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16th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Teleconference, 16-18 June 2020

Agenda Item 7: Follow-up on previous Communication to the Compliance Committee under Paragraph 23.bis of the Procedures and Mechanisms on Compliance

Communication from Ecologistas en Acción de la Región Murciana (Spain)

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UNEP/MAP
Athens, 2020

Note by the Secretariat

This document presents the communication from Ecologistas en Acción de la Región Murciana (EARM) (Spain), regarding the implementation of the Protocol concerning the Specially Protected Areas and Biological Diversity in the Mediterranean by Spain, as tabled at the 15th Meeting of the Compliance Committee (Athens, Greece, 25-26 June 2019) (UNEP/MED CC.15/9). The communication is supported by additional information provided by EARM, which is presented to this meeting as a reference document as tabled at the 15th Meeting of the Compliance Committee (UNEP/MED CC.15/Inf.5).

Action requested

The 16th Meeting of the Compliance Committee is expected to examine the communication from EARM in light of the response from Spain as presented in document UNEP/MED CC.16/8 and conclude on action to take.



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Murcia, 12th de January 2017

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Dearest Sir/Madam,

The Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean ("SPA/BO Protocol"), and its subsequent Specially Protected Areas of Mediterranean Interest (SPAMIs), adopted in 1995 and in force since 1999, was ratified by Spain in 1998. With regard to the aforementioned Protocol, Spain presented the proposal for the Mediterranean Sea and Eastern Mediterranean Coast of the Region of Murcia, which was approved during the 12th Congress of the Contracting Parties to the Barcelona Convention, held in Monaco from the 14th to the 17th November 2001.

Unfortunately, however, the Mar Menor saltwater lagoon still lacks a management plan to regulate both the lagoon itself and the peripheral uses, especially intensive irrigated agriculture. As a consequence of the uncontrolled expansion and intensification of these agricultural practises, as well as other pressures (urban development, coastal works, etc.), in the last two years the lagoon has been suffering from a process of acute eutrophication whose effects on the functioning of this ecosystem and its biodiversity are catastrophic. In this sense, we attach as proof an annex with links to news items in which you can see in images the rapid and worrying deterioration of this coastal saltwater lagoon.

We can therefore firmly assure that very negative changes are taking place in the ecological character of the SMAPI caused by human action.

That is why we urge you **to contact the Spanish authorities urgently and ask them for updated information on this subject**, in application of the legal provisions of the Convention.

We also formally request this claim to be forwarded to the Compliance Committee established in 2008 to advise and assist Contracting Parties to comply with their obligations regarding the Barcelona Convention and its Protocols, as we understand



that Spain has serious difficulties in complying with its obligations in relation to both of them.

We also enclose herewith the document called REAL SOLUTIONS TO SAVE THE MAR MENOR [available at <https://www.ecologistasenaccion.org/IMG/pdf/salvar-mar-menor.pdf>], prepared by this organization in mid-2016, which documents the problems of acute diffuse agrarian pollution suffered by the Mar Menor lagoon and the lack of effectiveness of the administration's proposals to try to solve this contamination through the construction of pipelines. These pipelines collect the brine produced in Campo de Cartagena to dump it in the Mediterranean Sea, precisely in the SPAMI Mar Menor and Eastern Mediterranean Coast of the Murcia Region, thus creating a new environmental impact.

In this regard, it should be pointed out that **the various administrations responsible for water, agriculture, coasts, the environment and spatial planning** which affect the Mar Menor ecosystem, have not only ignored the recommendations of the above-mentioned solution document -solutions which we have been proposing for many years without success to the various competent administrations-, but **both in 2015**, when the lagoon was already beginning to show some signs of eutrophication, and **in 2016**, when the Mar Menor was already showing obvious signs of eutrophication to a really worrying degree, their solutions were opposing the real environmental needs. **Administrations applied instead the systematic legalization of the use of illegal wells and illegal desalination plants**, in order to allow the irrigation of crops, of which a third are illegal irrigation plots. Administrations did so in response to the pressures of the intensive agricultural sector, which does not want to assume its share of blame and the changes that are required, and acted wrongly **despite the evident negative environmental impact on the fragile and highly degraded ecosystem of the Mar Menor**.

This is undoubtedly an astonishing response on the part of those administrations which should precisely watch over compliance with legality and the conservation of the natural values of our protected areas.

We provide a series of links at the end of the annex, which illustrate these facts.

I am grateful for your attention, and awaiting a reply to this letter, I greet you kindly,

In Murcia, on 12 January 2017

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Annex

Symptoms of degradation of the Mar Menor Saltwater Lagoon

The serious process of eutrophication reached in the Mar Menor ecosystem has been denounced by various associations, neighborhood groups, citizens and experts in the lagoon, which also constituted a citizen platform called "Pact for the Mar Menor", to which Ecologists in Action belongs, and whose page we recommend visiting, by the multitude of tests and references that collects and which graphically show the state of this unique ecosystem: <https://pactoporelmarmenor.blogspot.com.es/>

We also refer to several videos in which we can see, with very impressive images, the degradation suffered by the Mar Menor:

In May 2016 ANSE and WWF warn about the limit situation of the Mar Menor. The disturbing state of turbidity caused by the proliferation of phytoplankton is clearly visible.

<https://www.youtube.com/watch?v=ngZgXL7Pr04>

(title to search: *ANSE y WWF alertan sobre la situación límite del Mar Menor*).

Another interesting video, non professional, shows a comparative of the status of waters over time: <https://www.youtube.com/watch?v=RESNjiw9gXY>

(title to search: " *Salvemos el Mar Menor*").

One of the most worrying sets of data comes from recent research findings by the Spanish Institute of Oceanography (IEO) and the Association of South-East Naturalists (**ANSE**) on the marine prairies of the Mar Menor:

<http://www.asociacionanse.org/anse-ieo-presentan-informe-del-estado-conservacion-las-praderas-marinas-del-mar-menor/20161128>

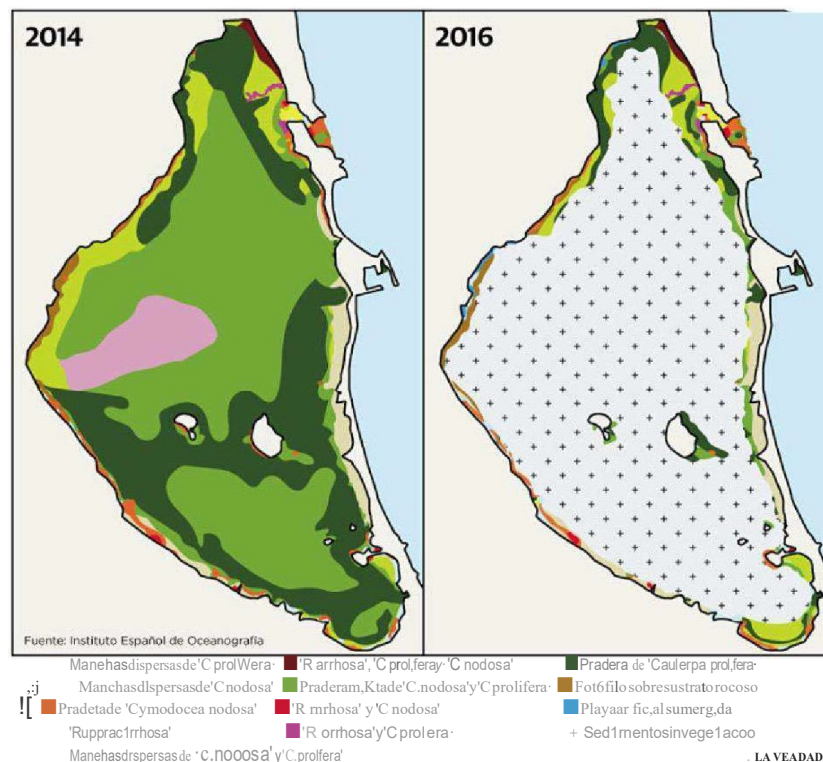
The work estimated that the Mar Menor had lost 85% of its seaweed and phanerogamous prairies. These results were presented to the public on November 28th 2016 at the IEO headquarters in San Pedro del Pinatar. We also recommend the entry in the blog of the Plataforma Pacto par el Mar Menor:

<https://pactoporelmarmenor.blogspot.com.es/2016/11/investigacion-del-instituto-espanol-de.html>

The images that accompany the study are devastating.

For example, ANSE's video "Evolution of the seagrass meadows of marine phanerogams in the Mar Menor" is very graphic and we wholeheartedly recommend it to get an idea of the level of degradation. <https://www.youtube.com/watch?v=qr7Cd6ePJvk>

The computer graphics that accompany the study show very clearly the general decline of prairies at the bottom of the Mar Menor:



Evolution of the underwater prairies of the Mar Menor between 2014 and 2016.

In addition, the situation has worsened even more, since at the end of this autumn [December 2016], the Mar Menor area has suffered torrential rains, which have incorporated more nutrients and sediments into the lagoon, most of them coming from the cultivated lands around the Mar Menor, as can be seen in several images and videos collected by the blog of the citizen platform *Pacto par el Mar Menor*, of which we highlight the following two entries:

Erosion of soils and nitrates to the Mar Menor

<https://pactoporelmarmenor.blogspot.com.es/2016/12/erosion-y-nitratos-al-mar-menor.html>

Albuj6n Wadi

<https://pactoporelmarmenor.blogspot.com.es/2016/12/rambla-del-albuion.html>

The inexplicable attitude of the administration:

In September 2015, the **Confederaci6n Hidrografica del Segura** (administration that regulates water use and reports to the Ministry of Agriculture and Fisheries, Food and the Environment) **stopped sanctioning illegal wells in Campo de Cartagena,**



and allowed irrigators to use water from illegal wells during the dry spell (although one third of those irrigation plots they wanted to save are also illegal):

<http://www.laopiniondemurcia.es/comunidad/2015/09/12/permiten-700-pozos-ile-gales-campo/676412.html>.

In September-October 2016, the same situation arose (<http://www.europapress.es/murcia/noticia-regantes-campo-carta-gena-dispondran-87-hm3-agua-prioridad-absoluta-20161011142101.html>), and public administrations once again complied with the demands of the intensive agricultural sector, even if they did not comply with the law and thereby affected a space with more than 7 figures of environmental protection at a regional, national and international level: <http://www.europapress.es/murcia/noticia-av-4000-aricultores-manifiestan-murcia-arrancan-chs-com-promiso-abrir-pozos-seguia-20160927135018.html>

In 2016, due to the poor state of the lagoon since the beginning of the year, there was a greater rejection by citizens and organizations to adopt these types of measures (<http://www.iagua.es/noticias/espana/ep/16/09/16/oposicion-re-gularizacion-pozos-y-desaladoras-cam-po-carta-gena>). Not only was no firm work being done to immediately eliminate illegal irrigation and the illegitimate use of water, on the contrary, it was intended to legalize a practice that is at the root of the serious problem of eutrophication of the Mar Menor. Problems became ever more evident in the spring of 2016, the protagonist of the entire summer tourist season, and unfortunately in the last quarter of the year due to the conclusions of the study on the disappearance of most of the underwater prairies. Furthermore, the process of torrential rains have contributed tons of sediments and agricultural nutrients to an ecosystem that was already very degraded and in a serious process of eutrophication, leaving a panorama of great uncertainty over what the future evolution of this ecosystem will be.

Updating the 5th February 2018

Please find below the most recent events, which demonstrate the inaction of the Regional Government:

In July 2016, the Environmental Prosecutor declares that there is sufficient basis to file a complaint for environmental crime against the Mar Menor, and that he is working on it.

During 2016 and 2017, after the Public Prosecutor's Office announced that it would investigate the contamination of the Mar Menor, the Confederación Hidrográfica del Segura (a body that regulates the use of water and reports to the Ministry of the Environment) carried out some actions to stop the spillages: closing of wells, closing of desalination plants, sealing of pipes used for illegal discharges, etc...



This has led to a great deal of reduction in direct discharges, but since irrigation has not ceased nor reduced, despite the drought, and as even the surface of irrigated areas has been increased gradually year after year, it is clear that discharges of brine loaded with nitrate must be occurring somewhere, and that they will eventually reach the Mar Menor.

At the end of 2016, social and environmental organisations lodged a complaint with the European Parliament's Committee on Petitions about the situation of the Mar Menor, which resulted from the failure for many years to comply with 11 mandatory European Directives, which was accepted. At the beginning of 2017, a representative of these organisations attended a meeting of the Committee on Petitions at which the alarming state of degradation of the Mar Menor, as a result of the failure to comply with European legislation, was presented. The Petitions Committee is planning to send a fact-finding mission to the Mar Menor.

[Article \(Spanish\) about that process](#)

In December 2017, the Higher Prosecutor of the Region of Murcia, Mr. Jose Luis Diaz Manzanera, filed a lawsuit against 13 former high public officials, and against 24 farmers and agrarian societies, based on the agricultural pollution that has affected the Mar Menor.

<http://www.laverdad.es/murcia/fiscalia-acusa-exconsejero-20171214230906-nt.html>

http://www.eldiario.es/sociedad/Fiscal-Agricultura-Murcia-Mar-Menor_0_718478718.html

<http://www.laverdad.es/lopiesenlatierra/blog/menor-nombres-apellidos-20171215135447-nt.html>

The role of the Regional Government has always been to minimise the serious problem of eutrophication of the Mar Menor, thus not taking effective measures. For example, the Management Plan for Natura 2000 Network sites in the Mar Menor has not been approved, despite the fact that it has been presented twice to the citizens, and despite the fact that the delay in approval will mean that we will be penalised by the European Union.

This Management Plan, should suppose a regulation of all the activities that affect the Mar Menor, to eliminate or reduce its impacts: agriculture, tourism, urbanism, navigation, fishing, etc. In other words, it would be the best integral tool for environmental sustainability in the Mar Menor.

However, while this Management Plan remains in the drawer (due to the pressures of the economic sectors to which the Regional Government is too permeable), the hypocrisy of the Regional Government 'seems to have no limits, since upon being aware that the case of the Mar Menor is to be investigated judicially, its reaction was to approve a Decree-Law -nQ. 1/2017 of 4 April 1997- on urgent measures to ensure environmental sustainability in the Mar Menor area, focusing exclusively on the agricultural sector (the main cause of the eutrophication process), but proposing



clearly insufficient measures. Almost a year after its adoption, however, that urgent action rule has not yet been implemented.

The social organizations, since the approval of this regulation of urgent measures, initiated a negotiation with the opposition political parties, and managed to push forward some amendments that greatly improved the Decree-Law, and which, in addition to scientific rigour, means complying with existing regulations and initiating a change of agricultural model in the area around the Mar Menor.

And the reaction of the Regional Government has been the opposite of what it was expected: it has joined with the lobby of the agricultural sector in a smear campaign dedicated to discrediting the measures, to labeling them as lacking any scientific rigour (when they are contrasting measures emanating from scientific sources), and to say that they will mean an unbearable cost for agricultural enterprises, when it is more than an affordable cost, and mostly since many farms already receive European money from the **CAP** each year, precisely for measures of the style of proposals included in the amendments.

The pressures coming from the intensive agricultural sector have been so intense that they have even threatened to sue deputies for voting in favour of the Urgent Measures Act with these amendments included.

Finally, the Law has been passed, with 23 votes in favour of the opposition political parties, and 22 votes against from the ruling party. In addition, after the approval, the Government has again aligned itself with the catastrophic discourse of the intensive agricultural sector.
<http://www.laverdad.es/murcia/directo-asamblea-debate-20180201104914.html>
http://www.europapress.es/murcia/noticia-aprueban-enmiendas-mar-menor-i_gualan-restricciones-cultivos-distintas-zonas-la_guna-20180115152017.html

The worst thing about the situation is that with this attitude, the Regional Government is demonstrating that it has no interest in applying the existing laws, nor will it apply this new Urgent Measures Law, and therefore it does not want to apply solutions at the source of the problem, and its only aspiration is to allow the Mar Menor to continue to deteriorate, while it appears in public and before the European Union that it is working to solve the problem.

On the other hand, because the intensive agricultural sector has great power to exert pressure on the Regional Government, attempts have also been made to dilute the responsibility of that agrobusiness sector, and even to focus on another subject regarding the Mar Menor: the Regional Government has endeavoured to dredge the natural water connections between Mar Menor and the Mediterranean Sea, so as to increase water exchange, something that the scientific community sees as utterly absurd, because it would mean changing the ecological conditions of the Mar Menor, and precisely at a time when any major change could end up degrading it to the worst possible ecological status.



With this strategy the Regional Government wanted to divert the attention of the citizenship, who had their eyes set on the origin of the problem of the Mar Menor, the intensive agriculture, to try to show that the solution of the problem was in the Mar Menor itself.

Therefore, in 2018 the panorama of the Mar Menor is that it continues to suffer a process of severe eutrophication, which improves somewhat in winter and worsens in summer with the rise in temperature and more hours of sunshine, which favours the explosion of phytoplankton. The Mar Menor has lost a very high percentage of its underwater prairies, a pillar of the ecosystem, and many species have seen their populations drastically reduced. Take the example of the Nacra (*Pinna nobilis*), a protected species of which 10% of its population remains.

The inflow of abundant agricultural nutrients continues to be produced, water continues to be extracted from illegal wells, brines loaded with nitrates continue to be thrown away, irrigated land continues to be expanded and crops transformed into industrialized irrigation, etc.

And the irresponsible inaction of the Regional Government, which neither watches, nor corrects, nor applies the Law, nor does it want to propose any change in the main origin of this problem, makes us think that the Mar Menor will soon reach a point of no return, becoming irrecoverable, unless from higher instances it is pressured to comply with legality.