Agreement does not incorporate rights of nature, its language of stewardship, ecosystem integrity and the intrinsic value of biodiversity signals a normative evolution that may facilitate, at least indirectly, the reception of more ecocentric interpretative approaches within the existing framework.³³

²⁹ Harden-Davies, Humphries, Maloney, Wright, Gjerde and Vierros (n 24).

³⁰ Bender, Slobodian, Gjerde, Cullet, Singh and Olsen (n 8).

³¹ UNCLOS, Art 193.

³² Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, adopted 19 June 2023, annexed to UNGA Res 77/321, UN Doc A/RES/77/321 (2023), entered into force 17 January 2026.

³³ Bender, Slobodian, Gjerde, Cullet, Singh and Olsen (n 8).

In this context, the Mar Menor can be understood as a domestic legal experiment that tests the potential of rights of nature approaches within an existing legal framework. It does not seek to replace the law of the sea but to complement it by enhancing the effectiveness of its implementation. Its significance lies not in redefining legal subjectivity but in exploring new mechanisms of enforcement by States. It thus exemplifies a bottom-up dynamic through which domestic innovation may inform, without immediately transforming, international legal structures.

The Mar Menor therefore demonstrates that rights of nature should not primarily be understood as a theory of international legal personality, but rather as a legal technique for strengthening the implementation of States' existing international environmental obligations. Their principal contribution lies not in redefining the subjects of international law, but in reinforcing the institutional and procedural conditions through which States may more effectively comply with the duties already incumbent upon them under international law.

This interpretation is further supported when the Mar Menor is placed within the broader global movement towards the recognition of the rights of nature. Across different legal systems, this trend has taken a variety of forms,³⁴ including the constitutional recognition of the rights of nature in Ecuador³⁵ and Bolivia,³⁶ the adoption of dedicated legislative frameworks in Australia (Victoria)³⁷ and Panama,³⁸ the conferral of legal personality on the Whanganui River in New Zealand,³⁹ and the recognition of the Atrato River as a rights-bearing entity by the Colombian Constitutional Court.⁴⁰ These developments reflect a growing search for more effective legal tools in response to environmental degradation, as well as a broader shift towards recognising the interconnectedness between humans and ecological systems.⁴¹ Unlike these predominantly riverine or terrestrial examples, the Mar Menor case is distinctive in that it concerns a coastal lagoon ecosystem, where

³⁴ See Cameron La Follette and Chris Maser (eds), *Sustainability and the Rights of Nature in Practice* (CRC Press 2019).

³⁵ Constitución de la República del Ecuador (2008), Arts 71–74. For further analysis, see Mihnea Tănăsescu, Elisabeth Macpherson, David Jefferson and Julia Torres Ventura, 'Rights of nature and rivers in Ecuador's Constitutional Court' (2024) *The International Journal of Human Rights* 1.

³⁶ Constitución Política del Estado (2008), Art 3, and Ley de 21 diciembre 2010, No. 71, de Derechos de la Madre Tierra <https://diputados.gob.bo/wp-content/uploads/Leyes/Ley_N_0071.pdf>. For further analysis, see Paola Villavicencio Calzadilla and Louis J. Kotzé, 'Living in harmony with nature? A critical appraisal of the rights of Mother Earth in Bolivia' (2018) 7 *Transnational Environmental Law* 397.

³⁷ Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, No 49 of 2017 <<https://content.legislation.vic.gov.au/sites/default/files/2025-10/17-49aa010-authorized.pdf>>.

³⁸ Ley No 287 de 2022 que reconoce los derechos de la Naturaleza y las obligaciones del Estado relacionadas con esos derechos <<https://leap.unep.org/en/countries/pa/national-legislation/ley-no-287-de-2022-que-reconoce-los-derechos-de-la-naturaleza-y>>.

³⁹ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 <www.legislation.govt.nz/act/public/2017/7/en/latest/>.

⁴⁰ Corte Constitucional de Colombia, Sentencia T-622/2016 (Río Atrato) <www.corteconstitucional.gov.co/relatoria/2016/t-622-16>. For a detailed analysis, see Paola Villavicencio Calzadilla, 'A Paradigm Shift in Courts' View on Nature: The Atrato River and Amazon Basin Cases' (2019) 1 *Colombia. Law, Environment and Development Journal* 49.

⁴¹ See Boyd (n 3); Corrigan and Oksanen (eds) (n 3); Tănăsescu (n 3).

land-based pressures and marine dynamics converge, thereby making it particularly relevant for law of the sea analysis.

Yet, despite their diversity, these models remain embedded within State-based legal systems and depend on human representation. They do not displace the central role of States in international law, nor do they fundamentally alter the structure of legal obligations.⁴² From the perspective of the law of the sea, they therefore represent complementary innovations rather than transformative changes. Their added value lies primarily in strengthening implementation, participation and accountability, rather than in reshaping the foundational principles of the international legal order.

6. Conclusion

The broader significance of the Mar Menor does not lie in anticipating a transformation of the international legal order. Rather, it demonstrates how domestic legal innovation can help States give more effective practical effect to their existing international obligations to protect and preserve the marine environment. The recognition of legal personality for the ecosystem does not create new rights or obligations under international law. Instead, it provides additional institutional and procedural tools that may assist States in fulfilling their duties of prevention, environmental protection and due diligence.

Viewed from this perspective, the Mar Menor offers an important opportunity to explore how innovative domestic legal solutions can reinforce compliance with international environmental obligations while remaining fully consistent with the State-centred structure of the law of the sea. Its principal contribution is not to redefine the legal status of nature, but to improve the way environmental obligations are translated into practice. By strengthening access to justice, encouraging public participation and increasing institutional accountability, the Spanish model helps ensure that ecological interests receive more effective legal protection within the domestic legal system.

The experience of the Mar Menor also serves as a reminder that the effectiveness of international environmental law ultimately depends not only on the development of new legal rules, but on the willingness and capacity of States to implement those rules through appropriate legislative, administrative and judicial mechanisms. From this perspective, Law 19/2022 illustrates how domestic legal innovation can complement international law by reinforcing the practical

⁴² For an extensive treatment of this issue, see Helen Arling, *International Rights of Nature. In Relation with Sovereignty and International Legal Personality as Fundamental Principles of International Law* (Springer 2026).

application of obligations that already bind States, without modifying either their content or the fundamental architecture of the international legal order.