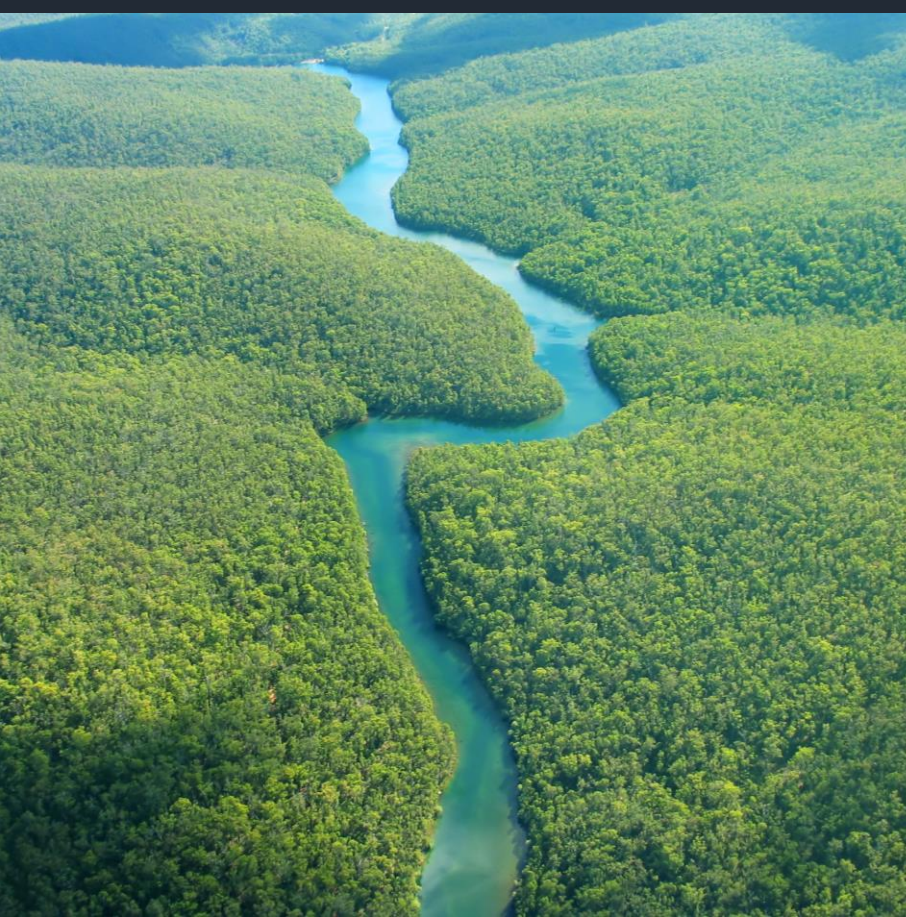


EUROPARC Conference 2023  
6 October 2023  
Inspiration Session

“RIGHTS OF NATURE”



***TINEKE LAMBOOY***, PROFESSOR CORPORATE LAW  
NYENRODE BUSINESS UNIVERSITEIT; BOARD  
MEMBER NGO STAND UP FOR YOUR RIGHTS  
(RIGHTS OF NATURE CONSULTANTS); LAB FUTURE  
GENERATIONS

***JAN VAN DE VENIS***, ACTING OMBUDSPERSON  
FUTURE GENERATIONS (LAB FUTURE  
GENERATIONS); BOARD MEMBER NGO STAND UP  
FOR YOUR RIGHTS; CHAIR NATIONAL PARC DUNES  
OF TEXEL





Please answer the following question:



How many of these 6 entities of Nature have legal rights?

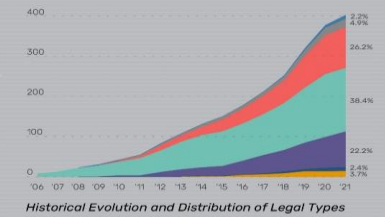
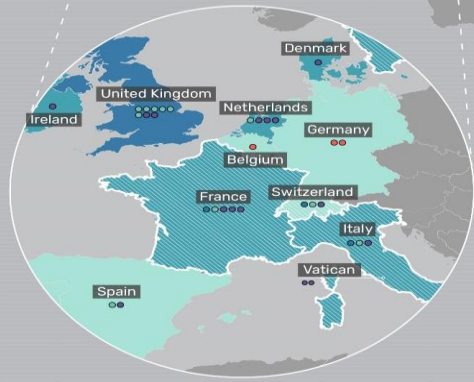
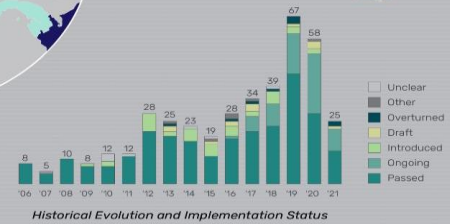
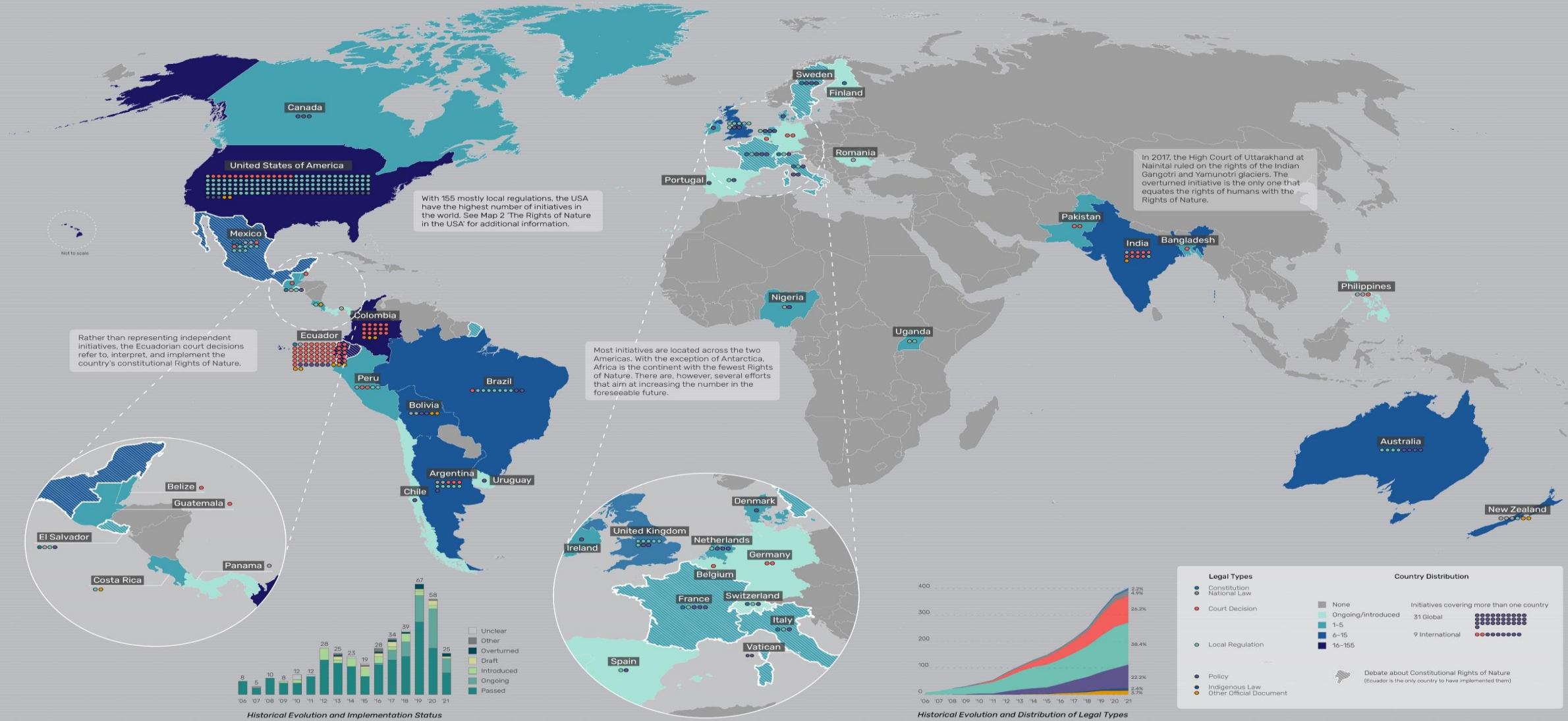
# THE RIGHTS OF NATURE

## MAPPING A GROWING MOVEMENT

Global legal Rights of Nature as of June 2021: 409  
Each dot represents one initiative.



Declaration of the Rights of the Moon



**Legal Types**

- Constitution/National Law
- Court Decision
- Local Regulation
- Policy
- Indigenous Law
- Other Official Document

**Country Distribution**

- None
- Ongoing/introduced
- 1-5
- 6-15
- 16-155

Initiatives covering more than one country

- 31 Global
- 9 International

Debate about Constitutional Rights of Nature (Ecuador is the only country to have implemented them)

### Global Distribution of Natural Entities

66.5% Nature Indistinctively

The majority of initiatives regards all of Nature within a more or less clearly defined territory. These range from the entire world to nation-states or national parks. All others regard more specific aquatic ecosystems or individual living entities.

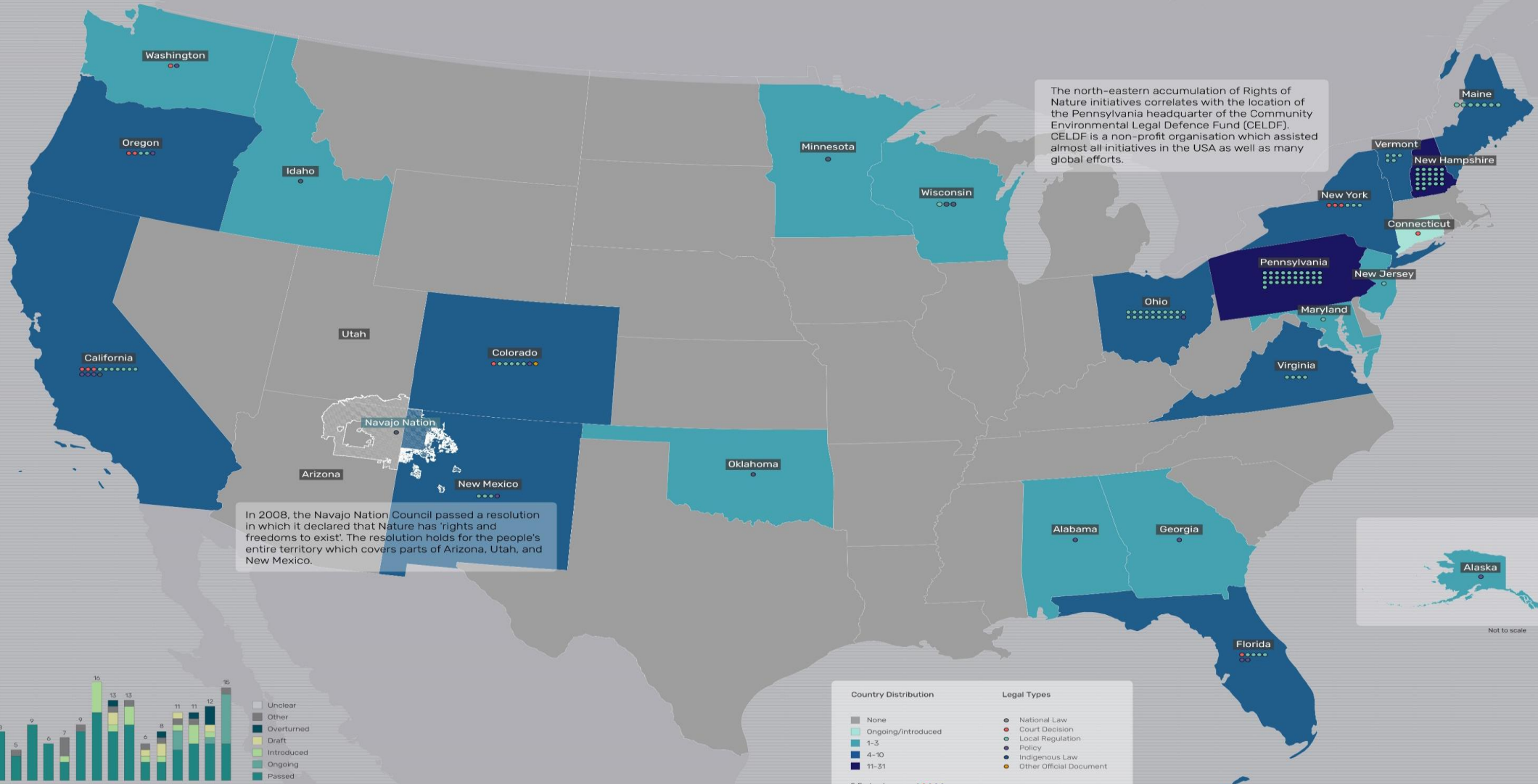


Cite as: Putzer, A.; Lambooy, T.; Jeurissen, R.; Kim, E. (2022): Putting the Rights of Nature on the Map. A Quantitative Analysis of Rights of Nature Initiatives Across the World. In: Journal of Maps XXX.

# THE RIGHTS OF NATURE IN THE USA

MAPPING A GROWING MOVEMENT

National legal Rights of Nature as of June 2021: 155  
Each dot represents one initiative.



In 2008, the Navajo Nation Council passed a resolution in which it declared that Nature has 'rights and freedoms to exist'. The resolution holds for the people's entire territory which covers parts of Arizona, Utah, and New Mexico.

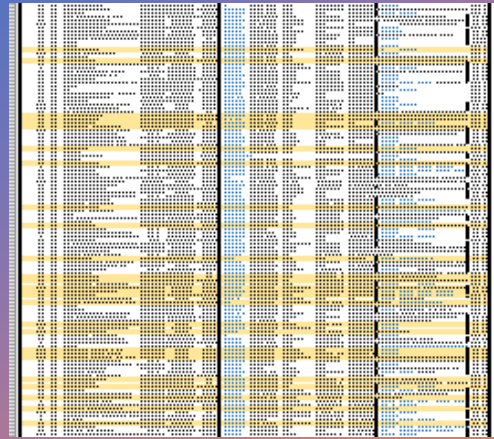
The north-eastern accumulation of Rights of Nature initiatives correlates with the location of the Pennsylvania headquarter of the Community Environmental Legal Defence Fund (CELDF). CELDF is a non-profit organisation which assisted almost all initiatives in the USA as well as many global efforts.



## US-Distribution of Natural Entities



The majority of US initiatives refers to all the Nature within the borders of a local township. The remaining ones regard selected entities or aquatic ecosystems.  
US Map Projection: USA Contiguous Albers Equal Area Conic  
Cite as: Putzer, A.; Lambooy, T.; Jeurissen, R.; Kim, E. (2022): Putting the Rights of Nature on the Map. A Quantitative Analysis of Rights of Nature Initiatives Across the World. In: Journal of Maps XXX.



A large, complex data table with multiple columns and rows, featuring yellow and blue highlights.

OPEN ACCESS:

## Putting the rights of nature on the map. A quantitative analysis of rights of nature initiatives across the world

Alex Putzer, Tineke Lambooy, Ronald Jeurissen & Eunsu Kim

<https://doi.org/10.1080/17445647.2022.2079432>

**PUBLISHED ONLINE: JOURNAL OF MAPS**

13 June 2022

Full database with 430 underlying legal docs and 2 maps and several charts

- After closure of data collection and publication of the article, the data are being updated by the Global Alliance for Rights of Nature (GARN) in collaboration with the UN Harmony with Nature Program



# AQUATIC RIGHTS OF NATUR WORLDWIDE - JUNE 2022

Table - Excerpt from the database of 430 documents: Selection Aquatic Ecosystems (77 out of 430 documents constituting in total 409 initiatives)

BASICS							LEGAL CHARACTERISTICS
Date	Locatio	State (US)	Title	Distinction	Legal Type	Status	Legal Structure
2010-05-07	NZ	n/a	Waikato River	Aquatic Ecosystem (River)	National Law/Federal Act	Passed	personality
2011-01-02	US	PA	Harveys Lake	Aquatic Ecosystem	Local Regulation	Unclear	fundamental and inalienable rights to exist, flourish, and naturally evolve
2011-03-30	EC	n/a	Vilcabamba River	Aquatic Ecosystem (River)	Court Decision	Passed	rights of nature
2011-05-16	BZ	n/a	MS Westerhaven Schifffahrts et al. v. Belize	Aquatic Ecosystem	Court Decision	Passed	no tangibe object
2011-11-08	US	WA	Spokane River (2nd)	Aquatic Ecosystem (River)	Local Regulation	Introduced	inalienable rights to exist and flourish
2012-03-17	Global	n/a	Decl. of the Participants Alternative World Water	Aquatic Ecosystem	Policy NGO	Passed	rights of ecosystems and species to exist, thrive, and reproduce, rights of nature
2013-11-05	US	WA	Spokane River (4th)	Aquatic Ecosystem (River)	Local Regulation	Draft	inalienable rights to exist and flourish, to sustainable recharge, to flow sufficient to protect native fish habitat, and to clean water
2015-12-05	AU	n/a	Great Barrier Reef (Tribunal) (1st)	Aquatic Ecosystem	Policy NGO	Passed	right to life, to exist, to wellbeing; to a place and to play its role in Mother Earth for her harmonious functioning; to continue their vital cycles and processes free from human disruptions; to integral health; to be free from contamination, pollution, and toxic or fundamental and inalienable right to exist, thrive, and regenerate their own vital
2016-07-01	IN	n/a	National Ganga River Rights Act	Aquatic Ecosystem (River)	National Law/Federal Act	Introduced	right to life
2016-11-03	AU	n/a	Fitzroy River Declaration	Aquatic Ecosystem (River)	Policy Gov	Passed	subject of rights/rights to protection, conservation, maintenance, and restoration, to be free from pollution and destruction
2016-11-10	CO	n/a	Atrato River	Aquatic Ecosystem (River)	Court Decision	Passed	juristic/legal persons/living entities
2017-03-20	IN	n/a	Ganges and Yamuna Rivers	Aquatic Ecosystem (River)	Court Decision	Overturned	right, powers, duties, and liabilities of a legal person/indivisible and living whole
2017-03-20	NZ	n/a	Whanganui River (Te Awa Tupua)	Aquatic Ecosystem (River)	National Law/Federal Act	Passed	legal entity/legal person/judicial person/moral person/artificial person; rights duties
2017-03-30	IN	n/a	Gangotri and Yamunotri (Glaciers) + Surroundings	Aquatic Ecosystem	Court Decision	Passed	living entity
2017-05-03	IN	n/a	Narmada River	Aquatic Ecosystem (River)	Local Regulation	Passed	rights of the ocean = right to life, the right to health, the right to be free of pollution and the right to continue its vital cycles
2017-06-09	Global	n/a	Rights-based Approach to Ocean Governance	Aquatic Ecosystem	Policy NGO	Passed	person/right to exist, flourish, regenerate, and naturally evolve
2017-09-26	US	CO	Colorado River	Aquatic Ecosystem (River)	Court Decision	Other (Withdr)	living and integrated natural entity/alive/heart/spirit
2017-09-26	AU	n/a	Yarra River	Aquatic Ecosystem (River)	Local Regulation	Passed	others + everything that is part of the rivers are living entities with legal standing,
2017-09-29	Global	n/a	Universal Declaration of River Rights	Aquatic Ecosystem (River)	Policy NGO	Draft	rights of nature
2017-11-01	US	CA	Earth Law Center California Waterways Lawsuit	Aquatic Ecosystem	Court Decision	Ongoing	inalienable and fundamental rights to exist and flourish
2018-01-03	EC	n/a	Proyecto hidroeléctrico en Río Grande	Aquatic Ecosystem (River)	Court Decision	Introduced	living and indivisible whole
2018-03-01	US	ME	Hancock County	Aquatic Ecosystem	Local Regulation	Unclear	subject of rights (or non-human person), rights to life, to preservation, and to restoration
2018-03-10	NZ	n/a	Whangaehu River (Te Waiu-o-Te-Ika)	Aquatic Ecosystem (River)	Other Official Document	Ongoing	rights of nature
2018-05-04	CA	n/a	Saint Lawrence River	Aquatic Ecosystem (River)	Policy NGO	Ongoing	rights of nature, of water, sujeto de derechos
2018-08-03	EC	n/a	Proyecto Minero Río Blanco (Defensoría del Pueblo)	Aquatic Ecosystem (River)	Court Decision	Passed	nature's right to a healthy environment
2018-08-03	EC	n/a	Sinangoe	Aquatic Ecosystem	Court Decision	Passed	person/legal entity/living entity
2018-12-12	BR	n/a	São Severino (Paudalho)	Aquatic Ecosystem	Local Regulation	Passed	right to exist, flourish, and naturally evolve
2019-01-30	BD	n/a	All Rivers in Bangladesh (HC)	Aquatic Ecosystem (River)	Court Decision	Passed	subject of rights
2019-02-26	US	OH	Lake Erie Bill of Rights (Toledo) (1st)	Aquatic Ecosystem	Local Regulation	Overturned	right to protect and sustain its integrity
2019-03-19	CO	n/a	La Plata River	Aquatic Ecosystem (River)	Court Decision	Passed	rights of nature
2019-03-23	NG	n/a	Ethiopo River	Aquatic Ecosystem (River)	National Law/Federal Act	Ongoing	right to exist, flourish, and naturally evolve; to have a clean and healthy environment free from pollutants; to have a stable climate free from human-caused climate
2019-05-06	EC	n/a	Proyecto Hidroeléctrico San José del Tambo	Aquatic Ecosystem	Court Decision	Ongoing	right to exist, flourish, regenerate, and naturally evolve, to restoration, recovery, and preservation, to perform its natural functions
2019-05-09	US	CA	Klamath River (Yurok Tribe)	Aquatic Ecosystem (River)	Indigenous Law	Passed	intrinsic value
2019-05-12	SE	n/a	Tribunal of the Rights of Lake Vättern	Aquatic Ecosystem	Policy NGO	Passed	subject of rights/rights to protection, conservation, maintenance, and restoration
2019-05-23	MX	n/a	Atoyac + Salado Rivers	Aquatic Ecosystem (River)	Court Decision	Passed	rights of nature, subject of rights
2019-05-30	CO	n/a	Coello, Combeima, Cocora Rivers	Aquatic Ecosystem (River)	Court Decision	Passed	legal personhood
2019-06-17	CO	n/a	Cauca River	Aquatic Ecosystem (River)	Court Decision	Passed	right to exist, flourish, evolve, and regenerate, to restoration, recovery, and subject of rights/rights to protection, conservation, maintenance, and restoration
2019-06-25	EC	n/a	Río Piatúa	Aquatic Ecosystem (River)	Other Official Document	Introduced	subject of rights/rights to protection, conservation, maintenance, and restoration
2019-07-01	IT	n/a	Acri motion for Lake Erie	Aquatic Ecosystem	Policy Gov	Passed	rights of nature
2019-07-08	US	OH	Williams County	Aquatic Ecosystem	Local Regulation	Other (Blocked)	subject of rights
2019-07-12	CO	n/a	Pance River	Aquatic Ecosystem (River)	Court Decision	Passed	living entity/right to be alive and to thrive so that it can give life and enjoyment to all,
2019-09-11	CO	n/a	Otún River	Aquatic Ecosystem (River)	Court Decision	Passed	subject of rights/rights to protection, conservation, maintenance, and restoration
2019-09-18	EC	n/a	Minería en la cuenca alta del Río Nangaritza	Aquatic Ecosystem (River)	Court Decision	Ongoing	subject of rights
2019-09-23	PE	n/a	LLallimayo River	Aquatic Ecosystem (River)	Local Regulation	Passed	living entity/right to be alive and to thrive so that it can give life and enjoyment to all,
2019-10-01	UK	n/a	Dart River Charter	Aquatic Ecosystem (River)	Local Regulation	Passed	subject of rights/rights to protection, conservation, maintenance, and restoration
2019-10-24	CO	n/a	Magdalena River	Aquatic Ecosystem (River)	Court Decision	Passed	living being/earth jurisprudence
2019-11-07	GT	n/a	Relationship between Indigenous People and Water	Aquatic Ecosystem	Court Decision	Passed	subject of rights/rights to protection, conservation, maintenance, and restoration
2019-12-05	CO	n/a	Quindío River	Aquatic Ecosystem (River)	Court Decision	Passed	living being, subject of rights
2019-12-26	PE	n/a	Orurillo Water Rights - Madre Agua - Yaku-Unu Mama	Aquatic Ecosystem	Local Regulation	Passed	inherent and legal right to naturally exist, flourish, regenerate, and evolve; the right to
2020-01-16	US	WI	Menominee River (Menominee Tribe)	Aquatic Ecosystem (River)	Indigenous Law	Passed	right to exist, to natural water supply, to natural flows and sustainable recharge
2020-01-27	UK	n/a	Frome River + Rodden Meadow	Aquatic Ecosystem (River)	Local Regulation	Introduced	legal entity/legal person/juristic person/judicial person/moral person/artificial person; rights duties and liabilities of a living person
2020-03-02	IN	n/a	Sukhna Lake	Aquatic Ecosystem	Court Decision	Passed	earth jurisprudence
2020-05-27	CA	n/a	Tsilhqot'in Nation - Sturgeon/Fraser River	Aquatic Ecosystem (River)	Indigenous Law	Passed	right to exist, flourish, regenerate, evolve, and be restored including the right to be living entity with fundamental rights, right to exist, to flourish, to evolve, to flow, to regenerate, to restoration
2020-06-01	US	VA	James River Natural Community Bill of Rights (Buckingham)	Aquatic Ecosystem (River)	Local Regulation	Ongoing	rights of nature
2020-06-20	US	ID	Snake River (Nez Perce Tribe)	Aquatic Ecosystem (River)	Indigenous Law	Passed	subject of rights/living entity/right to flow, to exercise its essential function, to be free
2020-06-25	MX	n/a	Nueva Ley General de Aguas	Aquatic Ecosystem	National Law/Federal Act	Ongoing	subject of rights
2020-07-01	SV	n/a	Río Lempa River	Aquatic Ecosystem (River)	National Law/Federal Act	Draft	subject of rights
2020-07-09	AR	n/a	Paraná River Delta Rights (1st)	Aquatic Ecosystem (River)	Court Decision	Ongoing	subject of rights
2020-07-23	ES	n/a	Mar Menor	Aquatic Ecosystem	Local Regulation	Ongoing	person
2020-09-18	CH	n/a	Appel du Rhône River Initiative	Aquatic Ecosystem (River)	Policy NGO	Ongoing	harmony with nature
2020-09-24	EC	n/a	Alpayacu River	Aquatic Ecosystem (River)	Court Decision	Passed	right to exist and to be protected against pollution
2020-11-03	US	FL	Wekiva and Econlockhatchee River Bill of Rights (Orange)	Aquatic Ecosystem (River)	Local Regulation	Passed	legal personhood
2020-11-09	AR	n/a	Paraná River Delta Rights (2nd)	Aquatic Ecosystem (River)	Local Regulation	Passed	

# RIGHTS OF NATURE

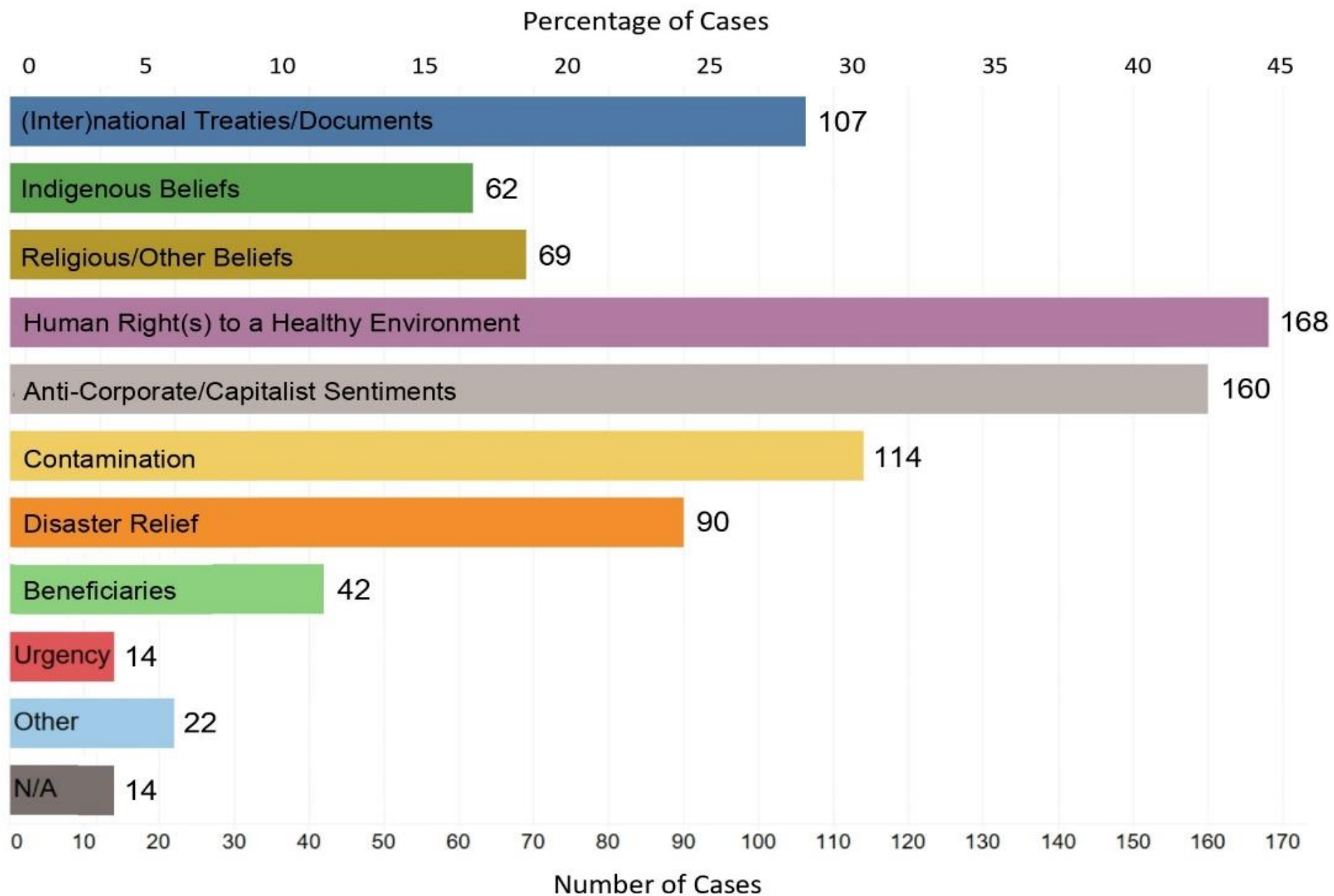
## Basics

Date	Location	State (US)	Title	Distinction	Legal Type	Status
2017-09-26	AU	n/a	<a href="#">Yarra River</a>	Aquatic Ecosystem (River)	State Law	Passed
2020-07-23	ES	n/a	<a href="#">Mar Menor</a>	Aquatic Ecosystem (Lagoon)	National Law	Ongoing
2019-07-11	NL	n/a	<a href="#">Waddenzee</a>	Aquatic Ecosystem (Tidal sea)	Proposal for National Law by (Noardeast-Fryslan (including Dongeradeel) Municipality	Passed

## Legal Characteristics

Official Document	Legal Structure	Verb	Governance	Motivation
<a href="#">Entire Text</a>	living and integrated natural entity/alive/heart/spirit	declare/is/have	(i) Yarra Strategic Plan	(ii) River is a living entity, a part of the Dreaming, duty since the beginning to keep the river alive
<a href="#">Private Text</a>	subject of rights	recognize	(i) article 3; (ii) every resident;	(i) RoN in Colombia, New Zealand; (iv) biocultural rights (right to exist, evolve naturally, right to a healthy environment and other basic rights of its inhabitants); (vi) contamination
<a href="#">Entire Text (Private Text)</a>	legal place and identity	establish	(i) Wadden Sea Management Authority (consisting of all relevant stakeholders)	(vii) deterioration of ecosystems; (viii) Wadden Sea life, present and future generations

# Motivation







**Authorised Version No. 005**  
**Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017**

No. 49 of 2017

Authorised Version incorporating amendments as at  
6 April 2020

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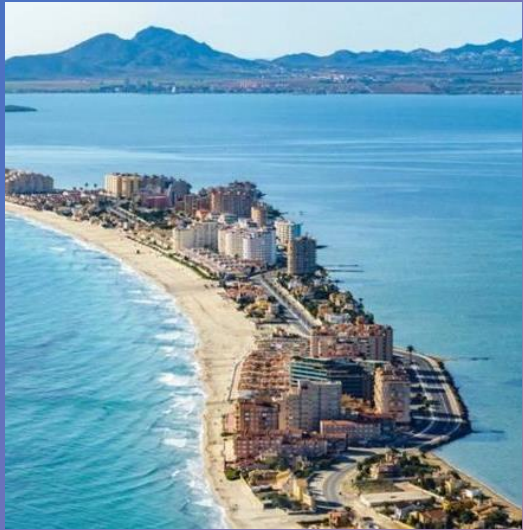
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Case study (Forthcoming):  
**YARRA RIVER - AUSTRALIA**



# Case study: Mar Menor

21 Sept. 2022: national law

Grants legal personality to MM

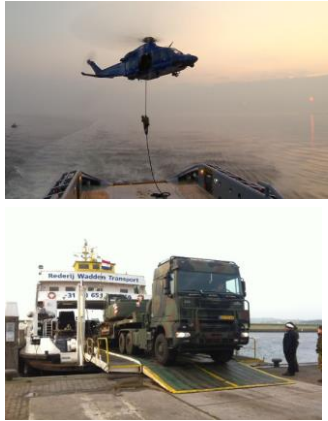
Holistic perspective: **“The ecosystem of MM is entitled to protection, conservation and regeneration”**

MM and its water catch area

Governance structure: 3 bodies: Commission of Representatives (3 national govt, 3 local communities, 7 citizens); Scientific Commission; Supervising Commission

Also: citizens have the right to act on behalf of MM and require enforcement of this law with the 3 Commissions, the regular enforcement authorities, and the court

# Case study: CHALLENGES FOR THE DUTCH WADDEN SEA



**Ecological norms:** international treaties; European legislation (Natura 2000); national laws.



**Governance:** by Dutch State – several Ministries, Provinces and Municipalities. Recently added: Beheerautoriteit Waddenzee  
[Home](#) | [Beheerautoriteit Waddenzee](#)

**Mandate Beheerautoriteit Waddenzee:** improving ecological quality by stimulating collaboration of stakeholders



**Threats:**

- Sea level rise, severe storms, warmer water (due to climate change).
- The seabed goes down (due to extraction of salt and gas).
- Water pollution from agriculture, industry, ports.
- Disturbance because of Ministry of Defence exercises; fishing. Recreation; noise and light nuisance.
- Pollution by container ships (e.g. MSC Zoe in 2019; OOCL Rauma in 2020).

→ Affect marine life and ultimately cause the drowning of the sand banks and islands.



**Proposal authors and Municipality Noard East Frylân:** to grant legal rights to the Wadden Sea itself (inspired by the international Rights of Nature movement) in form of 'Nature Legal Person' or 'Natureship' → i.e. to institutionalise the ecological interests of the Wadden Sea as a separate stakeholder.

- [RWIN GN 681002\\_TOC 1..1](#) ([labtoekomstigeeneraties.nl](#))
- [Hoog-tijd-voor-een-Natuurschap-Waddenzee-Voorstel-voor-een-nieuwe-vorm-van-governance-van-de-Waddenzee-TOO-2020.pdf](#) ([labtoekomstigeeneraties.nl](#))



# STUDY ASSIGNED BY THE WADDEN ACADEMY 2021-2022

- **RQ:**

Could a Rights of Nature approach for the Dutch part of the Wadden Sea contribute to a better protection of the unique natural values of the WS?

- **CONCLUSIONS:**

Natura 2000-gebied en UNESCO World Heritage site; many norms international, EU, and national law re ecological protection WS

Current practice is insufficient: Fragmentation of decision-making powers + economic interest usually prevail

Granting Rights of Nature to the WS could help to establish one core value/anchor for decision-makers/concentration of power in one legal body

Proposal for governance: independent board, ecology council and stakeholder commission

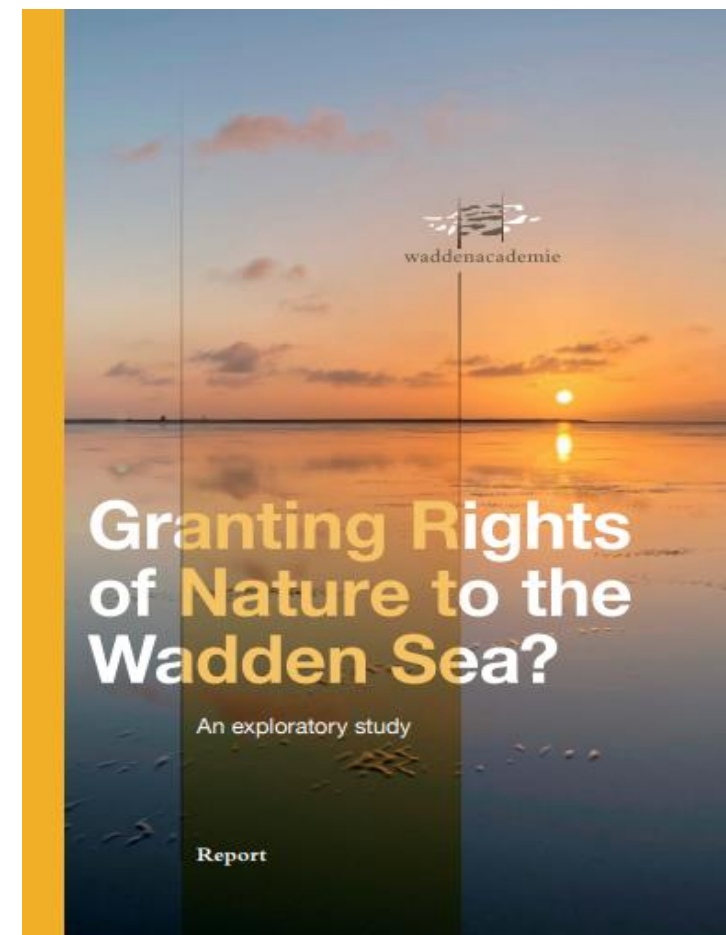


# Report Waddenacademie

© Tineke Lambooy, Tessa van Soest, Ignace Breemer

Published by the Waddenacademie  
Nov. 2022 (open access)

Presented to the Minister for Nature and Nitrogen at the Trilateral Wadden Cooperation Conference (30 november 2022)



# Dutch Parliament: 4 sessions Jan./Feb. 2023

## → 2 legislative proposals

- In Jan. 2023: 8 publications about RvN in national newspapers (3x NRC; Volkskrant; 2x Leeuwarder Courant; Telegraaf (on shrimp fishing); and at Linked-In and blogs.
- Minister: OK for research under the flag of the Trilateraal cooperation - 18.1.23
- In Parliament 2 resolutions: PvdD (Rights of Nature for the WS - 24.1.23 - 63 positive, actually 68); D66 (Independent research to be finished before summer 2023 - 24.1.23 - 68 positive)
- March 2023: Democrats 66 are preparing a legislative proposal to grant rights to the Wadden Sea
- March 2023: Party for the Animals is preparing a legislative proposal to include Rights of Nature in the Dutch Constitution
- [Opinie | Geef de Waddenzee een eigen stem – NRC](#)



Geef de Waddenzee een eigen stem

**Natuurrechten** De staat van de Waddenzee holt achteruit. Terwijl in Den Haag gedebatteerd wordt over meer of ander beleid, pleiten *Tineke Lambooy* en *Tessa van Soest* er voor de zee zelf rechten te geven.



# Manifest "Rechten voor Natuur" aangeboden aan Tweede Kamer



# Frequently Asked Questions

1. Why do we need Rights of Nature as we have EU and Dutch nature protection laws and green NGOs represent Nature?
2. Which duties would the new Right-holder have?
3. How to define the entity of Nature? How do we know what Nature wants?
4. Does granting Rights of Nature to an entity of Nature complicate the situation (i.e. adding an additional layer of decision-making)?
5. Wouldn't the same civil servants represent the new Right-holder and favour (the same) economic interests?
6. What is the effectiveness of Rights of Nature in other jurisdictions?





# European national and regional parks

## **Rights of Nature: Pros and Cons**

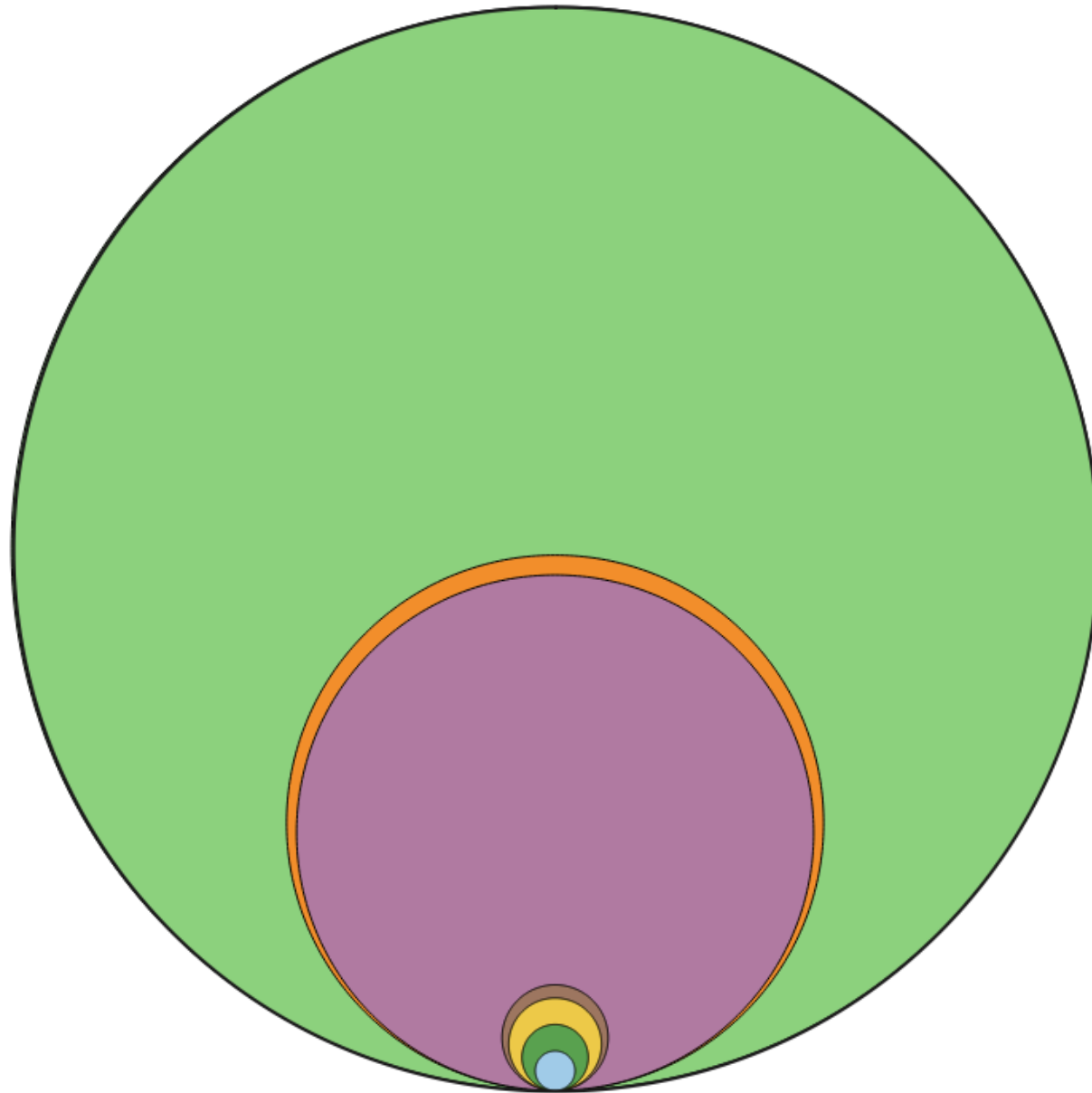
- From 'dark-green' (protected areas) to 'light-green' (buffer-zones and landscapes)
- Current initiatives: bottom-up? Are you as a parc representative involved?
- Feasibility?

THANK YOU

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# How/where has the Right of Nature been granted/acknowledged?



- 44,5 % Local Regulation
- 22,0 % Court Decision
- 21,1 % Policy
- 4,3 % National Law/Federal Act
- 3,8 % Other Official Document
- 2,7 % Indigenous Law
- 1,6 % Constitution

# Soorten natuur

## Nature Indistinctively

69,9 %

Animals

Collectives

Individuals

Forests  
and Trees

1,9 %

Other 1,1 %

6,5 %

3,5 %

11,4 %

Aquatic  
Ecosystems

Rivers

5,7 %

Other