

The Dutch Rights of Nature Movement (2018-2025):

A Historical Analysis of A Normative Transformation of Dutch Human-Nature Relationships from 2018 to Present

A Discourse Analysis of the Rights of the Dutch North Sea, Wadden Sea and the Eastern- and Western Scheldts

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ABSTRACT

Globally, Rights of Nature is proposed and implemented as a potential innovative tool of biodiversity governance to curb the global biodiversity crisis. Inspired by the global movement, the Dutch Rights of Nature (RoN) movement aspires the similar goal. In the Dutch RoN discourse, implementing RoN is forwarded as the remedy to improve current Dutch human-nature relations. Analysing the pre-implementation phase of the Dutch Rights of Nature (RoN) movement, no implementation has occurred as of yet but the Dutch RoN discourse does substantially influence Dutch human-nature relations. Analysing the discourses of the Rights of the Scheldts (RoS), Rights of the North Sea (RoNo) and Rights of the Wadden Sea (RoW), the overall Dutch RoN discourse influences such human-nature relations in the Netherlands in four predominant ways, I argue. First, the discourse generally paves the way and contributes to the gradual normalisation of ecocentrism. Enabled by promoting and normalising both ecocentric thought and by ecocentric governance through RoN. Second, the discourse makes Dutch society aware of the historic and contemporary harmful role of anthropocentrism in the respective natural areas on a societal and institutional level. Third, because of the novelty of both RoN and the idea of ecocentrism, normative resistance is evident. Mainly in the discourse of the Scheldts and the Wadden Sea, where the resistance is similarly prevalent on both an institutional and societal level. Deeply entrenched anthropocentric logic, culture and systems are at the backbone of this, I argue. Moreover, the democratic and cultural value of consensus-building in Dutch governance is argued to additionally hinder in Wadden Sea governance. Last, the discourse promotes and proposes the institutionalisation of RoN to enforce and integrate more harmonious and ecocentric human-nature relations in the respective natural areas. Across the Dutch RoN discourse, legal personhood and adhering human guardianship are the main RoN form proposed to do so.

KEYWORDS: *Rights of Nature, Dutch Human-Nature Relations, Anthropocentrism, Ecocentrism, Biodiversity Governance, North Sea, Wadden Sea, Eastern- and Western Scheldt (max. 10)*

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Chapter 1: Introduction

1.1 Introduction

‘How can nature have rights?’ ‘If such rights of nature are more effective at protecting nature; let’s make it work!’ ‘If a river floods and damages us, they cannot be held accountable either?’ ‘Rights to nature only complexify the legal landscape’. These types of quotes derived from the Dutch Rights of Nature (RoN) discourse, show the diversity of responses to a novel idea. Currently, human-nature relations are unsustainable in the Netherlands. Following the detrimental ecological state of the Dutch Eastern- and Western Scheldt (hereafter: Scheldts), Dutch part of the Wadden Sea and North Sea, current Dutch human-nature relations across the natural areas persist to be detrimental towards nature.¹ Inspired by a global movement, the Dutch RoN movement aims to improve this relation by promoting the institutionalisation of rights to enforce a more harmonious human-nature relationship. Posited in a pre-implementation phase of Dutch RoN, where RoN implementation has not occurred as of yet, the discourse aspires to promote and implement rights for the Dutch Wadden Sea, North Sea and Scheldts. The power of structural rights, mainly through legal personhood but also other forms proposed, enforces human society to not harm or exploit natural areas. As such, integral protection of biodiversity can be enforced and the deficiency in current biodiversity governance can be addressed.² Along the road, analysing a discursive period between 2018 and 2025, the Dutch RoN discourse does potentially influence Dutch human-nature relations. The RoN discourse in itself might thus have an influence, aside from the potential influence of RoN implementation, on Dutch values, systems and culture towards nature. Previous studies have focussed on the philosophical essence of RoN, the legal implementation of RoN in other countries or its effectivity (see Historiography). However, discursive contexts of RoN have been studied rarely. Not for the Dutch context either. Seeking ways to improve and transform current harmful Dutch human-nature relations, it is relevant to study how the Dutch RoN movement and its discourse has contributed so far. Due to its promising ability of protecting biodiversity, and indirectly, human life by promoting a more harmonious human-nature relationship.³ After all, discourses are crucial to societal movements like these and play a crucial role in transforming ideas into reality. Understanding the discourse in turn contributes to understanding the movement as well as its potential implications on the aspired goal. The comprehensive understanding of the

¹ See the introductory parts (2.1; 3.1; 4.1) of each chapter.

² Daniel P. Corrigan and Markku Oksanen, *Rights of Nature: A Re-Examination*, 1st ed., (Routledge, 2021), 1-2, <https://doi.org/10.4324/9780367479589>.

³ Daniel P. Corrigan and Markku Oksanen, *“Rights of Nature: A Re-Examination,”* 1st ed., (Routledge, 2021), 1-2, <https://doi.org/10.4324/9780367479589>.

movement, specifically the RoN discourse, is relevant for the Dutch government, policy-makers and other human actors involved in decisions that affect and govern these natural areas.

Moreover, the RoN movement can be positioned in a broader historical trend of ecocentric thought, which has emerged as a critical response and alternative towards the dominant and destructive anthropocentric paradigm.⁴ The RoN movement advocates for a normative shift in how humans perceive and interact with nature, with RoN as the means to do so.⁵ Historically, rights have been utilised as a tool of advancing human life and have therefore mostly been anthropocentric; serving the interest of humans.⁶ Attributing rights to nature thus reflects a radical idea from a social, economic, political as well as legal perspective. Rights of nature would imply a paradigm shift to legal frameworks and democratic fundamentals. However, granting rights to enslaved people and women were in its *zeitgeist* also perceived as radical, and a radical transformation to existing social-economic structures. Signifying a historic novelty, rights of nature continues a historic emancipatory trajectory of granting rights to marginalised entities; such as enslaved people, migrants and women. A fundamental part of these historic emancipatory transformations has been the underlying discourse constructing, contesting, experimenting and eventually advancing these ideas.

In the Netherlands, RoN has been subjected to the Waddensea, Northsea, and the Eastern- and Western Scheldts, which are ecologically, but also culturally and economically significant, yet inadequately protected despite existing regulations.⁷ Since 2018, the RoN discourse surrounding these three natural areas is prevalent amongst Dutch NGOs, media, politics and academics. This study will thus analyse the influence of this discourse on the human-nature relationship in the Netherlands, focusing on one case per chapter. The research question is: How has the Dutch Rights of Nature discourse, as reflected in the cases of the Northsea, the Waddensea, and the Eastern- and Western Scheldt, influenced normative understandings of human-nature relationship in the Netherlands between 2018 and the present? In each chapter, one case will be analysed. In each chapter, both the regional context will be assessed and the RoN discourse will be analysed. Each subquestion below reflects one chapter. In turn, the respective influence of the discourse relating to each respective natural area on the relationship between humans and that natural area will be assessed, as reflected in the formulation of the sub-questions.

⁴ See '1.3 Theoretical Framework'

⁵ "About GARN," GARN, accessed January 25, 2025, <https://www.garn.org/about-garn/>.

⁶ Mihnea Tănăsescu. "Rights of Nature, Legal Personality, and Indigenous Philosophies." *Transnational Environmental Law* 9, no. 3 (2020): 433. <https://doi.org/10.1017/S2047102520000217>.

⁷ See the introductory parts (2.1; 3.1; 4.1) of each chapter.

Research Questions

Research Question: How has the Dutch Rights of Nature discourse, as reflected in the cases of the Northsea, the Waddensea, and the Eastern- and Western Scheldt, influenced normative understandings of human-nature relationship in the Netherlands between 2018 and the present?

Sub-question 1: How has the Dutch Rights of Nature discourse, as reflected in the case of the Waddensea, influenced normative understandings of the human-Waddensea relationship?

Subquestion 2: How has the Dutch Rights of Nature discourse, as reflected in the case of the Northsea, transformed normative understandings of the human-Northsea relationship?

Subquestion 3: How has the Dutch Rights of Nature discourse, as reflected in the case of the Eastern and Western Scheldts, transformed normative understandings of the human-Scheldts relationship?

1.2 Historiography

In this subchapter I will dive deeper into the academic origins and previous literature on the novel RoN, to conclude with the thesis' academic contributions to that. I will assess studies focussing on distinct national contexts of RoN, to position the Dutch RoN context within the broader global RoN context. At the same time, portraying how other countries have initiated, catalysed and implemented RoN norms. Last, I will dive into academic articles assessing rights of the Scheldts and the Wadden Sea, though from a legal and governance perspective.

The Birth of the Rights of Nature

Christopher Stone is considered the first academic in 1972 to elaborate on the legal standing of nature. Accelerating 36 years later, Ecuador left a mark on the movement as the first government to integrate rights for nature in its constitution in 2008.⁸ Conceptualising 'All of Nature' to 'exist, to maintain its integrity as an ecosystem and to be restored if injured', Ecuador pioneered with a strong legal RoN norm.⁹ As of today, more than hundred countries have embedded RoN in some legal framework, across national, regional and local governments. The majority of legal frameworks have been initiated in the last decade.¹⁰ On a multilateral level, rights of nature have been proposed within a Universal Declaration of the Rights of Mother Earth (2010), its importance as a promising tool for achieving Sustainable Development Goals emphasised in the annual UN General Assembly and through the

⁸ Lambooy et al., "A Case for," 791 and 794.

⁹ Kaufmann and Martin, "Constructing Rights of Nature Norms," 45.

¹⁰ "About GARN," Global Alliance for the Rights of Nature (GARN), accessed January 23, 2025, at <https://www.garn.org/about-garn/>.

founding of the UN Harmony with Nature Programme (2016) where global experts advise on Earth jurisprudence, including RoN, as a promising solution for member states.¹¹

The historic novelty of the topic, implies an academic novelty as well. The academic standing is rather recent and broadly oriented. Most studies have focused on the philosophy of the rights of nature, its origins and its theoretical implications.¹² Throughout the 2010s, following rights of nature developments, with Ecuador, New Zealand and the United States as the most prominent cases, studies have empirically assessed local implications and legal effectivity as well.¹³ For this thesis, however, legal or governance debates will not be the main focus. Taking a socio-historical perspective, this thesis focusses on Dutch RoN norms and the adhering contexts, to understand the influence of societal RoN discourse on normative understandings of human-nature relationships. Conducting a historical assessment on the Dutch RoN discourse over the last decade, and the contexts in which it is set, allows to understand how the discourse constructs, contests and/or expresses normative expressions of human-nature relationships. Moreover, this study helps to understand and contribute to a promising societal movement. Last, it helps to understand how within a movement ideas transform to a form of implementation, and the role that discourse plays within.

Distinct Interests, Distinct Rights of Nature Norms

Recognising the relative academic novelty of RoN, the angle of norm construction is rather thin in coverage. The several articles discussed mainly focus on legal RoN norms, the contextualised emergence or construction of RoN, or its effectivity. Last, the findings of the few Dutch case-studies in relation to RoN, namely on the Scheldts and Waddensea, will be briefly highlighted. An article by Kauffman and Martin (2018) researches how in varying countries with distinct contexts, distinct legal RoN norms are implemented. Aiming to understand how localised norms can differ from global meta-norms, the authors highlight the construction of distinct expressions of legal RoN norms in Ecuador, United States and New Zealand. RoN laws in these countries differ in answering crucial normative questions differing in: formulated demarcation of a natural area (all of nature; ecosystems in the municipality; a river or specific forest), what specific rights to recognise (right to exist and maintain

¹¹ Craig M. Kauffman and Pamela L. Martin, 2018, "Constructing Rights of Nature Norms in the US, Ecuador, and New Zealand," *Global Environmental Politics* 18 (4): 36-38, https://doi.org/10.1162/glep_a_00481.

¹² See for example Mihnea Tănăsescu, "Rights of Nature, Legal Personality, and Indigenous Philosophies," *Transnational Environmental Law* 9, no. 3 (2020): 429-53, <https://doi.org/10.1017/S2047102520000217>; Corrigan and Oksanen, "Rights of Nature," 1-33 and 101-118

¹³ See Lambooy et al., "A Case for," 786-803; Craig M. Kauffman and Pamela L. Martin, 2017, "Can Rights of Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail," *World Development* 92, no. 3: 130-142, <https://doi.org/10.1016/j.worlddev.2016.11.017>; Louis J. Kotzé, and Paola V. Calzadilla, "Somewhere between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador," *Transnational Environmental Law* 6, no. 3 (2017): 401-33, <https://doi.org/10.1017/S2047102517000061>; Herman K. Gilissen et al., 2019, "Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins," *Water International* 44, (6-7): 714-715, <https://doi.org/10.1080/02508060.2019.1649629>.

ecosystem integrity; to exist and flourish; legal personhood), the strength of the rights (constitution; municipal ordinances; national Acts of Parliament) and which actors are responsible for its protection (everyone; municipality citizens; appointed guardians).¹⁴ Following a comparative historical analysis, the article concludes varying contextualised legal RoN norms, though inspired by similar international RoN meta-norms, to be a result of unique contextualised conditions and processes of norm contestation. Three main conditions are highlighted: First, the national political opportunity structures influencing the form of legal provision acknowledged. Second, the types of organisations and socio-political alliance structures fostering its development, which determine the interests pursued. Third, the cultural or rhetorical frame of the RoN development which mobilise support. These elements collectively determined the strength and scope of RoN laws and thus the institutionalised RoN norms expressed. In the United States, local RoN initiatives were initiated and expanded by the Community Environmental Legal Defense Fund (CELDF). Via Community Bill of Rights, CELDF framed RoN as a tool of local democracy "to confront the usurpation by corporations of the rights of communities, people, and earth." Argued to culturally resonate with the US, this democratic legal tool has been expanded by a professional national network of environmental lawyers and grassroots activists to challenge local corporate property rights and destruction of ecosystems in politically diverse US local political arenas.¹⁵ In addition, Rodrigues (2014) found some of these local US RoN legal formulations to be ineffective in transforming the relationship with nature, due to narrow, ideological and anthropocentric formulations.¹⁶

In Ecuador and New Zealand, on the other hand, indigenous interests and post-colonialism have been crucial elements to have developed RoN in the last decades. In Ecuador, a window of opportunity emerged from a newly drafted constitution in 2007 where the, at the time, alliance structures of leftist political movements, environmental NGOs and indigenous movements constructed a post-neoliberal development model for the country. The development model was significantly shaped through cultural indigenous concepts, rhetorically defended to be enhanced by RoN.¹⁷ In New Zealand, the RoN laws emerged from settling historic disputes over land between the New Zealand's Crown government and two Māori tribes. Following years of negotiations, the two tribal Acts of Parliament were passed in 2014 and 2017. The emphasis on guardianship, rather than ownership, of two indigenous tribes over the Whanganui River and the Te Urewera Forest enabled an agreement. RoN laws were constructed in

¹⁴ Kaufmann and Martin, "Constructing Rights of Nature Norms," 45.

¹⁵ Kaufmann and Martin, "Constructing Rights of Nature Norms," 45.

¹⁶ Sara Rodrigues, 2014, "Localising 'the Rights of Nature': A Critical Discourse Analysis," *Green Letters* 18 (2): 182, <https://doi.org/10.1080/14688417.2014.901895>.

¹⁷ Kaufmann and Martin, "Constructing Rights of Nature Norms," 53

the form of legal personhood for a significant national river and forest, with appointed guardians of the area's legal, spiritual and cultural rights.¹⁸ The article shows how distinct national RoN discourses, referred to as contexts in the article, can result into distinct RoN legal norms. The (legal) norms, in turn, ranged in conceptual scope and legal strength hence determining the power of RoN in transforming human-nature relationships. Moreover, the domestic contexts determined how RoN were constructed, contested and expressed institutionally.¹⁹

Taking the Ecuadorian legal RoN discourse a step further, Laastadt (2019) and Kaufmann and Martin (2017) examine its RoN normative expressions in a phase of post-implementation.²⁰ First, Laastadt. Examining Ecuadorian RoN discourse prevalent ten years after rights of nature implementation in the constitution, Laastadt (2019) shows how Ecuadorian RoN were contemporarily understood and employed.²¹ Ecuadorian RoN lawsuits have in most cases (10 out of 13) been proven to be successful.²² However, as a result of the abstract RoN formulations, a discursive struggle on the Ecuadorian RoN arose after implementation in 2008. Considering Ecuador's developmental model is based on extraction and export of natural resources, this contrasts with RoN. Observing three rhetorical narratives, conceptualised as the transformative discourse (;justification for continued struggle against the capitalist system), the anti-capitalist ecologist discourse (;a potential instrument for a necessary global transformation of the human-nature relationship) and the anthropocentric developmental discourse (;a possible form of stronger environmental regulation), he finds the latter to be the hegemonic one. The other two discourses are argued to be far removed from Ecuadorian political reality. Laastadt concludes that this might explain why in Ecuador continued and increased resource extraction can co-exist with rights of nature.²³ Similarly situated in a post-implementation phase of Ecuador's RoN, Kauffman and Martin (2017) assessed under which trajectories Ecuador's RoN lawsuits were most successful. Ecuadorian RoN lawsuits have in most cases (10 out of 13) proven to be successful. However, civil society pressure was said to be least successful in applying Ecuadorian RoN laws because indigenous and environmentalist activists had politicised the RoN. Trajectories of instrumental government action, bureaucratic routine and juridical understanding of RoN jurisprudence have proven to be more successful.²⁴

¹⁸ Kaufmann and Martin, "Constructing Rights of Nature Norms," 56-58

¹⁹ Kaufmann and Martin, "Constructing Rights of Nature Norms," 59-60

²⁰ Coined as such to distinct distinct phases of normative contexts. Implemented phase implies the study of normative RoN legal formulations. Post-implementation implies the normative expressions of the legal formulations after practical application.

²¹ Synneva G. Laastadt, 2019, "Nature as a Subject of Rights? National Discourses on Ecuador's Constitutional Rights of Nature," *Forum for Development Studies* 47 (3): 422, <https://doi.org/10.1080/08039410.2019.1654544>.

²² Kauffman and Martin, "Can Rights of," 138-139

²³ Laastadt, "Nature as a," 422

²⁴ Kauffman and Martin, "Can Rights of," 138-139

Moreover, Laastadt (2019) states RoN to be overdetermined more generally; to contain a surplus of meaning. The overdetermination in Ecuador is worsened by the constitutional formulation, rather than concretised, and has allowed RoN to have been constructed with varying meaning in accordance with political agendas over the years.²⁵ A similar finding holds for Kauffman and Martin (2017), who find that the Ecuadorian RoN discourse has and can still be normatively reconstructed on the legal level after implementation; for better or worse.²⁶ The Ecuadorian RoN laws here confirm that the normative development and enforcement thereof is a constant process. Therefore, whatever the results reveal, arguably the Dutch RoN discourse is not fixed in its influence on human-nature relationships either. Portraying how abstract discourse can be prone to manipulation, this consideration is similarly important for the Dutch RoN discourse which might similarly be broad and abstract due to its domestic novelty.²⁷ Moreover, whereas Laastadt (2019) and Kauffman and Martin (2017) have examined RoN discourse in a phase of post-implementation, this thesis will examine the Dutch RoN discourse in a phase of pre-implementation. The latter is arguably a phase where RoN is less advanced, understood nor defined as much therefore likely influencing normative understandings of human-nature relationships differently compared to a post-implementation phase. By understanding the Dutch RoN discourse, the results can be compared to the normative expressions in the possible future implemented and post-implemented context.²⁸

In accordance with Laastadt (2019), Rodrigues (2014) reasons how the intention and frame of US RoN discourse can influence effectivity and thus influence the aspired human-nature relationships.²⁹ The article by Rodrigues (2014) assesses two local US Community Bill of Rights, expressed as US RoN laws, through a critical discourse analysis. Studying normative expressions in both the phase of implementation and post-implementation, she argues the normative formulations of 'natural environment' to be narrow, ideological and anthropocentric. As a result of these legal formulations, these localised laws limit successful execution and limit the disruption of anthropocentric human-nature relationships, Rodrigues argues. Ultimately, the article reasons how these localised American applications of rights of nature showcase humans are pursuing transforming their relationship with nature. Moreover, she argues that only if the RoN discourse becomes widespread enough it can have a regulatory effect. However, within this conceptualisation and its operative limits these two local cases are 'merely a symbolic reworking of the metabolic rift.'³⁰

²⁵ Laastadt, "Nature as a," 402-406

²⁶ Kauffman and Martin, "Can Rights of," 138-139

²⁷ Laastadt, "Nature as a," 402-406

²⁸ For implemented contexts see Kaufmann and Martin, "Constructing Rights of Nature"; For post-implemented contexts see Laastadt, "Nature as a" and Kauffman and Martin, "Can Rights of"

²⁹ Rodrigues, "Localising 'the rights,'" 182

³⁰ Rodrigues, "Localising 'the rights,'" 181-182

This thesis similarly aims to take into account how RoN discourse influence human-nature relationships, though by looking at Dutch RoN discourse as situated in a discursive form rather than in legal form; and by looking into phase of pre-implementation rather than implementation. As Rodrigues notes, the legal discourse, or its conceptualisation, is rather narrow, ideological and anthropocentric limiting effectiveness.³¹ Enhanced by an analysis of the Dutch RoN discourse, this study can additionally serve as a critical study to the Dutch RoN discourse to contribute to more effective, possibly future, Dutch RoN laws.

Rights of Nature for the Dutch Waddensea, Northsea and Scheldts?

As highlighted in the introduction, the Dutch natural areas the Waddensea, the Northsea and the Eastern- and Western Scheldt have been subjugated to rights of nature. Additional to the RoN discourse analyses, a contextualised assessment of each case, including the specific stakeholders, environmental issues and expressions of the human-case relationship will be provided.

Academically, however, only the Scheldt and Waddensea have been assessed in relation to rights of nature. More precisely, the Scheldt has been scoped throughout its full West-European coverage. Originating in France and running through Belgium, the transboundary river basin Scheldt passes through the Dutch estuaries Eastern- and Western Scheldt, located in the province of *Zeeland*, to end up in the Northsea.³² From an EU-governmental perspective, Gilissen et al. (2019) argue a right-based approach to offer a more integral and effective supranational protective framework for EU-transboundary river basins, such as the Scheldt and Ems, than current EU frameworks do. The latter namely exposes systemic difficulties and institutional complexity. In order to achieve legal water quality standards, however, the right-based approach must meet certain conditions. First, the willingness of EU member states to share the international river basin districts, revise the relation between ecological needs and their national socio-economic interests and partly shift power and responsibilities to a supranational authority to safeguard its rights. The article targets the Scheldt river basin as a whole, whereas this thesis focuses on the Dutch Western- and Eastern Scheldt estuary.³³

Additionally, Lambooy, van de Venis, and Stokkermans (2019) have paved the way for a Dutch legal RoN norm, by researching RoN possibilities for the Dutch part of the Waddensea. In their assessment, they consider possibilities in the international and Dutch legal frameworks. Under the legal form of *natuurschap* (natureship), the Waddensea could be granted rights in the Dutch legal

³¹ Rodrigues, "Localising 'the rights,'" 182

³² Herman K. Gilissen et al., 2019, "Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins," *Water International* 44, (6-7): 702, <https://doi.org/10.1080/02508060.2019.1649629>

³³ Herman K. Gilissen et al., "Towards a Rights-Based," 714-715

framework to maintain the ecosystems in a health condition.³⁴ Currently, European regulation is provided for natural areas of the EU, and thus for the Dutch Waddensea, Northsea and Scheldts, and are set out in the form of directives. Directives provide guidelines with goals which have to be abided by EU member states. Subsequently, member states formulate their own domestic laws to consolidate these directives. Within the Dutch national legal framework, protection of the Waddensea derives from the Waddensea zoning framework initiated by the Dutch parliament. This framework aims for sustainable protection and development of the Waddensea as a natural area but leaves space for 'co-usage', which means human activity in 'the form of shipping (including ports), recreation, agriculture, military activity, mining (gas and salt), and fishing'.³⁵ The Dutch government has initiated a governing entity for the Waddensea in 2019, to reduce the existing governmental complexities in Waddensea management. However, Lambooy et al. (2019) argue the entity seems to be lacking its potential to achieve the formulated goals in nature quality.³⁶ In contrast to the German and Danish part of the Waddensea, the Dutch part does not possess a status as national park. The article subsequently sets forth a legal analysis of its limited protection, which in practice allows for current anthropocentric human-nature relationships in the Waddensea due to intensive 'co-usage'. Rights of nature offer a solution to overcome the legal shortcomings.³⁷ The proposed Wadden Sea Natureship could serve as a domestic legal enforceable mechanism in order to meet international treaties and European law. This legal form could similarly serve other Dutch natural areas.³⁸

Research Gap and Contribution

Concludingly, the articles by Kaufmann and Martin (2018), Laastadt (2019) and Rodrigues (2014) portray how the varying national contexts contribute more than merely the (non) acceptance of an international norm, they serve as the prime field for the construction of the norm. Therefore, this thesis adds on to these articles, due to its contextualised scope of RoN discourse. Assessing localised contexts in order to understand and apply RoN feasibility more effectively, has shown to contribute. As argued before, international norms easily fall prey to abstractness and generic formulations. As all three articles have shown, importance lays with contextualised understanding of norm construction. The Dutch RoN discourse across the Waddensea, Northsea and the Scheldt has similarly been inspired by the international RoN meta-norms but might be significantly distinct. The thesis also contributes to understanding Dutch historical (RoN) norm constructions, contestations and expressions and the interplay between the global, national and regional level.

³⁴ Lambooy et al., "A Case for," 798-801.

³⁵ Lambooy et al., "A Case for," 789-791.

³⁶ Lambooy et al., "A Case for," 800-801.

³⁷ Lambooy et al., "A Case for," 789-791.

³⁸ Lambooy et al., "A Case for," 800.

More strikingly, this thesis focusses on Dutch RoN discourse and on regional contextualisation within, which are both substantially novel to the study rights of nature. Moreover, the discussed articles have focused on legal norms mostly, whereas this thesis studies norms prevalent in academic, political and media discourse. Additionally, legal RoN (legal) norms have been examined mostly in a phase of implementation or post-implementation. An analysis has been done by Kauffman and Martin (2018) on the contextualised institutional framework allowing legal RoN norms to be constructed in three countries, however no attention has been given to the normative discourse driving it. This thesis examines the preceding normative discourses whilst adjusting for the regional contexts.

As the global RoN movement is experiencing rapid growth, the Dutch segment of the movement is currently in an early phase where numerous natural areas are subjected to rights but no concrete implementation has followed as of yet. In an early phase, where most effort can be traced in stages of norm construction, creation of awareness and discursive practices, this study helps to understand the movement in a phase of transforming ideas to concrete implementation. Also, it contributes to understand how discourse constructs, contests and expresses norms. Last, this phase of the movement is relevant and unique to study. Understanding the Dutch RoN discourse, and its historic development, at this point can help to bring the movement ahead. In turn, understanding the discourse's influence on human-nature relationships contributes to understanding elements of movement discourse and its (in)effective elements.

1.3 Theoretical Framework

Rights of nature

As of 2025, rights of nature is a hot though understudied topic. Situated in a biodiversity crisis, RoN sparks a hopeful sentiment embodying a novel tool which, if implemented on a global scale, can have a significant impact on biodiversity protection. As a response to humanity's desperate call for sustainable life on earth, the global intentions behind the rights of nature are rather clear; a concrete definition there is, however, not. Nature needs to be protected more effectively than current environmental protective frameworks do, lacking in practical execution.³⁹ In order to so, what type of rights are to be attributed? What formulations can realise concrete enforcement and do not leave space for conflicting interests? In what legal form can the rights be integrated most effectively into existing institutional frameworks? Who is to represent these rights as nature cannot speak for themselves? When is nature violated? Theoretically, a promising idea. Practically, challenging to define. Next to the rights not to be harmed and to flourish, similar to human rights, a right to a voice, democratic voice to nature is also proposed. Especially in the Dutch RoN discourse this is important,

³⁹ See Jaureguiberry et al., "The direct drivers"; Lambooy et al., "A case for"; Gilissen et al., "Towards a Right-Based".

as the Dutch NGO *Ambassade van de Noordzee* has proposed this.⁴⁰ Without diving too much into the ontology and legal discussion of rights, several studies will be highlighted in their distinct attempts to define and empirically assess rights of nature.

Rights of nature is the central concept to this thesis. In most research, rights of nature is understood, examined and defined as legal personhood similar to the way attributed to humans and corporations.⁴¹ However, rights of nature have also distinctly been constructed within local ordinances, national laws or the Universal Declaration of the Rights of Mother Earth without granting legal personhood.⁴² The article 'Rights of nature, legal personality and indigenous philosophy' critically elaborates upon the often assumed theoretical relationships between rights of nature and indigenous philosophies, including values of ecocentrism. Despite acknowledging the global RoN aim of biodiversity protection, Tănăsescu argues rights of nature to not necessarily be a matter of ecocentric values. A contextualised analysis of Ecuador and New Zealand portrays how RoN is rather applied as a matter of indigenous emancipatory politics.⁴³ In accordance with Kauffman and Martin's (2018) contextualised findings, the indigenous emancipatory struggle for dignity and sovereignty has rhetorically lifted RoN as a solution to do so. Despite integrated values of biodiversity within these indigenous cultures, RoN was applied anthropocentrically; as a matter of emancipation of the indigenous rather than nature.⁴⁴ Nevertheless, following a global development of RoN, the global rights of nature movement can be regarded to pursue an ultimate goal: a paradigm shift of the relationship between humans and nature through transforming (in)formal rules of human behaviours which are more ecologically sustainable. By means of institutionalisation, it proposes a novel legal paradigm to enforce such a paradigm shift advancing current environmental law which has proven to be ineffective, considers ecosystems as legal objects, in other words property, and is said to be anthropocentrically framed.⁴⁵

The content of the rights of nature depends on what is entitled to the natural entity. In some occasions, a minimalist approach might conceptualise it as a right 'not to be damaged, degraded, or interfered with' attributed to an actor to protect these rights. A broader approach might attribute rights of restoration, implying a more demanding burden upon the perpetrator.⁴⁶ Formulations are thus crucial

⁴⁰ Ambassade van de Noordzee, "Route tot 2030".

⁴¹ Kauffman, Craig M., and Pamela L. Martin. *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future*, (The MIT Press, Cambridge), 15-16, direct.mit.edu/books/oa-monograph/5158/The-Politics-of-Rights-of-NatureStrategies-for

⁴² Kauffman and Martin, "The Politics of Rights," 16 & 36-37.

⁴³ Tănăsescu, "Rights of Nature," 429 & 452-453.

⁴⁴ Kauffman and Martin, "Constructing Rights of Nature," 53.

⁴⁵ Kauffman and Martin, "The Politics of Rights," 7.

⁴⁶ Corrigan and Oksanen, "Rights of Nature," 10.

for the effective power of environmental rights and the normative expressions of human-nature relationships flowing from this. In Chapter (2.2) I will argue and outline a categorisation of type of rights of nature to exist

The inductive approach of this thesis, through a discourse analysis of Dutch RoN discourse, is better served by an open definition of the rights of nature. The *Ambassade van de Noordzee*, the Dutch NGO lobbying for rights of the Northsea, is considering a democratic voice to the Northsea at the decision-making table, based on listening, speaking and negotiating with the Northsea.⁴⁷ Moreover, the Dutch media sources to be analysed possibly discuss a wide range of rights for natural areas, thus necessitating an open approach to examining rights in the discourse analysis. Last, most academic studies elaborate on the aims, implications and applied formulations of rights of nature, rather than achieving a concrete definition of the matter. The definition is set depending on the construction of RoN in applied formulation, form and legal framework. Therefore, accounting for the possible diverse interpretations of rights proposed for the Dutch cases examined, rights of nature will be openly defined as follows: “Rights of nature are institutionalised (legal) rights, in whatever type or form, attributed to natural areas or entities in an attempt to acknowledge, respect and protect them as a valuable living entity.”⁴⁸

Ecocentrism and Anthropocentrism

The ecocentrism paradigm positions nature and natural entities as inherently valuable in itself, and not merely instrumental, to the benefit of humans. All living nature in this sense is regarded as a subject and as an entity worthy of living, flourishing and progressing; such as a river, animal or a forest etc. Ecocentric values include values of ecological care, nourishment, empathy and relationality. To acknowledge relationality between humans and nature, but also to recognise non-human nature’s intrinsic value and taking nature’s perspective.⁴⁹ Ecocentrism as an idea further developed at the beginning of the 20th century, as a critical response to the dominant paradigm of this era: Anthropocentrism. Anthropocentrism is argued to have appeared for the first time around the 1860s, with the expansion of colonialism and industrialisation.⁵⁰ Situated in a human-centred era, nature is treated and has value in its utility to human interest in the Anthropocene. Its exploitation is justified as such.⁵¹ The instrumentalisation of nature such as agriculture, oil drilling or the construction of novel

⁴⁷ Ambassade van de Noordzee, “Route tot 2030 ” accessed January 23, 2025, <https://www.ambassadevandenoordzee.nl/route-2030/>.

⁴⁸ A self-made definition

⁴⁹ Tănăsescu, “Rights of Nature,” 432.

⁵⁰ Angstadt and Houdequin, “Taking stock,” 22-27

⁵¹ Contreras-Medina et al., *Ecocentrism for Knowledge Management and Sustainability: Theoretical and Practical Studies in the Post-Industrial Era*, 1st ed., (Routledge, 2024), 9.

infrastructure currently cause the depletion of land and water resources. Also applicable to the three to-be-discussed Dutch natural areas here. Current global economic infrastructures are based on this anthropocentric notion.⁵² Humans are separate, superior to and the sole living entity to possess intrinsic moral value in the Anthropocene.⁵³ Historically, rights and legal frameworks reflect a Western anthropocentric ontology, to advance and serve the human, and depict nature in relation to humans' usage of land, water or animals. This trend has continued and expanded in the 21st century usage of law.⁵⁴ Therefore, a more radical, not only shift in societal ecocentric values, but also ecocentric-based legal paradigm shift is likely aspired through the rights of nature. This thesis assesses how ecocentric values are prevalent in the Dutch RoN discourse to understand its influence on human-nature relationships.

In an effort to advance RoN movement, examples of indigenous culture are frequently displayed as an inspiring and aspiration example of ecocentric human-nature relationships towards non-indigenous and Western societies. Rights of nature are often argued to interrelate with ecocentric values derived from indigenous perspectives. A philosophical approach to ecocentric lifestyle is said to be embedded in indigenous cultures, as shown by the contextualised studies of Tănăsescu (2019) and Kauffman and Martin (2018).⁵⁵ Moreover, though argued to be simplistic to indigenous causes, indigenous communities are argued to live and have lived according to ecocentric principles. These principles are reflected through human-nature values of reciprocity, interconnectedness, care and resource management.⁵⁶ Rights of nature thus, Tănăsescu elaborates, are a strategic effort to institutionalise such ecocentric norms in non-indigenous societies.⁵⁷

To contextualise rights of nature, the paradigms of anthropocentrism and ecocentrism will be integrated as broad systematic ideas and normative understandings. These value-driven paradigms underpin the normative understandings of human-nature relationships as analysed in the three Dutch cases.

⁵² Vaupel, "The Biodiversity Crisis", Exhibit 4

⁵³ Contreras-Medina et al., "*Ecocentrism for Knowledge*", 9.

⁵⁴ Tănăsescu, "Rights of Nature", 433.

⁵⁵ See Tănăsescu, "Rights of Nature" and Kaufmann and Martin, "Constructing Rights of Nature Norms"

⁵⁶ Tănăsescu, "Rights of Nature," 431-434.

⁵⁷ Tănăsescu, "Rights of Nature," 452-453.

1.4 Methods

Approach

The Dutch RoN discourse will be analysed across three significant Dutch significant natural areas: the Dutch part of the Northsea, Waddensea and the Western- and Eastern Scheldt. These natural areas will be referred to as cases in this thesis. Aiming for both a domestic and regional understanding of Dutch RoN discourse, these cases and the corresponding discourses will be examined in their respective contexts. Each chapter will analyse the RoN discourse per case, and will be accompanied by a contextual analysis including the specific stakeholders, environmental issues and normative expressions of the human-case relationship.

To capture the broadly positioned discourse prevalent in all three cases, across Dutch media, politics, NGOs and academics, a broad range of primary sources are selected per case. The primary sources comprise textual and audio- visual sources, ranging from recorded events and a podcast to news articles and academic sources. The sources are derived from different platforms which significantly contribute to domestic discourse and norm construction more generally, namely (Dutch) media, academia, politics and NGOs. First, for the Eastern- and Western Scheldt will be analysed according to national and regional media publications of *Omroep Zeeland*, *De Trouw* and *NOS*, web publications and events of NGO *Rechten van de Scheldes* and an academic publication.⁵⁸ Second, for the case of the Northsea, primary sources comprise web publications and events of NGO *Ambassade van de Noordzee*, an interview with the founder of *Ambassade van de Noordzee*, a book, a few media publications and an academic publication. Last, for the case of the Waddensea, primary sources are derived from Dutch parliamentary documentation (in Dutch: *Kamerstukken*), Dutch national newspapers *De Trouw* and *De Volkskrant*, several Dutch national radio-programmes, and several academic publications. Several sources, such as a podcast, radio- and video items, will be transcribed.

The primary sources covered per case are extensive in number, and diverse in medium (media, politics, NGO, academia) and form (news articles, events, podcast). Aiming to reflect a more general RoN discourse, the diversity and amount are beneficial to grasp a nuanced and more all-encompassing consideration of the Dutch RoN discourse per case. This improves the validity of the analysis of RoN discourse, instead of merely focussing on e.g. news articles.

⁵⁸ *Nederlandse Omroep Stichting* is the main and largest Dutch news platform: the Dutch equivalent of BBC News; *Omroep Zeeland* is the main regional broadcast platform of the Dutch province of *Zeeland*, where the Scheldts are located.

Critical Discourse Analysis

The corpus of primary sources comprise textual and to a lower extent audio-visual sources, which will be transcribed. Therefore, Critical Discourse Analysis will be utilised as main analytical tool. A Critical Discourse Analysis (CDA) investigates how social power structures are realised, reproduced, legitimised and opposed in textual and verbal form in a social and political context. CDA regards language as a social practice, as a site of struggle for power and ideologies.⁵⁹ Whereas CDA usually focuses on socially margined groups, this thesis will apply the concept to non-human marginalised entities: natural areas.

CDA allows micro-elements of linguistic devices to be studied within macro-elements of social-cultural structures and power relations.⁶⁰ The renowned three-dimensional Fairclough- model of CDA will be applied as it allows to embed the discursive results most thoroughly within the human-nature relationship; within the contextualised socio-cultural frameworks, normative expressions of the human-nature relations and the underpinning power dynamics prevalent in each case and the larger domestic context.⁶¹ In order to analyse the Dutch RoN discourse, the first step will be a pure linguistic analysis (micro-level) of each primary source. Through this close-reading, I will look at word choice, formulations, tone, connotations and linguistic devices. Second, the linguistic analysis will be contextualised in the discursive practice (meso-level) considering the author, platform, interests, distribution, audience and intertextuality of the primary source. Third, I will collect the results of the linguistic and discursive analysis of all primary sources per case. Through coding, I will label more frequently assessed normative notions within the primary sources per case. All primary sources within one case are assumed to relate to a similar broader regional context. Therefore, I will then relate the findings per case to the assessed regional context. Lastly, I will use these findings to embed the case-specific RoN discourse to the discussed concepts of anthropocentrism, ecocentrism and rights of nature. As such, I can detect the possible changing underpinning power structures and social-cultural structures within the Dutch RoN discourses (macro-level). Concludingly, the discourse analysis should direct how broader discursive norms on human-nature relationships for each case are reinforced, questioned and/or contested within the respective regional contexts.

⁵⁹ Teun A. van Dijk, "Critical Discourse Analysis." In *The Handbook of Discourse Analysis* 2, no. 1, (John Wiley & Sons, 2015), 466.

⁶⁰ van Dijk, "Critical Discourse Analysis.", 467-496.

⁶¹ Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language*, 2nd ed., (Routledge, London). 151- 176, <https://doi.org/10.4324/9781315834368>.

Chapter 2: Rights for the Scheldts Discourse

Subquestion: How has the Rights of the Scheldts (RoS) discourse influenced normative understandings of Dutch human-Scheldts relations, between 2018 and the present?

The Dutch Rights of the Scheldts (RoS) discourse in this chapter refers to the discourse surrounding the attribution of rights to the Western and Eastern Scheldt (hereafter: the Scheldts). The Dutch Scheldt-estuary refers to both Scheldts including the estuarian habitats surrounding the lakes, and is located in the province of Zeeland, as shown in Figure 1. These two estuaries have been subjugated to rights relatively recent and resembles the most recent Dutch case of RoN movement. This discourse manifests itself in four ways, I argue. First, the historic development of the Scheldts area will be briefly touched upon, forcibly prompting the ecological state that has emerged from it (1.1). Second, the gradual normalisation of ecocentrism as a main aim of the RoS discourse will be examined. Herein, I formulate a categorisation of types and forms of RoS, derived from the discourse (1.2). Third, I argue how the discourse positions anthropocentrism as a paradoxical narrative; anthropocentrism as both a cause as well as solution to the crisis in the Scheldts (1.3). I will then reflect upon the prevalent resistance to the unconventional idea of RoS, evident in the discourse (1.4).



Figure 1: Map of the Dutch Province of Zeeland showcasing the Eastern Scheldt (*Oosterschelde*) and Western Scheldt (*Westerschelde*)

2.1 From the *Watersnoodramp* in 1953, to ecological constraints for the Scheldts

The Dutch *Watersnoodramp* of 1953, a historic national flooding, is listed in the books as a national and regional trauma for the Netherlands and the province of Zeeland respectively. The vulnerable relations with the surrounding waters surged a need for the *Deltaplan* at the end of the 50s, which developed into a nation-wide aquatic defence system. Protecting inland habituated areas from future floods, this policy-package set out confining measures including embankments (*bedijkingen*) like dams, dykes, weirs and storm surge barriers (*stormvloedkeringen*) transforming the regional landscape and ecosystems. As a result, only a few waterways in the province of Zeeland remain in open connection with the sea and domestic waters; the Eastern Scheldt, Western Scheldt and New Waterway.⁶² Shrinking natural habitats and pushing out original species, human constructions across the last centur(ies) like the *Deltaplan* have increasingly and severely confined ecosystems. Other major human disruptors have been reclamations (*inpoldering*), fairway widening for water transport purposes, sand extraction, bend cuts, water pollution and paving along fairway trenches affecting the Scheldt-estuaria. Reclamations have not occurred in the last decades, but the ones from previous centuries are still ecologically felt today. Due to these anthropocentric practices of rigid artificial structures, core ecological issues developed over decades. Ecological processes have become more unnatural and natural habitats, such as salt marshes and mud flats, significantly shrunk in size. Subsequently, characterising animal and plant species do not have sufficient space and food to sustain populations.⁶³ The Flemish-Dutch Scheldt Commission thus argues, based on their system-analysis, that almost all points for improvement in the Scheldt-estuary can be traced back to two elements. The first is insufficient areal, meaning a shortage of distribution area for species. The second is

⁶² Joop Schaminée et al., *Dynamische Delta* (Bilthoven: WWF-NL, December 2021), 4, https://www.wwf.nl/globalassets/pdf/wwf_nl_dynamischedelta.pdf

⁶³ Vlaams-Nederlandse Scheldec commissie (VNSC), *Langetermijnperspectief voor de Natuur van het Schelde-estuarium: uitkomst van een proces met belanghebbenden uit Vlaanderen en Nederland* (Bergen op Zoom: VNSC, September, 2024), 24, https://www.zeeland.nl/sites/default/files/digitaalarchief/IB24_431c18ba.pdf

insufficient quality of natural areas.⁶⁴ An improvement in areal and quality of natural areas would significantly benefit all seventeen ecological elements assessed, such as the coastal breeding birds, salt marshes and mud flats and low-dynamic littoral zones.

2.2 A Gradual Normalisation of Ecocentrism

The Rights of the Scheldts (RoS) discourse generally aspires to contribute to the gradual normalisation of ecocentric thought. It does so in two prominent ways I argue. Primarily, through the normalisation of ecocentric norms and values. Secondly, through the normalisation of ecocentric governance. As such, I argue, the ecocentric thought does not remain at the surface level reflecting abstract values and inspirational ideals, but prompts ecocentric human systems.

2.2.1 Normalisation of ecocentric thought: norms and values

Revealing the Scheldts' ecological suffering, degradation and neglect, this discourse first prompts awareness and self-reflection amongst human actors. As set forth, stagnation of life 'which gets insufficient chances to flourish', because 'we have made it too rigid due to the embankments' and 'suffers from pollution' with 'pfas and microplastics causing new problems'⁶⁵ At the same time, 'both sections of the Scheldts have been amputated,' resulting in few wide foraging areas for birds and fish.⁶⁶As posited before, core ecological issues in the Scheldts are tightness in habitat, captured by an insufficient amount and quality of habitat, as caused by anthropocentric interventions of stagnation, deepening and embankments⁶⁷ As such, the violation of her intrinsic value is emphasised generally across the whole of RoS

⁶⁴ Vlaams-Nederlandse Scheldecommissie (VNSC), *Langetermijnperspectief voor de Natuur van het Schelde-estuarium: uitkomst van een proces met belanghebbenden uit Vlaanderen en Nederland* (Bergen op Zoom: VNSC, September, 2024), 11, https://www.zeeland.nl/sites/default/files/digitaalarchief/IB24_431c18ba.pdf

⁶⁵ Omroep Zeeland, "De Ooster- en Westerschelde moeten een voogd krijgen: ook zij hebben rechten," radio interview, Omroep Zeeland (September 28, 2023), <https://www.omroepzeeland.nl/nieuws/16818557/de-ooster-en-westerschelde-moeten-een-voogd-krijgen-ook-zij-hebben-rechten>.

⁶⁶ Onno Havermans, "Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt," *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-beschermt~bead76a1/>.

⁶⁷ Vlaams-Nederlandse Scheldecommissie (VNSC), *Langetermijnperspectief voor de Natuur van het Schelde-estuarium: uitkomst van een proces met belanghebbenden uit Vlaanderen en Nederland* (Bergen op Zoom: VNSC, September, 2024), 24-25, https://www.zeeland.nl/sites/default/files/digitaalarchief/IB24_431c18ba.pdf

discourse, igniting empathy, worry and care for the Scheldt and normalising these ecocentric values.

Amplifying her ecological perspective, the discourse takes a Scheldt-centric perspective to express her human-inflicted abuse and touch upon Scheldts' needs. Through techniques of anthropomorphism, hyperbole and an unconventional first-person narration of the Scheldt, her dignity as a being with intrinsic value and agency is accentuated. As such, these artistic expressions contribute to normalise ecocentric values and thought.

In a fictional dialogue, the Scheldt is given a first-person voice and longs for human care: 'I would love it if the people around me would also look at my health and make sure I am able to bring that vitality into that system. That there is not too much turbidity. That there are not too many polluting, dangerous substances getting into me.' This framing attributes sentience and subjectivity to the river, allowing it to voice not only its suffering, but also its longings: 'How do you look at the future?' 'Do you long for anything?' and the Scheldt answers the desire to enable generational transmission of understanding Scheldts' 'character, nature, soul'.⁶⁸ In introducing herself, the Scheldt is an, almost human, being with needs, a life story and an identity. These elements of anthropomorphism help to spark empathy, relatability and equality and thus foster and normalise these ecocentric values amongst its audience.

A poem presented during an event of NGO *Rechten voor de Scheldes* intensifies this ecocentric perspective by accusing humanity of destructing the Scheldt's dignity.⁶⁹ In strong language, the Scheldt blames human-kind: 'Even a name has been bestowed on me, but now all respect is trampled on (*met de grond gelijk gemaakt*) and all warnings ignored (*in de wind geslagen*)'. Later into the poem, the Scheldt raises her voice: 'I charge you with indifference, falsification of history, abuse on a mental and physical level, rape and attempted manslaughter.' The poem laments how the Scheldt's identity as the 'Queen of the Delta' has been degraded, with her 'beauty, fertility, foundation' distorted into 'the country's rubbish

⁶⁸ Annemieke Nijhof, "De indrukwekkende dialoog tussen Annemieke Nijhof en de Schelde," speech at Scheldesymposium, July 5, 2023, VNSC, <https://vnsc.eu/de-indrukwekkende-dialoog-tussen-annemieke-nijhof-en-de-schelde/>

⁶⁹ *Stichting Rechten voor de Scheldes* (NGO Rights for the Scheldts) is a Dutch activist NGO pleading for RoS. It does so by collaborating with educational institutions, Dutch environmental professionals and by organising events (Rechten van de Scheldes, 2025) <https://rechtenvandescheldes.eu/>

pit.’⁷⁰ This dramatisation evokes moral indignation and justifies calls for ecocentric rights by framing the estuary as a destructed yet respected subject.

Similarly, the RoS petition appeals to justice and takes an ecocentric perspective summing up the emergent issues: ‘Due to pollution, deepening and embankment our rights have been violated’ whilst suffering from ‘PFAS pollution’, lacking ‘food rich areas’ for birds and fish, whilst ‘steel snails stiffen our dynamics’. In response, the Scheldt demands healing action in the petition ‘to stop polluting and deepening’ and ‘give us space to flow again as a dynamic estuary’. Through these literary performances, this part of ecocentric discourse seeks to normalise a rights-based, relational view of nature, grounded in care and mutual recognition.

In a first event- day of NGO *Rechten van de Scheldes* the audience's human relationships, experiences and connection to the Scheldes were questioned.⁷¹ These relational inquiry adds to fuel and normalise ecocentric thinking. A series of workshops during a second NGO event-day similarly aimed to teach the audience to adopt an ecocentric perspective and improve listening to and understanding of. As such, the ‘deepmapping’ workshop encouraged a discussion to listen to the Scheldt and take her perspective. ‘What do they tell us?’, ‘How do *Zeeuwen* relate to their waters and environment?’ and ‘How can we take into account the intrinsic significance of the Scheldt when granting permits for human activities?’. ⁷² Values of ecocentric relationality, care, recognition of subjectivity and intrinsic value, and empathy towards the Scheldts are thus normalised amongst its audience.

Concludingly, this part of the RoS discourse contributes to the normalisation of ecocentric norms and values as well as ecocentric governance. First, normative normalisation occurs by appealing to ecocentric empathy for the Scheldts; focussing on its anthropocentric neglect, pollution and degradation; normalising to nourish and take care of the Scheldts; taking the Scheldt-centric perspective and by recognising the Scheldts’ intrinsic value. Secondly, ecocentrism is normalised via the normalisation of ecocentric governance. Specifically, via

⁷⁰ Annemarie Steinvooort, “Rechten van de Scheldes: Impressie Brainstormsessie HZ (Hogeschool Zeeland), Middelburg,” poem presented at *Stichting Rechten van de Scheldes* event, Middelburg, January 29, 2024.

⁷¹ *Stichting Rechten van de Scheldes*, “Initiatiefbijeenkomst Rechten voor de Oosterschelde en de Westerschelde”, event, November 1, 2023.

⁷² *Stichting Rechten van de Scheldes*, “Rechten van de Scheldes”, event, January 25, 2024, JCRZ, Joint Research Center Zeeland.

rights of the Scheldts. It does so by proposing potential institutional set-ups for RoS, whilst explaining and thinking through the idea. To generate support and take away commonly heard assumptions about it. By granting nature a voice and legal rights within human institutional frameworks, this process of normalisation becomes both tangible and institutionally recognised.

2.2.2. Rights to the Scheldts to solve it all: the normalisation of ecocentric governance/institutionalisation

Across the discourse, I argue, rights of the Scheldts are presented as the definitive remedy to surpass the fragmented, complex, and ineffective environmental regulation. The discourse advocates rights as the mechanism through which Scheldts' ecocentric perspective can be institutionally anchored. The RoS discourse, thus, additionally moves beyond the normalisation of ecocentric norms and values, offering tangible pathways. Most prominently via legal personhood and human guardianship, but also via the attribution of a voice to non-human actors in the board of an organisation. Hence, I argue, RoS prompt and normalise ecocentric norms within human systems that can effectively enforce improved human-Scheldt relations. The RoS discourse sketches both types and forms of rights.

A categorisation of rights: *generic, ecosystem-specific and context-specific* rights

Accordingly, I argue distinct types of rights can be traced within the RoS discourse. Within the petition, the Scheldts assert more generic ecological needs that 'we as rivers have the right to flow, to perform essential functions within our ecosystem, to indigenous biodiversity and to development and restoration.'⁷³ Enumerating these generic ecological needs which are applicable to any ecosystem, these types of rights align with the universal Earth Law Center and Ecuadorian RoN.⁷⁴ Complementing these are *ecosystem-specific rights* derived from ecological analyses of a type of ecosystem, depending on whether it's a forest, lake or river etc. Such rights are proposed in an academic article and directly respond to the needs of a common international river basin district like the Scheldts. For example, unfolding the right to 'a temporally variable but on average constant salinity gradient from the river to the sea'; to

⁷³ Nico Landsman, *Erken de rechten van de Oosterschelde en de Westerschelde*, petition, Petities.nl, 2024, <https://petities.nl/petitions/erken-de-rechten-van-de-oosterschelde-en-de-westerschelde?locale=nl>

⁷⁴ Earth Law Center, "What Is Earth Law?," 2024, https://www.earthlawcenter.org/what-is-earth-law?_gl=1*1spdy0p*_up*MQ..*_ga*MTMwNDY2MDQyMy4xNzQ5NjM1ODUw*_ga_8BLXCJ770K*cze3NDk2MzU4NDgkbzEkZzAkdDE3NDk2MzU4NDgkajYwJGwwJGgw.

‘natural variability in conditions of freshwater supply, sediment and tides’; and to ‘a constant volume and area of salt marsh and flood basin area’.⁷⁵ Distinctly, very specific *context-specific* Scheldts-related rights are addressed as well. Think about the rights related to localised issues like deepening (for shipping), embankment and a lack of space for dynamic movement. In the petition, the Scheldts request the right ‘to stop polluting and deepening’ and ‘to give us space to flow again as a dynamic estuary.’⁷⁶ Similarly, Landsman reinforces in an Omroep Zeeland interview the Scheldts’ generic ecological right to ‘stream without pollution...’ and ecosystem-specific right to ‘such a system must... be able to change its course from time to time, and we (humans) have made that... too rigid’, thereby invoking both generic anti-pollution rights and context-specific rights to ecological dynamics.⁷⁷

Therefore, I propose a categorisation of rights to be distinguished: *generic ecological rights*, *ecosystem-specific rights* and *context-specific rights*. Though not the focus of this thesis, this categorisation can be applied to the other RoW and RoNo discourses in chapter 2 and 3. But are applicable to other RoN discourses in the Netherlands and beyond as well.

Forms of rights

The RoS discourse also elaborates on institutional forms to operationalise rights for the Scheldts. Within the discourse, legal personhood with the figure of a custodian or guardian is primarily and most commonly proposed. In a *Trouw* article, Landsman suggests that ‘A custodian could talk on behalf of the life situation of the Scheldt. Someone who speaks on behalf of ecology.’⁷⁸ Aalting analogises in a NOS radio-item: ‘That should be a guardian... comparable to a child... In the Netherlands, if a child is an unsafe situation. And we notice it,

⁷⁵ Herman Kasper Gilissen, Cathy B. R. Suykens, H. F. M. W. van Rijswijk, Maarten G. Kleinhans, and Karianne van der Werf, “Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins,” *Water International* 44, no. 6–7 (October 2019): 706–707, <https://doi.org/10.1080/02508060.2019.1649629>.

⁷⁶ Nico Landsman, *Erken de rechten van de Oosterschelde en de Westerschelde*, petition, Petities.nl, 2024, <https://petities.nl/petitions/erken-de-rechten-van-de-oosterschelde-en-de-westerschelde?locale=nl>

⁷⁷ Omroep Zeeland, “De Ooster- en Westerschelde moeten een voogd krijgen: ook zij hebben rechten,” radio interview, Omroep Zeeland (September 28, 2023), <https://www.omroepzeeland.nl/nieuws/16818557/de-ooster-en-westerschelde-moeten-een-voogd-krijgen-ook-zij-hebben-rechten>.

⁷⁸ Onno Havermans, “Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt,” *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-bescherm~bead76a1/>

we appoint a guardian.’⁷⁹ At a HZ (*Hogeschool Zeeland*) event, organisor Geerling explains, ‘The Western Scheldt then gets a guardian... someone who has no economic interest, but really looks at: what is good for the Western Scheldt and puts the ecological interest first.’⁸⁰ Guardianship, though a human actor, is thus framed as a corrective to anthropocentric governance, a means of emancipating the Scheldt to ‘stand up for herself’ when decisions are made that affect her.⁸¹

Additionally, this institutionalisation extends to ecological representation in decision-making organs. To take into account cetaceans’ interests when decisions are made by ecological research centre *Stichting Rugvin*, porpoise Sedna known in the Eastern Scheldt was appointed a board member. ‘You have rights, also when you are not able to speak... I represent the voice of Sedna, also when that contrasts with my own, human preferences.’⁸² As a board member in the organisation she represents all porpoises, dolphins, and other inhabitants of the Sea, showcasing ecocentric rights in organisational board structures.

A Concrete Realisation Towards Rights of the Scheldts

The RoS discourse contributes with elaborations on RoS in practice. Aside of the proposed *types* and *forms* of rights forwarded, the discourse thinks through how RoS can look like in practice and what ought to be kept in mind. An academic article by Gilissen et al. (2019) suggests to strengthen the International Scheldt Commission or found a new body initiated by member states sharing the international Scheldt, provided member states transfer powers and/or follow their recommendations. Moreover, the custodian needs to understand the anthropocentric interests involved in the Scheldts, be recognised by other stakeholders of the

⁷⁹ NOS (*Nederlandse Omroep Stichting*) is the Dutch equivalent of BBC News; NOS Radio 1 Journaal, “De Schelde als rechtspersoon: waarom?,” radio interview, *NOS Radio 1 Journaal*, September 12, 2024, NPO Radio 1.

⁸⁰ Hogeschool Zeeland (HZ) is a Dutch University of Applied Sciences, located in the Dutch province of Zeeland; NOS/Omroep Zeeland, “Studenten en deskundigen: moet de Westerschelde een voogd krijgen die de belangen behartigt,” NOS Regio Zeeland, September 28, 2023.

⁸¹ NOS Radio 1 Journaal, “De Schelde als rechtspersoon: waarom?,” radio interview, *NOS Radio 1 Journaal*, September 12, 2024, NPO Radio 1,

⁸² Onno Havermans, “Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt,” *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-beschermt~bead76a1/>

Scheldts and be granted independence.⁸³ A workshop by NGO *Rechten van de Scheldes* on ‘deepmapping’ investigate how to listen to and understand the Scheldts, crucial to formulate rights on behalf of the Scheldts. Another workshop relating to philosophical debates on ‘rights for nature or rights of nature’ further operationalise RoS by assessing its practical realisation. A participant of the workshop reflects that guardians must be ‘non-politically bound’ yet ‘a persistent diplomat’ attentive to the interests of ‘the other’ to generate a broad support base.⁸⁴ Educating and discussing with the audience, these workshops pave the way for normalisation of ecocentric law and norms by thinking through RoS. Moreover, it helps to take away assumptions and the discussed resistance in the form of *angst* or preconceived scepticism as reflected in subchapter 2.4.

The discourse surrounding the Rights of the Scheldt (RoS) offers a compelling illustration of how environmental rights are framed as a tool to institutionalise ecocentrism. By embedding nature into legal and governance systems as a rights-bearing entity, the discourse normalises ecocentric values and helps to ‘take away angst, judgements and preconceived scepticism’ surrounding nature’s legal personhood. This is achieved through both a detailed articulation of *types* of rights, ranging from generic to context-specific, and *forms* of rights, particularly the concept of legal personhood combined with human guardianship. Overall, this part of the RoS discourse demonstrates how distinct proposals for rights, in types, forms and execution, are mobilised to challenge anthropocentric paradigms and promote the institutionalisation of ecocentrism. Rights provide not only legal recognition but also a moral and communicative framework through which nature can be heard, represented, and defended.

⁸³ Herman Kasper Gilissen et al., “Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins,” *Water International* 44, no. 6–7 (October 2019): 714–715, <https://doi.org/10.1080/02508060.2019.1649629>.

⁸⁴ *Stichting Rechten van de Scheldes*, “Rechten van de Scheldes”, event, January 25, 2024, JCRZ, Joint Research Center Zeeland.

2.3 Anthropocentrism as a Paradoxical Narrative: Both the Cause of and Solution to the Crisis in the Scheldts

Within the RoS discourse, I argue the role of anthropocentrism to be twofold. First, anthropocentrism is portrayed as the cause of the crisis in the Scheldts. Second, by positioning an anthropocentric narrative as a solution for the Scheldts.

2.3.1 Anthropocentrism as the mentioned culprit

The Rights of the Scheldt (RoS) discourse reveals a consistent critique of anthropocentrism as a foundational cause of environmental degradation in the Scheldt estuary. Across the discourse, including expert media interviews, academic literature, NGO events, a petition, and literary expressions, a clear narrative emerges. By means of exposing, emphasising and critically questioning the destructive impact of anthropocentric interests and actions on the Scheldt, the RoS discourse sets a clear tone.

In an *Omroep Zeeland* radio-interview with local expert Landsman, the anthropocentric causality in disrupting the Scheldt's dynamics is stressed. While acknowledging improvements in water quality since the late 20th century, Landsman stresses ongoing issues such as PFAS pollution, microplastics and chemical dumping whilst calling for a 'right to flow without pollution'. In line with the previously explained ecological context (2.1), humans' rigid structuring of the estuary's is also touched upon. Embankments and artificially steepened mudflats and salt marshes have further stagnated natural essential processes. These infrastructural interventions, designed for human safety and land use, block its necessary capacity to shift, adapt, and flourish ultimately inhibiting the estuary's ecological resilience.⁸⁵ An additional anthropocentric reason is provided in a *Trouw* article by Landsman: deepening, to allow shipping, has additionally added to the estuarian rigidity.⁸⁶ Therefore, I argue, the discourse forwards how historic human- Scheldts relations, expressed through gradual

⁸⁵ Omroep Zeeland, "De Ooster- en Westerschelde moeten een voogd krijgen: ook zij hebben rechten," radio interview, Omroep Zeeland (September 28, 2023), <https://www.omroepzeeland.nl/nieuws/16818557/de-ooster-en-westerschelde-moeten-een-voogd-krijgen-ook-zij-hebben-rechten>.

⁸⁶ Onno Havermans, "Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt," *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-beschermt~bead76a1/>

increase in human constructions, but also modern human activities, have gradually stagnated the Scheldts.

Anthropocentric notions prevalent in governance frameworks of biodiversity are additionally pinpointed in an academic article. Particularly the EU's Water Framework Directive (WFD), calling for RoS to fill the regulatory gap instead. Anthropocentric legal exemptions prevail in the WFD, the article demonstrates. The WFD's provision to assign water bodies as 'heavily modified' when used for human benefit, exempts them from ecological restoration obligations.⁸⁷ This regulatory mechanism, effectively codifies anthropocentric utility as superior to ecological needs. An exemptive mechanism which stands in the way of effective ecological protection. Moreover, the FDSC, a prominent governance organ overseeing the Dutch and Belgian Scheldts, is involved in the preparation of licenses to allow dredging for the maintenance of shipping channels. Thus indicating navigability for economic reasons as a primary organisational purpose. The authors therefore argue, amongst other elements, that meaningful change would require fundamental shifts in institutional logic and societal attitudes.⁸⁸ These transformations thus challenge deeply rooted anthropocentric values and logic. Next to other ineffective environment regulation pinpointed in the article, the aspired European protective environmental legislation of the WFD turns out to be anthropocentrically dominant, in formulation, and therefore also in execution. Also for the Scheldts.

Moreover, despite such legislation, the Scheldts remains heavily polluted. A HZ- event, covered in an NOS-article, exemplifies this anthropocentric framing.⁸⁹ Their slogans on cardboards: 'I myself swim in garbage, whilst you are swimming in money' and 'Take care of me 'Scheldt'' not only personify the Scheldt but make explicit the unequal relation between human interests and Scheldts' ecological suffering.⁹⁰ Alting, a local GL-PVDA councillor in Goes, proposes RoS and argues for a fundamental shift in mindset: 'It is usually far too late

⁸⁷ Herman Kasper Gilissen et al., "Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins," *Water International* 44, no. 6–7 (October 2019): 703, <https://doi.org/10.1080/02508060.2019.1649629>.

⁸⁸ Herman Kasper Gilissen et al., "Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins," *Water International* 44, no. 6–7 (October 2019): 712, <https://doi.org/10.1080/02508060.2019.1649629>.

⁸⁹ *Hogeschool Zeeland* (HZ) or HZ-University of Applied Sciences is located in Middelburg, Zeeland; NOS (Nederlandse Omroep Stichting) is the Dutch equivalent of BBC News.

⁹⁰ NOS/Omroep Zeeland, "Studenten en deskundigen: moet de Westerschelde een voogd krijgen die de belangen behartigt," NOS Regio Zeeland, September 28, 2023.

before we take action... only when tourism or business interests suffer.’⁹¹ This notion, I argue, additionally underscores the systemic flaw in environmental governance; protective measures are often economically motivated rather than ecologically grounded.

The anthropocentric critique is magnified through fictional narratives, which personify the Scheldt, empowering the message. A petition for RoS centralise the Scheldt as a violated subject. In response, the Scheldt requests man-kind ‘to stop the pollution and deepening’ and ‘give us space to flow again’ in the petition.⁹² In a similar form, the poem presented at an event of NGO *Rechten van de Scheldes* enumerates fierce accusations against humanity of ‘rape and attempted manslaughter’, ‘appropriated my currents’ and ‘indifference, falsification of history’ invoking perspective and empathy, I argue. Throughout the poem, these techniques of hyperbole and personification expose and make the severity of human-induced harm more sensible, I argue.⁹³

Concludingly, first, by means of exposing, emphasising and critically questioning the destructive impact of anthropocentric interests on the Scheldt, the RoS discourse sets a clear tone. Anthropocentrism is the prime cause to the crisis. Second, In advocating Rights for the Scheldts, the discourse uses anthropocentric narratives to legitimise the necessity for rights. Its arguments are framed in terms of human benefits, threats, and dependencies. As such, the discourse forwards anthropocentric interests to the added value of RoS. Anthropocentrist narratives are employed to appeal to RoS, to aspire to solve the crisis.

2.3.2 Anthropocentric urgency and value in Rights for the Scheldts

Simultaneously, in addition to, ecocentric narratives advocating for Rights for the Scheldts, the discourse repeatedly relies on anthropocentric narratives to legitimise the necessity for rights.

The Rights of the Scheldts petition itself, though predominantly formulating Scheldt’s

⁹¹ Goes is a city in the province of Zeeland, located close to the Scheldts; GroenLinks-PVDA is progressive-left and one of the largest political parties in the Netherlands; NOS Radio 1 Journaal, “De Schelde als rechtspersoon: waarom?,” radio interview, *NOS Radio 1 Journaal*, September 12, 2024, NPO Radio 1.

⁹² Nico Landsman, *Erken de rechten van de Oosterschelde en de Westerschelde*, petition, Petities.nl, 2024, <https://petities.nl/petitions/erken-de-rechten-van-de-oosterschelde-en-de-westerschelde?locale=nl>

⁹³ Annemarie Steinvoot, “Rechten van de Scheldes: Impressie Brainstormsessie HZ (Hogeschool Zeeland), Middelburg,” poem presented at *Stichting Rechten van de Scheldes* event, Middelburg, January 29, 2024

violations, still considers human-centred appeals. Statements such as ‘to stop polluting and deepening so that future generations can also live from all we have to offer’ and ‘we suffer from PFAS pollution, which also harms humans,’ emphasises future anthropocentric needs and human health consequences. Even the imagined voice of the Scheldt in the petition for RoS appeals to human utility: ‘You people may: live off our fish, carve our sea vegetables, ship goods about us, swim and sail in us.’⁹⁴ These lines position the Scheldts’ value in terms of its utility to people, reinforcing the idea that protecting the Scheldt is essential, not merely for its subjective value, but because of its continued utility to human well-being.

The anthropocentric logic is similarly evident in the ‘HZ- Rights for the Western Scheldt seminar’.⁹⁵ Discussing RoS, the widely attended seminar frames the urgency of action through threats to human consumption and regional agriculture. A HZ- researcher presenting at the event, lectures on Scheldt’s water quality. She and poses that the PFAS levels in fish in the Western Scheldt are immensely (too) high, seen the health-based PFAS limit set, stressing the risk to human diets more than ecological toxicity. Similarly, the presentation focuses on the agricultural sector’s reliance on the Scheldts, noting that ‘75 percent of the land use in Zeeland is for agriculture’ and that the sector produces ‘15 percent of employment opportunities’ and ‘800 million euro of added value’.⁹⁶ These figures position the Scheldt estuary as a critical economic resource, and frame its degradation as a threat to economic stability and employment.

An NOS-article covering this HZ-seminar reinforces this human-centric concern. The article reports the organiser Geerling asking whether ‘can you still eat oysters, can you still swim in the water?’ whilst a HZ-student adds: ‘That way we get cleaner water... that would reduce the risk of flooding.’ All personal and relatable, almost ‘populist’, appeals that generate cultural-emotional urgency.⁹⁷ The same anthropocentric focus appears in statements by political actors. For example, local GL-PVDA councillor Alting in Goes stresses that ‘harmony between

⁹⁴ Nico Landsman, *Erken de rechten van de Oosterschelde en de Westerschelde*, petition, Petities.nl, 2024, <https://petities.nl/petitions/erken-de-rechten-van-de-oosterschelde-en-de-westerschelde?locale=nl>

⁹⁵ NOS/Omroep Zeeland, “Studenten en deskundigen: moet de Westerschelde een voogd krijgen die de belangen behartigt,” NOS Regio Zeeland, September 28, 2023.

⁹⁶ Emma McAteer, *A Rights-Based Approach for the Scheldt? The Complexities of a Robust Water System*, presentation, HZ University of Applied Sciences, presentation during HZ-seminar event, September 2023.

⁹⁷ NOS/Omroep Zeeland, “Studenten en deskundigen: moet de Westerschelde een voogd krijgen die de belangen behartigt,” NOS Regio Zeeland, September 28, 2023.

people and nature is so important, also because we humans benefit from it.⁹⁸ With clean water, a clean earth, a clean soil and biodiversity.’ He links environmental degradation directly to a human right to a clean environment, but also economic decline and delayed action: ‘We see that the loss of nature jeopardises our business interests due to a decline in tourism.’⁹⁹

Even ecocentric artistic expressions often pivot toward human-centered meanings. At a Flemish-Dutch Scheldt Commission event, a fictional dialogue with the Scheldt questions her meaning. The Scheldt answers that Scheldt is the basis of the region, of the people’s identity in the region, embodying the basis of the landscape and of a view; all of cultural significance to mankind in the region. ‘Their life story is inseparable from my story... I was actually the basis for connection between a lot of countries, cultures and people.’¹⁰⁰ Portrayed as a source of human identity and belonging, this language anthropomorphises the Scheldt and hints toward ecocentrism, whilst this core argument remains rooted in its cultural and emotional value to people.

Concludingly, the RoS discourse employs anthropocentric narratives to promote RoS. Rather than, or in addition to, foregrounding the intrinsic value of the Scheldts, the discourse forwards anthropocentric interests to the added value of RoS, so ‘future generations can also live from all we have to offer’ (petition) and to ensure the region ‘who derived their identity from this place’.¹⁰¹ The anthropocentric narrative, I argue, appeals to RoS for the sake of human interests, threats and dependencies. These anthropocentric framings in the discourse are utilised to make the cause more tangible and relatable for humans. And to more easily ignite humans’ ecocentric empathy, out of human necessity for RoS.

The narratives function strategically to garner broader public support for RoS, I argue.

⁹⁸ Goes is a city in the province of Zeeland, located close to the Scheldts; Omroep Zeeland, “Geef de Ooster- en Westerschelde en andere natuurgebieden een stem in de rechtbank,” *Omroep Zeeland*, November, October 18, 2023, <https://www.omroepzeeland.nl/nieuws/15923659/geef-de-ooster-en-westerschelde-en-andere-natuurgebieden-een-stem-in-de-rechtbank>.

⁹⁹ Omroep Zeeland, “Geef de Ooster- en Westerschelde en andere natuurgebieden een stem in de rechtbank,” *Omroep Zeeland*, November, October 18, 2023, <https://www.omroepzeeland.nl/nieuws/15923659/geef-de-ooster-en-westerschelde-en-andere-natuurgebieden-een-stem-in-de-rechtbank>.

¹⁰⁰ Annemieke Nijhof, “De indrukwekkende dialoog tussen Annemieke Nijhof en de Schelde,” speech at Scheldesymposium, July 5, 2023, VNSC, <https://vnsc.eu/de-indrukwekkende-dialoog-tussen-annemieke-nijhof-en-de-schelde/>

¹⁰¹ Annemieke Nijhof, “De indrukwekkende dialoog tussen Annemieke Nijhof en de Schelde,” speech at Scheldesymposium, July 5, 2023, VNSC, <https://vnsc.eu/de-indrukwekkende-dialoog-tussen-annemieke-nijhof-en-de-schelde/>

By appealing to the direct need for human well-being, tourism, agriculture, and cultural identity, as set out in the discourse. By foregrounding human dependency on these aspects, it frames ecological justice not in opposition to human interests, but as essential to sustaining them. Thus, while the Rights of the Scheldts initiative aspires to challenge the anthropocentric paradigm, it ultimately relies on them to garner support. Furthermore, this strategic anthropocentric narrative reveals both the limitations and possibilities of environmentalism in a human-centered political landscape. Short-term thinking and human interests have prevailed around the Scheldts, and so narratives promoting RoS have been catered to such anthropocentric thinking in order to convey the idea. Therefore, the anthropocentric narrative contributes to improve human-Scheldts relations, I argue, by promoting and urging RoS and appealing to ecocentric values on both a societal and institutional level.

2.4 Resistance to an unconventional idea: the tensions surrounding Rights for the Scheldts

Despite this broad discursive effort to promote RoS, resistance becomes simultaneously evident. This is expressed through repeated attitudes of criticism, cynicism and unease towards RoS within the discourse. The resistance is particularly evident across media discourse, but also academic and activist discourse, where RoS is framed as unfeasible, utopian, or even surreal, thereby undermining its ecocentric normative legitimacy and transformative potential.

Important elements are the significant governmental and societal barriers to RoS. In an academic article by Gilissen et al. (2019) the authors acknowledge the potential of RoS to overcome existing governance limitations. However, the authors argue that implementing RoS would necessitate ‘fundamental systemic and attitudinal changes and thus pose major challenges to current actors.’¹⁰² They stress that the Scheldt estuary, as an international river basin district, demands a reassessment of ecological and socio-economic interests among member states. Moreover, members states should indicate a ‘clear mandate’, and ‘partly transfer powers and responsibilities to a competent supranational authority.’¹⁰³ Such a list of

¹⁰² Herman Kasper Gilissen et al., “Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins,” *Water International* 44, no. 6–7 (October 2019): 712, <https://doi.org/10.1080/02508060.2019.1649629>.

¹⁰³ Herman Kasper Gilissen et al., “Towards a Rights-Based Approach in EU International River Basin Governance? Lessons from the Scheldt and Ems Basins,” *Water International* 44, no. 6–7 (October 2019): 701, <https://doi.org/10.1080/02508060.2019.1649629>.

requirements echoes a tone of improbability. Although the authors reason that these challenges and the current governmental complexity make RoS worth considering, based on a systemic analysis, the overarching tone remains cautious and highly critical.

This tone is echoed and amplified in Dutch media coverage, where the idea of RoS is regularly presented with criticism and cynicism. For instance, in a NOS-podcast, the presenter regularly interferes with continuous critical remarks such as: ‘What do you want that happens?’, ‘Now the question is did it help?’ and ‘But multiple efforts have been made to provide a voice to the Waddensea and the Maas. Those failed.’¹⁰⁴ These remarks reflect a normative resistance expressed in repetitive criticism about the practicality and effectivity of RoS. Similarly, in an *Omroep Zeeland* radio- interview, the presenter commences by stating ‘Today we talk about rights for the Western and Eastern Scheldt.’ ‘Yes, you hear it well’, framing the topic as unconventional and continues ‘a river, who just like all of us, receives rights’, confirming the normative anthropocentric reality of rights. After a long plea on the ecological urgency by one of the interviewees, the presenter persists to be critical: ‘I can imagine a lot of people are now thinking this is an experiment, a try-out that is not feasible’, again underlining the resistance through framing the idea as idealistic or impossible. Additionally, the presenter asks whether they think ‘The Hague’ is able to find a majority for this idea when discussed in parliament.¹⁰⁵

Following these notions, I argue that underlying much of this resistance is a normative discomfort with extending legal rights to non-human entities. As one *Trouw*- article cynically starts ‘How can a brownfish let itself be heard in a board of an organisation? With the help of Artificial Intelligence perhaps?’ A question that caricatures the idea, thereby reinforcing perceptions of its impracticality.¹⁰⁶ These reactions reflect the anthropocentric understanding of rights as inherently human-centred, invented to protect dignity, autonomy, and legal agency; qualities not easily ascribed to non-human entities.

¹⁰⁴ NOS Radio 1 Journaal, “De Schelde als rechtspersoon: waarom?,” radio interview, *NOS Radio 1 Journaal*, September 12, 2024, NPO Radio 1.

¹⁰⁵ Omroep Zeeland, “De Ooster- en Westerschelde moeten een voogd krijgen: ook zij hebben rechten,” radio interview, Omroep Zeeland (September 28, 2023), <https://www.omroepzeeland.nl/nieuws/16818557/de-ooster-en-westerschelde-moeten-een-voogd-krijgen-ook-zij-hebben-rechten>.

¹⁰⁶ Onno Havermans, “Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt,” *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-beschermt~bead76a1/>.

This resistance is not limited to journalistic framing only. Even within activist circles, there is cautious acknowledgement of the reality RoS faces. At an event of NGO *Rechten van de Scheldes*, one participant stressed that any guardian for the Scheldts must act as ‘a persistent diplomat’ who also considers ‘the interests of ‘the other’’, pointing to the perceived need to mediate between an ecological voice and entrenched anthropocentric interests.¹⁰⁷

Therefore, while the RoS discourse generally seeks to promote a more ecocentric and harmonious human-Scheldt relation (see 1.2), its transformative potential is presently hindered by the normative resistance to an unconventional means of achieving this goal; assigning rights to the Scheldts. First, by an estimated institutional resistance, in the academic article, and second, by a visible cultural resistance to an unconventional means to achieve such a relationship. This resistance, I argue, is deeply rooted in anthropocentric values and legal paradigms. Moreover, the resistance both challenges and paradoxically validates the necessity of the Rights for the Scheldts discourse; by exposing the very limitations it seeks to overcome. Such scepticism might reveal a difficulty to disattach from the historically dominant understanding of rights; as an instrument intended for the emancipation and protection of humans, not non-human entities. Moreover, it shows that the radical nature of rights for nature can evoke a negative and dismissive response, similar to the reception often faced by other progressive societal ideas.

2.5 Conclusion: Rights of the Scheldts Discourse

The RoS discourse unfolds itself in four predominant ways, I have argued. By means of these ways does the discourse influence human-Scheldts relations. First, via a gradual normalisation of ecocentrism. Both the normalisation of ecocentric norms and values as well as ecocentric governance (2.2) Herein, I formulate a categorisation of *types* of rights to exist for the RoS discourse, but also discourses beyond (2.2.2). Second, I argue for anthropocentrism to prevail as a paradoxical narrative in the discourse, as a cause and solution (2.3). Though both narratives influence human-Scheldts relations in a similar direction. As a cause, by educating and making the Dutch audience aware of anthropocentrism as a cause to the crisis in the Scheldts, allowing human actors to reflect and possibly redirect anthropocentric decisions and

¹⁰⁷ *Stichting Rechten van de Scheldes*, “Rechten van de Scheldes”, event, January 25, 2024, JCRZ, Joint Research Center Zeeland.

values (2.3.1). As a solution, via anthropocentric narratives of RoS appealing to anthropocentric logic of humans, framing the necessity for RoS as a human interest. These appealing anthropocentric narratives thus more strongly promote RoS, and in that regard promote ecocentrism, to humans (2.3.2). Fourth, in a contrasting direction, ecocentric relations are hindered via resistance prevalent in institutional logic and normative societal resistance. I argue, anthropocentric values and culture prevalent on a societal and institutional level to be at the backbone of this. Therefore, the discursive resistance portrays continued dominant anthropocentric values and logic that humans persist and retain to (2.4). Last, the proposed forms of RoS, either a democratic voice at a decision-making table or legal personhood, can institutionalise ecocentric governance and enforce a voice for the Scheldts in democratic human systems (2.5).

Chapter 3: Rights of the North Sea Discourse: Listening to the (Embassy of the) North Sea

Subquestion: How has the rights of the Wadden (RoW) discourse influenced normative understandings of Dutch human-Wadden Sea relations, between 2018 and the present?

The rights of the North Sea (hereafter: RoNo) discourse dives into a case-study of significant size and complexity: the Dutch part of the North Sea. Compared to the Scheldts, the North Sea deals with a tremendous amount of human functions partaking under and on top of the surface. When considering RoNo, most of the media and other actors engaged in the RoNo discourse engage with the discourse of Dutch NGO Embassy of the North Sea (EoNS). Therefore, the RoNo discourse is predominantly defined by the EoNS discourse. The EoNS is a respected environmental NGO and pioneer in the Dutch RoN landscape since 2018. Over the course of 2018 until 2030, this collective of artists, lawyers, ecologists, philosophers, scientists and policymakers aim to learn to listen to, talk with and negotiate on behalf of the North Sea.¹⁰⁸ They will be introduced further under (2.3).

Following a deteriorating state of the North Sea over the years, despite existing and growing environmental regulation, the RoNO discourse aims to turn the tide. Learning the art of listening to the North Sea is positioned as a main premise within the RoNo discourse to do so. First, an exploration of the ecological context and current flawed practice of listening to the North Sea will be set forward (2.1). Second, the main goal and methods of the EoNS to improve to listen and understand to, and subsequently better protect the North Sea, will be discussed. Prevalent elements of resistance towards RoNo will also be assessed (2.2). In turn, I will assess the origin of limited listening to the North Sea and how this can be overcome (2.3). Last, I will briefly portray what sustainable method of listening to the North Sea is proposed by the discourse, through legal personhood and human guardianship or a so-called Zoop-model for the North Sea. (2.4).

¹⁰⁸ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 5, https://wp-ambassadevandenoordzee.s3.eu-central-1.amazonaws.com/2022/11/Pleitnotas-Moot-Court_Vredespaleis-6-oktober-2022.pdf.; Ambassade van de Noordzee, "Route 2030," *Ambassade van de Noordzee*, accessed June, 2025, <https://www.ambassadevandenoordzee.nl/route-2030/>.

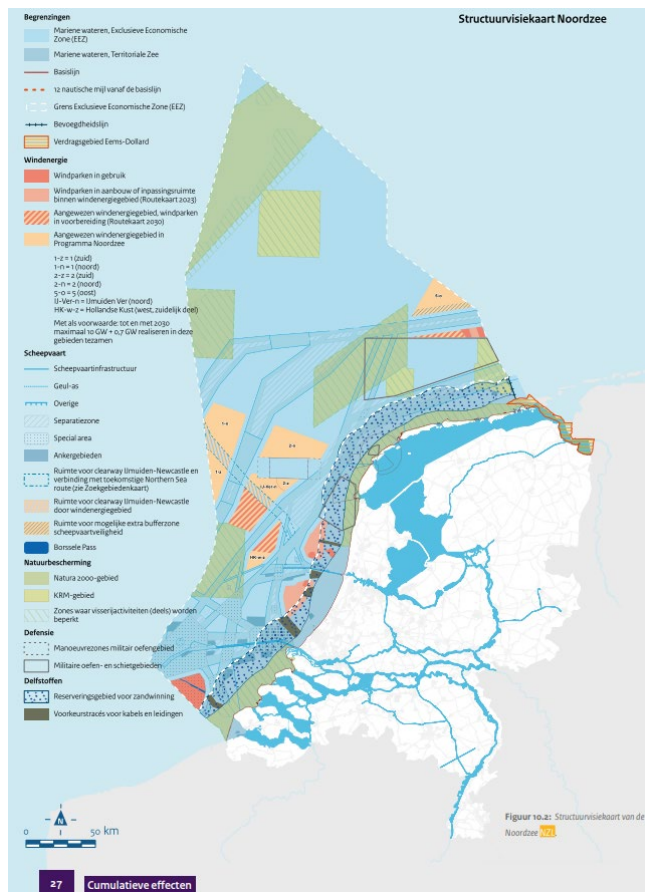


Figure 2: A map showing the multiple functions of the North Sea ¹⁰⁹

3.1 Listening to the North Sea in 2025

3.1.1. Finding balance in an overstimulated North Sea

The Dutch North Sea is a layered area, flowing as a transnational entity with national boundaries of governance and transnational ecosystems. The Dutch part of the North Sea is limited to 58 500 square kilometres and covers almost 60 percent of the Dutch geographical surface. ¹¹⁰ At the end of 2023, some positive trends were identified like the recovery projects for flat oyster reefs in windmill parks, and the recovery of some shark and rays species. Negative trends, however, persist to dominate the sea crucially troubling ‘a resilient ecosystem’. ¹¹¹ Fundamental trends are the increasing underwater noise for sea mammals, a disrupted seabed community due to seabed fishery, threatened migratory routes for birds by windmill

¹⁰⁹ Rijksoverheid (Dutch government), *Staat van de Noordzee* (December, 18 2024), 27, Figuur 10.2, <https://noordzee.s3.eu-west-1.amazonaws.com/app/uploads/2024/03/08110717/Staat-van-de-Noordzee.pdf>.

¹¹⁰ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 4.

¹¹¹ Stichting De Noordzee, “De Staat van de Noordzee laat zien dat we de natuur op één moeten zetten,” *Stichting De Noordzee*, March 8, 2025, <https://www.noordzee.nl/de-staat-van-de-noordzee-laet-zien-dat-we-de-natuur-op-een-moeten-zetten/>.

parks and threatened migratory routes for fish by the closures of waters as a result of dams and locks. As Stichting de Noordzee concludes from the report: ‘The North Sea is not doing well, and a long road is ahead.’¹¹²

As part of the Dutch North Sea agreement (*Noordzeeakkoord*) in 2021, a two-yearly report will be released on the ecological state of the Dutch North Sea. A common goal of the *Noordzeeakkoord* is a healthy North Sea in ‘the midst of the food-, nature- and energy transition at sea.’¹¹³ As such, the Dutch government formulates protective goals which combine ecocentric and anthropocentric interests. The North Sea is known as the most intensively used sea in the world and the multitude of anthropocentric interests are complex. It is immensely larger than the Wadden Sea, thus larger than the Scheldts and is therefore arguably expected to be able to carry more weight. Ecological problems in the Dutch North Sea, however, remain in multitude and human activities are significantly harmful to its ecosystems.¹¹⁴ Burdened with extensive human functions, a densely packed map visualises this. Figure 2 above supposes the sea as a whole is in human use, except for the green Natura 2000-areas. Most prominently, wind energy areas, sand extraction areas, shipping areas and several significantly large designated protected Natura 2000- areas take up ecological space (see Figure 2).¹¹⁵ Apart from these, other ‘high-intensity’ functions are fishery, agriculture, tourism and recreation, oil- and gas drilling and cables and pipelines, making the Dutch North Sea crucial to (inter)national infrastructure and economic needs.¹¹⁶ The remaining undesignated North Sea areas in Figure 2 are labelled as ‘Marine waters, Exclusive Economic Zone (EEZ)’. The latter indicates that even the untouched North Sea areas (light blue) are regarded of anthropocentric ownership and use, either labelled marine waters or economic zone. In addition to the unachieved protection goals of its Natura- 2000 areas, and thus insufficient to its ecological function, these ‘cumulative effects’ cause the North Sea to be in a

¹¹² Stichting De Noordzee, “De Staat van de Noordzee laat zien dat we de natuur op één moeten zetten,” *Stichting De Noordzee*, March 8, 2024, <https://www.noordzee.nl/de-staat-van-de-noordzee-laat-zien-dat-we-de-natuur-op-een-moeten-zetten/>.

¹¹³ Rijksoverheid (Dutch government), *Staat van de Noordzee* (December, 18 2024), 3, <https://noordzee.s3.eu-west-1.amazonaws.com/app/uploads/2024/03/08110717/Staat-van-de-Noordzee.pdf>.

¹¹⁴ Stichting De Noordzee, “De Staat van de Noordzee laat zien dat we de natuur op één moeten zetten,” *Stichting De Noordzee*, March 8, 2024, <https://www.noordzee.nl/de-staat-van-de-noordzee-laat-zien-dat-we-de-natuur-op-een-moeten-zetten/>.

¹¹⁵ Rijksoverheid (Dutch government), *Staat van de Noordzee* (December, 18 2024), 27, *Figuur 10.2*, <https://noordzee.s3.eu-west-1.amazonaws.com/app/uploads/2024/03/08110717/Staat-van-de-Noordzee.pdf>.

¹¹⁶ Rijksoverheid (Dutch government), *Staat van de Noordzee* (December, 18 2024), 26, *Figuur and Tabel 10.1*, <https://noordzee.s3.eu-west-1.amazonaws.com/app/uploads/2024/03/08110717/Staat-van-de-Noordzee.pdf>.

highly-pressured state.¹¹⁷ The conclusions show that ecological threats for the North Sea have intensified, due to both novel functions, such as windmill parks, and growing intensity of existing functions, such as fishery and shipping. With planned windmill parks 'the size of three Dutch provinces' and the progressively issued permits, the perpetual tax on the North Sea is feared to be fatal to its resilience.¹¹⁸

3.1.2. The Flaws of Listening to the North Sea in 2025

Democratic Representation of the Dutch North Sea

Having outlined the anthropocentric threats for the Dutch North Sea, there is an extensive amount of environmental regulation which strives to combat an unnuanced and perpetual growth of such threats. Similar to the Dutch Scheldts and the Wadden Sea, protective legislation is in place at international, European Union (EU) and national level. To name a few: the OSPAR treaty, the UN- Convention on the Law of the Sea ('82) and the Protocol on the London Convention ('96).¹¹⁹ At EU-level, the Water ('00) Directive and Marine Strategy Framework Directive ('08) is in place. Additionally, the EU's Birds ('79) and Habitats ('92) Directives have domestically translated to Natura 2000 areas.¹²⁰ Moreover, the more recent EU's Nature Restoration Law (2024) sets strict long-term goals for marine areas. With 20 percent of the North Sea aspired to be recovered by 2030. Deriving from national environmental laws that apply to the North Sea, most of them were recently synthesised under the Environment and Planning Act (*Omgevingswet*). This law covers the physical living and working environment and environmental protection for e.g. the Natura 2000 areas. The *Wet windenergie op zee*, of growing importance in the decades to come for the North Sea, apply similarly.¹²¹ Despite all this protective legislation, the North Sea is still in a significantly

¹¹⁷ Rijksoverheid (Dutch government), *Staat van de Noordzee* (December 18, 2024), 26-27, <https://noordzee.s3.eu-west-1.amazonaws.com/app/uploads/2024/03/08110717/Staat-van-de-Noordzee.pdf>.

¹¹⁸ Ambassade van de Noordzee, *Verzoek tot Uitstel: Tender Windparken Hollandse Kust West VI & VII* (PDF), May 12, 2022, <https://www.ambassadevandennoordzee.nl/product/tender-windparken-hollandse-kust-west-vi-vii/>.

¹¹⁹ Rijkswaterstaat, "Laws, Regulations, International Treaties & Policy," *Noordzeeloket*, accessed June, 2025, <https://www.noordzeeloket.nl/en/functions-use/offshore-wind-energy/laws-regulations-international-treaties-policy/>.

¹²⁰ Rijkswaterstaat, "Natura 2000 gebieden," *Natura 2000*, accessed June, 2025, <https://www.natura2000.nl/gebieden/>.

¹²¹ Rijkswaterstaat, "Laws, Regulations, International Treaties & Policy," *Noordzeeloket*, accessed June, 2025, <https://www.noordzeeloket.nl/en/functions-use/offshore-wind-energy/laws-regulations-international-treaties-policy/>.

unhealthy shape as outlined before. In turn, the RoNo discourse aims to challenge and transform this.

Listening to the North Sea in the Netherlands happens at a minimum, according to the RoNo discourse. A moot court on October the 6th, 2022 organised by the Embassy of the North Sea (EoNS), strives to research and experiment how to ‘voice the North Sea in the public, political and legal spheres in the Netherlands’.¹²² The moot court is staged by the EoNS to sue the Dutch state. In the moot court, the defender of the North Sea pleads the North Sea to be scarcely represented after the defender of the Dutch state has enumerated the aforementioned regulation: ‘Nevertheless this existing representation is clearly insufficient and insufficiently effective’.¹²³

Defending the Dutch government, the plea of the defender outlines how all possible efforts are employed to protect the North Sea. The defender of the Dutch state argues there to be plentiful legal regulations and democratic representation for the North Sea. In his plea, he extensively enumerates the numerous biodiversity regulation in place for the North Sea; the ones described before. Moreover, he argues democratic representation can be found in a periodic North Sea consultation (*Noordzeeoverleg*); in the executive responsibilities of governmental organs such as e.g. *Rijkswaterstaat Noordzee*; and in democratic voices residing at decision-making tables such as the green-left political party *Partij Voor de Dieren* and interest-groups like *Greenpeace NL*, *Natuurmonumenten* and the Plastic Soup Foundation. These democratic voices can all propose input to the North Sea policy, the defender of the Dutch state argues.¹²⁴ Therefore, similar to the Scheldts and the Wadden Sea, the protection on paper is grand, but execution leaves much to be desired.

Moreover, the defender of the Dutch state argues North Sea regulation to be ‘adaptive policy’, following continuously advancing scientific knowledge and corrective input from environmental interest-groups that serve as a remedial¹²⁵ As such, he portrays the North Sea

¹²² Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 1.

¹²³ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 5.

¹²⁴ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 14-18.

¹²⁵ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 27.

policy to be sufficient, reflective and in continuous improvement downgrading the need for additional structural representation. The Dutch government thus bases and entrusts its adaptive ecological protection on advancing scientific knowledge.

Reflecting on the flawed practice and execution of democratic representation, the defence of the Dutch state demonstrates how this rhetoric of environmental representation distracts and misrepresents as if the North Sea is represented and protected. Nor does representation 'on paper' allow or guarantee a swift fix. Whether the flawed environmental representation is a matter of anthropocentric formulation of protective legislation, anthropocentric implementation of such legislation, or unenforceable governance mechanisms is a study of governance. The point is that, according to the RoNo discourse, the practice of North Sea representation is clearly insufficient and the Dutch state trivialises this fact referring to continuous 'adaptive policy'.

In defence of the North Sea, one board member of EoNS refutes the apparent arguments of the defender Dutch state's in an interview. As such, he claims 'there is an insane fragmentation' of democratic voices, stating hundreds of nature organisations in the Netherlands fight for 'public support, money and a place at the political negotiation tables'. Accordingly, he calls for improved models of a stronger negotiation position for the North Sea, 'right now, a lobbyist from the World Wildlife Fund, and maybe a few other organisations, are just getting a spot when we talk about the North Sea.'¹²⁶ Another example of flawed listening is forwarded in the RoNo discourse. Exemplified by the plans of the Dutch government to construct windmill parks 'the size of three Dutch provinces' in the decades to come.¹²⁷ Criticising this hastily decision, the EoNS formulated an alternative plan in a 'request to postponement' to the responsible department as part of their so-called research-case 'Windmill parks at Sea'. The risk-prone attitude and dominant anthropocentric action of the responsible Dutch government department becomes visible, following their assumed verdict in the plan that 'a lot of uncertainty about the (sum of) effects' on the North Sea is assumed

¹²⁶ Anne Schepers, "Longread: De politieke stem van de Noordzee," *Waag*, December 23, 2021, <https://waag.org/nl/article/longread-de-politieke-stem-van-de-noordzee/>.

¹²⁷ Ambassade van de Noordzee, *Verzoek tot Uitstel: Tender Windparken Hollandse Kust West VI & VII* (PDF), May 12, 2022, 54, <https://www.ambassadevandennoordzee.nl/product/tender-windparken-hollandse-kust-west-vi-vii/>.

to be 'neutral'.¹²⁸ Scientists of EoNS argue in their alternative plan that currently 'windmill parks are being built with a perspective of 'damage limitation' rather than contributing to and creating opportunities for the ecosystem'.¹²⁹ The government's plan, I argue, proves the uncalculated ecological risks of an approaching large-scale windmill project on the North Sea, where the impact on the sea is trivialised and condoned. Despite being situated in a national biodiversity crisis, this anthropocentric institutional logic portrays how anchored anthropocentric thought reflected in hastily environmental technological-fix comes at the expense of ecological caution. At the same time, the Dutch government likely excuses this decision under the argument that the plan is part of ecological urgency, for a necessary and urgent energy-transition. Therefore, being a measure targeted at tackling global warming, contributing to tackle the biodiversity crisis in the North Sea.

Thus, the RoNo discourse reveals the flawed current institutional human- North Sea relations by the defender of the North Sea revealing, emphasising, questioning and calling out these anthropocentric relations. Specifically, the defender, on behalf of EoNS and the North Sea, argues that the North Sea's current environmental regulation, legal and democratic representation is insufficient. However, acknowledging the outlined defence of the Dutch state, the discourse similarly forwards the Dutch state's argument of their effective forms of democratic representation in place with the help of 'adaptive policy' in constant improvement. Nevertheless, the RoNo discourse portrays, I argue, how, derived from the current weak reality of democratic representation and the plans for windmill parks at sea, anthropocentric practice still has the upper hand.

¹²⁸ Ambassade van de Noordzee, *Verzoek tot Uitstel: Tender Windparken Hollandse Kust West VI & VII* (PDF), May 12, 2022, 56, <https://www.ambassadevandennoordzee.nl/product/tender-windparken-hollandse-kust-west-vi-vii/>.

¹²⁹ Ambassade van de Noordzee, *Verzoek tot Uitstel: Tender Windparken Hollandse Kust West VI & VII* (PDF), May 12, 2022, 60, <https://www.ambassadevandennoordzee.nl/product/tender-windparken-hollandse-kust-west-vi-vii/>.

3.2 The Art of Listening to the North Sea

3.2.1 The Embassy of the North Sea (*De Ambassade van de Noordzee*)

The Embassy of the North Sea (hereafter: EoNS) is a Dutch activist NGO and programme that researches 'how the Netherlands can become a full-fledged political player in the Netherlands'.¹³⁰ The EoNS consists of a collective of scientists, philosophers, ecologists, lawyers and policymakers. EoNS conducts interdisciplinary projects, research, experiments and organises events since 2018 to achieve that end. Set up in 2018, they formulated a planned route until 2030 to achieve that goal. From 2018 to 2022, the 'listening phase' was executed. Utilising improved ways of listening to the North Sea, the 'speaking phase' currently runs from 2023 to 2026 to make the North Sea's voice heard in democratic systems. Last, from 2027 to 2030, the 'negotiation phase' will occur where the previously found insights are landed in human systems.¹³¹

3.2.2. Methods and Solutions by the Embassy of the North Sea: Overcoming the Flaws of Listening

Forwarding a call for a post-anthropocentric society, the art of listening to the North Sea is positioned by EoNS as an unexplored and underdeveloped field crucial to improving human-North Sea relations. In order to overcome the flawed listening to the North Sea outlined in (2.1), the RoNo discourse positions the art of listening to the North Sea as a remedy. These methods are part of EoNS' 'listening phase' (2018-2022) and aim to understand the North Sea and her marine life as sufficient as possible. Methods are formed within the EoNS to listen to the North Sea by means of their research-cases 'Voice of the Eel', 'Underwater noise' and 'Windmill parks at Sea'.

'Voice for the Eel' focusses on the life, needs and experiences of an eel in their underwater world in North-Holland.¹³² 'Underwater noise' illustrates how human activity actively disrupts

¹³⁰ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 1.

¹³¹ Ambassade van de Noordzee, "Route 2030," *Ambassade van de Noordzee*, accessed June, 2025, <https://www.ambassadevandennoordzee.nl/route-2030/>.

¹³² Ambassade van de Noordzee, "Stem voor de Paling," accessed June, 2025, <https://www.ambassadevandennoordzee.nl/projecten/stem-voor-de-paling/>.; Ambassade van de Noordzee, "In gesprek met de niet-menselijke stedeling: Stem voor de paling II," accessed June, 2025, <https://www.ambassadevandennoordzee.nl/projecten/in-gesprek-met-de-niet-menselijke-stedeling-stem-voor-de-paling-ii/>.

the health of life in the North Sea.¹³³ 'Windmills at Sea' proves the uncalculated ecological risks of an approaching large-scale windmill project at sea, where the impact on the sea is trivialised and condoned.¹³⁴

First, 'Voice for the Eel' focusses on getting closer to the life, needs and experiences of an eel in their underwater world in the province of North-Holland. Diving underwater in a farm ditch, Amsterdam centre and IJmuiden, the eel community was approached.

It is domestically known that the Dutch locks (*sluizen*) and flood defences (*waterkeringen*) hinder the animals in its migration, resulting in the eel getting killed in large numbers by man-kind or other animals. The global quantity of glass eel (baby eel) shrank to less than 1 percent of the original level since the 1980s due to human activities. Amsterdam is positioned on one of the main migration routes for the eel; being born in the Bermuda triangle the eel crosses to the Dutch waters in over two years. Unfortunately, all the human threats make this journey almost unfeasible, including the locks and dams in the Netherlands. Environmental lawyer Burgers, defender of the Dutch state in the moot court argues, it lacks the human will for 'unlocking water like at the locks in the *Oudekerkerplas*', stating it is 'not rocket science and would be a great advance for the eel population.'¹³⁵ During the moot court, Burgers uses a multisensory approach to voice the eel to the judge, audience and defender of the Dutch state. One video shown is an exemplary eel who got caught and will die between locks in the *Oudekerkerplas*, as he has outgrown the ability to get out. Also, she shows a map of the Amsterdam waters portraying the inaccessibility of most of the water area, similar to *Ouderkerkplas*. In turn, Burgers allows the judge to feel a 'liveable soil' and a 'sandy soil with an oxygen-less layer of silt' in the canals of Amsterdam and explains the habitual circumstances.¹³⁶ This multisensory approach contributes to ecological awareness and more importantly ecocentric empathy, by taking its perspective and sensually expressing the living environment of the eel.

¹³³ Ambassade van de Noordzee, "Onderwatergeluid in de Noordzee", accessed June, 2025, <https://www.ambassadevandennoordzee.nl/projecten/onderwatergeluid-in-de-noordzee/>.

¹³⁴ Ambassade van de Noordzee. "Windparken op Zee." Accessed June 11, 2025. <https://www.ambassadevandennoordzee.nl/projecten/windmolen-tender/>.

¹³⁵ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 10

¹³⁶ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 11

Second, 'Underwater noise' illustrates how human activity actively disrupts the health of life in the North Sea. Studying this understudied aspect in marine ecology, sound- and visual recordings were made of two riffs in the Dutch North Sea; one in relatively calm water and the other in a noisy environment. One amplifies the sparkling and clicking sounds of a lively riff, the other amplifies the sound dominance of motors of ships in the area. Both were again voiced in the courtroom of the moot court, to the judge and audience.¹³⁷ Noise pollution disrupts sea life, also in the North Sea, and is only recently scientifically recognised as pollution. Moreover, sea animals navigate on vibrations and sounds, also small organisms such as the larvae of an oyster who needs to hear the sound of a riff to be able to safely settle there. This small example of underwater noise is exemplary for a larger strand of marine ecology research which is still developing. Plenty is still unknown about its harmful effects.¹³⁸

In the concluding verdict of the judge, the judge senses and takes perspective of underwater life pleading: 'Where man-kind unsuspectingly crosses the water with his ship, the small life in the sea becomes disoriented and loses grip on its environment resulting in mortality that affects the marine food chain and ultimately affects humans.' She argues that this case portrays increased knowledge of marine life is needed to assess the human impact.¹³⁹ These outcomes thus additionally show how multisensory approaches can shift or strengthen a judge's perspective, potentially influencing more ecocentric (legal) decisions of influential decision-makers for the North Sea. In her final verdict, the judge casts the inability in her legal role to grant structural representation to the North Sea, that is up to the legislative powers. The main premise can neither be answered to as the EoNS cannot be considered 'directly involved with the legal relationship' and it is insufficient clear from the plea what legal consequences would be attached to it.¹⁴⁰ This verdict is grounded, however, in the lack of an existing Dutch RoN legal framework I argue to base these on.

¹³⁷ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 6-7.

¹³⁸ Ambassade van de Noordzee, *Pleitnota Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, October 6, 2022, 6-7.

¹³⁹ Ambassade van de Noordzee, *Presentatie Rechter Isabella Brand Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, Vredespaleis, Den Haag, October 6, 2022, 2.

¹⁴⁰ Ambassade van de Noordzee, *Presentatie Rechter Isabella Brand Moot Court Vredespaleis: Vernieuwing in het recht: de Noordzee aan het woord*, Vredespaleis, Den Haag, October 6, 2022, 3-4.

Third, the previously discussed research case ‘Windmill parks at sea’ aims to halt a decision by the government. Expressing a ‘request for postponement’ on a permit granted for a windmill park ‘the size of three Dutch provinces’, EoNS is offering an alternative plan that takes greater consideration of the ecological risks. In addition to demonstrating a lack of consideration towards the North Sea (see end of 2.2.2), I argue the plan also aims to normalise a cautious ecological approach. The ecological risks of a single windmill park are explained, as a response to the tone of neglect and naivety in the government’s plan. This method of improved listening thus emphasises, outlines and visualises the North Sea’s ecocentric perspective within human activities on the North Sea.

Recognising ecological urgency is gradually felt more, the cases demonstrate the widespread lack of awareness on the influence of human activity on life in the North Sea however. Therefore, novel decisions affecting the North Sea are executed by human actors, like granting licenses or increased Dutch shipping, inflict harm more speedily than the ecological risks are assessed, known or sensed by humans. By getting closer, showing interest and hearing, sensing, feeling North Sea’s marine life, the research-cases aspire to bridge the distance between humans and the North Sea. Primarily by fostering the ecocentric perspective of the North Sea, but also (in)directly normalising and spreading values of ecocentric care and empathy. Generating improved ecocentric perspective and values, these cases gradually contribute and can potentially contribute more to a Dutch ecocentric thought. Utilising these methods of qualitative listening normalises ecocentrism in this discursive phase of RoNo. In turn, by employing, revealing and upscaling these methods to Dutch society and to influential decision-makers, like a judge, that make decisions affecting the North Sea, these methods can effectively contribute to human- North Sea relations.

3.2.3 A Dutch cultural-emotional distance towards the North Sea

The methods reflected upon in 3.2.2 can partially overcome a Dutch cultural-emotional distance I argue to exist. Following the previously assessed research-cases of EoNS in the discourse, a cultural-emotional distance prevails. Moreover, the cultural distance occurs due to an historic and contemporary lack of connection between humans and the North Sea. The emotional distance is a by-product resulting from the cultural distance.

The existing distance between human and the North Sea has hindered ecocentric relations and challenges to foster ecocentric relations. Due to the cultural-

emotional distance, empathy for and connection to the North Sea is limited. Therefore, the distance, I argue, partially explains historic and current anthropocentric human- North Sea relations as well as challenge to transform them. The systemic distance is therefore a (historic) cause of and current obstacle to human-North Sea relations. The art of listening methods assessed in 3.2.2 , contribute to overcome the argued cultural-emotional distance.

3.3 No further taxation, without meaningful representation

The RoNo discourse proposes two forms of structural representation for the North Sea. One is the Zoop-model, proposed by EoNS, which any organisational entity can integrate in their board. The model grants a seat, an enforced voice of any natural area within their board structure to take their perspective into account. The EoNO primarily promotes this model.¹⁴¹ The second option forwarded is legal personhood accompanied with human guardianship overseeing these rights named.¹⁴² However, the EoNS states that the ‘negotiation phase’ will only commence in 2027, where the previously found insights of the listening and talking phase (see 3.2.1) will be ‘landed’ in human systems.¹⁴³ Therefore, in this discursive phase of Dutch RoNo, which type and form of RoN will be effective and promoted is still to be defined in the upcoming years.

3.4 Conclusion

The RoNo discourse has revealed, emphasised and exemplified current anthropocentric human-North Sea relations (3.1.1). Moreover, I have argued how a cultural-emotional distance is prevailing between humans and the North Sea, which can partly explain its anthropocentric and unequal dynamic (3.2.3). This case-study has shown, however, only slight resistance towards RoNo, solely expressed in the rejection of the (fictional) defender of the Dutch state (3.1.1). In turn, the EoNS proposes methods and solutions contribute to improve listening to and understanding the North Sea, and with that normalise ecocentric thought and perspectives, with ecocentric values like care, empathy and relationality (3.2.2). Prior to offering RoNo, this fuels and teaches Dutch society a North Sea-(eco)centric perspective. With

¹⁴¹ Ambassade van de Noordzee, *Verzoek tot Uitstel: Tender Windparken Hollandse Kust West VI & VII* (PDF), May 12, 2022, 70-71, <https://www.ambassadevandennoordzee.nl/product/tender-windparken-hollandse-kust-west-vi-vii/>.

¹⁴² Anne Schepers, “Longread: De politieke stem van de Noordzee,” *Waag*, December 23, 2021, <https://waag.org/nl/article/longread-de-politieke-stem-van-de-noordzee/>.

¹⁴³ Ambassade van de Noordzee, “Route 2030,” *Ambassade van de Noordzee*, accessed June, 2025, <https://www.ambassadevandennoordzee.nl/route-2030/>.

that, the proposed methods can contribute to overcome both the deeply entrenched anthropocentric culture as well as the previously argued cultural-emotional distance. As such, if these methods and solutions are implemented and upscaled, they can gradually contribute to more ecocentric human-Scheldts relations. Targeted at relevant policy-makers, human stakeholders and government officials for the North Sea, these methods can influence institutions and individuals who make important decisions affecting the North Sea. Last, more structural forms of North Sea representation are called upon. However, following the EoNS's *Route to 2030*, the proposed form of the Zoop-model is not a final idea (2.5). Still, following the plea of the defender of the North Sea, the discourse forwards that the potential forms of RoNo, defined as structural representation, can institutionalise and enforce ecocentric governance (3.1.2). With more ecocentric institutional logic concretely contributing to more ecocentric human-Scheldts relations.

Chapter 4: Rights of the Wadden Sea Discourse

Subquestion: How has the rights of the Wadden (RoW) discourse influenced normative understandings of Dutch human-Wadden Sea relations, between 2018 and the present?

Rights of the Wadden Sea (RoW) is the most developed case of RoN in the Netherlands. In a phase of pre-implementation, RoW has received the most attention in the discursive phase. As such, RoW is broadly expressed in public discourse. In contrast to the RoS and RoNo discourse, the RoW discourse extends to parliamentary debate. In this chapter, I will first discuss the ecological and regulatory state of the Wadden Sea (4.1). In turn, a point of transition in Wadden Sea governance, in 2018, will be traced and reflected upon (4.2). Simultaneously, this point of transition marks the start of and runs parallel to the start of a bottom-up RoW movement (4.3), owing to the unique Dutch parliamentary contestation which emerged at the national level. In turn, engaging with the qualitative attention RoW received, more reflections of resistance towards RoW will be engaged with, generally applicable to the RoN debate as well (4.4). To finalise, the proposed form of RoW in the discourse will be briefly touched upon (4.5)

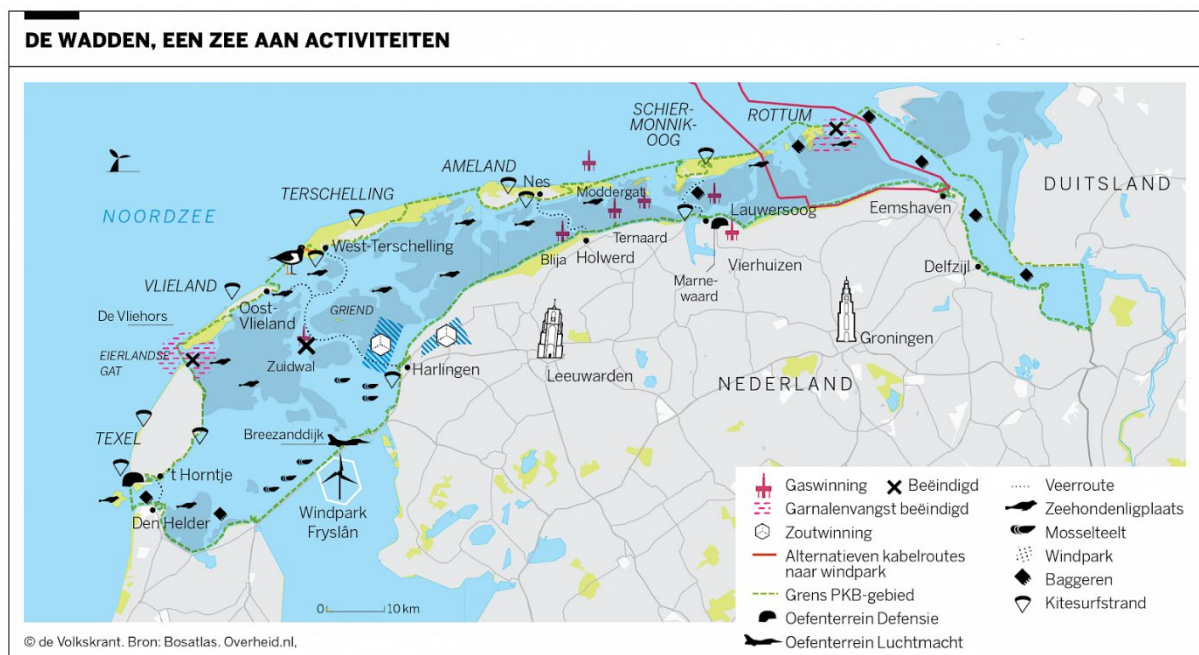


Figure 3: Titled 'The Wadden, a sea of activities' ¹⁴⁴

¹⁴⁴ Bas van Duinen, "Wie beschermt de Waddenzee eigenlijk?" *de Volkskrant*, 2021, <https://www.volkskrant.nl/kijkverder/v/2021/wie-beschermt-de-waddenzee-eigenlijk~v457625/>.

4.1 Waddensea: On paper the best protected natural area in the Netherlands

4.1.1 The Wadden Sea

The *Wadden* (mudflats) Sea is the ‘largest unbroken system of intertidal sand and mud flats in the world’, and therefore earned the area the UNESCO World Heritage Status in 2009.¹⁴⁵ The Wadden Sea runs along the Netherlands, Germany and Denmark, whereas the thesis will focus on the Dutch part shown in Figure 3. The Dutch Wadden Sea borders the North Sea and is surrounded by several by human-inhabited Dutch Wadden Islands. *The Wadden* can be hiked during low tide from the main land to one of the Wadden Islands when the Wadden Sea ‘breaths in’, and will be mostly submerged when the sea ‘breaths out’ during high-tide. This daily process makes it a very dynamic area, where the drying out mud flats make the area attractive for birds worldwide on their migratory route. The tidal flats are attractive for their amounts of worms, crustaceans, shellfish and other food; Deeper waters serve as nurseries for fish species; and the majority of the Dutch seal population and salt marsh communities reside in the Wadden Sea. It is uniquely important for millions of animals and utterly rich in biodiversity, embodying an ecological hub in a complex web of global ecosystems.¹⁴⁶ Close to 6 million birds can be present on the international whole of the Wadden Sea, and 10 to 12 million cross the natural area annually. Around 10 000 species, of single-cell organisms, plants, animals and fungi are estimated to inhabit the whole of the international Wadden Sea area. Moreover, the natural area is valued by Dutch society, as it was voted the most beautiful natural area of the Netherlands in 2016. The Wadden Islands attracts millions of tourists every year.¹⁴⁷ The overall ecological, but also cultural and economic, value thus necessitates sound protection.

4.1.2 The ecological state of the Wadden Sea

Pressured to remain in a resilient and healthy ecological state, the most recent ecological trends are predominantly negative. The amounts of fish and migratory birds significantly

¹⁴⁵ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 786, <https://doi.org/10.1080/02508060.2019.1679925>.

¹⁴⁶ Tineke Lambooy, Tessa van Soest, and Ignace Breemer, *Granting Rights of Nature to the Wadden Sea? An Exploratory Study*, Leeuwarden: Waddenacademie, November 30, 2022, 48-49 https://www.waddenacademie.nl/fileadmin/inhoud/pdf/04-bibliotheek/2022-04_Granting_Rights_of_Nature_to_the_Wadden_Sea.pdf.

¹⁴⁷ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 786-788, <https://doi.org/10.1080/02508060.2019.1679925>.

declined. Seal numbers have increased, however.¹⁴⁸ According to a more recent *Wadden in Beeld* report, covering trends of 2022 and 2023, most of the Natura 2000 goals for the Dutch Wadden Sea are not achieved.¹⁴⁹ Worryingly, the goals for nine out of thirteen protected breeding bird species are not met, the aspired number of 21 of 38 other protected bird species are not achieved and the size of two of fourteen protected habitats shrunk. On a positive note, the seal species are still doing well, despite a recent decline of the common seal.¹⁵⁰

The famous 32-km *Afsluitdijk* (dyke) constructed in the 30s was built to protect the Dutch inland and society against potential reoccurring floods. Despite its national pride, the dyke appeared to significantly stagnate the ecology of marine life in the Wadden Sea, by closing and dividing the aquatic habitats on both sides.¹⁵¹ The ecological state has therefore, first of all, been exacerbated by this anthropocentric construction in the last century. Figure 3 shows the *Afsluitdijk* as a green stroke next to ‘*Windpark Fryslan*’, connecting the inland areas.¹⁵² Additionally, the negative ecological trends can be attributed to the intensive human usage of the Wadden Sea, including dredging, recreation, fishery, the report says. Whilst the overarching threat of global warming has a gradual effect, including higher water temperature and a rising sea level.¹⁵³ Other substantial threats are continuous activities like salt extraction, gas extraction, the growing installation of electricity cables to connect to expanding windmill parks in the North Sea and military activities in the Natura 2000 areas. Human activities like noise pollution, though understudied, due to marine activity and shipping, and agricultural nitrogen emissions from land form additional threats. Whilst plastic waste, shipping oil pollution and contaminants are significant side-issues.¹⁵⁴ The most recent additional threat of

¹⁴⁸ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 790, <https://doi.org/10.1080/02508060.2019.1679925>.

¹⁴⁹ The Natura 2000 area is equal to the whole of the Dutch Wadden Sea

¹⁵⁰ Basismonitoring Wadden (Rijkswaterstaat and partners), “Wadden in Beeld,” *Basismonitoring Wadden*, Mei 24, 2024, 54–55, <https://basismonitoringwadden.waddenzee.nl/wadden-beeld/>.

¹⁵¹ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 790, <https://doi.org/10.1080/02508060.2019.1679925>.

¹⁵² Jurre van den Berg and Jean-Pierre Geelen, “Wie beschermt de Waddenzee eigenlijk?” *de Volkskrant*, 2021, <https://www.volkskrant.nl/kijkverder/v/2021/wie-beschermt-de-waddenzee-eigenlijk~v457625/>.

¹⁵³ Basismonitoring Wadden (Rijkswaterstaat and partners), “Wadden in Beeld,” *Basismonitoring Wadden*, Mei 24, 2024, 56, <https://basismonitoringwadden.waddenzee.nl/wadden-beeld/>.

¹⁵⁴ Tineke Lambooy, Tessa van Soest, and Ignace Breemer, *Granting Rights of Nature to the Wadden Sea? An Exploratory Study*, Leeuwarden: Waddenacademie, November 30, 2022, 68, https://www.waddenacademie.nl/fileadmin/inhoud/pdf/04-bibliotheek/2022-04_Granting_Rights_of_Nature_to_the_Wadden_Sea.pdf.

human usage, is the ongoing discussion for a novel license for gas extraction around Ternaard; also visible in Figure 3. The most recent update is that, there are no significant consequences found for the conservation goals of the Natura 2000-areas. Therefore, a ‘refusal decision’ (*weigeringsbesluit*) cannot be granted legally, the responsible state secretary argues.¹⁵⁵ I will more extensively reflect on this discussion in 4.2.

The cumulative effects of all these human activities are therefore significantly worrying. ‘It is always a sum; nothing is ever subtracted,’ is said in a KRO-NCRV radio-item.¹⁵⁶ Moreover, the uncertainty of the effects of climate change on natural processes and values in the Wadden Sea, and the uncertainty of the influence of human effects thereof for the Wadden Sea strain the future even more. The much-needed tidal flats and sandy shoals are at risk of flooding due to rising sea levels. Therefore, these long-term uncertainties accumulate the ‘already existing uncertainties’ of the overall human effect in and around the Wadden sea.¹⁵⁷

4.1.3 The best protected natural area in the Netherlands

Similar to the Scheldts and the North Sea, there is a significant amount of protective regulation and ecological frameworks in place for the Wadden Sea. An even more sacred protection is granted, through its UNESCO status. However, the verdict is the same: ample protection on paper, but practice leaves much to be desired.

Analysing the Dutch implementation of international protective frameworks for the Wadden Sea, Bastmeijer et al. (2023) argue that ‘mainly treaties receive too less attention in all chains of the (Dutch) policy cycles’ and also ‘the implementation of EU-directives require ‘serious improvement’ to achieve the goals.’¹⁵⁸ The execution portrays once again that novel green

¹⁵⁵ *Tweede Kamer der Staten-Generaal*, “Kamerbrief: Gaswinning Ternaard-Motie lid Kostic” (Tweede Kamerstuk), Mei 28, 2025, <https://open.overheid.nl/documenten/7ff2b842-89b7-40cb-b64d-f54ce4706a30/file>.

¹⁵⁶ KRO-NCRV, *Pointer Regio: Rechten voor de Wadden*, radio-interview, January 15, 2023, on NPO Radio 1.

¹⁵⁷ Tineke Lambooy, Tessa van Soest, and Ignace Breemer, *Granting Rights of Nature to the Wadden Sea? An Exploratory Study*, Leeuwarden: Waddenacademie, November 30, 2022, 68, https://www.waddenacademie.nl/fileadmin/inhoud/pdf/04-bibliotheek/2022-04_Granting_Rights_of_Nature_to_the_Wadden_Sea.pdf.

¹⁵⁸ Kees **Bastmeijer**, Luuk **Boerema**, Herman Kasper **Gilissen**, Fred **Kistenkas**, Linde **Miltenburg**, Marleen van **Rijswick**, Arie **Trouwborst**, Jonathan **Verschuuren**, and Wienke **Zwier**, *De Europees- en internationaalrechtelijke status van de Waddenzee: Een analyse van de relevantie van EU-richtlijnen en internationale verdragen voor de bescherming en het beheer van de Waddenzee met een doorkijk naar de*

policy, also on EU and international level, is not necessarily a guarantee for improvement, depending on national translation and implementation. Most prominently, the granted UNESCO-status to the Wadden Sea enforces to protect the Wadden Sea's 'outstanding universal value' and 'natural heritage' and deserves it the title to be 'the best protected Dutch natural area'.¹⁵⁹ Moreover, the existing EU Water Framework ('00), Birds ('79)- and Habitats ('92) Directives have national implications for the Wadden Sea. Natura 2000-areas are EU-wide assigned natural areas dedicated to execute the Birds- and Habitats Directives. In the Netherlands, the Wadden Sea as a whole, is the largest Natura 2000 area. (Natura 2000). Additionally, the national *Wet Natuurbescherming* is a translation of the Nature Conservation Act. A trilateral cooperation of the three Wadden Sea countries (Germany, Denmark and the Netherlands) adds another layer of protection. Whereas numerous international treaties, like the OSPAR-treaty and Treaty of Bern, contribute to protection for (parts) of the Wadden Sea's ecosystems. Not to have mentioned all the legal principles, like the precautionary principle, and prohibitions in international law that apply to ecological regulation.¹⁶⁰ Mainly the UNESCO status provides an exclusive and superior level of protection, with the latter being in the interest of 'all peoples in the world'.¹⁶¹ The Wadden Sea thus reflects a legal status 'which hinges towards intangibility,' an article in the *Groene Amsterdammer* poses.¹⁶²

Treaties and EU-directives are not achieved and for many the goals are neither 'close by', deemed to be worrying since many of these frameworks have existed for decades.¹⁶³ The cumulative effect of all prevailing human activities on the Wadden Sea comes at a heavy price, and the uncertainties of the future are predicted to worsen the ecological crisis. Whilst the ecological state still requires more space to breath to recover from all inflicted harm.

Nederlandse implementatie, Report (Leeuwarden: Waddenacademie, November 1, 2023), 403, <https://research.wur.nl/en/publications/de-europees-en-internationaalrechtelijke-status-van-de-waddenzee->

¹⁵⁹ Kees Bastmeijer, ed., *De Europees- en internationaalrechtelijke status van de Waddenzee: Een analyse van de relevantie van EU-richtlijnen en internationale verdragen voor de bescherming en het beheer van de Waddenzee met een doorkijk naar de Nederlandse implementatie*, Report (Leeuwarden: Waddenacademie, November 1, 2023), 15.

¹⁶⁰ Kees Bastmeijer, ed., idem, 381-384.

¹⁶¹ Kees Bastmeijer, ed., idem, 15.

¹⁶² Frank Westerman, "Wat wil het Wad?," *De Groene Amsterdammer*, October 4, 2023, <https://www.groene.nl/artikel/wat-wil-het-wad>.

¹⁶³ Kees Bastmeijer, eds., *Reflectie met beleidsaanbevelingen naar aanleiding van het rapport "De Europees- en internationaalrechtelijke status van de Waddenzee"*, Waddenacademie Rapport, (Leeuwarden: Waddenacademie, January 8, 2024), 9-10, https://www.waddenacademie.nl/fileadmin/inhoud/pdf/04-bibliotheek/2024-01_Reflectie_met_beleidsaanbevelingen_nav_rapport_De_Europees-en_internationaalrechtelijke_status_van_de_Waddenzee.pdf

4.2 Momentum for change in 2018: novel Dutch Wadden Sea governance

The aforementioned state of the Wadden Sea called for a novel approach. ‘All those things together, might be too much’ became a familiar sound within the Dutch government who felt pressured to act.¹⁶⁴ In 2018, several of the ‘Wadden Ministers’ thus mandated advisory research by consultancy AT Osborne to assess the Wadden Sea’s conservation and improvement goals. This breaking point in 2018, resulting from increased domestic societal and political pressure for ecological protection, awakened momentum for novel governance. Also for the novel Rights of the Wadden Sea discussion. The RoW debate (see 4.3 and 4.4), however, occurred in the background, within the realms of Dutch media, academia and politics, whilst the Dutch government followed the path recommended by AT Osborne’s.

4.2.1 AT Osborne, the BAW and an improved ecological state

AT Osborne concluded Wadden Sea’s preservation goals have been achieved, but improvement goals have not. Underlying this, they strongly claimed policy decisions to be the number one cause. Next to identifying the destructive aforementioned human activities, they found Wadden Sea governance to be ‘complex, ineffective and inefficient’ whilst ‘the competent authorities lack the culture for sound cooperation’. On a positive note, AT Osborne acknowledged the effective management on water-related issues and the interests of the fishing industry, by the respective Ministries. However, functions of ‘water-related issues’, defined as water quality, water safety, water accessibility, and navigability for shipping, are anthropocentric steering points for governance, I argue. There is no, according to AT Osborne, clear centralised steering for ecological protection, with management duties and powers being splintered.¹⁶⁵ Combined with the effective management of fishery conditions, this reflects one-sided protection of anthropocentric interests in Wadden Sea governance. Doing so, the execution shows anthropocentric logic in what seems and is ought to be governance frameworks of Wadden Sea protection. Moreover, AT Osborne’s finding ties back to Bastmeijer et al.’s (2023) recommendation for a more integral ecosystem approach of Wadden Sea protection. An integral scope that goes beyond mere focus on anthropocentric interests of human water usage, and beyond a sole protective focus on e.g. seals or indigenous

¹⁶⁴ KRO-NCRV, *Pointer Regio: Rechten voor de Wadden*, radio item, January 15, 2023, on NPO Radio 1, hosted by Niels Heithuis.

¹⁶⁵ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 790, <https://doi.org/10.1080/02508060.2019.1679925>.

birds.¹⁶⁶ Despite ecocentric intentions, the anthropocentric execution of governmental protectio leaves much to be desired.

To overcome the management gap, AT Osborne proposes several routes to initiate a responsible management authority. The Dutch government chose for the 'light version'.¹⁶⁷ The recommended governance organ should become a cooperative unit comprising the Wadden Sea authorities. Next, an integrated management plan should be consolidated, capturing the protection of nature, fishing and water. In academic RoW discourse, criticism was subsequently casted on the plans by AT Osborne by Lambooy et al. (2019). The organ will operate 'without legal personality and without budget or powers of its own', they commence. For that reason, Lambooy et al. (2019) argue the governance issues will prevail. The managerial duties and powers will remain untouched, splintered, and thus not improve ecological results. Doubting its effectivity, the authority is merely focused on management they argue: 'It can be expected to serve only as a coordination tool'.¹⁶⁸ No transformation of ecological prioritisation will occur, without a broader policy on ecological protection or a revaluation of its intensive human usage.¹⁶⁹ In accordance, authors of a pioneering *Trouw* article in 2018, including Lambooy, argued that the aspired BAW is strongly tied to and executing government policy, and in that sense not independent.¹⁷⁰ Following their argumentation, the municipality of *Noard-East Fryslân* similarly urged the Dutch cabinet to initiate an 'independent BAW'.¹⁷¹ The representation of the BAW 'is left to representatives of the government', therefore 'the interests of stakeholders... will play a too large role'.¹⁷²

¹⁶⁶ Kees Bastmeijer, eds., *Reflectie met beleidsaanbevelingen naar aanleiding van het rapport "De Europees- en internationaalrechtelijke status van de Waddenzee"*, Waddenacademie Rapport, (Leeuwarden: Waddenacademie, January 8, 2024), 17.

¹⁶⁷ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 790.

¹⁶⁸ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 791.

¹⁶⁹ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 790.

¹⁷⁰ Onno Havermans, "Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt," *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-beschermt~bead76a1/>.

¹⁷¹ Gemeente Noardeast-Fryslân, 'Bijzondere rechten UNESCO Werelderfgoed Waddenzee, political motion, July 11, 2019, <https://noardeastfryslan.bestuurlijkeinformatie.nl/Reports/Document/1ee3b9a9-891a-48a3-9697-2db22a483a0e?documentId=07eabab8-098f-45bd-84f6-f608b18b7261>.

¹⁷² Jessica den Outer, "Hoe kunnen we de Waddenzee beter beschermen? Door haar rechten te geven," *De Correspondent*, March 15, 2023, <https://decorrespondent.nl/14293/hoe-kunnen-we-de-waddenzee-beter-beschermen-door-haar-rechten-te-geven/b55ddc87-928e-0165-0fdb-dc25f882c812>.

Though assumptive in nature, these discursive predictions are based on Lambooy et al. (2019)'s assessment of an unaltered set-up of BAW's power structures. Due to a persistence in governmental interests meddling with the ecological governance, without a guarantee for independency, own budget or power.¹⁷³ This perhaps demonstrates that the Dutch government is not willing to lose partial control or power over Wadden Sea governance.

Thus, AT Osborne concludes in 2018 that the governance of the Wadden Sea has failed to live up to the ecological goals and nature values; set by the numerous regulatory frameworks and Dutch policy. More importantly, the proposed improvement goals might smoothen up bureaucratic and managerial processes, but the continuation of anthropocentric prioritisation and stakeholder satisfaction likely will remain, as Lambooy et al.'s (2019) argues. Lambooy et al.'s (2019) reflections point to the continuation of a similar anthropocentric logic and governance culture in the aspired novel governance approach. In 2020, the so-called novel organ *Beheerautoriteit Waddenzee* (management authority Wadden Sea; hereafter BAW) was eventually set up, with the overseeing governmental authorities describing its aim to 'bind powers, to make them collaborate effectively'. Criticising the novel governance BAW, Lambooy et al. (2019) propose legal personhood for the Wadden Sea as the remedy that can achieve the aspired goals. Own rights and the legal power of legal personhood is argued to have a 'further-reaching middle and long term ambition'.¹⁷⁴

4.2.2 An improved state of Wadden Sea governance, an improved state of Wadden Sea area?

In 2024, responsible authorities conducted an evaluation of the BAW. Following the first and most recent evaluation of the BAW, the ecological goals set and the goal to cooperate as one integral 'conservationist' (*beheerder*), have again not been met. Therefore, the prognosis of Lambooy et al. (2019) and RoW media discourse became reality.

First of all, BAW's organ structures are government-based and steered. As such, the BAW's organ structures comprise national and local environmental organisations, but also representatives of the Ministries and Waddenprovinces.¹⁷⁵ The conservationists (*beheerders*), part of BAW, comprises mostly national and local environmental organisations, but also

¹⁷³ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 789–791.

¹⁷⁴ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 791.

¹⁷⁵ Waddenprovinces comprise the provinces of North-Holland, Groningen and Friesland.

representatives of the Waddenprovinces and the Ministry. The conservationists recognise the ecological interest loses to the economic pressure. Similarly, the other BAW-organ, the employers (*opdrachtgevers*), comprising the two involved Ministries and Waddenprovinces, do acknowledge the economic pressure to be 'large'. Moreover, the conservationists expressed the employers make 'considerations' in their 'own home' which stand in the way of 'good nature conservation'.¹⁷⁶ Moreover, the multitude of organisational interests of the stakeholders in the BAW are said to 'compete for priority', hindering an integral protective approach.¹⁷⁷ In that sense, the BAW, more specifically the employers in collaboration with economic stakeholders, continues the trajectory of anthropocentric institutional logic. These employers are the same governmental organisations residing at the decision-making tables of the other BAW organs: the conservationists and BAW-board. As such, government representatives are seated across all layers of the BAW. Following the conservationists, who claim employers' 'considerations in their own home' to stand in the way of 'good nature conservation', this conflict of interests hinders BAW's independent action and an ecocentric approach to the Wadden Sea.¹⁷⁸ If the government representatives would represent and act in accordance with a more ecocentric approach within the BAW, the initial goal of the BAW would be more effective likely. An ecocentric perspective or independent BAW's verdict which would, for example, halt or nuance new licenses like the gas extraction at Ternaard.

Therefore, I argue, considering the composition of BAW organs and 'considerations in their own home', that anthropocentric logic and culture prevails and remains within Dutch Wadden Sea governance. The underlying reasons argued are anthropocentric governmental interests and logic which dominates in the governance culture. Moreover, the anthropocentric culture points to the necessity for more ecocentric values to enable effective ecological governance.

¹⁷⁶ André Oostdijk, Pepijn van der Beek, and Loek Luiten, *Evaluatie Beheerautoriteit Waddenzee* (Utrecht: Berenschot, February 14, 2024), 17, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

¹⁷⁷ André Oostdijk, Pepijn van der Beek, and Loek Luiten, *Evaluatie Beheerautoriteit Waddenzee* (Utrecht: Berenschot, February 14, 2024), 17, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

¹⁷⁸ André Oostdijk, Pepijn van der Beek, and Loek Luiten, *Evaluatie Beheerautoriteit Waddenzee* (Utrecht: Berenschot, February 14, 2024), 17, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

The discussion of a novel license for gas extraction at Ternaard similarly touches upon these arguments. At this moment (May 28, 2025), a ‘refusal decision’ (*weigeringsbesluit*) cannot be permitted legally, according to the responsible state secretary. The decision is based on a research-based assessment (*beoordeling*), coordinated by gas company NAM (*Nederlandse Aardolie Maatschappij*), which not find significant consequences for the Natura 2000-ecological goals.¹⁷⁹ However, first of all current ecological science does not allow for the assessment of the additional understudied effects like underwater noise pollution that result from gas extractions.¹⁸⁰ Nor can ‘the appropriate assessment compiled by NAM’ be considered independent research.¹⁸¹ Nevertheless, the state secretary claims to ‘aim for a solution in good consultation with the shareholders of NAM in which the NAM will possibly refrain from gas extraction at Ternaard.’ If that is not possible, other options are still possible for other all interest-holders.¹⁸² Therefore, I argue the ease with which this license-process is continuing, leans towards the prioritisation of anthropocentric interests. Moreover, the overall tone within this *Kamerbrief* is diplomatic-consensual, in awe of all involved interests and therefore portrays a familiar political-democratic Dutch value; democratic consensus-building. In this so-called *Poldermodel* culture, for which Netherlands and her governance is known for, decisions require approval of all stakeholders and thus interests involved. The value of consensus-building aims to satisfy and involve all stakeholders for a decision which legitimises and enjoys a broad public support. A similar diplomatic- consensual tone can be traced in the evaluation of BAW, owing to all voices in the BAW and broader interests.¹⁸³ This democratic value of consensus-building, I argue, furthermore hinders effective ecological protection due to its extensive and, the by the BAW’s evaluation deemed, ‘arduous

¹⁷⁹ *Tweede Kamer der Staten-Generaal*, “Kamerbrief: Gaswinning Ternaard-Motie lid Kostic” (Tweede Kamerstuk), Mei 28, 2025, 1-2, <https://open.overheid.nl/documenten/7ff2b842-89b7-40cb-b64d-f54ce4706a30/file>.

¹⁸⁰ Leiden University, “*Europese beurs voor onderzoek naar licht- en geluidsverontreiniging onder water*,” last modified October 2023, accessed June, 2025, <https://www.universiteitleiden.nl/nieuws/2023/10/europese-beurs-voor-onderzoek-naar-licht-en-geluidsverontreiniging-onder-water>.

¹⁸¹ *Tweede Kamer der Staten-Generaal*, “Kamerbrief: Gaswinning Ternaard-Motie lid Kostic” (Tweede Kamerstuk), Mei 28, 2025, 1, <https://open.overheid.nl/documenten/7ff2b842-89b7-40cb-b64d-f54ce4706a30/file>.

¹⁸² *Tweede Kamer der Staten-Generaal*, “Kamerbrief: Gaswinning Ternaard-Motie lid Kostic” (Tweede Kamerstuk), Mei 28, 2025, 2, <https://open.overheid.nl/documenten/7ff2b842-89b7-40cb-b64d-f54ce4706a30/file>.

¹⁸³ André Oostdijk, Pepijn van der Beek, and Loek Luiten, *Evaluatie Beheerautoriteit Waddenzee* (Utrecht: Berenschot, February 14, 2024), 17, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

process'.¹⁸⁴ In that sense, the institutional cultural value of democratic consensus-building inhibits Wadden Sea protection in addition to the existing institutional anthropocentric logic.

Without adopting too much of a governance perspective, a main take-away is that novel or a more coherent governance set-up does not guarantee improved protection. Neither when evaluation or an adjusted chain in the set-up slightly improves collaborative management efforts. Novel protective regulation, as reflected in the numerous legal frameworks in place in 4.1, has done so neither. The Wadden Sea crisis can only be halted if the Dutch government, and the democratic set of authorities involved, are willing and able to undertake a normative transformation in institutional values and translate this to enforceable action. A normative transformation towards more ecocentric values is also necessitated, reflected in the need of enforceable protection to inhibit our own anthropocentric destructive tendencies in the Wadden Sea. Change is thus only possible if the Netherlands is willing to prioritise ecology, even when that cuts into short-term interests like gas expansion.

Therefore, I argue anthropocentric logic and governance culture to persist in human-Wadden Sea relations. Whereas the democratic value of consensus-building can be identified as an additional element of institutional obstruction in effective protection. Aspiring improved ecological protection in 2018, AT Osborne's administrative research has tried to pinpoint the governance issues as well as recommend improved structures. Years later, the governmental set-up of the BAW does not deliver and the evaluation hints towards continued anthropocentric decisions. The latter combined with a lack of vigorous, central-steered and perhaps intrinsic will to protect the Wadden Sea better; a conflict of interests within the BAW's organisational structure and the inhibiting democratic value of consensus-building, therefore cannot ensure a more sustainable and ecocentric human- Wadden Sea relation momentarily.

4.3 From a Bottom-up Idea to Political Contestation: Rights for the Wadden Sea Movement

Pioneered by a *Trouw* article, the RoW discourse catalysed a movement and expanded significantly between 2018 and 2024. Starting with academic articles, journalistic coverage and analyses the discourse eventually reached Dutch national politics.

¹⁸⁴ André Oostdijk, Pepijn van der Beek, and Loek Luiten, *Evaluatie Beheerautoriteit Waddenzee* (Utrecht: Berenschot, February 14, 2024), 19, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

In January 2018, an article in *Trouw* written by scholars Lambooy, van de Venis and director of the Wadden association Berkhuisen marked the beginning of the RoW movement: ‘*The Wadden Sea also has rights and those belong in the Constitution*’. The ambitious plea called for and provides a legal set-up to constitutionalise RoW. It requires to assign the government’s public task to an entity with involved stakeholders to protect the Wadden Sea, with its own powers and means. The authors state nature of the Wadden Sea could then receive a legal place and identity in Dutch society, equal to a Dutch ‘municipality, watership (*waterschap*) or company’. Moreover, the lack of independency for the to-be-planned organ BAW is already warned for.¹⁸⁵ The ideas in the article were, in turn, incorporated and passed the aforementioned Nordeast-Friesland’s motion requesting for ‘Special Rights for the Wadden Sea’.¹⁸⁶ The latter was not taken up by the Dutch government, however. Furthermore, the article in *Trouw* was translated into an English academic article in October 2019, and translated into a Dutch academic article in March, 2020.¹⁸⁷ Now, the authors call for legal personhood in the Dutch Civil Code (*Burgerlijk Wetboek*) under public law.¹⁸⁸ The *Trouw* article in January 2018, and these two academic articles have set the bases of knowledge for the movement.

After this awakening of RoW discourse in academic and journalistic circles, the movement accelerated. Another, more extensive, academic publication on RoW, by Lambooy, van Soest and Bremer (2022), was published investigating governance opportunities and perspectives of RoN experts.¹⁸⁹ Requests for RoW were made in the Dutch parliament (*kamervragen*) at the start of 2022, whereas the latter academic publication was handed over in December 2022.

¹⁸⁵ Onno Havermans, “Bruinvis Sedna praat mee over onderzoek dat haar en haar kalf beschermt,” *Trouw*, March 27, 2024, <https://www.trouw.nl/duurzame-100/bruinvis-sedna-praat-mee-over-onderzoek-dat-haar-en-haar-kalf-bescherm~bead76a1/>.

¹⁸⁶ Gemeente Noardeast-Fryslân, ‘*Bijzondere rechten UNESCO Werelderfgoed Waddenzee*, political motion, July 11, 2019, <https://noardeastfryslan.bestuurlijkeinformatie.nl/Reports/Document/1ee3b9a9-891a-48a3-9697-2db22a483a0e?documentId=07eabab8-098f-45bd-84f6-f608b18b7261>.

¹⁸⁷ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 786–803; Tineke Lambooy, Jan van de Venis, and C. M. Stokkermans, “Hoog ti(d) voor een Natuurschap Waddenzee: Voorstel voor een nieuwe vorm van governance van de Waddenzee,” *Tijdschrift voor Omgevingsrecht en Omgevingsbeleid* 2020, no. 1 (March 2020): 70–79.

¹⁸⁸ Tineke Lambooy, Jan van de Venis, and Christiaan Stokkermans, *A Case for Granting Legal Personality to the Dutch Part of the Wadden Sea*, *Water International* 44, no. 6–7 (October 2019): 786–803.

¹⁸⁹ Tineke Lambooy, Tessa van Soest, and Ignace Breemer, *Granting Rights of Nature to the Wadden Sea? An Exploratory Study*, Leeuwarden: Waddenacademie, November 30, 2022.

Strikingly, a breakthrough in national politics emerged. Minister van der Wal, however, initially responded she ‘does not perceive it directly as a starting signal to actually grant the Wadden sea legal personality.’ She does consider it an inspiring concept ‘which we would like to study, discuss and explore further’.¹⁹⁰

Following this phase of studying, discussing and exploring, Minister van der Wal casts a final verdict. She deems RoW not desirable, ‘it does not add anything, it mainly provides symbolic value.’ Arguing the protection is well-arranged already, naming protection granted by UNESCO status and Natura 2000. Moreover, she points out responsible environmental associations can, if necessary, step to court. She cannot imagine ‘what a legal entity would add to this’.¹⁹¹ In a radio-item by KRO-NCRV, Vestiging of the green-left political party PVDD elaborates with the radio-host on the Minister’s verdict.¹⁹² The radio-host defends the Minister’s argumentation: ‘Well, nature has rights insofar as certain values are assigned to for example Natura 2000. Then, as a nature organisation, you can go to court and say that those rights are not being properly safeguarded and that those permits must be revoked.’ Following a little discussion between them, Vestiging concludes: ‘I do think that (RoW) will change something and it is necessary’ exemplifying the destructive results of outdated licenses to ‘*Friesland Campina*’ or ‘shrimp fishery’. Those are all examples where the Minister, in the case of RoW, can make the right decisions prior to, instead of regretting decisions that in the end cannot be undone, she says.¹⁹³ Such ecological governance would furthermore be in line with the previously mentioned international legal precautionary principle (see 4.1.3).

The Minister’s arguments to reject RoW are further refuted in the discourse, to demonstrate ‘misunderstanding’. In a *Volkskrant* column, environmental legal scholar Burgers opposes the

¹⁹⁰ Van der Wal (VVD) was the Minister of Nature and Nitrogen between January 2022 until July 2024, under Cabinet Rutte-IV; Koen Moons, “Waddenzee kan een rechtspersoon worden, concluderen onderzoekers,” *Trouw*, November 30, 2022, <https://www.trouw.nl/duurzaamheid-economie/waddenzee-kan-een-rechtspersoon-worden-concluderen-onderzoekers~b77f88b7/>.

¹⁹¹ *Tweede Kamer der Staten-Generaal*, ‘Kamerbrief met het beleidskader natuur Waddenzee’, *Kamerbrief Minister van der Wal*, December 22, 2022, 3, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

¹⁹² PVDD (Partij voor de Dieren; Party for the Animals) is a Dutch green-left political party

¹⁹³ KRO-NCRV, *Pointer Regio: Rechten voor de Wadden*, radio-item, January 15, 2023, on NPO Radio 1.

Minister's verdict.¹⁹⁴ She continues, it is 'a waste to prematurely toss the idea of RoW with doubtful arguments'. In addition, she elaborates on the effective functioning of RoN abroad. In Spain, right-wing party Vox has judged RoN for Mar Menor to be a 'communist initiative' violating the right to freely found a company, especially in agriculture. As she ironically puts, 'From this resistance becomes evident that rights of nature implies more than a symbolic functioning'. In Ecuador, judges allowed illegal mines to be stopped and mining equipment to be confiscated.¹⁹⁵ Refuting the Minister's argument 'it's unclear which rights would be implemented', she refers to Spain as a comparable non-indigenous European country. 'The law on the Spanish lagoon Mar Menor, for example recognises the right to protection, conservation, maintenance, and where necessary, restoration.' Other type of rights can be traced in other countries with RoN, such as 'Ecuador, Bolivia and Uganda.' If the Netherlands would implement RoW law, a democratic debate arises, out of which the parliament can discuss the types and forms of rights. 'The more politicians think about this, the fewer surprises they will encounter later in court,' she concludes.¹⁹⁶ With the help of effective and meaningful RoN examples abroad, examples of concrete rights formulated and a European non-indigenous comparable example, Burgers aims to refute the Minister's verdict. Aiming to convince the Dutch audience of the added value of RoW and van der Wal's incorrectness, Burgers progresses the trajectory of RoN education in this discursive phase of parliamentary resistance. Dutch RoN pioneer Jessica Den Outer responds more assured to the first Dutch parliamentary verdict on RoN. After enumerating commonly heard questions about RoN, she says: 'Knowledge, experiences and lessons learned from other countries are very useful when dealing with such questions. That is why I am optimistic about the future.'¹⁹⁷ Moreover, I argue, the Minister mentions in the same *Kamerbrief* she wants to put in more effort to protect the Wadden Sea by strengthening the legal precautionary principle

¹⁹⁴ Laura Burgers, "Rechten voor de Waddenzee hebben wel degelijk een positieve impact, minister," *de Volkskrant*, January 15, 2023, 2025, <https://www.volkskrant.nl/columns-opinie/opinie-rechten-voor-de-waddenzee-hebben-wel-degelijk-een-positieve-impact-minister~b344f94d/>.

¹⁹⁵ Laura Burgers, "Rechten voor de Waddenzee hebben wel degelijk een positieve impact, minister," *de Volkskrant*, January 15, 2023.

¹⁹⁶ Laura Burgers, "Rechten voor de Waddenzee hebben wel degelijk een positieve impact, minister," *de Volkskrant*, January 15, 2023.

¹⁹⁷ Jessica den Outer, "Hoe kunnen we de Waddenzee beter beschermen? Door haar rechten te geven," *De Correspondent*, March 15, 2023, <https://decorrespondent.nl/14293/hoe-kunnen-we-de-waddenzee-beter-beschermen-door-haar-rechten-te-geven/b55ddc87-928e-0165-0fdb-dc25f882c812>.

(*voorzorgsbeginsel*).¹⁹⁸ Enforceable RoW governance can realise this. This implies the government intervenes as a precautionary measure, also when the damage for an activity is not fully proven yet. The Ternaard gas extraction example (4.3) does not follow that international legal principle, but could do so.

To sum up, the Dutch RoW movement has exhibited significant discursive progression, in media, academics and politics. The path of RoN education and normalisation has largely been achieved. However, existing societal resistance, for the RoW case, is again prevalent; in a radio-interview, the Minister's verdict on RoW but also the to-be discussed resistance in 4.5. Nevertheless, the discourse has predominantly progressed the idea, fostered a discussion and catalysed a movement of awareness, RoN education and ecocentric thought. Therefore, overall contributing to normalise ecocentric thought, and to reflect on current anthropocentric human- Wadden Sea relations.

4.4 Further Contestation on Rights for the Wadden Sea

In the remainder of the RoW discourse, significant normative resistance is prevalent in analyses of RoW. The assessed societal discourse hereafter is also applicable on the broader Rights of Nature discussion, and therefore touches upon overall RoN resistance. I will limit to critically assess the valuable criticism of van der Heide, a more philosophical perspective, and Frank Westerman, a rather philosophical and governance perspective, in media discourse. Moreover, this recent discourse is expressed close to the the Minister's verdict of RoW in December 2023.

Landscape architect van der Heide frames an optimistic anthropocentric narrative to RoN with human guardianship. His core argument in the article is that 'Nature does not survive despite of, but thanks to the human.' This anthropocentric argument caters around mankind as the sole and most effective actor to solve the biodiversity crisis. First, because humans are needed to acknowledge the intrinsic worth of nature. Second, because humans are the only species who care about nature.¹⁹⁹ He claims the intrinsic worth of nature is only guaranteed with a human consciousness assigning that value. The sole attribution of rights to nature does not

¹⁹⁸ *Tweede Kamer der Staten-Generaal*, 'Kamerbrief met het beleidskader natuur Waddenzee', *Kamerbrief Minister van der Wal*, December 22, 2022, 3, <https://open.overheid.nl/documenten/dpc-15bde6c8b91e30849c2f57b471e6622f19c99c9a/pdf>.

¹⁹⁹ Martijn van der Heide, "Natuur overleeft niet ondanks, maar dankzij de mens," *Trouw*, July 25, 2024, <https://www.trouw.nl/opinie/opinie-natuur-overleeft-niet-ondanks-maar-dankzij-de-mens~b2030acd>.

equal improved nature per se, he posits. Therefore, human interpretation is necessary for the protection of nature, demonstrating the positive essence of interpretation prevalent in potential human guardianship for RoN. Second, van der Heide argues humans are the only species who cares and knows about the protection of nature, not nature itself. 'More animals die than are born, with one species serving as food for another.' Therefore, 'humans are the only species that cares about the survival of other species, nature in itself not necessarily.' However, In terms of human interpretation of the Wadden Sea, van der Heijden questions a commonly heard question: Which part would the Wadden Sea like to voice? Would this be 'a seal, lack of habitual space, underwater noise?' Claiming that only humans know and care how to voice nature, he concludes that 'nature does not survive despite, but thanks to humans.'²⁰⁰

I argue, however, nature is not all destructive and neglectful. We do not know by far to what extent distinct animal or plant species interrelate. Nor how they sympathise with other species. We do have significant amount of examples in nature. We do know how plants and animals species communicate or that inter-animalist breeding happens, and thus that the interconsumption of animal species exists parallel to the interconnection of animals species. However, the extents we do not know yet. Our ecological knowledge does not reach as far. Therefore, this is not a reason to assume nature does not 'mind' the 'survival of natural species' and nature solely functions for 'the one species serves as food for the other species'.²⁰¹ Moreover, this distracts from the general RoW argument stating it is necessary to implement a legally enforceable mechanism which does enforce human biodiversity protection. Even though human guardianship has flaws, we can rely on our understanding what 'nature needs more generally to survive, to flourish, is simple enough', as Jongepier argued in an article in *Trouw*.²⁰² The sole focus on what 'that one seal of grotto exactly wants' is obsolete with RoN, 'let's first talk about the equivalent of mega farms (*megastallen*)'.

Being a famous Dutch journalist, writer and former engineer, Westerman similarly voiced his criticism and rejection of RoW in an essay and podcast of the green-intellectual magazine *De Groene Amsterdammer*. His similar plea was voiced during the opening speech of the Dutch

²⁰⁰ Martijn van der Heide, "Natuur overleeft niet ondanks, maar dankzij de mens," *Trouw*, July 25, 2024, <https://www.trouw.nl/opinie/opinie-natuur-overleeft-niet-ondanks-maar-dankzij-de-mens~b2030acd>.

²⁰¹ Martijn van der Heide, "Natuur overleeft niet ondanks, maar dankzij de mens," *Trouw*, July 25, 2024, <https://www.trouw.nl/opinie/opinie-natuur-overleeft-niet-ondanks-maar-dankzij-de-mens~b2030acd>.

²⁰² Fleur Jongepier, "Laat de Waddenzee zelf bepalen of ze boorplatformen wil," *Trouw*, July 12, 2024, <https://www.trouw.nl/tijdgeest/laat-de-waddenzee-zelf-bepalen-of-ze-boorplatformen-wil~b4931439/>.

Landscape Triennale 2023.²⁰³ His discourse can therefore be considered relatively influential in environmental circles. Frank Westerman's rejection of rights to the Wadden Sea, and the North Sea, to RoN in general, is congruent with the anthropocentric narrative posed by professor van der Heijden. Westerman claims humans are the problem and therefore 'indispensable in any solution'.²⁰⁴ Contrastingly, he does disregard human guardianship. He enumerates several reasons, constantly coming back to 'Wat does the Wad want?' Does she demand her historic original state back, prior to the *Afsluitdijk*, when she was representing a larger *Zuiderzee*? Or doesn't she want to fall dry again, stop to exist, like ten thousand years ago during the last ice age? Also, he considers integrating non-humans into 'legal cocoons' something artificial and unnatural, getting 'animals and things trapped in the small letters of regulation'. In accordance to the 'old thinking', referring to the anthropocentric thought of his generation and engineering background, he describes several examples of effective technological innovation for Wadden Sea protection. Like a fish-stair (*vistrap*), a wide four-km long underwater passage, built in 2022 straight through the *Afsluitdijk*, for fish migration. Or an engineering artwork in 2025 which can regulate the tides, and the mixing of salt and sweet water simultaneously. Allowing baby eel to enter and full-grown eel to exit, during high and low tide.²⁰⁵ These methods of innovation, however, have possibly improved slight elements for eels and certain fish species of the whole of the Wadden Sea ecosystem, I argue. And have not ensured an 'integral approach', recommended earlier by Bastmeijer et al. (2023) and the BAW's evaluation. Rights of the Wadden Sea, and RoN more generally, would enforce larger ecosystem-rights and respective ecological requirements to achieve that and not require awaiting large-scale technological innovations.

However, referring to the 'more than a dozen international treaties' and numerous lower-level governmental regulation, Westerman judges 'further legalisation' more beneficial to the 'umpteenth consultant than to a seal' and turning into a 'legal quagmire'. 'As if a road paved with laws would lead to paradise, and not to a legal quagmire'. He constructively debunks RoN further. Rights come along with duties, and he questions who sues the sea during the

²⁰³ Landschapstriennale, "Troonrede van het landschap: Wat wil het Wad?" Frank Westerman's speech at Landschapstriennale festival, Harlingen, September 19, 2023, <https://landschapstriennale.com/wat-wil-het-wad/>.

²⁰⁴ Frank Westerman, "Wat wil het Wad?," *De Groene Amsterdammer*, October 4, 2023, 49, <https://www.groene.nl/artikel/wat-wil-het-wad>.

²⁰⁵ Frank Westerman, "Wat wil het Wad?," *De Groene Amsterdammer*, October 4, 2023, 49, <https://www.groene.nl/artikel/wat-wil-het-wad>.

upcoming first flooding?, calling human guardianship to be 'patronising, elitist and circumventing direct democracy'. In terms of enforcing RoN, he negatively envisions potential legal proceedings, saying that 'obstinate people and objectors' will trouble 'the path of the doers' with a 'frustrating amount of obstacles and pitfalls'. Currently, it takes a lot of effort to keep the shipping lanes open: 'Is a Wadden guardian going to plea that this cannot be further dredged (*uitgebaggerd*)?'²⁰⁶ These frequently asked questions have been answered, and in a practical sense RoW cannot allow a total ecocentric execution of silence and non-activity in the Wadden Sea, no. Only significantly harming activities towards the Wadden Sea's right to would likely be nuanced or halted. It is up to the Netherlands, however, to determine the types and strength of the to-be defined rights of the Wadden Sea, and determine contextualised RoW norms to achieve the aspired ecological goals. But in Westerman's vision, 'The parliament of things will always remain a parliament of people, even if you disguise its members as crows or shells.'²⁰⁷

Despite the added value of critical assessment on such a novel idea, the arguments once again resemble normative resistance to an unconventional idea and way of thinking. The professor's initial argument that the sole attribution of rights to nature does not equal improved nature per se possible also portrays misinformation about the proposed set-up for RoN, looking at effective RoN examples abroad. Jongepier acknowledges practical execution requires answers, but refutes these arguments by saying, philosophical questions can be asked about this but those are often 'covert ways of expressing unwillingness or discomfort.'²⁰⁸

Subsequently, Jongepier poses enforceable action is needed to first transform human-nature relations prior to this, with the current anchored anthropocentric worldview hindering RoN. 'But you cannot change people's views or worldviews before you take action or change the legal system. Such a shift consists partly of new laws.' Hinting to the a-priori need for more ecocentric human-nature relations, a societal transformation might be necessary prior to the proposition of RoN. This is how Embassy of the North Sea approaches it, aiming for a broader

²⁰⁶ Frank Westerman, "Wat wil het Wad?," *De Groene Amsterdammer*, October 4, 2023, 49, <https://www.groene.nl/artikel/wat-wil-het-wad>.

²⁰⁷ Frank Westerman, "Wat wil het Wad?," *De Groene Amsterdammer*, October 4, 2023, 49, <https://www.groene.nl/artikel/wat-wil-het-wad>.

²⁰⁸ Fleur Jongepier, "Laat de Waddenzee zelf bepalen of ze boorplatformen wil," *Trouw*, July 12, 2024, accessed June 11, 2025, <https://www.trouw.nl/tijdgeest/laat-de-waddenzee-zelf-bepalen-of-ze-boorplatformen-wil~b4931439/>.

public support. With a long 'Route to 2030' following a 12-year plan to listen to, negotiate on behalf of to only aim to propose a form of democratic inclusion of RoNo in 2030.²⁰⁹ However, the question is whether the time granted by EoNS is enough following centuries of gradually ingrained Dutch anthropocentric thought as outlined in the introductory chapter (1.3). We can await the transforming power of growing discourse, the RoN discussion and more proximate successful examples of RoN. Or the Netherlands can experiment and pioneer with the proposed set-ups to set a (European) standard for how they approach its biodiversity crisis, like Spain.

4.5 *Natuurschap*: legal personhood under Dutch public law

In the RoW discourse legal personhood and human guardianship are proposed as the RoN form to overcome unsustainable Dutch human-Wadden Sea relations. With BAW as an example of a potential independent authority to oversee its legal rights. In the three academic articles published on RoW, by Lambooy et al. (2019), Lambooy et al. (2020) and Lambooy et al. (2022), legal personhood is proposed under the form of *Natuurschap*. A legal form under Dutch public law.

4.6 Conclusion

Across the given RoW discourse, relatively much attention is attributed to the idea. Significantly across Dutch media, academia and politics. Representing the best protected natural area in the Netherlands, this area is utterly well protected on paper but similarly leaves much to be desired as outlined (4.1). The RoW discourse, nevertheless, influences human-Wadden Sea relations substantially. More than for the RoS and RoNo, due to its amount of qualitative and quantitative attention and the extension to Dutch parliamentary contestation. Doing so, the RoW discourse similarly normalises ecocentrism I argue. Both by with the promotion and normalisation of ecocentric thought, norms and values and ecocentric governance via RoW. The influence of the RoW discourse can be traced significantly across the discursive realms of Dutch media, academia and politics. Second, it faces considerable normative resistance, portrayed in parliamentary resistance (4.3) and societal resistance (4.4). Furthermore, despite improved intentions of ecocentric governance, anthropocentric institutional logic, norms and values persist in Wadden Sea governance. Reflected in both the

²⁰⁹ Ambassade van de Noordzee, "Route 2030," *Ambassade van de Noordzee*, accessed June, 2025, <https://www.ambassadevandennoordzee.nl/route-2030/>.

organisational set-up and practice of the BAW, as well as the recent parliamentary discussion of novel gas extraction at Ternaard. Therefore, the RoW discourse reveals this institutional logic, though to a more shallow extent than I have argued here, revealing and allowing to reflect on Dutch human- Wadden Sea relations. Last, the RoW discourse, though not discussed as extensively here, repeatedly proposes legal personhood to overcome and enforce ecocentric governance, tackling the inherent anthropocentric tendencies that prevail in current governance. Legal personhood could potentially take the Dutch form of *Natuurschap*, under Dutch public law, with human guardianship in the form of an independent entity like the BAW.

Chapter 5: Conclusion

Conclusion

To conclude, the Dutch RoN discourse influences normative understandings of Dutch human-nature relations in distinct ways and directions. This thesis has mainly focused on *how* the discourse has left its mark. Having followed a period of the last seven years, we are positioned amidst an early transformation of Dutch human-nature relations. The discourse generally seeks to transform the current unsustainable human-nature relation to a more harmonious one for the sake of biodiversity protection and securing human interests within the natural areas.

In a pre-implementation phase of Dutch RoN, no Rights of Nature implementation has occurred as of yet. Generally aspiring to do so, the Dutch RoN discourse considerably influences Dutch human-nature relations in discursive ways. The overall Dutch RoN discourse influences such human-nature relations in the Netherlands in four predominant ways, I argue. First, the discourse generally paves the way and contributes to the gradual normalisation of ecocentrism. Enabled by normalising and promoting ecocentric thought, norms and values. And by normalising and promoting ecocentric governance in the form of RoN. Second, the discourse makes Dutch society aware of the historic and contemporary harmful role of anthropocentrism in the respective natural areas. In these natural contexts, first of all through the societal anthropocentric approach of these natural areas but also as a result of institutional anthropocentric logic. For the Wadden Sea, the Dutch democratic and anthropocentric value of consensus-building was found as an additional institutional obstruction. Allowing Dutch society and relevant human actors to reflect upon this, a resulting mind shift can adjust human norms and acts towards nature. Third, because of the novelty of both RoN and a proposed ecocentric paradigm, normative resistance is evident. Mainly in the discourse of the Scheldts and the Wadden Sea. This resistance is prevalent on both an institutional and societal level. At the backbone of this, are the Dutch deeply entrenched anthropocentric logic, values and systems, I argue. As such, the resistance is rooted in its conflicting nature with the current dominant anthropocentric paradigm. Last, the discourse promotes and proposes the institutionalisation of RoN to enforce and integrate more harmonious and ecocentric human-nature relations in the Netherlands. Legal personhood and adhering human guardianship are the main form proposed to do so, across all case-studies.

Though not the focus of this thesis, due mainly legal personhood is proposed as a legal RoN norm in line with previous RoN research. In the Dutch discourse, however, also a structural democratic voice at the decision-making and the EoNS's Zoop-model are proposed.

In a discursive phase of Dutch RoN, the discourse contributes to constructing, contesting and advancing Dutch RoN norms. Both societally via the normalisation of ecocentrism, as well as by formulating potential Dutch RoN norms of governance. Reflecting movement discourse, the Dutch RoN discourse brings the idea of rights of nature ahead in which the discourse primarily constructs and extends this idea, but also contests and reflects on this innovative tool of biodiversity governance. A contextualised understanding of Dutch RoN contributes to the understanding of relevant Dutch policy-makers, professionals and government officials who make decisions affecting the respective natural areas. The findings can also help to understand and tackle current issues in ecological governance of these natural areas. Especially, the obstructing institutional role of anthropocentric logic, values and culture across all case-studies. But also the hindering democratic value of consensus-building found for the Wadden Sea governance, which might be similarly obstructive for ecological governance of the North Sea and Scheldts.

In turn, a contextualisation of the discourse contributes to understand how Dutch RoN governance and ecocentrism can contribute to these issues. More specifically, the listening methods outlined in Chapter 3 (3.2.2) can be employed as concrete tool towards ecocentrism if upscaled to educate relevant policy-makers, professionals and institutions who make these important decisions. When and whether the Dutch RoN discussion can once again manage to reach Dutch national politics? Is a historic ecocentric transformation necessitated prior to effective implementation of RoN? And can and are we willing to nuance the deeply entrenched anthropocentric thought in the time to come?

All in all, although there is a gradual development from anthropocentrism to ecocentrism, the significant resistance demonstrates this is not a linear development. Anthropocentrism continues to play an important role, also within the Dutch rights of nature discourse as part of the solution. Following a longer trajectory of environmentalism, efforts like RoN keep arising to deal with the destructive yet deeply entrenched role of anthropocentrism. The desperate need and criticism towards this spark potential innovation like RoN, which can contribute its share to the overall challenge of a global biodiversity crisis.

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