

# Rights for the river Maas

This brochure was drafted by five passionate students from Wageningen University who with this document aim to introduce you to the R.o.R. movement and show several opportunities and recommendations for implementation in the Netherlands.

## Pollution

The Maas is suffering: increasing effects of climate change, flood risks, and severe pollution are suffocating her.

In 2019, the river was **unable to provide drinking water** due to toxic agricultural discharge into the river (mainly pesticides, fertilisers and waste), and industrial pollution (via waste pouring and atmospheric deposition)<sup>1,2</sup>

In the 90s, **heavy metals** from ore and coal factories, and levels of pollution were at a peak<sup>3</sup>. To this day, concentration of **toxic compounds** (such as PCBs, hydrocarbons, chlorinated pesticides) and **trace metals** remains above European Standard throughout the Maas<sup>2,4</sup>

The river Maas provides drinking water for more than half a million households in the Netherlands. It is of vital importance to protect it from pollution and environmental degradation



Industries



Agriculture



Urban waste

This pollution comes from three main sources

The Maas is of great ecological importance. However, currently this ecological potential is not **fulfilled, valued or maintained**;

Among all these competing voices, **no one speaks for the Maas**. The R.o.R movement argues that the most important stakeholder, the Maas itself, is currently not involved.

Many stakeholders are at play, which complicates the responsibilities and accountability for each of them.

Among all these competing voices, who speaks for the Maas?



Next to non-governmental actors, the **government** is a main stakeholder in **protecting** the Maas from pollution.

Granting rights to the Maas gives the river the power to speak for itself and be an agent of its own being.

By anchoring rights for the river this initiative aims to ensure a **sustainable, clean and liveable environment** for the river and its surroundings. It aims to do so by making the river a legal entity and granting 'environmental personhood'. If successful, the river will be granted:

- "the right to flow 'freely',
- to be free of pollution;
- have her ecosystem in balance;
- her water management in order;
- vibrant indigenous biodiversity,
- and have the capacity for self-restoration."

## Rights of Rivers (R.o.R.)

noun

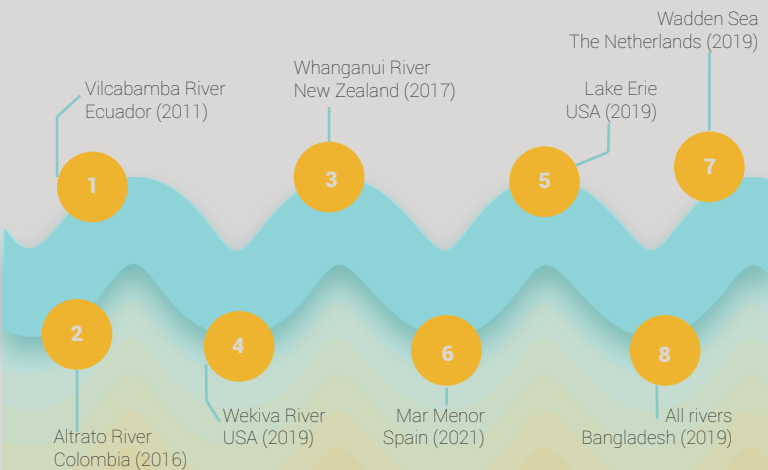
Granting rivers rights is a tool to protect and manage rivers. Recognising rivers as legal persons means that the rivers themselves are the subject of legal rights, and have the possibility to sue and be sued when their rights are violated.

Read the full analysis & references here



R.o.R. might be news to you, but worldwide, it has been making tides. We conducted a thorough case analysis of different rivers that have been granted rights in order to draw **suggestions and recommendations for the Maas case.**

A full overview of several cases on Rights for Rivers can be found in the analysis document via the provided QR-code.



The ways in which we view and value nature are shifting and from this philosophy the rights for river movement is originated. However, **European countries remain inactive** in the arena of Rights for Rivers. Little action has been taken towards actual change in our European legislations. This is where the Netherlands, **as a nation with worldwide recognition in the field of water management and historically renowned for its tolerance**, could -and should – step in, and bring the Rights for Nature movement home.

If we want to protect the Maas more effectively, we recommend research into Rights for the river Maas.

**We owe it to nature to be taken care of. If there is no place for rivers in our legal systems, who will care for them?**

1. Bruijns, 2021;
2. Dendievel, 2022;
3. Middelkoop, 2000;
4. Esse, 2020;

5. Shilderman et al, 1999;
6. Kern and Bulkeley, 2009;
7. O'Donnell, 2018

## Suggestions & Recommendations

### Address pollution head-on

In the Maas, there are several sources of pollution, but the current system and lack of communication among parties makes it a complex issue to solve. A legal structure such as R.o.R. could ease communication, create legally binding regulations and protect it from private industries, as illustrated by cases of R.o.R. around the world, such as Ecuador and Florida.

Moreover, it is possible for pollution to be partly caused by the same communities that are affected by this pollution. The Maas case is no exception; urban waste remains one of the leading causes of pollution of the river <sup>5</sup>. Educating citizens on the values of nature could be a pathway to reduce said citizen-caused pollution. The Maas Clean-up already holds a partnership with IVN to engage with schools, but further integration of nature values to Dutch education is encouraged.

### Clear definition, coherent documentation

The analysis further demonstrated how having a clear definition of the rights granted to the river are defined paramount for a successful implementation. The global cases show the definition can be very precise (e.g.: the Florida case), although more abstract and value-based legislations have succeeded in nations with ideals of nature rooted in indigenous philosophies (e.g. Ecuador).

Therefore, for The Netherlands, a robust legal document that steers away from unclarity however is most important to make a meaningful impact. Creating a specific list of rights as is done by the Maas is desirable but needs to consider the specificities of the Maas. Terms such as flowing 'freely', need to be considered within Dutch context and further elaborated upon.

### Continuous Environmental Assessments of the Maas

In recent cases in Western nations where pollution was successfully decreased, repeated environmental assessments were mediated by a third party (non-governmental & not involved in guardianship). Perhaps a key to success is this external accountability. For feasibility and applicability, it could also be conducted by already existing institutions that are concerned with the river.

### Use Rights of Rivers as a tool rather than the solution

Analysis shows that rights for rivers ensue here as a tool- rather than a silver bullet solution- to reduce pollution in rivers; giving rights to the Maas will not make all problems disappear. However, it allows for more voices to be heard, a means to address pollution head-on, increase holistic decision-making, to develop a greater connection with nature, and more. Granting rights to a river can be a starting point to address both environmental concerns and can create clarity within an ambiguous and complicated governmental system.

### Guardianship Structures & Co-governance

Appropriate governance is needed to solve these complex and systemic issues, such as waste mismanagement by agricultural and chemical companies and waste runoff from cities, from the root.

Guardianships for the river –a group of representatives for the river- has proved to be an effective method of upholding the Rights of Rivers. A guardianship board for the Maas could bring together many of the voices currently having competing claims over the river (e.g.: local citizens, governmental organizations, private sector and environmental organizations), and cooperate in a co-governance structure. Also this has the potential to bring in expertise which might have other ways gotten lost in traditional procedures <sup>6</sup>.

It is important to consider whether enough resources (e.g.: time, finance and legal standing) are being granted. Moreover, power and influence within board members and vested interests must be considered. We recommend further research on what such a Guardianship could look like for the Maas.

### Connecting with citizens & nature

A concern that rises within the Rights of Rivers movement is the paradox of legal rights. Concern has been expressed that granting a river rights might lead to citizens no longer feeling a need to care for them <sup>7</sup>. However, giving rights to nature does not make all issues disappear. It is therefore important to consider such possible intended consequences.

But research suggests building deep connections with citizens and rivers can also help mitigate this paradox, as is for example shown in the New Zealand case, where R.o.R. was very positively received by citizens. Therefore, transforming the relationship between humans and nature is a vital part within this issue. To value nature for what it is, not only for what it does to us