

Maciej Perkowski

University of Białystok, Poland

e-mail: m.perkowski@uwb.edu.pl

ORCID: <https://orcid.org/0000-0002-3909-3967>

Wojciech Zoń

University of Białystok, Poland

e-mail: w.zon@uwb.edu.pl

ORCID: <https://orcid.org/0000-0001-5421-7668>

EUROPEAN GROUPING OF TERRITORIAL COOPERATION (EGTC) AS AN ORGANISATIONAL FORM OF THE RIGHTS OF NATURE CONCEPT?

Abstract

This article explores the potential application of the European Grouping of Territorial Cooperation (EGTC) as an institutional mechanism for implementing the Rights of Nature (RoN) concept within the European legal framework, with a particular focus on cross-border regions. The RoN paradigm, originating from indigenous legal traditions in Latin America, challenges the anthropocentric model of environmental protection by recognising nature as a legal subject vested with inherent rights, including the right to existence, regeneration, and ecosystem integrity. Comparative case studies from Ecuador, New Zealand, India, and Spain illustrate the diverse methodologies and practical challenges encountered in operationalising RoN. Within the European context, RoN generates both optimism and significant legal constraints due to entrenched doctrines of legal personality and the complex legal-political landscape governing transboundary cooperation. The EGTC, established under EU and national law, provides a unique legal entity enabling formalised cooperation among Member States and relevant public and private actors, including those from third countries. Practical examples, such

as the joint management of transboundary parks and biosphere reserves, demonstrate the EGTC's capacity to advance nature conservation and sustainable development objectives effectively. The article argues that the EGTC may serve as a viable legal instrument for embedding RoN principles, particularly in cross-border settings where legal harmonisation and coordinated governance are essential. By facilitating joint ecosystem management, planning, and protection, as well as access to EU funding and implementation of collaborative projects, the EGTC offers a pragmatic framework for RoN realisation. Nonetheless, integrating RoN within the EGTC structure necessitates extensive public discourse, careful alignment with European legal, cultural, and economic contexts, and rigorous monitoring of pilot initiatives. In conclusion, institutionalising the Rights of Nature within the EGTC framework could establish an innovative legal standard for nature protection in Europe, combining ethical imperatives with practical mechanisms of transboundary cooperation.

KEYWORDS

Rights of Nature, European Grouping of Territorial Cooperation (EGTC), cross-border nature protection, legal personality of the environment, sustainable development, transboundary cooperation

SŁOWA KLUCZOWE

Prawa Natury, Europejskie Ugrupowanie Współpracy Terytorialnej (EUWT), transgraniczna ochrona przyrody, osobowość prawna środowiska, zrównoważony rozwój, współpraca transgraniczna

I. INTRODUCTION

The article aims to examine whether, and to what extent, the form of the European Grouping of Territorial Cooperation (EGTC) could be applied to the implementation of the concept of the rights of nature in Europe from the perspective of a European Union Member State (Poland), with regard to shared cross-border natural assets.

Europe, particularly its western and central regions, is a continent characterised by significant geopolitical diversity. This, in turn, often results in areas of considerable natural value being divided by national borders. European international organisations have sought remedies to the adverse consequences of such borders

in various contexts. Within the Council of Europe, the formula of Euroregions was developed; however, due to their lack of legal personality, these entities were unable to meet more substantial challenges, limiting themselves to ad hoc activities often dependent on the periodic allocation of funds for cross-border projects.

In the current century, the European Union has developed and incorporated into its legal framework (subsequently adopted by the Member States) the formula of the European Grouping of Territorial Cooperation (EGTC), which possesses legal personality.¹ This form is grounded both in EU law² and in the national laws of Member States (for example, Polish law³). It is specifically designed for the implementation of EU funds dedicated to territorial cooperation. Consequently, it integrates more seamlessly into the existing legal systems of individual EU countries. In practice, the EGTC formula is employed quite broadly and diversely (as will be demonstrated later in the article). Against this background, the EGTC appears to be a viable mechanism for the protection of nature in cross-border areas (including at the external borders of the EU), open to various, sometimes unique, statutory objectives.

The concept of Rights of Nature (RoN) is generally regarded as unconventional in Europe and is often subject to initial rejection or potential misuse – in extreme cases, even to outright denial of its fundamental premises. It appears that when embedded within a legal form grounded in both EU and national law, such as Polish law, RoN not only stands a greater chance of being realised in Europe but, owing to its distinctive nature, also has the potential to deliver added value. This is particularly relevant in contexts where, for various reasons, existing legal forms and concepts have not fully proven effective (for example, in cases such as the Białowieża Forest, Turów, Oder River, and others).

¹ See Maciej Perkowski and Wojciech Zoń, 'Uwarunkowania powstania i rozwoju Mechanizmu Europejskiego Ugrupowania Współpracy Terytorialnej (EUWT) na północno-wschodnim pograniczu Polski' (2017) 1(85) *Optimum Studia Ekonomiczne* 117–129.

² Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC), Official Journal of the European Union L 210 of 31 July 2006, 19–24; Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings, Official Journal of the European Union L 347 of 20 December 2013, 303–319.

³ Ustawa z dnia 7 listopada 2008 r. o europejskim ugrupowaniu współpracy terytorialnej, t.j. Dz.U. 2021 poz. 1219; Rozporządzenie Ministra Spraw Zagranicznych z dnia 9 lutego 2016 r. w sprawie Rejestru Europejskich Ugrupowań Współpracy Terytorialnej, Dz.U. 2016 poz. 199.

1. THE CONCEPT OF RIGHTS OF NATURE: A CONCISE OVERVIEW

The concept of Rights of Nature (RoN) stands in opposition to the anthropocentric perception of the environment and its legal protection. Lidia Cano Pecharroman observed that ‘the recognition of rights to nature has already been part of customary law for many indigenous populations around the world for centuries. These principles, however, have not been embedded in the development of modern environmental laws, grounded on an anthropocentric paradigm. This paradigm has proven to be erroneous, as humans are irreversibly damaging the natural structures they depend on for survival despite the existence of environmental laws’.⁴

Rather than treating nature as a resource to be exploited, RoN confers legal personhood upon nature as a whole or its specific elements, such as rivers.⁵ This concept of granting legal subjectivity to ‘non-humans’ is not new,⁶ but it has only recently begun to be implemented in relation to the natural environment. Legally, this means that nature possesses a fundamental set of rights, duties, and responsibilities.⁷

For instance, Ecuador remains the only country to explicitly guarantee the rights of nature at the constitutional level. Mihnea Tănăsescu, Elizabeth Macpherson, David Jefferson, and Julia Torres Ventura note that although Ecuador’s constitutional recognition of RoN was groundbreaking and inspired other countries, its practical implementation over the years has been inconsistent and often failed to achieve the desired outcomes. The situation began to change after 2019, when a new composition of the Court started making more decisive and progressive rulings, focusing on cases of significant social and ecological importance. An analysis of selected cases shows that the Court consistently recognises aquatic ecosystems as legal entities, requiring protection of their integrity, life cycles, and regenerative capacities. These rulings emphasise the inseparable bond between elements of nature and human communities, as well as the necessity of precautionary measures and social participation in environmental decision-making.⁸

⁴ Lidia Cano Pecharroman, ‘Rights of Nature: Rivers That Can Stand in Court’ (2018) 7(13) Resources 1.

⁵ See Kiana Herold, ‘The Rights of Nature: Indigenous Philosophies Reframing Law’ (2017) Truthout <<https://truthout.org/articles/the-rights-of-nature-indigenous-philosophies-reframing-law/>> accessed 22 May 2025.

⁶ See e.g.: Christopher D Stone, ‘Should Trees Have Standing? Toward Legal Rights for Natural Objects’ (1972) 45 Southern California Law Review 450-501

⁷ Ngaire Naffine, ‘Who Are Law’s Persons? From Cheshire Cats to Responsible Subjects’ (2003) 66(3) Modern Law Review 346–367.

⁸ Mihnea Tănăsescu and others, ‘Rights of Nature and Rivers in Ecuador’s Constitutional Court’ (2024) The International Journal of Human Rights 1–23 <https://doi.org/10.1080/13642987.2024.2314536>; Tanasescu, ‘The Rights of Nature in Ecuador’ in Tanasescu, *Environment*,

Erin L O'Donnell and Julia Talbot-Jones analysed the legal and institutional attributes granted to selected rivers in Australia, New Zealand, and India. The Victoria River was granted a hybrid form of legal personality motivated by water resource management, with the challenge being the lack of independence of its representatives. In New Zealand, the Whanganui River received full legal personhood due to its spiritual significance to the Māori people, here the challenge lies in the need for cooperation between parties. In India, the Ganges and Yamuna rivers were also granted full legal personhood, motivated by protection against pollution; however, the challenge is the lack of local resources to enforce these rights.⁹

The concept of Rights of Nature confers rights and legal subject status on nature, moving away from the anthropocentric approach to environmental protection. This idea is gaining traction in other countries, including in Europe, where an example is the Spanish Mar Menor lagoon. This aspect is discussed in greater detail later in the article.

2. EUROPE AS A POTENTIAL AREA FOR IMPLEMENTING THE RIGHTS OF NATURE

An examination of the UNESCO natural heritage sites map reveals a particularly dense concentration of such sites across the European continent.¹⁰ Among these are also designated transboundary areas. The natural potential is especially evident within the European Union, notably in the context of Natura 2000 sites, which constitute the European ecological network Natura 2000. The objective of this network is to preserve specific types of natural habitats and species, along with their habitats, considered valuable and threatened on a Europe-wide scale, as well as to protect biodiversity. A Natura 2000 site may encompass parts or the entirety of areas and objects protected under other forms of nature conservation. The programme's operation is based on two EU directives: the so-called Birds Directive (which sets criteria for designating Special Protection Areas for endangered bird species)¹¹ and the Habitats Directive (which establishes rules

Political Representation, and the Challenge of Rights (Palgrave Macmillan 2016) <https://doi.org/10.1057/9781137538956_5>; Andreas Gutmann, 'Pachamama as a Legal Person? Rights of Nature and Indigenous Thought in Ecuador' in Daniel P Corrigan and Markku Oksanen (eds), *Rights of Nature: A Re-examination* (Routledge 2021) <<https://doi.org/10.4324/9780367479589>>.

⁹ See Erin L O'Donnell and Julia Talbot-Jones, 'Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India' (2018) 23(1) *Ecology and Society* 8.

¹⁰ See World Heritage Online Map Platform <<https://arcg.is/1mumib2>> accessed 22 May 2025.

¹¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, Official Journal of the European Union L 20 of 26 January 2010, 7–25.

for the protection of other animal and plant species and natural habitats, as well as procedures for safeguarding particularly valuable natural areas).¹² The list of protected habitats is extensive,¹³ indicating significant potential for utilising other protection mechanisms for these areas.

The practical implementation of the RoN concept in Europe remains largely hypothetical. However, there is a practical example of implementing elements of this concept in one EU country – the case of the Mar Menor Lagoon in Spain¹⁴ (while the City Council of Sierra de Outes adopted a declaration of fundamental rights of the Tains River in 2024¹⁵). When analysing the Spanish statutory solution dedicated to this subject, it is worth noting several key elements, similar to the river cases mentioned above:

- Legal status: regulated – the Mar Menor Lagoon and its catchment area have been recognised as a legal entity (legal personality),
- Legal form: legal person,
- Explicit creation of rights for nature: recognition of the ecosystem's rights to protection, preservation, maintenance, restoration, as well as the right to existence and natural evolution,
- Protected natural elements: the entire ecosystem of the Mar Menor Lagoon and its catchment, including biodiversity, the hydrogeological system, lagoon bed, water and its salinity, and wetlands,
- Purpose of establishment: ecosystem protection, ensuring its safeguarding for future generations, and fulfilling international commitments (e.g., the Paris Agreement¹⁶),
- Method of establishment: statutory,
- Legal representation: representation and management of the Mar Menor Lagoon and its catchment are carried out by the Committee of Rep-

¹² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, Official Journal of the European Union L 206 of 22 July 1992, 7–50.

¹³ See Designating Natura 2000 Sites <<https://environment.ec.europa.eu/topics/nature>> accessed 22 May 2025.

¹⁴ The Mar Menor lagoon is one of the largest hypersaline coastal lagoons in the Mediterranean region. It is relatively shallow and has a triangular shape. Favorable climate conditions and abundant natural resources have supported the development of economic activities such as agriculture, fishing, and tourism. However, its ecosystem is under pressure due to intensive urban development, expanded agricultural use, and the legacy of former mining operations in the Cartagena and La Unión area – see Héctor M Conesa and Francisco J Jiménez-Cárceles, 'The Mar Menor Lagoon (SE Spain): A Singular Natural Ecosystem Threatened by Human Activities' (2007) 54(7) Marine Pollution Bulletin 840 <<https://doi.org/10.1016/j.marpolbul.2007.05.007>>.

¹⁵ See Zbigniew Borek, Borek, 'Ja Odra, jak mnie słyszycie? Jeśli osobowość prawną może mieć korporacja i fundacja, to dlaczego nie żywa rzeka?' (2025) 20 (3514) Polityka 45–47.

¹⁶ The Paris Agreement, UNFCCC <<https://unfccc.int/process-and-meetings/the-paris-agreement>> accessed 22 May 2025.

representatives, the Monitoring Commission (Guardians of Mar Menor Lagoon), and the Scientific Committee. These three bodies form the Tutoria Mar Menor,

- Independence from government: members of the Scientific Committee must be independent, which is guaranteed by their scientific prestige and lack of remuneration,
- Financial support: Mar Menor and its catchment have, where appropriate, the right to restoration at the expense of governments and coastal residents; the law provides that a person who filed a lawsuit on behalf of the Mar Menor ecosystem and won is entitled to reimbursement of legal costs.¹⁷

The Spanish solution is new and, for now, appears not to have been thoroughly tested in practice. Can it, therefore, serve as a model for applying the RoN concept in Europe, particularly in Poland?

Adam Habuda expressed the view that ‘the proposals to categorise individual natural elements, such as rivers, as legal subjects, especially as legal persons, find no grounding in the existing legal order and represent a form of so-called wishful thinking, highlighting optimism and genuine concern for the environment but overlooking the rational, “hard” constraints related to the shape and rational formation of legislation and the achievements of legal thought’. He simultaneously advocates prioritising ‘the enforcement of proper protection using existing legal instruments provided by broadly understood environmental law, as well as criminal law’.¹⁸

It should be noted that these considerations mainly concern assets located within the territory of a single state – constructing dedicated solutions in national law is simpler in such cases than for transboundary objects, where legal solutions in several national legal systems would need to be harmonised. This resembles the operation of euroregions, which, when performing cross-border tasks, must rely, for example, on the legal personality of national associations located in the respective countries of origin of their members. First, local government units from one country establish a national euroregion as an organisation endowed with legal personality, e.g., an association operating under the internal law of the country to which they belong. Then, they conclude national agreements to create a cross-border euroregion. Its members are not individual local government

¹⁷ See 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, 3 October 2022 <<https://www.boe.es/buscar/doc.php?id=BOE-A-2022-16019>> accessed 22 May 2025.

¹⁸ Adam Habuda, ‘Przyroda i jej elementy. Przedmiot ochrony prawnej czy podmiot prawa’ (2023) 1(34) *Radca Prawny. Zeszyty Naukowe* 96.

units but the associations formed in the first stage. This association lacks legal personality and is not supported by the internal law of any State, nor is it a subject of international law.¹⁹ Only such an entity concludes an agreement with its counterpart(s) from neighbouring countries, which forms the basis for cross-border cooperation but does not create a cross-border legal entity.

Therefore, it is worth considering the possibility of utilising a form of cooperation recognised in both EU and national law – namely, the European Grouping of Territorial Cooperation (EGTC).

3. EUROPEAN GROUPING OF TERRITORIAL COOPERATION

The European Grouping of Territorial Cooperation (EGTC) is widely discussed in the literature.²⁰ For the purposes of this article, it is important to recall several key legal bases related to its functioning:

- Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on the European Grouping of Territorial Cooperation;²¹
- Regulation (EU) No 1302/2013 of the European Parliament and of the Council amending Regulation (EC) No 1082/2006 on a European

¹⁹ See Paulina Łazutka, 'Specyfika prawna euroregionów ze szczególnym uwzględnieniem euroregionów polsko-ukraińskich', in Krzysztof Skotnicki and Katarzyna Włażlak (eds), *Regiony w prawie i praktyce. Polska – Ukraina* (Wydawnictwo Uniwersytetu Łódzkiego 2015) 107.

²⁰ See, e.g., Gianluca Spinaci and Gracia Vara-Arribas, 'The European Grouping of Territorial Cooperation (EGTC): New Spaces and Contracts for European Integration' (2009) 2 EIPA Scope 5–13; Jirka Zapletal, 'The European Grouping of Territorial Cooperation (EGTC): A New Tool Facilitating Cross-Border Cooperation and Governance' (2010) 29(4) *Quaestiones Geographicae* 15–26; Tomasz G Grosse, 'Uwarunkowania wykorzystania nowego instrumentu prawnego i rozwojowego – Europejskie Ugrupowania Współpracy Terytorialnej (EUWT) w polityce spójności UE w nowej perspektywie finansowej 2014–2020' (2011) 171 *Opinie i Ekspertyzy*; Paulina Łazutka, 'Euroregion a Europejskie Ugrupowanie Współpracy Terytorialnej – analiza porównawcza' (2012) 270 *Acta Universitatis Lodziensis, Folia Oeconomica* 81–91; Adriana Skorupska, 'Współpraca międzynarodowa polskich samorządów terytorialnych' (2013) 4 *Sprawy Międzynarodowe* 95–112; Łukasz Lewkowicz, 'Europejskie Ugrupowania Współpracy Terytorialnej – nowa jakość polsko-słowackiej współpracy transgranicznej?' (2013) 1(1) *Studia Regionalne i Lokalne* 45–70; Wojciech Zoń, 'Kompetencje władzy wykonawczej wobec europejskiego ugrupowania współpracy terytorialnej z perspektywy Polski' (2016) 20B *Białostockie Studia Prawnicze* 475–488; Stefan Telle and Sara Svensson, 'An Organizational Ecology Approach to EGTC Creation in East Central Europe' (2020) 30(1) *Regional & Federal Studies* 47–71.

²¹ Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC), Official Journal of the European Union L 210 of 31 July 2006, 19–24.

grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings,²²

- national law of the respective Member State (in Poland, primarily the Act of 7 November 2008 on the European Grouping of Territorial Cooperation²³ and the Regulation of the Minister of Foreign Affairs of 9 February 2016 on the Register of European Groupings of Territorial Cooperation²⁴);
- conventions unanimously concluded by the members of a given EGTC and the statutes drawn up on that basis.²⁵

According to Article 1(2) of Regulation (EC) No 1082/2006, ‘The purpose of the EGTC is to facilitate and promote, in particular, territorial cooperation, including at least one of its components: cross-border, transnational, or interregional cooperation, between its members referred to in Article 3(1), with a view to strengthening the economic, social, and territorial cohesion of the Union’.

Unlike Euroregions, the EGTC has explicitly granted legal personality (Article 1(3) of Regulation (EC) No 1082/2006): ‘In each Member State, the EGTC shall have legal capacity and the capacity to exercise the widest legal acts accorded to legal persons under the national law of that Member State. In particular, it may acquire or dispose of movable and immovable property, employ staff, and be a party to legal proceedings’ (Article 1(4)).

The EGTC may include:

- a) ‘Member States or national authorities;
- b) regional authorities;
- c) local authorities;
- d) public undertakings as defined by Directive 2004/17/EC or public law bodies as defined by Directive 2004/18/EC;
- e) undertakings entrusted with the operation of services of general economic interest under national and EU law;

²² Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings, Official Journal of the European Union L 347 of 20 December 2013, 303–319.

²³ Ustawa z 7 listopada 2008 r. o europejskim ugrupowaniu współpracy terytorialnej, t.j. Dz.U. z 2021 r. poz. 1219.

²⁴ Rozporządzenie Ministra Spraw Zagranicznych z 9 lutego 2016 r. w sprawie Rejestru Europejskich Ugrupowań Współpracy Terytorialnej, Dz.U. 2016 poz. 199.

²⁵ Article 2(1) introduced by Article 1 of Regulation (EU) No 1302/2013.

- f) national, regional, or local authorities or equivalent public undertakings from third countries, subject to conditions in Article 3a'.²⁶

Associations comprising entities from one or more of the above categories may also join the EGTC. Notably, membership of entities from third countries (outside the EU) or overseas countries and territories is possible.²⁷ Prior to Regulation No 1302/2013, only entities from EU Member States could be members.

The tasks assigned to an EGTC are defined by its members in the convention. The EGTC does not have general powers but operates within the competences granted to it (principle of specialisation).²⁸ According to Article 7(4) of Regulation (EC) No 1082/2006: 'The tasks entrusted to the EGTC by its members shall not concern the exercise of powers conferred by public law or duties aimed at protecting the general interests of the state or other public authorities, such as police and regulatory powers, administration of justice, and foreign policy'.

The EGTC formula has been widely adopted across the European Union, as evidenced by numerical data. According to the Committee of the Regions, as of April 2025, there were 83 groupings (6 dissolved), including 6 involving Polish entities (with 4 having their statutory seats in Poland).²⁹ There are reports of new EGTCs being established on the Polish-Lithuanian border, although these are not yet listed in the official register. The practice of EGTCs appears comprehensive and, importantly, open within the limits of applicable law.³⁰

A new dimension of a universal and institutionalised standard for the protection of cross-border natural sites could be achieved through their management by

²⁶ Article 3(1) introduced by Article 1 of Regulation (EU) No 1302/2013.

²⁷ Ibid Article 3(1) and Article 3a.

²⁸ Europejskie ugrupowania współpracy terytorialnej EUWT, Unia Europejska, Komitet Regionów, CDR 117–2007_ETU, 3.

²⁹ See List of European Groupings of Territorial Cooperation, EGTC Platform, European Committee of the Regions <https://cor.europa.eu/sites/default/files/2024-11/Official_List_of_the_EGTCs.pdf> accessed 22 May 2025; List of European Groupings of Territorial Cooperation (EUWT) with their seats in Poland <<https://www.gov.pl/web/dyplomacja/wykaz-europejskich-ugrupowan-wspolpracy-terytorialnej>> accessed 22 May 2025; Beate Caesar, 'European Groupings of Territorial Cooperation: A Means to Harden Spatially Dispersed Cooperation?' (2017) 4(1) Regional Studies, Regional Science 247–254.

³⁰ Powołano Europejskie Ugrupowanie Współpracy Terytorialnej Nemunas-Niemen (EUWT Nemunas-Niemen) <<https://edpodlaskie.eu/powolano-europejskie-ugrupowanie-wspolpracy-terytorialnej-nemunas-niemen/>> accessed 22 May 2025; Powołano kolejne europejskie ugrupowanie współpracy terytorialnej w regionie – EUWT 'Polsko-Litewski transgraniczny obszar funkcjonalny' z siedzibą w Puńsku <<https://edpodlaskie.eu/powolano-kolejne-europejskie-ugrupowanie-wspolpracy-terytorialnej-w-naszym-regionie-euwt-polsko-litewski-transgraniczny-obszar-funkcjonalny-z-siedziba-w-punsku/>> accessed 22 May 2025.

means of a European Grouping of Territorial Cooperation (EGTC). The grouping does not constitute a form of nature protection per se, but in this case it facilitates the formalisation of cooperation between parties on both sides of the border (primarily public entities, but also with the possibility of including private actors), the definition of measurable objectives, as well as the possibility of non-standard financing of projects aimed at protecting a given area. This also has a positive impact on decision-making processes, as groupings can manage designated areas, act as implementing bodies for projects, develop thematic networks, and coordinate strategic plans concerning the area in question.³¹

For example, there are two groupings in the European Union that are clearly engaged in similar tasks regarding cross-border areas. The first is the Parc européen Parco europeo Alpi Marittime – Mercantour grouping, headquartered in Tende (France).³² It brings together two parks: the Parc National du Mercantour in France and the Parco Naturale Alpi Marittime in Italy. Its aim is to facilitate and promote cooperation among its members in the protection, promotion, and management of natural, cultural, and landscape heritage. Through its activities, the EGTC promotes cohesion policy coordination in the Southern Alps region. Based on the special competences of its members, it implements projects related to biodiversity conservation, cross-border landscape protection, and the joint natural and cultural heritage, environmental education and bilingualism, sustainable agriculture, sustainable tourism, and sustainable mobility. The grouping has completed several projects concerning biological inventory, tourism and ecotourism, as well as management of the area covered by the EGTC's activities.³³

Another such grouping is Zasnet, based in Bragança (Portugal),³⁴ which brings together four local government units from Spain (Bragança Municipio, Ayuntamiento de Zamora, Diputación de Salamanca, Diputación de Zamora) and two municipal associations from Portugal (Associação de Municípios da Terra Fria Transmontana, Associação de Municípios da Terra Quente Transmontana). The grouping manages the UNESCO Transboundary Biosphere Reserve Meseta Ibérica, located on the territory of both countries.³⁵ Its aim is sustainable devel-

³¹ See Sabine Zillmer and others, *EGTC Good Practice Booklet* (European Committee of the Regions, July 2018) 21–23.

³² Parc européen Parco europeo Alpi Marittime – Mercantour <<https://fr.marittimemercantour.eu/>> accessed 22 May 2025.

³³ Les projets terminés, GEOT Parc européen Parco europeo Alpi Marittime – Mercantour <<https://fr.marittimemercantour.eu/les-projets-transfrontaliers/les-projets-termines>> accessed 22 May 2025.

³⁴ AECT Zasnet <<https://www.zasnet-aect.eu/es> accessed> 22 May 2025.

³⁵ Plan Estratégico 2022–2024 Fad en Cooperación al Desarrollo <https://fad.es/wp-content/uploads/2022/02/Plan_Estrategico_Cooperacion_22_24.pdf> accessed 22 May 2025.

opment through cross-border cooperation and risk prevention, as well as better management of natural resources. Its tasks include the conservation and protection of the environment, the conservation, promotion, and development of natural and cultural heritage. The Zasnet EGTC also plans to manage public services and involves both public and private entities within its operational territory. The grouping has carried out several projects, mainly in the field of tourism development in the area, but one of them was dedicated to wild mushrooms in the context of sustainable development and multifunctionality of the forest.³⁶

Both examples illustrate possible approaches to managing cross-border protected areas by two different groupings. It appears that both seek to combine fundamental nature conservation goals with the rational utilisation of the potential of protected areas. At the same time, these groupings differ from other forms of cooperation on the European continent in that they possess legal personality, based on national law (the law of the Member State where the EGTC is seated, but also the laws of the States from which the members originate, which may determine the conditions for joining such associations), as well as European Union law. This, of course, provides a stronger foundation for cooperation than in the case of euroregions, which, for effective functioning, required the establishment of separate structures (e.g., associations) in each country from which their members come.

4. RIGHTS OF NATURE (RON) WITHIN THE FRAMEWORK OF THE EGTC?

The concept of the Rights of Nature (RoN) is gaining popularity as an alternative approach to environmental protection, departing from the anthropocentric model in which nature is perceived merely as a resource for exploitation. Although RoN are rooted in the traditions of indigenous peoples of Latin America, their potential application beyond these ‘indigenous’ areas, in the European context, raises both hopes and concerns.

In Latin America, in countries such as Ecuador and Bolivia, RoN have been incorporated into constitutions and general law, granting nature rights to existence, preservation, and regeneration. The successes and challenges associated with the implementation of RoN in these countries provide valuable insights for other regions, including Europe. The potential of RoN in Europe stems from several factors. Firstly, there is a growing awareness of the ecological crisis and the insufficiency of traditional environmental protection methods, creating space

³⁶ AECT Zasnet <<https://www.zasnet-aect.eu/es/projetos>> accessed 22 May 2025.

for new, more radical approaches. Secondly, an increasing number of people share the conviction that nature has intrinsic value, independent of its utility to humans, which forms the ethical basis for RoN. Thirdly, grassroots initiatives, such as the recognition of legal personality for the Mar Menor lagoon in Spain or discussions on granting legal personality to the Oder River,³⁷ demonstrate growing interest in RoN at local and regional levels.

However, the application of RoN in Europe faces significant limitations. For the traditional approach to legal personality in European countries, RoN represents a novelty that escapes established frameworks. The authors hold the view that the EGTC could constitute an alternative to RoN in Europe concerning transboundary entities. Although it is a construct based on EU law, it allows participation of entities from third countries. This is important in the case of entities such as the Białowieża Forest, located on the territory of Poland and Belarus. It is also an alternative for the international protection of border rivers such as the Oder³⁸ or for resolving environmental issues in specific areas (such as the Turów mine, which on the one hand, is economically justified for Poland but on the other, causes negative effects in the Czech Republic³⁹).

In the context of nature protection, EGTCs can be used to implement joint projects related to the protection of Natura 2000 sites, natural resource management, or adaptation to climate change. Regarding RoN, the Natura 2000 network can be seen as a step towards recognising the value of nature, but at the same time as a system with limited potential, focusing on the protection of specific species and habitats rather than recognising the rights of ecosystems as a whole.

The potential benefits of implementing elements of RoN include strengthening the ethical and legal foundations of environmental protection and introducing new possibilities for seeking justice for areas under economic pressure. However, the introduction of RoN requires caution and consideration of the specificity of the European legal, cultural, and economic context. For RoN objectives to bring

³⁷ See *Osoba Odra* <<https://osobaodra.pl/>> accessed 22 May 2025.

³⁸ See the International Commission for the Protection of the Oder River against Pollution, which was established on the basis of the International Agreement on the International Commission for the Protection of the Oder River against Pollution between the Government of the Republic of Poland, the Government of the Czech Republic, the Government of the Federal Republic of Germany and the European Community signed on 11 April 1996 in Wrocław (Umowa w sprawie Międzynarodowej Komisji Ochrony Odry przed Zanieczyszczeniem między Rządem Rzeczypospolitej Polskiej, Rządem Republiki Czeskiej, Rządem Republiki Federalnej Niemiec i Wspólnotą Europejską podpisaną 11 kwietnia 1996 r. we Wrocławiu), Journal of Laws No 79 item 886 of 1999. The Agreement entered into force after ratification on 26 April 1999.

³⁹ See: C-121/21 – *Czech Republic v Republic of Poland* (Turów Mine), <<https://curia.europa.eu/juris/liste.jsf?num=C-121/21&language=PL>> accessed 22 May 2025.

tangible benefits to nature conservation in Europe, it is necessary to conduct a broad public debate, and perhaps also to implement pilot programmes with monitoring and evaluation.

II. CONCLUSIONS

The concept of Rights of Nature (RoN) rejects the anthropocentric approach to environmental protection, recognising nature as an independent legal subject possessing its own inalienable rights, such as the right to exist, regenerate, and maintain the integrity of ecosystems. Examples from Ecuador, New Zealand, India, and Spain demonstrate that this concept can be implemented in various ways. The implementation of RoN in Europe, as exemplified by the Mar Menor lagoon, indicates the potential of this concept to strengthen nature protection, particularly where existing legal instruments have proven insufficient.

The authors see the possibility of creating innovative, transboundary forms of management for these natural sites based on existing regulations within European Union law. The utilisation of the European Grouping of Territorial Cooperation (EGTC) could serve as an effective tool for implementing the Rights of Nature concept in Europe, especially in cross-border areas where nature protection requires cooperation among different states and harmonisation of legal solutions.

As a legal entity, the EGTC enables joint management, planning, and protection of valuable ecosystems by local, regional authorities, and other entities from EU Member States, with the possibility of involving entities from third countries. Such a solution not only facilitates more effective enforcement of RoN and the implementation of innovative environmental management models but also eases access to EU funding and the realisation of joint projects aimed at sustainable development and the protection of natural heritage beyond national borders.

ACKNOWLEDGEMENTS

The publication was prepared within the framework of the project titled 'Rights of Nature – A Vehicle for Sustainable Development? Operationalisation and Critique from an International and Comparative Law Perspective' (RONSUS), grant no 2021/43/B/HS5/01839, funded by the National Science Centre, Poland. The authors serve as investigators in the project.

REFERENCES

- Borek Z, 'Ja Odra, jak mnie słyszycie? Jeśli osobowość prawną może mieć korporacja i fundacja, to dlaczego nie żywa rzeka?' (2025) 20 (3514) *Polityka* 45–47
- Caesar B, 'European Groupings of Territorial Cooperation: A Means to Harden Spatially Dispersed Cooperation?' (2017) 4(1) *Regional Studies, Regional Science* 247–254
- Cano Pecharrroman L, 'Rights of Nature: Rivers That Can Stand in Court' (2018) 7(13) *Resources* 1
- Conesa HM and Jiménez-Cárceles FJ, 'The Mar Menor Lagoon (SE Spain): A Singular Natural Ecosystem Threatened by Human Activities' (2007) 54(7) *Marine Pollution Bulletin* 840 <<https://doi.org/10.1016/j.marpolbul.2007.05.007>>
- Grosse TG, 'Uwarunkowania wykorzystania nowego instrumentu prawnego i rozwojowego – Europejskie Ugrupowania Współpracy Terytorialnej (EUWT) w polityce spójności UE w nowej perspektywie finansowej 2014–2020' (2011) 171 *Opinie i Ekspertyzy*
- Gutmann A, 'Pachamama as a Legal Person? Rights of Nature and Indigenous Thought in Ecuador' in DP Corrigan and M Oksanen (eds), *Rights of Nature: A Re-examination* (Routledge 2021) <<https://doi.org/10.4324/9780367479589>>
- Habuda A, 'Przyroda i jej elementy. Przedmiot ochrony prawnej czy podmiot prawa' (2023) 1(34) *Radca Prawny. Zeszyty Naukowe* 96
- Herold K, 'The Rights of Nature: Indigenous Philosophies Reframing Law' (2017) *Truthout* <<https://truthout.org/articles/the-rights-of-nature-indigenous-philosophies-reframing-law/>> accessed 22 May 2025
- Lewkowicz Ł, 'Europejskie Ugrupowania Współpracy Terytorialnej - nowa jakość polsko-słowackiej współpracy transgranicznej?' (2013) 1(1) *Studia Regionalne i Lokalne* 45–70
- Łazutka P, 'Euroregion a Europejskie Ugrupowanie Współpracy Terytorialnej – analiza porównawcza' (2012) 270 *Acta Universitatis Lodzianensis, Folia Oeconomica* 81–91
- Łazutka P, 'Specyfika prawna euroregionów ze szczególnym uwzględnieniem euroregionów polsko-ukraińskich' in K Skotnicki and K Włazlak (eds), *Regiony w prawie i praktyce. Polska – Ukraina* (Wydawnictwo Uniwersytetu Łódzkiego 2015) 107
- Macpherson E and others, 'Rights of Nature and Rivers in Ecuador's Constitutional Court' (2024) *The International Journal of Human Rights* 1–23 <<https://doi.org/10.1080/13642987.2024.2314536>>
- Naffine N, 'Who Are Law's Persons? From Cheshire Cats to Responsible Subjects' (2003) 66(3) *Modern Law Review* 346–367
- O'Donnell E L and Talbot-Jones J, 'Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India' (2018) 23(1) *Ecology and Society* 8
- Perkowski M and Zoń W, 'Uwarunkowania powstania i rozwoju Mechanizmu Europejskiego Ugrupowania Współpracy Terytorialnej (EUWT) na północno-wschodnim pograniczu Polski' (2017) 1(85) *Optimum Studia Ekonomiczne* 117–129

‘Powołano Europejskie Ugrupowanie Współpracy Terytorialnej Nemunas-Niemen (EUWT Nemunas-Niemen)’ <<https://edpodlaskie.eu/powolano-europejskie-ugrupowanie-wspolpracy-terytorialnej-nemunas-niemen-euwt-nemunas-niemen/>> accessed 22 May 2025

‘Powołano kolejne europejskie ugrupowanie współpracy terytorialnej w regionie – EUWT ‘Polsko-Litewski transgraniczny obszar funkcjonalny’ z siedzibą w Puńsku’ <<https://edpodlaskie.eu/powolano-kolejne-europejskie-ugrupowanie-wspolpracy-terytorialnej-w-naszym-regionie-euwt-polsko-litewski-transgraniczny-obszar-funkcjonalny-z-siedziba-w-punsku/>> accessed 22 May 2025

Skorupska A, ‘Współpraca międzynarodowa polskich samorządów terytorialnych’ (2013) 4 *Sprawy Międzynarodowe* 95–112

Spinaci G and Vara-Arribas G, ‘The European Grouping of Territorial Cooperation (EGTC): New Spaces and Contracts for European Integration’ (2009) 2 *EIPAScope* 5–13

Stone CD, ‘Should Trees Have Standing? Toward Legal Rights for Natural Objects’ (1972) 45 *Southern California Law Review* 450–501

Tanasescu M, ‘The Rights of Nature in Ecuador’ in M Tanasescu, *Environment, Political Representation, and the Challenge of Rights* (Palgrave Macmillan 2016) <https://doi.org/10.1057/9781137538956_5>

Telle S and Svenssoon S, ‘An Organizational Ecology Approach to EGTC Creation in East Central Europe’ (2020) 30(1) *Regional & Federal Studies* 47–71

Zapletal J, ‘The European Grouping of Territorial Cooperation (EGTC): A New Tool Facilitating Cross-Border Cooperation and Governance’ (2010) 29(4) *Quaestiones Geographicae* 15–26

Zillmer S and others, *EGTC Good Practice Booklet* (European Committee of the Regions, July 2018) 21–23

Zoń W, ‘Kompetencje władzy wykonawczej wobec europejskiego ugrupowania współpracy terytorialnej z perspektywy Polski’ (2016) 20B *Białostockie Studia Prawnicze* 475–488