

Ius Commune Conference 2020

Workshop: Granting Rights to Ecosystems

Friday 27 November 2020

09.00-12.30 hours CET: Workshop “Rights of Nature” (Combining Environmental and Corporate Law)

Chairs: Prof. Dr. Tineke Lambooy LL.M. (Nyenrode Business University and Utrecht University, the Netherlands) and Dr. Laura Burger LL.M. (Assistant Professor University of Amsterdam, the Netherlands)

Click [here](#) for the bios of the speakers

Theme: Rights of Nature



22 October 2020, the European Parliament adopted a resolution stating that it supports exploring the option to grant legal rights to natural forests. In the summer of 2020, an initiative was launched to grant legal rights to the river Rhone in France (www.rts.ch/info/suisse/11613689-et-si-le-rhone-pour-se-defendre-devenait-une-personnalite-juridique.html). In August 2019, it was proposed to grant legal rights to the river Seine in Paris (www.liberation.fr/debats/2019/08/07/pour-preserver-la-seine-donnons-lui-des-droits_1744015).

Pursuant to Decision 14/34 of the Conference of Parties of the Convention on Biological Diversity, on 17 August 2020, the ‘Update of the zero draft of the post-2020 global biodiversity framework’ was developed, stating to consider and recognize, where appropriate, the rights of nature.

On 23 July 2020, the Municipality of Los Alcazares approved the legislative initiative to grant rights to Mar Menor, the largest saltwater lagoon in Europe, and its basin, in the South of Spain.

And, last but not least, on 11 July 2019, the municipality council of Noardeast-Fryslan (Friesland, the Netherlands) adopted a motion to grant legal personhood to the Dutch part of the Wadden Sea (‘Wadden Sea’) and to advocate this proposal to the Dutch state, and the Provinces and municipalities bordering the Wadden Sea.

W

hat is going on here? Since when do we grant legal rights to nature and if so, how, why and where?

Worldwide, there are more than 350 cases in which areas of nature have been granted rights. Examination of these cases indicate that each followed a different path, was decided by different authorities – parliaments, municipalities, and courts – and

established different governance systems. Many of the cases are in the United States (US), leading to similar outcomes.

Do you want to learn more about this new trend? You are welcome to participate in this interactive workshop on Rights of Nature (RoN) with speakers from all over the world.

Recommended reading as preparation for the science slam: publications on the proposal for the Dutch Wadden Sea in *Water International* (2019) and *VOO* (2020), accessible at www.tandfonline.com/doi/abs/10.1080/02508060.2019.1679925 and <http://files.harmonywithnatureun.org/uploads/upload919.pdf>.

Further reading: www.harmonywithnatureun.org/rightsOfNaturePolicies/ and www.uu.nl/en/news/utrecht-scholars-discuss-rights-of-the-river-in-special-issue-of-water-international.

Part I: Knowledge sharing (focus: international; Right of Nature Cases) and Q&A

Chair: Prof. Dr. Tineke Lambooy LL.M. (Nyenrode Business Universiteit and Utrecht University)

- 09.00 – 09.15 *Welcome, introduction of the topic and the participants of the workshop*
- 09.15 – 09.35 **Drs. Alex Putzer** (PhD fellow at the Scuola Superiore Sant'Anna, Pisa, Italy)
Presents a mapping study of all cases worldwide
- 09.35 – 09.50 **Ms. Ebba Toomey** (student researcher at the University of British Columbia, Canada)
Will elaborate on the US cases included in the mapping study
- 09.50 – 10.00 **Q&A**
- 10.00 – 10.15 **Coffee break**
- 10.15 – 10.55 **Panel discussion (focus: three important rivers with legal personhood)**

Moderator: Prof. Dr. Tineke Lambooy LL.M.

Panel discussion with three experts and the workshop participants about three rivers, which have been granted legal personhood in the last years (the rivers are located in New Zealand, India and Bangladesh).

Panel members:

- Dr. Laura Burger LL.M. who has examined the case of the river Ganges in India
- Anne de Vries LL.M. (PhD fellow at the University of Tilburg, the Netherlands) who studied the case of the river in New Zealand
- Ing. Most. Setara Begum (PhD Fellow, Kaunas University of Technology, Kaunas, Lithuania) and Assistant Professor, BGMEA University of Fashion & Technology (BUFT), Bangladesh) who has translated into English and examined the Bangladesh Supreme Court case decision concerning the river in Bangladesh

Topics of discussion concern questions such as: Who has granted the legal personhood rights to the river? What exactly has been granted? Who represents the legal person? What was the motivation to grant legal personhood? Has there been any evaluation of effectiveness?

10.55 – 11.10 **Coffee break**

Part II: Science slam

Chair: Dr. Laura Burgers (Assistant Professor University of Amsterdam)

The topic to challenge the participants about concerns: the proposal to grant legal personhood to the Dutch Wadden Sea. In particular, questions will be raised regarding the governance structure, appointment of board members, and accountability of such a legal person.

11.10 – 11.20 **Jan van de Venis** LL.M. (Human Rights Lawyer at Justlaw, acting Ombudsperson for Future Generations, Vice Chair and Board Member of Dutch National Parks Group, and independent researcher, the Netherlands)

Brief introduction of the current legal and policy situation concerning the Dutch Wadden Sea and pertinent international treaties

11.20 – 11.30 **Dr. Christiaan Stokkermans** LL.M. (independent researcher and member of the Amsterdam Court of Appeal, the Netherlands)

Brief introduction of the proposal to grant legal rights to the Dutch Wadden Sea. He will discuss the features of the Dutch legal form of watership (waterschap) and argue why that would be most suitable legal form

11.30 – 12.00 *Science slam: contribute with your opinions and ideas*

12.00 – 12.30 Free flow discussion – optional

Acknowledgement: each of the presenters in this session has devoted research time in the context of their affiliation with their university for the preparation of their presentations. In addition, financial assistance for some of the studies presented this workshop was received from the Dutch NGO Stand Up For Your Rights (www.standupforyourrights.org/default.asp?pid=49) and the Dutch Lab Future Generations (<http://labtoekomstige generaties.nl/>).

