

Legal rights for rivers: what happens when a river is a person?

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In 2017, four rivers became 'people'



Whanganui River,
New Zealand



Río Atrato,
Colombia



Ganga and Yamuna
rivers, India



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Why New Zealand is granting a river the same rights as a citizen



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New Zealand river is the world's first 'legal person'

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New Zealand river granted same legal rights as human being

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New Zealand river first in the world to be given legal human status

15 March 2017 | [Asia](#)

Try me a river

New Zealand declares a river a person

The odd legal status is intended to help prevent pollution and other abuses

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Three rivers are now legally people – but that's just the start of looking after them



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the two-way

BREAKING NEWS FROM NPR

INTERNATIONAL



A New Zealand River Now Has The Legal Rights Of A Human

March 16, 2017 · 6:09 PM ET

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What is a legal person?

- Not necessarily a human person, but a statement of *who matters* to the law
- An entity capable of bearing rights and duties
- Three types of legal rights



Why would rivers need rights?

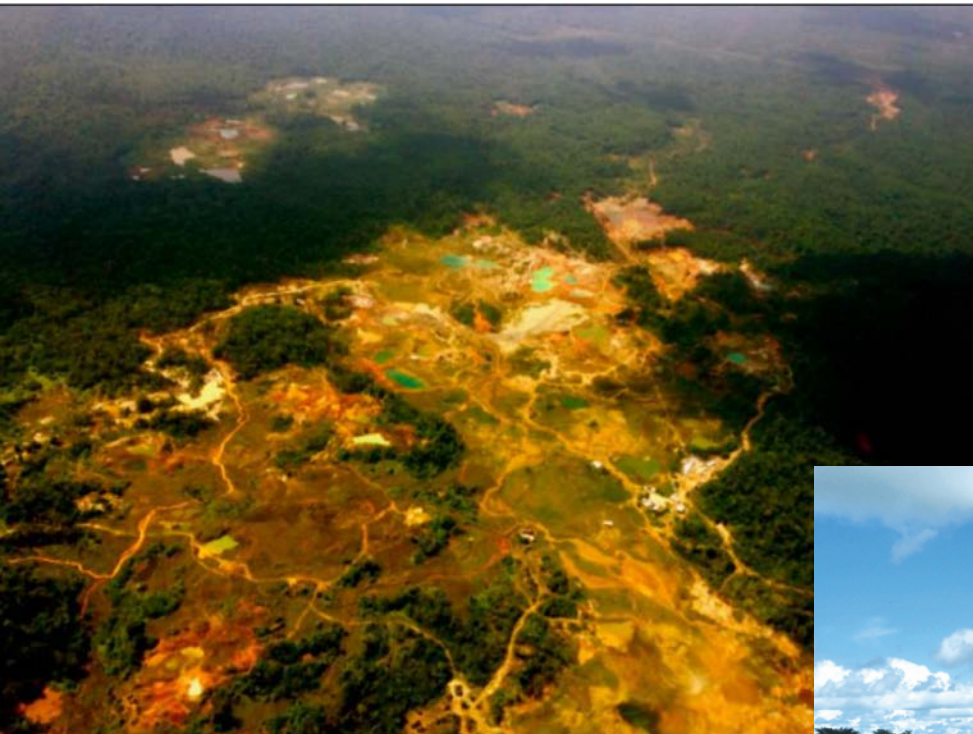


- **First Nations law:** the river as an ancestor; guardians of Country
- **Eco-centrism:** sue in court to protect the river's own interests, not just those of people who use it
- **Market environmentalism:** acquire rights to water and participate in water markets
- **Regulatory theory:** participate in decision-making with its own voice and compete for regulatory outcomes

Río Atrato, Colombia



Highly degraded, but home



Folio 2126 del Cuaderno de pruebas Núm. 5. Imagen de la transformación que producen las actividades mineras en la selva chocoana. Enero 29



Río Atrato: Constitutional Court decision

- The communities living along the banks of the Rio Atrato had the right to a healthy environment, which depended on the river
- To protect human rights, it was necessary to protect the river's own 'biocultural' rights

Implementation

Government working with NGOs to appoint guardians

- One man and one woman from each of 7 communities
- Representative from the Ministry of Environment

Ganga and Yamuna rivers, India



Sacred, but highly polluted



Ganga: State High Court decision

- Ganga and Yamuna Rivers are 'legal persons/living entities' with the status of a legal minor, and state government to act in *loco parentis*

So... more like a child than a corporation?

- Police report: murder of the Yamuna River by poisoning
- State government of Uttarakhand appealed:
 - What are the boundaries of the ruling?
 - Can the government be sued if the river floods?
- Rivers in limbo: Supreme Court stayed effect of original ruling

The paradox of legal rights: more rights, less protection?



Environmental protection goes up

Rivers with legal rights can take *more* action to better protect their rights

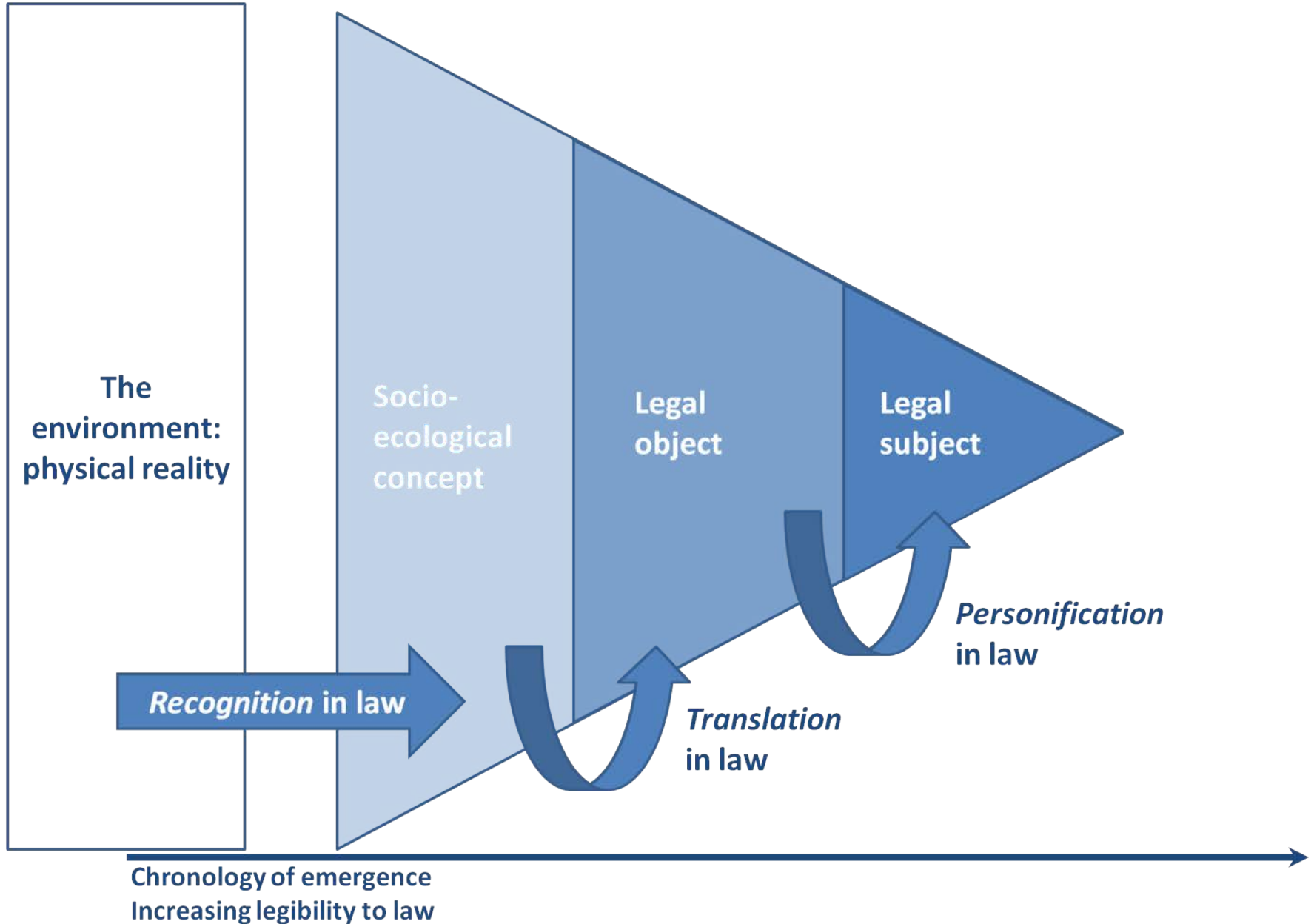
BUT

People are *less* likely to want to protect them

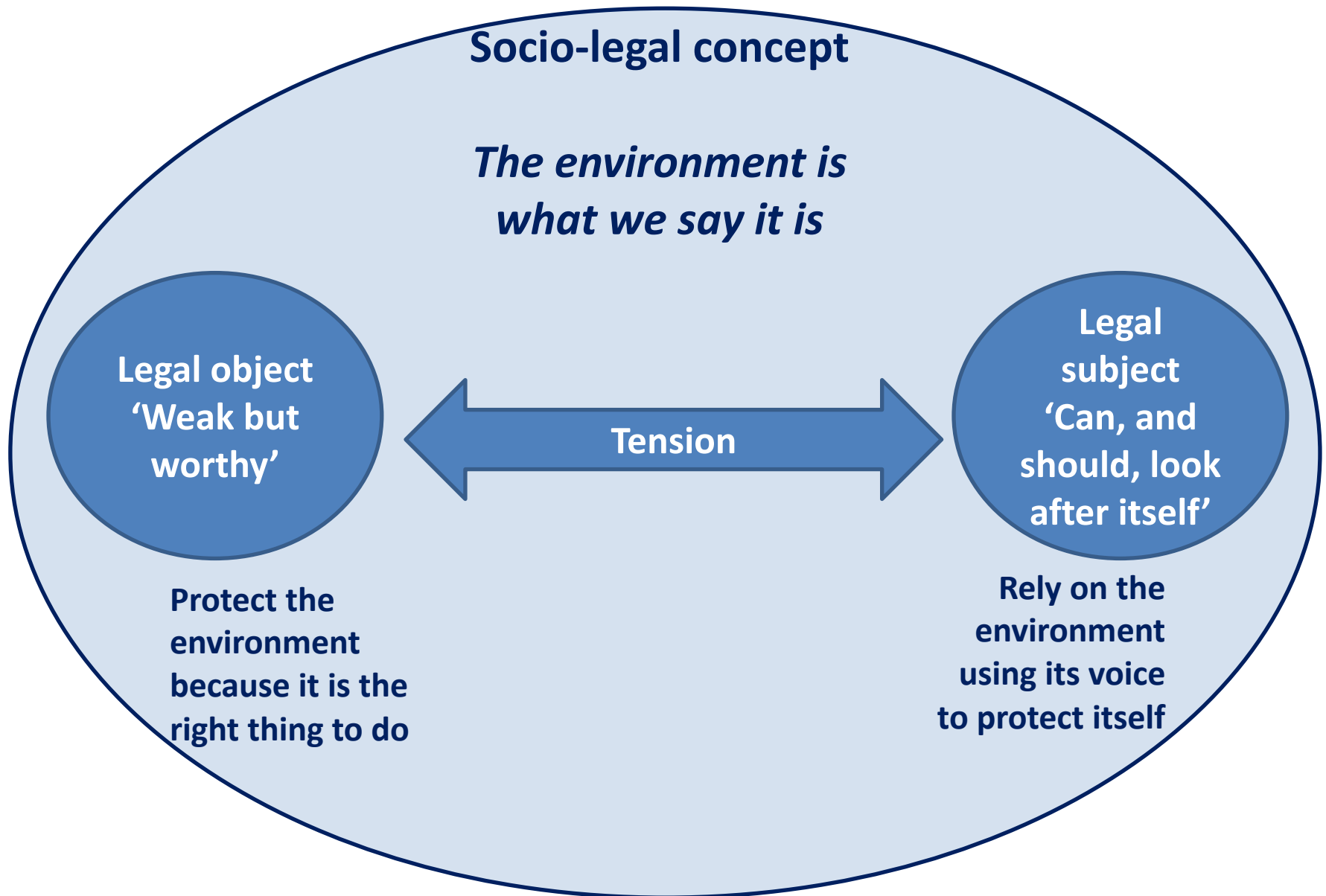


Environmental protection goes down

Understanding the paradox



Construction, narratives, and regulation



Lessons from the rivers: how can we resolve the 'rights' paradox?

Maximise willingness to protect rivers

- Centre First Nations and Indigenous peoples
- Connect people and place
- Be explicit about cultural values: put the 'why' before the 'how'

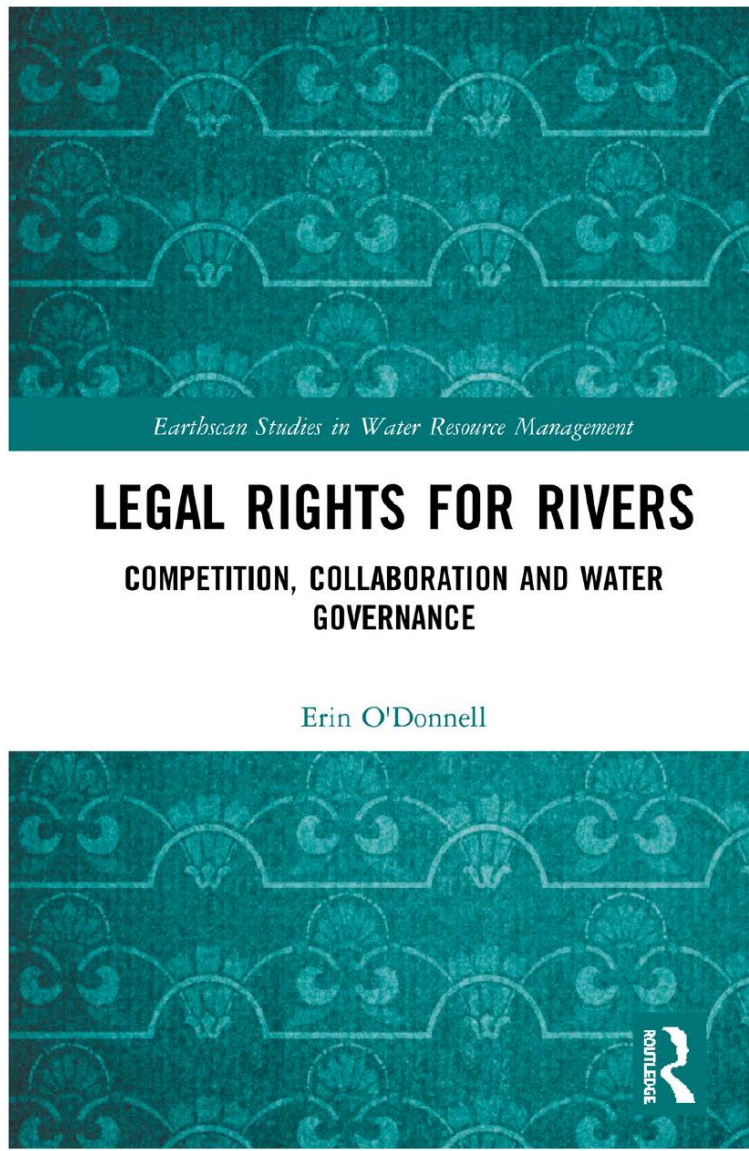
If we do expect rivers to compete, give them a level playing field

- Give legal rights force and effect: organisation, funding, and governance

Available in November!

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<http://linesonthewater.blogspot.com/>



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