

# A new climate law in the Balearic Islands aims to protect the well-being of present and future generations

August 17 2023, by Morten Fibieger Byskov, Jeroen Hopster and Júlia Isern Bennassar

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The Mediterranean is one of the most climate vulnerable regions in the world, [with temperatures rising 20% faster than the global average](#). In the Balearic Islands, this means that by 2100 [the temperature could have](#)

[increased by 3-5°C](#) and [the sea level could have risen by 37 to 90cm](#).

The islands' limited access to resources and the high dependence on [emissions-heavy industries](#), such as transport and energy, are deeply interlinked with [over-tourism](#). This makes any kind of move towards a [green transition](#) especially hard.

Taken as a whole, the conditions caused by global warming threaten to jeopardize the quality of life on the Balearic Islands and have a profound environmental impact on the region. Transitioning towards more sustainable ways of living presents its own substantial set of challenges.

On April 13, 2023, the regional Parliament of the Balearic Islands passed [a pioneering law on the well-being of present and future generations](#) (English translation [here](#)). Its adoption was the result of the first citizens' initiative ever approved by the Balearic Parliament.

Crucially, the law demands the creation of [a Commission](#) to safeguard the well-being of present and [future generations, particularly in the face of climate change](#). The law has the potential to provide inspiration and important lessons for similar initiatives in other [climate](#) vulnerable regions. [A seminar](#) was held at [Utrecht University](#) to examine it from a legal and ethical climate perspective.

This law is unique in Spain, though not in Europe: it follows the precedent set by [the Wales Act](#) of 2015, which similarly focuses on the objectives of well-being and the creation of a commission that oversees a long-term perspective on policy-making. Future generations are also represented in [Finland](#), and in [Hungary](#), [among others](#).

However, the law needs to overcome some foundational challenges if the proposed Commission is to be successful.

## Recognizing future and present well-being

One of the initial challenges faced by the proposed Commission in the Balearic Islands is that of balancing the interests of future and present generations. Protecting the well-being of future generations will likely mean imposing certain restrictions on those presently alive. Such restrictions should take into account that safeguarding the well-being of present generations is an equally important part of the Commission's task.

This is in keeping with the idea of what is known as a [just transition](#)—the idea that a societal shift towards climate neutrality can only be regarded as a success if it is also a transition towards [a fairer society, where no-one is left behind](#).

As an example, we can consider the environmental impact of tourism on the islands: limiting the number of tourists would incur short term [economic losses](#) for local people and businesses, but such limitations would preserve the islands' ecosystems for future generations. In this case, a just transition might mean that compensation or re-schooling is offered to the people whose lives are negatively impacted by limiting the influx of tourists.

## What does it mean to protect well-being?

The law defines some broad objectives that must be met, but for the Commission to achieve its aims of promoting the well-being of current and future generations, it must explicitly consider [what kind of well-being](#) is at stake. Many people equate well-being with a feeling of happiness and satisfaction, or the sensation that we are doing well and getting what we want. The Commission could choose to focus on ensuring that people in the future still have access to the same resources

—building materials, natural resources, and so on—that we have at present.

However, our current society is driven by consumption, and such definitions rest on the assumption that well-being can only be achieved by preserving our current way of life, meaning that we can only be happy in an unsustainable world. The Commission must therefore address the wider question of what it means to be able to lead lives that are both sustainable and satisfying, and what social and political obstacles there are to such lifestyles.

This may include promoting locally grown food, subsidizing public transport, ensuring access to sustainable energy sources, and challenging existing patterns of consumption that are rooted in [social norms](#).

## **Future generations are difficult to represent**

The law also states that the Commission should consist of a range of experts on the social and environmental aspects of climate change, including representatives from academia, social organizations, and environmental agencies. While this interdisciplinary makeup of the Commission is welcome, it is also [limited](#). The Commission would do well to give [representatives of the most socially and climate vulnerable communities](#) in the Balearic Islands a prominent voice.

Not only would this strengthen the democratic basis of the law, it would also ensure that the first-hand experiences of climate vulnerable people and communities, who face the threat of climate change in their daily lives, are included. This would result in fairer, more responsive, and more sustainable climate policies and plans.

## **A promising but disputed initiative**

The Law for the Protection of the Well-being of Current and Future Generations of the Balearic Islands is a citizen-led initiative that shows great promise.

It not only has the potential to ensure that the Balearic Islands are habitable in the future, but also to improve the living situation of many of the Islands' most socioeconomically vulnerable populations. By addressing the key challenges, its proponents can seize this opportunity to strengthen the law and inform the proposed Commission on how to represent the best interests of those whom it is meant to protect.

Defending the law is all the more important in the aftermath of the recent May 2023 regional elections, as the two [political parties](#) now governing the Balearic Islands [either abstained from voting for the law –as the People's Party, the Spanish conservative party did–, or voted against it –as Vox, a far-right party did](#). Tragically, the enforcement of a law meant to protect long-term interests and the well-being of future generations is immediately under threat from shortsighted political interests.

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