Rights of Nature: The current state and potential of implementation of an ecocentric environmental management approach in an anthropocentric society

A comparative case study of the Atrato River in Colombia and the Whanganui River in New Zealand

Elin Walther

Master Thesis Series in Environmental Studies and Sustainability Science,
No 2021:015

A thesis submitted in partial fulfillment of the requirements of Lund University International Master's Programme in Environmental Studies and Sustainability Science (30hp/credits)

LUCSUS
Lund University Centre for Sustainability Studies

Rights of Nature: The current state and potential of implementation of an ecocentric environmental management approach in an anthropocentric society.

A comparative case study of the Atrato River in Colombia and the Whanganui River in New Zealand.

Elin Walther

A thesis submitted in partial fulfillment of the requirements of Lund University International Master's Programme in Environmental Studies and Sustainability Science

Submitted May 11, 2021

Supervisor: Mine Islar, LUCSUS, Lund University

Abstract

This thesis exists within the debate of sustainable environmental management, examining the potential of rights of nature in overcoming problems caused by the current neoliberal conservation paradigm such as inequalities in power, lack in indigenous inclusion, as well as using contextually inappropriate approaches. In examining this a qualitative comparative case study research design is applied on the cases of the Atrato River in Colombia and the Whanganui River in New Zealand. The cases examined show notable inclusion of indigenous populations, with limited obvious discrepancies in power. Both legislations are scientifically supported and developed in a seemingly contextually appropriate manner with incorporations of indigenous knowledge and traditions. It is concluded that RoN could have great potential in developing appropriate and effective environmental protection, but its success is dependent upon the adequate definition of the scope of rights, as well as the means of enforcement in practice.

Keywords: Environmental Management, Rights of Nature, Power, Indigenous Peoples, Atrato River, Whanganui River

Word Count: 11, 999

Acknowledgements

I wish to thank my supervisor, Mine, for your guidance these past few months. Your comments and feedback have been incredibly helpful in developing the thesis. A thank you to Tara, Sarah, and Lavinna as well, you were a fabulous peer group! I also wish to thank my family for their support during these many months of thesis-writing. Family, friends, and fellow students have been incredibly valuable during this time, especially with the pandemic creating additional difficulties. Lastly, a thank you to everyone at LUMES, and to Amanda for her continued assistance throughout the program.

Thank you all!

Table of Contents

Introduction

One key focus of sustainability science is the study of interactions between social and natural systems and how to develop sustainable practices for these in the long-term (Kates, 2011). Within this lies the topic of environmental management; ensuring environmental spaces are sustainably managed whilst still meeting and respecting the needs of local populations (Kates, 2011). Modern environmental law has applied numerous approaches to this, one being neoliberal conservation (Igoe & Brockington, 2007). This approach aims to combine capitalist strategies of privatization, commodification, and marketization with ideas of environmental conservation (Büscher et al., 2014; Igoe & Brockington, 2007). However, it has repeatedly shown significant drawbacks in its potential for sustainable environmental management such as inequal distributions of power, limited social inclusion, as well applying contextually inappropriate management (Holmes & Cavanagh, 2016).

In the current global environmental crisis actors have tried to find alternative means of ensuring environmental protection, one of these being Rights of Nature (hereafter referred to as RoN) (Cyrus R. Vance Center for International Justice, 2020). This approach entails providing legal rights to natural features with the intention to improve the potential for successful court claims to be conducted. (Guterres, 2019). This thesis aims to examine the extent to which RoN can provide an alternative legal tool for environmental management that addresses the power limitations of neoliberal conservation through the examination of two specific cases; the Atrato river in Colombia, and the Whanganui river in New Zealand.

RoN is still a recent approach to environmental management, with the majority of developments globally occurring in the past decade (Cyrus R. Vance Center for International Justice, 2020). This means that the implications, outcomes, and general understanding of the approach is still limited and in need of further study. Although academic study does exist providing perspectives on potential limitations of the RoN approach, these are often focused on the general level, using cases as brief examples. In conducting an in-depth analysis on power interactions for the two identified cases it is believed that possible contributions to the overall development of sustainable environmental management practices within sustainability science could be extracted.

2.0 Problem Statement and Justification

In this section an overview of the problem justification for the topic chosen for this thesis will be provided, followed by a brief presentation of the research question being studied.

2.1 Problem Statement and Justification

Neoliberal Conservation refers to a set of conservation strategies using capitalist strategies as a means of furthering economic growth and funding the conservation of an environmental space (Fletcher, 2020). The approach has developed alongside the increasing neoliberalization of the global economy since the 1980s and has since the early 2000s been a continuous source of debate worldwide (Fairhead, Leach & Scoones, 2012; Fletcher, 2020; Robbins, 2015). Several key features in strategy can be identified in the use of the capitalist principles of privatization, commodification, and marketization (Holmes & Cavanagh, 2016). The use of these practices to reregulate the use of environmental spaces have been seen to further exacerbate power asymmetries in the areas in which they are applied.

The inequal power distribution can manifest in several ways. Igoe & Brockington (2007) present one example in pointing out the disproportionate power and benefit granted to the outside actors through neoliberal conservation projects (Adgjer, Benjaminsen & Svarstad, 2001). Although they do contribute to significant money flows, these are rarely distributed within the local community, but rather shifted to international investors and organizations. Similarly, the increased territorialization has repeatedly seen the creation of “transnationalised spaces”, which are governed in favor of the transnational network rather than the needs and interests of the local population (Büscher et al., 2014; Igoe & Brockington, 2007). Another significant source of power inequalities is seen in the state of capitalist competition within neoliberal conservation. In many cases the external actors have notably greater access to financial and political resources, making it close to impossible for local populations in poor regions to partake effectively (Bakker, 2010; Igoe & Brockington, 2007).

One commonly identified consequence of this power asymmetry is the prevalence of degradation narrative discourses within these conservation projects, which serve to further support the economic income generation of the outside actors (Bakker, 2010; Hajdu & Fischer, 2017). It has been well-documented that local knowledge, traditions, and initiatives are rarely adequately included or considered in favor of pre-conceived plans based on Western notions of what a supposedly “pristine” environment should look like (Leach, Scoones & Stirling, 2010). The reliance on technocentric blueprints approaches create significant risk that conservation strategies developed in this approach will not be environmentally or socially appropriate to the specific context, and likely not contribute to the development of sustainable practices in the long-term (Büscher et al., 2012).

2.2 Research Question

Therefore, the established research question to be investigated is the following;

> *What is the potential for Rights of Nature in addressing the limitation of power inequalities in neoliberal conservation and providing an alternative environmental management approach of greater legal environmental protection and inclusion of indigenous populations?*

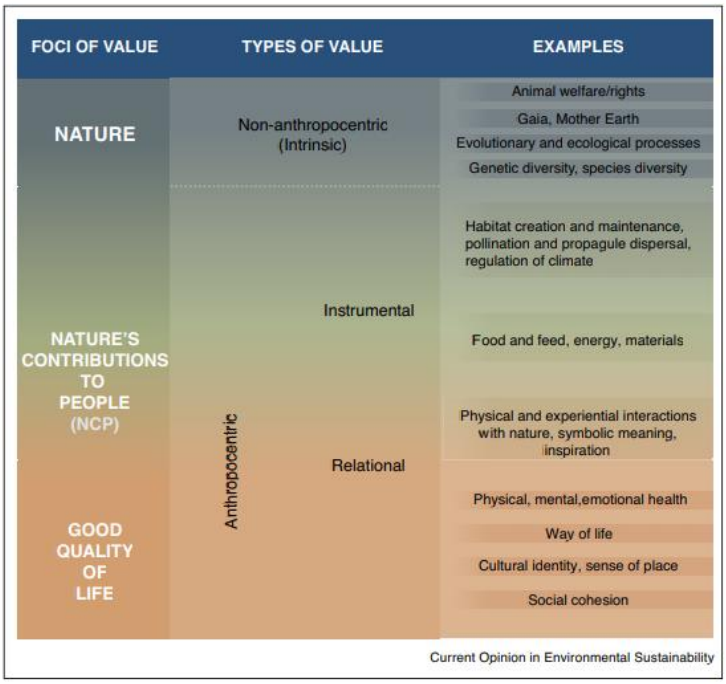
This question will be investigated through the perspective of the implementation of an ecocentric management approach in an anthropocentric society, and be conducted through a comparative case study of RoN in the Atrato River in Colombia and the Whanganui River in New Zealand.

3.0 Theoretical Background

This section aims to provide a theoretical background to several important concepts that are included in this thesis. First the concepts of value systems, anthropocentrism, and ecocentrism are introduced and defined, followed by a brief introduction to RoN. Following this is a section establishing the definitions and scope of power applied in this thesis, as well as a brief overview of the concept of care ethics.

3.1 Value Systems, Anthropocentrism, and Ecocentrism

This thesis examines two different sets of values and philosophies regarding human-nature interactions. These values are grounded in a range of factors such as "cultural and institutional contexts" and are of great importance in determining the scope and outcomes of legislation based upon them. Therefore, it is vital to adequately define these values to allow for appropriate analysis to be conducted. For this thesis the definitions developed by Pascual et al (2017) will be applied; dividing these values into the categories of intrinsic, instrumental, and relational. Examples of each are supplied below in Figure 1, with the applied color scheme showing potential overlap between the categories established.



Diverse values related to nature, nature's contributions to people (NCP) and a good quality of life. The grading in the colors indicate that both instrumental and relational values can be ascribed to the value of NCP, and to highlight that NCP are intertwined with nature and a good quality of life.

Figure 1: Defining Value Systems (Pascual et al., 2017)

The neoliberal approach falls within the scope of anthropocentrism, which is founded on the belief that humans are the only beings to have "moral worth or intrinsic value" (Cafaro & Primarck, 2013). Anthropocentrism places the human in center of any discussion, with other living beings "hold[ing] value only in their ability to serve humans" (Cafaro & Primarck, 2013; Goralnik & Nelson, 2012). Neoliberalism caters primarily to the instrumental and relational values of the environment, with environmental management being of importance primarily in its role in ensuring human survival.

In contrast, ecocentrism views the earth as not belonging to humans, but rather humans being one of many species belonging to nature (Thompson, 2001). As humans are not of greater importance to other species they cannot own nature, and do not have the rights to use nature exclusively for its own benefit (Vargas-Chaves et al., 2020). Ecocentrism places focus both on the individual and the value of the whole, suggesting that the value of the whole is greater than the sum of its parts, but the whole is reliant upon the individual to thrive (Thompson, 2001). RoN embodies this viewpoint in establishing that nature has intrinsic value alongside anthropocentric ones and should be protected not only for what it can contribute to human wellbeing and productivity (Vargas-Chaves et al., 2020). An effective visual of these viewpoints comparatively is provided in Figure 2.

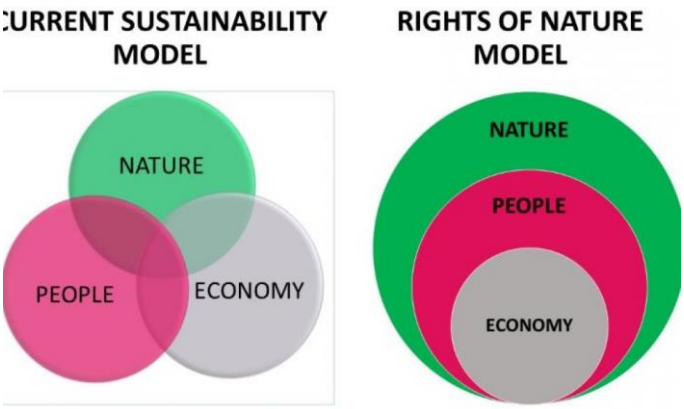


Figure 2: The Current Sustainability Model compared to RoN (Ito, 2017).

3.2 Rights of Nature

RoN refers to the practice of granting rights to environmental features, such as a mountain, a forest, or a river (Naffine, 2003). It applies the practice of creating "legal fictions", as used in establishing rights to for-profit corporations or religious institutions, providing the natural feature with legal personhood (Argyrou & Hummels, 2019). Legally, this supplies the legal person with a number of "rights, duties, and responsibilities" such as the right to "sue and be sued" in court, the right to "enter and enforce legal contracts", as well as the right to own land (Auld, 2019; Global Alliance for the Rights of Nature, nd.; Naffine, 2003; O'Donnell & Talbot-Jones, 2018). An important distinction exists between the existence of legal persons and that of human rights, in that legal entities do not attain civil or political rights (O'Donnell & Talbot-Jones, 2018).

The theory of RoN was first introduced in 1972 in Christopher D. Stone's paper entitled 'Should Trees Have Standing?' (Argyrou & Hummels, 2019; Stone, 1972; Tanasescu, 2017). The article was created in response to Sierra v. Morton in 1972, in which an environmental protection organization the Sierra Club attempted to sue based on the projected harm caused to the environment by a proposed ski resort development (Sowards, 2015; Tanasescu, 2017). The case was ultimately rejected as no harm had occurred to the members of the club, and the organization were unable to justify why they have power to sue on behalf of the environment rather than, for instance, the owner of the property (Sowards, 2015; Tanasescu, 2017). This provides one example of how the Western legal system can make it difficult to successfully sue on behalf of the environment as the court system is structured to favor the rights of the human property owners (Tanasescu, 2017; Westerman 2019).

In working around this issue, Stone proposed that if legal personality were to be applied to natural features the environment would gain standing to sue on its own behalf, as it would not be owned in the traditional sense and would by right have to be heard in court (Tanasescu, 2017; Westerman, 2019). Stone suggests that this provision of rights to nature would allow the human guardians to claim redress on behalf of the environment following environmental damages, as they would be "entitled to raise the land's rights in the land's name", without having to first prove that the damages were infringing on the rights of humans (Argyrou & Hummels, 2019; Stone, 1972; Wilson & Lee, 2019).

Following its introduction in 1982 the use of RoN has been gradually increasing, with Ecuador being the first country to recognize RoN in its constitution in 2008. In 2009 the United Nations established the Harmony with Nature program as a means of further defining "non-anthropocentric relationships with nature and track global developments of the rights of nature" (Guterres, 2019). Numerous instances of RoN have since occurred. In 2014 Colorado proposed the first constitutional amendment including RoN, and the government of New Zealand granted legal rights to Te Urewera, previously a national park. In 2017 the Whanganui river in New Zealand and the Atrato River in Colombia were recognized as legal entities, with India following in naming the Ganges River as a recipient of human rights (Center for Democratic and Environmental Rights, nd.). Bangladesh recently granted all of its rivers legal rights, with other examples occurring in Bolivia, England, Canada, Mexico, and numerous other countries across the world (Center for Democratic and Environmental Rights, nd.).

3.3 Power and Care Ethics

The definition of power applied in this thesis is that as developed by Paulson et al. (2003), defining power as a "social relation built on an asymmetrical distribution of resources and risks" that can be found with the "interactions among, and the processes that constitute, people, places and resources". This thesis provides an analysis on the state of power distributions within two notable cases of RoN by examining the politics in how power is "wielded and negotiated" within the development and implementation of the two respective legislations (Paulson et al., 2003).

More specifically, arguments from Svarstad et al. (2018) and Ahlborg & Nightingale (2017) are considered in examining how power is wielded in the examined cases. Ahlborg & Nightingale (2017) argue for constitutive power rather than as being centered in the individual, suggesting that power is produced through the "continuous and ambiguous exercise of power" rather than as being a resource which can be independently owned. Svarstad (et al, 2018) summarizes the essence of this view of power in stating that power is relational, produced by actions of the individual which then contributes to "contradictory effects for differently situated actors, whereby resource governance processes can simultaneously both empower and create relations of domination".

In the two cases examined the distribution of power will be primarily focused on the state of inclusion of the respective indigenous groups. Although no one definition for 'indigenous' exists the UN broadly defines it as the descendants of populations that have resided in a region prior to colonial influences arriving, often retaining "social, cultural, economic, and political characteristics that are distinct from those of the dominant societies in which they live" (Masaquiza, nd.). Indigenous populations are often included as central actors in RoN movements as they are commonly identified as having ethics and values that closely tie to the ecocentric view of the interdependency of humans and the environment (Clark et al., 2020; Guterres, 2019; Whyte & Cuomo, 2017).

Because of this the notion of care ethics are another key concept in justifying the focus on indigenous inclusion and power. Care ethics refer to the approach to life that is guided by the desire to take care of both the self and others (Gilligan, 1982). While morality can be identified as an "abstract calculation" on behalf of the individual, care ethics are focused primarily on community, networks, interdependence, as well as the "relational and contextual nature of any ethical questions or problem" (Gilligan, 1982; Whyte & Cuomo, 2017). Whyte & Cuomo (2017) points out several general commonalities within indigenous care values; an awareness of the interdependencies existing in the networks one resides within, a moral understanding of ones' responsibilities within this networks, a presence of reverence and stewardship for the surrounding environment, as well as frequent goals of achieving political autonomy of the lands on which the community resides in order to ensure environmental sustainability.

4.0 Methodology

This methodology section aims to provide a succinct summary of the process through which this thesis was conducted. It presents the research design that was applied, followed by an overview of potential limitations present.

4.1 Research Design

The research design for this thesis is of a qualitative multiple-case design, in the format of a comparative case study. It was determined that two cases would be examined based on Yin's (2003) arguments favoring multiple-case studies over single-case studies; stating that "analytic conclusions independently arising from two cases … will be more powerful than those coming from a single case", as well as stating that in examining more than one case the potential for sound generalization to develop is far greater, as any "common conclusions" established will have occurred from more than one case, within different contexts.

In determining the topic focus for this thesis the initial interest was in RoN and its potential in developing environmental legislation that doesn't contribute to further marginalization of indigenous populations, with a brief knowledge and interest in the Whanganui case from prior studies. The Atrato case was chosen following an overview of existing RoN cases due to its suitability within a comparative case study framework; for example, both cases are focused on rivers, and were legalized in 2017 allowing for the same amount of time to pass since implementation. Both cases also involve indigenous populations as well as environmental aspects, and are therefore suitable to the proposed research question. In being similar enough it is of reasonable expectation that comparative points will be possible to develop, whilst the cases occurring in different parts of the world allows for potential analytical points regarding how RoN can develop within different contexts to be made.

Data collection was conducted as a systematic literature study, with the goal to include a reasonably wide range of source types, such as journal articles, news articles, and legal documents. Data collection was organized in three stages based on topic: RoN, the Atrato case, and the Whanganui case. Key words applied in the web search for RoN was, simply, "Rights of Nature". The second stage applied the key words of "rights of nature", "Atrato", and "Colombia". For this case the legal document was not available in English, and a translation available through the UN Harmony with Nature website was used. The third stage applied key words of "rights of nature", "Whanganui", and "New Zealand". For this case the entirety of the legal document was available in both English and Maori through the New Zealand Parliament website.

In establishing criteria for the interpretation of findings it was first determined that the basis of the thesis will be theoretical, examining concepts of neoliberal conservation and RoN, as well as power, anthropocentrism and ecocentrism. During source collection sources were organized by type of source, author, as well as the topic of the source. Data collection information was organized temporally; first establishing the history the region, then developments of RoN for the case, the details in the legislation, as well as initial reactions and developments following implementation. The analysis organizes arguments in theoretical categories based on three major considerations of power identified through the data collection. This is followed by a final category of anthropocentrism and ecocentrism, allowing for generalizations to be made based on case conclusions to sustainability science as a whole. The scope of focus for the analysis is the rough range of 2000-2020, focusing primarily on the development and implementation of the relevant legislation as notable developments have not yet occurred following the respective implementations in 2017.

4.2 Limitations

One key limitation identifiable in this thesis is that of language; as I only speak Swedish and English sources identified throughout the research were limited to ones available in English. Although a full translation was accessible for the Colombia case there is the risk present that some sections may be phrased differently in the original, and would then be missed in the data collection and analysis provided here. Similarly, the New Zealand bill was read exclusively in English, and it is therefore unknown to the author in this case if there is a difference in the version available in Maori.

Another limitation is that of resources. Being a literature study there is the limitation of all sources being secondary. The current pandemic has also limited access to some research resources such as libraries, and the data collection was therefore limited to sources that were accessible online. Related to this is the limitation in the availability of indigenous input available online for the two cases examined. The Whanganui have an established spokesperson and has been active in communication with outside sources for the past 150 years, meaning a significant amount of quotes and data is available from the population themselves. The Atrato case, however, does not have as much readily available. It is unclear whether this is due to the remoteness of the location, language barriers, or for example resources not being openly available online. Regardless, there is a notable limitation in the lack of indigenous input available for this case, as data instead relies upon observations done by other researchers.

Lastly, there is the limitation of scope and time. As this is a master's thesis there is a certain limitation in time provided and the amount of work that can be done in this time. For this thesis this meant limiting the cases examined to two, rather than including further cases to allow for even greater generalizability of the analytical points developed. Likewise, there is the possibility of possibly important literature and information not being included, as the time available entails certain decisions to be made regarding which sources are to be examined more thoroughly.

5.0 Data Collection and Presentation of Cases

This data collection section serves as a means of presenting the two cases examined as clearly as possible. The Atrato case is examined first, followed by the Whanganui case. Each case is presented in four segments; starting with general background information on the case and region, followed by progress in RoN in the case prior to legalization, details on the legislation once finalized, and concluded with an overview of some initial developments in each case following the implementation of said legislation.

5.1 The Atrato Case

5.1.1 General Background Information

The Atrato River is situated in northwestern Colombia, flowing north through the Chocó Department region (Mount, 2017; Palacios-Torres et al., 2020). The river covers an area of 40 000 km^2, an estimated 60% of the Department of Chocó, connecting to both the Pacific Ocean and the Caribbean Sea (ABC 2019; Camargo, 2019; Macpherson, 2020; Mount, 2017). The Atrato River is estimated to have one of the highest water yields in the world as well as being host to one of the ten most biodiverse areas in the world (Camargo, 2019; Critical Ecosystems Fund 2005; Emblin, 2017; Palacios-Torres et al., 2020; Villa, 2017). The Chocó region is remote, its population being made up primarily by the indigenous Afro-descendant populations (Macpherson, 2020; Magallanes, 2018).

Under Colombian law the right to own territory is key in legislation concerning indigenous populations (ABC, 2019; Camargo, 2019). Following the 1991 Constitution it was determined that land ownership of the Chocó region would be organized through collective ownership of the indigenous populations of the region, with 98% of the territory being divided into 120 indigenous reserves, as well as 70 “governing bodies of Afro-descendant collective territories” (ABC 2019; Camargo, 2019). The heritage of the local Afro Colombian population can be traced back to the Spanish colonization, with the region being largely neglected in terms of economic development in the centuries following (Magallanes, 2018). Although the Colombian constitution does highlight rights to land tenure it makes no mention of the right to safe water or environments (Macpherson, 2020). Therefore, despite having been granted some degree of land ownership these populations have remained some of the poorest in Colombia, residing in one of the most remote and tropically dense regions of the country (Macpherson, 2020; Villa, 2017). In 2017 significant portions of the Chocó population still lacked consistent access to basic health services and infrastructure (ABC, 2019; Emblin, 2017).

Historically, the river, its environment, and biodiversity has been well maintained due to its strong connection to the "cultural expression of the Chocoanos" (Emblin, 2017; Tierra Digna, 2017). However, in the last decades the region has become increasingly vulnerable to damages due to the internal conflicts of Colombia contributing to an increased presence of paramilitary and illegal armed groups (Emblin, 2017). With limited involvement of the national government in the region these groups have participated extensively in drug trade, illegal weapons trading, as well as large-scale illegal mining of the extensive gold, silver, and platinum resources available throughout the Chocó region (Emblin, 2017).

The Atrato river has long been an essential feature to the regional drug trade. The river provides a "strategic corridor" for the movement of drugs, weapons, and hostages (Emblin, 2017; OECD 2017). Other than as a means of transport, the region and river are also used as a means of growing drugs, laundering money, as well as exerting power over local territory (OECD, 2017). Given the limited state interaction with the Chocó region the armed groups ultimately hold extensive power over the region, enacted through "violence, intimidation and fear" which results in impacts of harm, forced displacement, as well as sexual violence for the local population (ABC, 2019; UNEP, 2017).

Although illegal gold mining has been prevalent in the region since Spanish Colonial times the Chocó has seen a significant increase in the number of active mining operations following the increase in paramilitary group presence since the 1980s (Magallanes, 2018). The majority of illegal miners come from outside areas, particularly from Brazil and departments neighboring the Chocó, and participate primarily in artisanal mining practices (ABC, 2019; Palacios-Torres et al., 2020). These commonly use toxic chemicals such as mercury as a means of separating gold from other materials and given the lack of regulation and management of these practices the Atrato river and general region have since become heavily polluted (UNEP, 2017; Vargas-Chaves et al., 2020). In 2010 Colombia was reported to be the highest mercury polluter per capita in the world, with the Chocó department being the worst region (ABC, 2019). Villa (2017) estimates that the overall degradation of the Atrato river has reached 650 000 hectares, with a third of the 180 tons of mercury and cyanide being released into the Atrato river on a yearly basis.

The health impacts of the release of these chemicals are immense and have gone largely without action from the national government (Magallanes, 2018). The extensive use of these chemicals exposes both humans and the local environment numerous harmful substances and are therefore at risk for suffering from "combined or interactive effects" of multiple chemicals (Palacios-Torres et al., 2020). Meanwhile, local populations do not have access to adequate health services or stable and safe livelihoods and are persistently at risk of violence from illegal armed groups in the area (Macpherson,

2020). Requests and concerns regarding the worsening degradation and pollution of the Atrato River and surrounding land have been raised repeatedly by the local indigenous population over the years, with limited response from the Colombian government (Macpherson, 2020; Magallanes, 2018). Without significant actions taken the urgency of the situation has continued to worsen, resulting in a crisis that is both humanitarian and environmental (Magallanes, 2018).

5.1.2 Progress Prior to Legislation

In January 2015 affected communities turned to Tierra Digna, a Colombian-based social justice NGO working with indigenous communities in the Chocó (Emblin, 2017; Macpherson, 2020; Townsend, 2019; Vargas-Chaves et al., 2020). With support from Tierra Digna a Tutela action was filed against relevant agencies within the Colombian government, arguing that the repeated lack of action against large-scale illegal mining operations within the Chocó region was increasingly affecting the lives of local populations, ultimately breaching their fundamental rights granted by the Colombian Constitution (Camargo, 2019; Calzadilla, 2019; Magallanes, 2018; Pelizzon, 2020). Specifically, the rights mentioned are the rights to "life, to health, to water, to food security, to a clean environment, to culture, and to territory" (Macpherson, 2020; Pelizzon, 2020; Vargas-Chaves et al., 2020). The Tutela also argues that the widespread illegal mining and use of heavy machinery and toxic chemicals are contributing to significant environmental degradation alongside the humanitarian impacts (Calzadilla, 2019). Pollution, land degradation, river damages, erosion, logging and deforestation, as well as losses to biodiversity are some of the examples named (ABC 2019; Camargo, 2019).

Initially, the action was ruled inadmissible by both the Administrative Court of Cundinamarca and the Council of State (Townsend, 2019). However, the Constitutional Court of Colombia then moved to accept the action, stating that the right to a safe and healthy environment do indeed overlap with the rights granted by the Colombian Constitution (Camargo, 2019). The Court then moved to establish that the lack in action to limit illegal mining in the Atrato Chocó region is a clear violation by the national government in its responsibility to protect the constitutional rights of its citizens (Macpherson, 2020). The claimants proceeded to request an official recognition and protection of the biocultural rights of the indigenous population, referring explicitly to the "intrinsic connection between nature, its resources and the culture of the ethnic and indigenous communities that inhabit them" (ABC, 2019; Villa, 2017). This ultimately led to recognition of the Atrato river as an "entidad sujeto de derechos", legally recognizing the river and its tributaries as a legal subject (Judgement T-622/16, 2019; Macpherson, 2020; Magallanes, 2018; Pelizzon, 2020).

5.1.3 The Atrato Bill

In November 2016 the "Sentence of the Atrato River" was drafted, officially known as Judgement T-622 (2019; Palacios-Torres, 2020; Townsend, 2019). This judgement officially recognizes the Atrato river as a legal subject, which officially ascribes the river the right of protection of its constitutional fundamental rights (Calzadilla, 2019; Judgement T-622/16, 2019; Vargas-Chaves et al., 2020). Additionally, the court ordered the development of a plan to "decontaminate the basins of the Atrato River", as well as a "socio-ecological evaluation" regarding the impacts created by extensive illegal mining and a plan to limit and ultimately eradicate these practices (Judgement T-622/16, 2019; Townsend, 2019). The official statement from the court regarding the rights of the Atrato River states that the judgement includes "recognition of the Atrato River, its basin, and tributaries as an entity subject to rights of protection, conservation, maintenance and restoration by the State and ethnic communities" (Camargo, 2019; Judgement T-622/16, 2019; Townsend, 2019).

The reasoning of the judgement is based on the ecocentric notion of bioculturality (Mount, 2017; Vargas-Chaves et al., 2020). Biocultural rights recognize the inherent interdependence between humans and the environments in which they reside, a concept which is recognized in the 1991 Colombian Constitution (Camargo, 2019; Vargas-Chaves et al., 2020). The Court also ordered the creation of a "commission of guardians" to be established, to be made up by one representative from the local indigenous population and one from the national government (Cano Pecharroman, 2018; Judgement T-622/16, 2019; Magallanes, 2018). The task of the guardians is to supervise the developments of protection and restoration of the Atrato River, ensuring that accountability is held and action is taken. Likewise, the Bill orders the creation of an "advisory team" made up of experts in the field of river management to serve as an advisory panel for the guardian team (Judgement T-622/16, 2019); Magallanes, 2018).

Lastly, the Bill demands the national government increase their efforts in decreasing illegal mining, as well as improve environmental management as a whole (Cano Pecharroman, 2018; Judgement T-622/16, 2019; Magallanes, 2018). Specific to the Atrato is the order to develop and enact a plan to clean up the river, implement greater regulation of large-scale mining, as well as developing greater regulation on the use of, and disposal of, toxic chemicals (Emblin, 2017; Judgement T-622/16, 2019; Magallanes, 2018). Additionally, it is ordered that the national government develop a "mining and energy policy in accordance with social and environmental needs" (Emblin, 2017; Judgement T-622/16, 2019).

While the health of the river and local environment are central to the Atrato Bill, the Court also included recognition of the socioenvironmental impacts of the prevalence of illegal armed groups in the region (Judgement T-622/16, 2019; Magallanes, 2018; Mount, 2017). Alongside the orders outlined above there is also an order for the national state to improve regulation of gold trading to decrease incentive for wealthy outside actors to provide funding and resources to illegal armed groups (Judgement T-622/16, 2019; Magallanes, 2018). It is recognized that the violence and power exerted by these groups significantly violate the rights of the local citizens, and it is therefore necessary for the national government to limit the ability of these groups to partake in practices of illegal mining, gold trading, drug trafficking, and similar activities (Emblin, 2017; Mount, 2017).

Ultimately, the Atrato Bill is not exclusively a nature-focused ruling, but rather one of potential mutual benefit (Magallanes, 2018). The court states that "nature is a true subject of rights that must be recognized by states and exercised … for the communities that inhabit it or have a special relationship with it" (Emblin, 2017; Judgement T-622/16, 2019). In essence, the worth of the river in this case is equated to its contributions to the maintenance of human life within the region, not because of a recognition or "equat[ing] with human life" (Mount, 2017). In applying the concept of bioculturality, the Colombian Court give rights to the river as a means to ensure that greater protection of the environment and the rights of the local populations are enforced; if the rights of the river are maintained the river can better provide for the populations dependent on it for life and livelihoods, and the rights of the people can be better respected (Judgement T-622/16, 2019; Mount, 2017). Likewise, in legally applying the local indigenous understanding of the Atrato River as ancestral land to be protected, there is potential in ensuring greater protection of the environment and biodiversity of the region as a non-anthropocenic approach takes place of the exploitative traditional human-nature relationship prevalent (Calzadilla, 2019).

5.1.4 Initial Developments Following Implementation

The ruling of the constitutional court in giving the Atrato river rights is significant for numerous reasons, best summed up by Tierra Digna lawyer Ximena Gonzáles (2020). She states that the inclusion and recognition of biocultural rights, a first from the Colombian Constitutional Court, is significant, as it means "the direct and narrow relationship between biodiversity and culture has not been identified, … one indispensable and essential for all ethnic communities, especially in Chocó" (Emblin, 2017). If properly enacted and enforced, a rights-based bill such as this one could entail significant change in cases such as the Atrato river, but there are numerous immediate challenges that are important to recognize (Calzadilla, 2019; Mount, 2017).

One of the most notable challenges to realizing the Atrato Bill is that of Colombia's current political context (Mount, 2017). Although the civil war technically ended in 2016 with the peace agreement between the Colombian government and the Revolutionary Armed Forces of Colombia, the Chocó region was in 2017 still occupied by several paramilitary and militia groups that had not yet "sue[d] for peace" (Mount, 2017). Given the geographical isolation of the region and the decades of limited intervention of the national government in monitoring, regulating, or intervening in the illegal mining growth in the Chocó it is unlikely the requirements of the Bill will be fulfilled unless a significant overhaul of current practices takes place (Calzadilla, 2019).

In a brief observatory expedition by Mount (2017) several notable states of the Atrato river were noted. First is the significant deforestation and contamination from leftover waste from mining along the riverbanks of the Atrato (Emblin, 2017; Mount, 2017). It is noted that the state of the land left after extensive mining is contaminated to the extent that vegetative cover is unable to reestablish to any notable extent by itself, likely due to the presence of hazardous chemicals such as mercury (Mount, 2017). Local populations have also reported an increased incidence of birth defects that could also be linked to exposure to toxic chemicals (Mount, 2017). Similarly, heavy machinery has changed the natural course of the river so much so that seasonal flooding no longer occurs as it should, contributing to further destruction of fish habitats and an additional decrease in overall water quality (Mount, 2017). Given that local populations depend upon the river for both sustenance and as a source of water this is a significant problem (Palacios-Torres et al., 2020).

A second observation provided by Mount (2017) is that following decades of conflict and neglect of the region there is a severe limitation in available baseline data on which to develop any plans of restoration and maintenance. It is suggested that in order for effective change to occur in the Atrato river area it is vital that extensive monitoring and mapping of degradation, mining activities, and potential contamination hotspots is conducted, and that local populations are included in developing long-term, sustainable management plans (Macpherson, 2020; Mount, 2017). At a national level, there is also the limitation in that the Colombian legal system as a whole is largely anthropocentrically focused, meaning that there are currently no clear pathways for which to carry out claims of a more ecocentric approach (Camargo, 2019). Although the Bill does recognize guardians and related actors that are to be involved in the monitoring of developments involving the river it is not as clearly laid out precisely how any legal actions related to these are to be carried out (Camargo, 2019).

5.2 The Whanganui Case

5.2.1 General Background Information

The second case examined is the Whanganui River in New Zealand. The Whanganui River runs for 290 kilometers from the center of the North Island to the Western coast and the Tasman Sea, making it the longest navigable river in the country (Evans, 2020; Hollingsworth, 2020; Magallanes, 2018; O'Donnell & Talbot-Jones, 2018; Tanasescu, 2017). During its course the river passes through lands that are owned by the indigenous Whanganui Maori tribe, the iwi (Hollinsworth, 2020; Magallanes, 2018). Up until recently, the riverbed of the Whanganui river was owned by the Crown, while local governments were charged with managing the catchment within their territory (O'Donnell & Talbot-Jones, 2018).

The Whanganui river is central to the beliefs of the Whanganui iwi (Evans, 2020; Magallanes, 2018). Revering the river as a living ancestor the tribes take their "name, spirit and strength" from the river, viewing themselves as wholly inseparable from the river (Evans 2020; Hsiao, 2012). The river is said to provide "both physical and spiritual sustenance to Whanganui Iwi from time immemorial", making the responsibilities related to the "care, protection, management, and use" of the river central to the activities of the iwi along the river (Hsiao, 2012; Magallanes, 2015). These tribes view it as the duty of the community to respect and care for the land they live on, with water being seen as particularly interrelated with humans. This view is well summarized in the Whanganui Maori saying of "Ko au te awa, ko te awa ko au" – "I am the river, and the river is me" (Argyrou & Hummels, 2019; Evans, 2020; Magallanes, 2015; Warne, 2018).

For the past 880 years the Whanganui iwi have depended upon the river for their own health and wellbeing, whilst undertaking the responsibility to care for and maintain the integrity of the river (Hsiao, 2012). The river has worked as a source of food, mode of transport, and feature along which villages have been built, as well as serving as a "spiritual mentor" to the local tribes (Evans, 2020; Hollingsworth 2020). Then, in the 1800s European settlers arrived to New Zealand (Hollingsworth, 2020). As British settlers spread across the region large amounts of land were either bought or violently confiscated from the local Maori, and the new settlers increasingly depended on the river as a source of revenue (Hollingsworth, 2020). The release of trout for fishing disturbed previous fishing habitats, and reforming of the river to make way for steamboats caused significant pollution and degradation (Hollingsworth, 2020; Warne, 2018). The local Maori were increasingly displaced from the land, with the Crown's legal ownership being solidified through the passing of the Treaty of Waitangi in 1840 which established the British presence in New Zealand (Hsiao, 2012).

For the next 150 years the Crown relied upon the Treaty of Waitangi as a means of passing further legislation to increase Crown ownership of the Whanganui river, whilst further marginalizing the presence of the Whanganui iwi (Hsiao, 2012). One notable example of this is the Coal Mines Act in 1903, in which ownership of all the riverbeds along the Whanganui was shifted to the Crown despite this going against the agreed terms in the Treaty of Waitangi (Hsiao, 2012; Sheber, 2020). Although the Maori strived to protest for their rights continuously from 1840 it was not until the creation of the Waitangi Tribunal in the 1990s that the marginalization of the Maori began gaining recognition (Hollingsworth, 2020; Hsiao, 2012). At this point the river had been used in favor of industrialization and touristry, severely depleting the fish resources, and polluting the river with sewage and runoff from neighboring farmland (Hollingsworth, 2020). Significant portions of the river had also been diverted in favor of the development of a hydroelectric power system, an act that served as a "deep cultural affront" to the Maori understanding of the river as a living being (Warne 2018).

5.2.2 Progress Prior to Legislation

As stated, the shift in ownership of traditional Maori land along the Whanganui to the Crown was not a consented process on behalf of the Maori (Ainge Roy, 2017; Hsiao, 2012). Since the establishment of the Treaty of Waitangi generations of Whanganui iwi have struggled to get the Crown to recognize and respect their relationship with the river (Hollingsworth, 2020). The lead spokesperson for the Whanganui iwi tribe, Gerrard Albert, states that they have fought to have this right recognized in law "so that all others can understand that from our perspective treating the river as a living entity is the correct way to approach it, as an indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management" (Ainge Roy 2017).

Historically, this struggle was largely without success for the Maori tribes (Hollingsworth, 2020; Hsiao, 2012). In 2011 however a case raised by the Whanganui River Maori Trust Board to the Whanganui Tribunal, concerning the rights of the Whanganui iwi following the establishment of the Treaty of Waitangi, gained ground (Warne, 2018). According to the Treaty, the Maori were to gain the rights of British citizens in exchange for governmental power being shifted to the Crown, an agreement which was not honored by the Crown (Hsiao, 2012; Sheber, 2020; Warne, 2018). This case was the start of eight years of negotiation between Maori representatives and ones from the Crown, and ultimately resulted in the creation of the Whanganui River Claims Settlement in early 2017 (O'Donnell & Talbot-Jones, 2018; Sheber, 2020; Warne, 2018).

The Bill serves two purposes; declaring the Whanganui river to be a legal entity, Te Awa Tupua, as well as a means for the Crown to address and amend injustices done towards the Whanganui iwi in the past (Hutchison, 2014; Magallanes, 2018; Te Awa Tupua, 2017; Warne, 2018). The River Claims Settlement contains an official apology from the Crown, stating that it "seeks to atone for its past wrongs and begin the process of healing", as well as acknowledgement that the Crown did indeed breach the terms presented in the Treaty of Waitangi (Te Awa Tupua, 2017; Warne, 2018). It is explicitly stated that the actions of the Crown "undermined the ability of Whanganui tribes to exercise their customary rights and responsibilities in respect of the river" as well as "compromised their physical, cultural, and spiritual well-being" (Te Awa Tupua, 2017; Warne, 2018). Thus, the settlement strives to resolve the grievances from the Whanganui Maori regarding the treatment of their river, and contribute to "the beginnings of a renewed and enduring relationship" between the Whanganui Maori and the Crown (Te Awa Tupua, 2017; Warne, 2018).

5.2.3 The Te Awa Tupua Act

The Te Awa Tupua (Whanganui River Claims Settlement) Act is one of several legislative acts resulting from a government program intended to begin to settle Maori grievances against the Crown (Magallanes, 2018; Te Awa Tupua, 2017). The agreement was established between the New Zealand government and the Whanganui iwi in 2012, which was then finalized in 2014, and officially enacted in 2017 (Magallanes, 2015). The settlement is of particular note in comparison to other settlements based on the Treaty of Waitangi in the extent of application of both the Maori language and cosmology into the legislation (Gade, 2019; Te Awa Tupua, 2017; Wade, 2019).

The river and its catchments are named according to the Whanganui iwi's traditional naming of the river: Te Awa Tupua (Auld, 2019; Te Awa Tupua, 2017). It is stated that Te Awa Tupua is an "indivisible and living whole, comprising the Whanganui River from the mountain to the sea, incorporating all its physical and metaphysical elements" (Ainge Roy, 2017; Argyrou & Hummels, 2019; Te Awa Tupua, 2017). Legal personhood establishes Te Awa Tupua as a "legal person … [with] all the rights, powers, duties, and liabilities of a legal person" (Ainge Roy, 2017; Te Awa Tupua, 2017). This allows Te Awa Tupua to sue for damages to the environment, but also to its intrinsic value, rather than simply the potential harmful effect there could be on humans (Argyrou & Hummels, 2019; Magallanes, 2018; Te Awa Tupua, 2017). In addition, the settlement officially transfers the ownership of the river and its riverbeds from the Crown to that of Te Awa Tupua itself (Hutchison, 2014; Magallanes, 2018; Te Awa Tupua, 2017).

In addition to incorporating the Maori understanding of the Whanganui river as an entity into the legal settlement it is also stated that the Whanganui iwi have an "inalienable connection with, and responsibility to, Te Awa Tupua and its health and well-being", officially recognizing the importance of the river to the culture of the Whanganui iwi (Argyrou & Hummels, 2019; Lurgio, 2019; Magallanes, 2018; Te Awa Tupua, 2017). In incorporating Maori beliefs into the legal framework of the establishment of rights for Te Awa Tupua the important relationship between the Whanganui iwi and the river are for the first time adequately recognized in legislature (Ainge Roy, 2017; Auld, 2019; Gade, 2019). The intended outcome of this approach is one of mutual benefit; "protecting the River is equivalent to protecting the people, and … protecting the [Maori] people could also lead to better protection of the River" (Argyrou & Hummels, 2019; Te Awa Tupua, 2017).

In addition to granting rights to Te Awa Tupua, the river claims settlement also applies the Maori concept of "kaitiakitanga", or guardianship (Magallanes, 2018; Tanasescu, 2017; Te Awa Tupua, 2017). It is ordered that two legal guardians of the river are to be established to act as the human voice in defense of the river and its interests, one to represent the Whanganui iwi, and one the New Zealand government (Auld, 2019; Magallanes, 2018; Te Awa Tupua, 2017). The responsibilities of these guardians will be to "act and speak on behalf of [the river]", and when its rights and interests are being infringed upon, bring the necessary legal actions in order to prevent environmental damages to Te Awa Tupua (Hollingsworth, 2020; Magallanes, 2018; Te Awa Tupua, 2017). In addition it is stated that a strategy group comprising of individuals or organizations that have a vested interest in the river will be formed in order to assist with identifying potential harms to the river alongside the legal guardians (Argyrou & Hummels, 2019; Te Awa Tupua, 2017).

5.2.4 Initial Developments Following Implementation

One initial response from Maori leaders is that the focus on legal rights and ownership are not the most important aspects of this settlement, but rather the recognition of Maori beliefs under official legislature (Warne, 2018). Albert states that the recognition of the "inalienable connection between the tribes and the river" are the most significant aspects of this development (Warne, 2018). Under Maori cosmology nature is revered as family and ancestors, with the focus being on "mutual obligations" rather than rights or ownership (Warne, 2018). He states that they see the "living world as an extended relationship network, in which humans are neither superior nor inferior to any other lifeform", an understanding which is reflected in the Settlement (Lurgio, 2019; Warne, 2018).

Hollingsworth (2020) states that the application of legal personhood to the Whanganui River is primarily a shift in paradigm, which brings the risk of taking time before it works as intended (Hollingsworth, 2020). For example, when a new bike path was being developed over the river the guardians were not informed or consulted, creating issues for the guardians in how they choose to communicate following this (Hollingsworth, 2020). Albert states that while the iwi do not support this development, they also do not wish to create conflict (Hollingsworth, 2020). Given the uniqueness of the approach of this Settlement there are not currently efficient routines present for how guardians are to be informed of new developments and how they can provide feedback, and there is the risk that the guardians and strategy group will not be employed as idealized in the settlement bill (Gade, 2019).

A similar issue arises in the persistent presence of farming and dams along the river (Lurgio, 2019). Although the settlement does provide the river with rights, it does not cancel out laws developed prior to this (Lurgio, 2019). For example, the energy company Genesis has legal consent to divert water from the Whanganui river for hydroelectric power until 2039, an action that causes damage “environmentally, culturally, and spiritually” to those that “hold [the] river sacred” (Lurgio, 2019). As the action is opposed by the iwi tribes it would under the settlement be perceived as a damage to Te Awa Tupua, but as the permission was granted prior to the establishment of Te Awa Tupua as a rights-holder there are significant issues present in establishing what is to occur in this situation. Currently no court claims have occurred on behalf of Te Awa Tupua, and it is difficult to predict how the use of human guardians will work in practice in the future (Lurgio, 2019; Sheber, 2020).

6.0 Analysis

As stated, the research question being examined is "*What is the potential for Rights of Nature in addressing the limitation of power inequalities in neoliberal conservation and providing an alternative environmental management approach of greater legal environmental protection and inclusion of indigenous populations?".* In this analysis this question will be applied to the cases of the Atrato river and the Whanganui river in four sections. First to be examined is the distribution of power present, followed by a discussion on the legislation development and extent of indigenous inclusion. This is followed by a section examining whether the RoN legislations are developed to be contextually appropriate. Finally, the cases are examined from the perspective of anthropocentrism and ecocentrism as a means of connecting to the greater discussion on RoN in sustainability.

6.1 Distributions of Power

The Whanganui case shows notable developments in the distribution of power within environmental management of the river. As stated, the development of the Te Awa Tupua Act was the result of an effort in settling historical Maori grievances against the Crown (Hutchison, 2014; Warne, 2018). In recognizing the river as a legal person, the rights of the Whanganui iwi to maintain their traditional relationship with nature is central, with the Maori view of the Whanganui as an ancestor allowing for legislation to be developed to protect the interests of both the river and the Whanganui iwi (Hsiao, 2012; Magallanes, 2015; Sheber, 2020). Following the repeated dismantling of indigenous rights through colonization this marks a potential equalization in power dynamics through the development of legislation and practices that both incorporate the Whanganui iwi in maintaining spaces important to their beliefs, but also allows for a greater voice for the tribe as a whole (Argyrou & Hummels, 2019; Gade, 2019; Hollingsworth, 2020).

The state of power in the Atrato becomes a bit more abstract, possibly due to the Colombian Constitutional Court using previous iterations of the Te Awa Tupua Act as a basis for developing the legalities of indigenous inclusion for the Atrato. Where the Whanganui iwi view the Whanganui river as an ancestral entity, the relationship present Atrato case is one of mutual benefit. The river is an important part of the indigenous population's livelihoods, as well as being a source of water, food, and travel, and the wellbeing of the community (Emblin, 2017; Mount, 2017; Palacios-Torres et al., 2020).

In the Whanganui case the Maori actively campaigned for the rights of the river for more than 150 years (Hollingsworth, 2020; Ximena Gonzáles Serrano, 2020). The Atrato case also involved significant social mobilization. One example is the "Atratiando: for a good deal with the Atrato" movement in 2003, aiming to increase public awareness of the prevalence of violence in the Choco region and the displacement of more than 60 000 of the local indigenous communities (Ximena Gonzáles Serrano, 2020). The fact that this mobilization of indigenous activism resulted in the development of two legislations incorporating their values and interests could be argued to be one example of how human agency and constitutive power have manifested in these two cases. This suggests that RoN could potentially allow for greater power and voice to be allocated to indigenous populations in developing these types of legislations in similar cases in the future, provided management of environmental spaces is a factor of interest for relevant indigenous communities.

In some spaces of debate this presence of indigenous activism in some cases of RoN has contributed to the assumption that indigenous groups are the "obvious" choice in acting as the guardians of nature (Tanasescu, 2017). Although indigenous traditions and values were central to both cases examined, this is not to say that indigenous groups will always be central in these proceedings. As stated by Tanasescu (2017): "the indigenous of the world are not a homogenous group that inherently cares for nature", and the responsibility to do so should not fall on them simply for the sake of the social group they are part of. In the two cases examined here legal inclusion of the indigenous communities were central due to the overlap between their interests and rights and those of the rivers. This may not be the case for other contexts, and in cases where environmental management is not crucial to the interests of indigenous communities assuming they wish to partake in the form of acting as guardians would be to further exacerbate power inequalities rather than promote increased power equality (Ahlborg & Nightingale, 2017). Within this scope it appears RoN can contribute to improved power distributions in cases where environmental management is a part of indigenous interests, but in some cases other guardians may need to be identified that are of relevance to that context (Liu et al., 2019; Svarstad, 2018).

In general, although these developments do represent a movement towards greater respect of indigenous rights and cooperation between the government and indigenous groups examined, it is important to recognize that the practical state of this is yet to be seen (Torres Ventura & Macpherson, 2019). Although the social inclusion and respect of rights may seem strong in theory, how they play out in practice cannot yet be determined given the lack in developments following implementation (Sheber, 2020). As of now, it is up to how future court claims and claims on behalf of the respective guardians are managed in establishing how these power relations are respected in practice.

6.2 Development of Legislation and Legal Inclusion of Indigenous Values

Another point of analysis pertains to the state of the legislation developed; specifically in its focus, intention, as well as the degree of environmental protection offered. The Atrato Bill presents an extensive background ranging from analysis of indigenous and environmental law nationally and internationally, as well as research within the realms of the natural sciences, social sciences, as well as philosophy (Judgement T-622/16, 2019; O'Donnell & Talbot-Jones, 2018; Torres Ventura & Macpherson, 2019). The Bill contains considerations of laws of ethnic rights, "autonomy of territorial entities", "human dignity in the social rule of law", as well as ones such as the ecological constitution, the right to a healthy environment, and the philosophical foundations of biocultural rights (Judgement T-622/16, 2019). In addition, there is also contextual research on the impact of mining in the region and the impact of toxic contaminants and considerations of the impacts on both the environment and the indigenous population within the region (Judgement T-622/16, 2019). The case is extensively researched and supported by relevant materials, suggesting that the legislation developed is likely to be appropriate to the context for which it has been designed.

The development of the Te Awa Tupua Act (2017) is quite different to that of the Atrato Bill. Where the Atrato Bill (Judgement T-622/16, 2019) has been developed in response to indigenous claims on a specifically identified environmental problem, namely that of the consequences of extensive illegal mining, Te Awa Tupua (2017) is the result of a government program aimed at settling historical Maori grievances against the New Zealand Crown (Camargo, 2019; Magallanes, 2015). Rather than providing support in the form of legal and scientific research, Te Awa Tupua provides extensive information regarding the scopes of the Whanganui iwi, cultural redress, and "historical claims of Whanganui iwi in relation to the Whanganui River" (Te Awa Tupua, 2017). However, this is not to say that the evidence and foundation of this act is somehow less sound than one based in scientific research, as indigenous knowledge and history serves as a different type of source in itself which is not required to comply with Western norms and standards of science in order to be adequate.

It is worth noting that the Te Awa Tupua Act (2017) was not developed in order to promote environmental protection, nor intended to be case of RoN. However, the indigenous cosmology that it was developed to respect is one that includes the interdependency of humans and nature to a significant degree (Argyrou & Hummels, 2019; Auld, 2019; Lurgio, 2019). In recognizing the Maori cosmology environmental management is, possibly inadvertently, still maintained as a focus of the act (Auld, 2019; Magallanes, 2015). For example, the use of bioculturality in the Atrato Bill explicitly recognizes the "relationship and deep unity between nature and the human species" (Camargo, 2019;

Judgement T-622/16, 2019; Vargas-Chaves et al., 2020). The same interlinkage between humans and the environment granted rights is seen in the Te Awa Tupua Act (2017), in which the legislation established entails that harming and degradation of the river is, in essence, an act of harm towards the tribe (Argyrou & Hummels, 2019; Westerman, 2019).

Some might argue that the use of the Te Awa Tupua Act (2017) as an example of RoN could potentially be viewed as a degradation narrative as the act itself was not intended to establish a RoN approach, but it was rather an additional outcome following the inclusion of Maori beliefs (Wade, 2019). However, with the limited frameworks and definitions available for Ron in general, the argument could also be made that the unintentional inclusion of RoN in the Te Awa Tupua Act (2017) goes to show the wide applicability of the approach, with the potential to be tailored appropriately to local contexts (Cano Pecharroman, 2018). Where the indigenous population in the Atrato case proposed the inclusion of bioculturality, the Whanganui iwi brought a belief system that promotes the respect for the river as an entity, and the responsibility of the tribe in managing its resources sustainably (Evans, 2020; Hsiao, 2012; Villa, 2017).

Ultimately, although the two cases differ in the intentions and specific concepts applied within the legislations developed, the Atrato Bill and the Te Awa Tupua Act (2017) both show a legal inclusion of indigenous traditions and beliefs on the interconnectedness between humans and the environment (Ainge Roy, 2017; Cano Pecharroman, 2018; Gade, 2019). Similarly, the granting of legal rights to the two rivers could significantly contribute to easing difficulties of local communities in making successful legal claims when damages are caused to the river (Cano Pecharroman, 2018; Tignino & Turley, 2018; den Outer, 2019). Where the Atrato Bill focuses on the notion of bioculturality, employing ideas of care ethics as a practical framework for developing legislation centered in human-nature interdependence, the Te Awa Tupua Act relies upon the inclusion of Maori beliefs of the river being an ancestral entity as a basis for developing the associated legislation (Camargo, 2019; Magallanes, 2015; Vargas-Chaves et al., 2020). Although differing in terminology, history, and intentions, it can be concluded that the two cases examined both present supported, contextually appropriate approaches to the management of environmental resources, as well as a respecting the traditions of local populations.

6.3 Developing Contextually Appropriate Legislation

Although there are a few overarching similarities present in these two cases of RoN, there are notable differences in the specifics of the legislations (Cano Pecharroman, 2018; Emblin, 2017). One example is seen in examining the language used in defining the specific types of rights granted and how these are framed. In the Atrato case the rights established revolve around the rights to a healthy environment (Judgement T-622/16, 2019; Magallanes, 2018). Although legal rights are granted to the river, these are identified primarily as a means of protecting the ecosystem services of the resource to ensure that the rights of the indigenous population and the surrounding environments are respected (Calzadilla, 2019; Judgement T-622/16, 2019; Magallanes, 2018; Mount, 2017).

The Whanganui case is also focused upon the rights of the indigenous populations, but also on that of social reparations to the Whanganui iwi and in legally recognizing Te Awa Tupua as an ancestral entity (Ainge Roy, 2017; Argyrou & Hummels, 2019; Te Awa Tupua, 2017; Gade, 2019). In terms of incorporating indigenous traditions the Whanganui case shows a significantly larger shift in paradigm to that of the Atrato, as the recognition of a natural resource as an ancestral entity within a Western legal system is of notable difference to the established relationship between humans and nature (Magallanes, 2018). Related to this is the unique move to shift ownership of the Whanganui river and its riverbeds to Te Awa Tupua itself, as opposed to having it be owned by the state as property (Tanasescu, 2017; Te Awa Tupua, 2017). In allowing the legal entity to gain ownership of itself the act is, in essence, showing that the rights established are more than just symbolic, and could potentially be a significant strength in enforcing said rights in the future (Hutchison, 2014; Magallanes, 2018).

The approaches outlined in the Atrato and Whanganui cases are quite similar on the topic of enforcement. Both cases order for the establishment of two legal guardians of the rivers, one representative from the indigenous population, and one from the government (Judgement T-622/16, 2019; Te Awa Tupua, 2017). Both cases task these guardians with the responsibility to bring forth claims should the rights of the river be infringed upon, with assistance of a larger strategy group made up of other relevant stakeholders with assorted interests in the use of and state of the river (Judgement T-622/16, 2019; Te Awa Tupua, 2017). In theory this allows for input from many perspectives following any debate regarding rights actions on behalf of the river, but also presents several limitations in ensuring that enforcement is carried out appropriately.

Although indigenous populations with vested interests make up one of the two human guardians of the river, this does not ensure that the views and interests of this group is adequately represented in practice (Hollingsworth, 2020). Opposing interests from other stakeholders, such as farmers or the hydroelectric company in the Whanganui case, could potentially limit the inclusion of indigenous interests, and differences in power and availability of resources between different actors could impact how communication and claims are carried out (Liu et al., 2019; Lurgio, 2019; Warne, 2018). Similarly, the developmental interests of national governments could come in conflict with conservation management interests of indigenous guardians (Liu et al., 2019). As no court claims have occurred in either case examined one can only speculate on how enforcement and communication between actors will occur in the future, but the attempted balance between human interests and environmental interest could possibly present a major limitation to the guardian approach of RoN unless adequate funding and communicative tools are allocated to the established guardians (Auld, 2019; Hollingsworth, 2020).

6.4 Rights of Nature, Anthropocentrism, and Ecocentrism

One final consideration in examining this topic relates to the concepts of anthropocentrism and ecocentrism. It has been established that neoliberal conservation exists within the scope of anthropocentrism and RoN leaning more towards an ecocentric approach, but beyond this classification it is also important to recognize that while neoliberal conservation fits into the current anthropocentric state of society, RoN exists as an ecocentric approach within this anthropocentric state (Cyrus R. Vance Center for International Justice, 2020; Follette, 2019). This brings with it several potential challenges to consider in examining the potential for RoN as a socially and environmentally inclusive management approach.

Perhaps most notably, the idea of granting rivers and other natural resources with legal personhood brings with it a significant paradigm shift from the general established view of nature (Herold, 2017; Hollingsworth, 2020; Sheehan, 2020). Rather than viewing nature simply as property to be exploited for human benefits these cases portray a view from which sustainable environmental management can be of benefit to both the environment and humans (Abate, 2019; GARN, 2021; Russell, 2020; Sheehan, 2020). It is worth noting that the granting of rights to rivers and other natural resources is not a shift in the opposite extreme, in stating that nature should not be used by humans and should only be preserved, but rather using the granting of rights to improve the potential legal protection of said resources in order to benefit humans and the environment alike in the long run (Calzadilla, 2019; Herold, 2017; Hsiao, 2012). This is the case for both cases examined, albeit with slightly different framing. The values associated with assigning a river with rights as an ancestral entity

do differ quite a bit from the biocultural approach of the Atrato case, but ultimately the end goals of the two legislations end up similar; incorporating indigenous knowledge and values into management of the river in order to better manage the resource whilst also better respecting the rights of the tribes (Auld, 2019; Calzadilla, 2019; Hutchison, 2014; Liu et al., 2019; Te Awa Tupua, 2017).

Another potential difficulty lies in the operationalization and enforcement of RoN-based legislation. Where neoliberal conservation can be enforced through the distribution of power laying exceedingly in favor with the one carrying out the conservation, RoN could face challenges in its ecocentric focus and inclusion of indigenous representatives within the current legal system (Igoe & Brockington, 2007). Clarity in definitions, language, and intended enforcement procedures seem to be one key point in this. For instance, the two cases examined in this study both identify a specific indigenous group from which representatives will serve as guardians of the rights of the river, with their responsibilities clearly identified (Clark et al., 2020; Levang, 2020; Tanasescu, 2020). In cases where tribes may not have played as big a role in the eventual development of the legislation there could arise difficulties in the intended guardians not having an interest in, or simply not speaking up for, the resource they are assumed to be the guardians of (Russell, 2020; Tanasescu, 2017).

In addition to establishing clearly identified guardians there is also the limitation of available time, resources, and money for court claims (O'Donnell & Talbot-Jones, 2018). While the Te Awa Tupua Act (2017) includes a clearly allocated monetary fund to be used by the guardians and strategy group in speaking for the rights of the river as part of its cultural redress, the Atrato Bill (2019) does not currently contain any monetary allocations that can be used by the guardians in protecting the river (Calzadilla, 2019). Although the future implications of these cannot be established for the two cases examined here as no court cases have yet occurred, an example can be seen in that of Ecuador. Following the proposed construction of a road across a river with rights, the NGO Global Alliance for Rights of Nature sued on behalf of the river, and initially won the court case (Westerman, 2019). However, when the company did not comply with the ruling of the court and constructed the road anyway the NGO did not have enough funds available to partake in another case, which ultimately allowed the company to do as they wished despite the infringement upon the rights of the river (Westerman, 2019).

Similar issues could arise with regards to power distributions. Although corporations and RoN do technically have the same type of rights, corporations would likely have access to far greater resources from institutional power considerations than RoN, which would be dependent upon other forms of power such as community power. If these were to contest one another in practice, such as in a dispute between a corporation and a group of guardians, the available power and financial

resources are likely to differ significantly and could potentially create potent inequalities in the ability for the guardians to fulfill their responsibilities (Clark et al., 2020; Svarstad et al., 2018; Tanasescu, 2020). This could be particularly troublesome in cases where indigenous populations are identified as the primary guardians, as these groups have historically not been well respected in terms of their rights and traditions, and have thus been severely limited in their ability to engage in power practices in any equal terms (Ito, 2017). Without adequate resources set aside, as well as clearly identified and defined responsibilities and enforcement there is the ever-present risk of corporations and courts interpreting RoN legislation in favor of their own interests, which could significantly limit the potential of RoN in allowing for greater indigenous contributions and rights in regard to their environment (Brown, 2019; Calzadilla, 2019).

Finally, there is the issue of balancing human and environmental interests in the long term. The Atrato and Whanganui cases both include clear definitions regarding the interdependency and inseparability of humans and nature, but how decisions are made regarding what is deemed okay to give up in order to ensure environmental wellbeing, or the other way around, are still to be seen (Argyrou & Hummels, 2019). RoN as a whole promotes the approach of living in "harmony" with nature, in establishing some form of balance between human and environmental gain in order to ensure mutual benefit and enhancement in the long term (Cano Pecharroman, 2018). Incorporating these concepts adequately within the current legal and economic system is, however, likely to be difficult. Shifts in paradigm take time, and the approaches proposed in the Atrato and Whanganui cases could be difficult to enforce at a larger scale than the regional. That is not to say that the proposed relationship to nature is impossible, but rather that ensuring successful implementation of RoN-type legislation is likely to require significant cooperation, communication, and patience from all parties involved (Levang, 2020; Tanasescu, 2020).

7.0 Conclusion

The cases examined in this thesis are seen to address the identified shortcoming of power inequalities in neoliberal conservation in several ways. It is established that an initial shift in power relations can be seen through the indigenous inclusion in the development of both legislations, as well as in the incorporation of indigenous knowledge, values, and traditions. Similarly, the inclusion of indigenous representatives as guardians of the rivers suggests that RoN has contributed to establishing a greater acting power for the indigenous communities in protecting their interests, at least insofar as the legislation is concerned. Both cases show unique contextual development beyond some broad notions of indigenous representation, with the two cases examined showing significant differences in how rights are employed, what the justifications for these are, as well as in the use of bioculturality and the Whanganui iwi view of the Whanganui as an ancestral entity. A potential limitation is identified in the limited supply of monetary resources to the guardians, as well as the limited development of communication procedures for guardians and the indigenous communities to be able to successfully carry out their role in managing the natural area. Similarly, a comprehensive examination of practical developments of the two legislations cannot yet be established due to the lack in courts cases having occurred on behalf of either river as of yet.

In conclusion, RoN could potentially provide an environmental management approach that allows for significant inclusion of indigenous populations, whilst also allowing for sustainable, long-term environmental management. However, given the ecocentric focus of the approach it will require a commitment to be made to appropriately incorporating legislation into the current anthropocentric legal system, and developing measures to ensure that RoN legislation is adequately enforced in practice. It is concluded that the cases examined show the flexibility of the concept of RoN through its notable differences in inclusion of indigenous traditions and knowledge, as well as the environmental scope through which the legislation is developed and implemented. It is suggested that the concept could potentially be applied to a great range of natural resources across the globe, provided that definitions of rights and enforcement are appropriately developed and implemented.

8.0 References

Abate, R. S. (Ed.). (2019). Rights of Nature: US and Foreign Domestic Perspectives. In *Climate Change and the Voiceless: Protecting Future Generations, Wildlife, and Natural Resources* (pp. 120–172). Cambridge University Press. https://doi.org/10.1017/9781108647076.006

Ahlborg, H., & Nightingale, A. (2017). Theorizing power in political ecology: The where of power in resource governance projects. *Journal of Political Ecology*, *forthcoming*. https://doi.org/10.2458/v25i1.22804

Ainge Roy, E. (2017, March 16). *New Zealand river granted same legal rights as human being*. The Guardian. http://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being

Argyrou, A., & Hummels, H. (2019). Legal personality and economic livelihood of the Whanganui River: A call for community entrepreneurship. *Water International*, *44*(6–7), 752–768. https://doi.org/10.1080/02508060.2019.1643525

Auld, P. (2019, September 12). *Can we protect our natural world by giving it legal rights?* Environment Victoria. https://environmentvictoria.org.au/2019/09/12/legal-rights-for-nature/

Bakker, K. (2010). The limits of 'neoliberal natures': Debating green neoliberalism. *Progress in Human Geography*, *34*(6), 715–735. https://doi.org/10.1177/0309132510376849

Brown, A. (n.d.). *Cities, Tribes Try a New Environmental Approach: Give Nature Rights*. Retrieved February 22, 2021, from https://pew.org/2pYynyb

Büscher, B., Dressler, W. H., & Fletcher, R. (Eds.). (2014). *Nature Inc: Environmental conservation in the neoliberal age*. University of Arizona Press.

Büscher, B., Sullivan, S., Neves, K., Igoe, J., & Brockington, D. (2012). Towards a Synthesized Critique of Neoliberal Biodiversity Conservation. *Capitalism Nature Socialism*, *23*(2), 4–30. https://doi.org/10.1080/10455752.2012.674149

Cafaro, P. J., & Primack, R. B. (2013). Environmental Ethics. In S. A. Levin (Ed.), *Encyclopedia of Biodiversity (Second Edition)* (pp. 267–277). Academic Press. https://doi.org/10.1016/B978-0-12-384719-5.00012-5

Calzadilla, P. V. (2019). *A Paradigm Shift in Courts' View on Nature: The Atrato River and Amazon Basin Cases in Colombia*. https://doi.org/10.25501/SOAS.00033081

Cano Pecharroman, L. (2018). Rights of Nature: Rivers That Can Stand in Court. *Resources*, *7*(1), 13. https://doi.org/10.3390/resources7010013

Center for Democratic and Environmental Rights. (n.d.). *Rights of Nature Timeline*. Center for Democratic and Environmental Rights. Retrieved February 22, 2021, from https://www.centerforenvironmentalrights.org/timeline

Center for Social Justice Studies et al. V. Presidency of the Republic et al. Judgement T-622/16 Constitutional Court of Colombia (November 10, 2016) The Atrato River Case., no. T-622/16, Constitutional Court of Colombia (2019). http://files.harmonywithnatureun.org/uploads/upload838.pdf

Clark, C., Emmanouil, N., Page, J., & Pelizzon, A. (2020). Can You Hear the Rivers Sing? Legal Personhood, Ontology, and the Nitty- Gritty of Governance. *ECOLOGY LAW QUARTERLY*, *45*, 59.

Cyrus R. Vance Center for International Justice, Earth Law Center, & International Rivers. (2020). *Rights of Rivers- A Global Survey of the Rapidly Developing Rights of Nature Jurisprudence pertaining to Rivers*. Retrieved February 22, 2021, from https://www.internationalrivers.org/wp-content/uploads/sites/86/2020/10/DIGITAL-Right-of-Rivers-Report-Exec-Summary-English-optimized.pdf

den Outer, J. (2019). *Rights of Nature: Introducing a possible tool for climate change litigation*. Retrieved February 22, 2021, from https://richmondvale.org/en/blog/rights-of-nature-introducing-a-possible-tool-for-climate-change-litigation

Emblin, R. (2017, June 8). Colombian Court grants the Atrato River rights and protection. *The City Paper Bogotá*. https://thecitypaperbogota.com/news/a-colombian-court-gives-the-atrato-river-constitutional-rights/17311

Evans, K. (2020). *The New Zealand river that became a legal person*. Retrieved February 22, 2021, from https://www.bbc.com/travel/story/20200319-the-new-zealand-river-that-became-a-legal-person

Fairhead, J., Leach, M., & Scoones, I. (2012). Green Grabbing: A new appropriation of nature? *The Journal of Peasant Studies*, *39*(2), 237–261. https://doi.org/10.1080/03066150.2012.671770

Fletcher, R. (2020, September 28). *Neoliberal Conservation*. Oxford Research Encyclopedia of Anthropology. https://doi.org/10.1093/acrefore/9780190854584.013.300

Follette, C. L. (2019, March 6). *Rights of Nature: The New Paradigm*. AAG Newsletter. http://news.aag.org/2019/03/rights-of-nature-the-new-paradigm/

Gade, A. M. (2019, September 5). Managing the Rights of Nature for Te Awa Tupua. *Edge Effects*. https://edgeeffects.net/te-awa-tupua/

Gilligan, C. (1982). *In A Different Voice: Psychological Theory and Women's Development* (Vol. 326).

Global Alliance for the Rights of Nature. (n.d.). What is Rights of Nature? *The Rights of Nature*. Retrieved February 22, 2021, from https://therightsofnature.org/what-is-rights-of-nature/

Goralnik, L., & Nelson, M. P. (2012). Anthropocentrism. In R. Chadwick (Ed.), *Encyclopedia of Applied Ethics (Second Edition)* (pp. 145–155). Academic Press. https://doi.org/10.1016/B978-0-12-373932-2.00349-5

Guterres, A. (2019). *Harmony with Nature—Report of the Secretary-General* (Seventy-fourth session). United Nations. Retrieved February 22, 2021, from https://undocs.org/pdf?symbol=en/A/74/236

Hajdu, F., & Fischer, K. (2017). Problems, causes and solutions in the forest carbon discourse: A framework for analysing degradation narratives. *Climate and Development*, *9*(6), 537–547. https://doi.org/10.1080/17565529.2016.1174663

Herold, K. (2017, January 6). The Rights of Nature: Indigenous Philosophies Reframing Law. *Intercontinental Cry*. https://intercontinentalcry.org/rights-nature-indigenous-philosophies-reframing-law/

Hollingsworth, J. (2020). *This river in New Zealand is legally a person. Here's how it happened*. CNN. Retrieved February 22, 2021, from https://www.cnn.com/2020/12/11/asia/whanganui-river-new-zealand-intl-hnk-dst/index.html

Holmes, G., & Cavanagh, C. J. (2016). A review of the social impacts of neoliberal conservation: Formations, inequalities, contestations. *Geoforum*, *75*, 199–209. https://doi.org/10.1016/j.geoforum.2016.07.014

Hsiao, E. (2012). Whanganui River Agreement—Indigenous Rights and Rights of Nature. *Environmental Policy and Law*, *42*, 371–375.

Hutchison, A. (2014). The Whanganui River as a Legal Person. *Alternative Law Journal*, *39*(3), 179–182. https://doi.org/10.1177/1037969X1403900309

Igoe, J., & Brockington, D. (2007). Neoliberal Conservation: A Brief Introduction. *Conservation and Society*, *5*(4), 432–449.

Ito, M. (2017). *Nature's rights: A new paradigm for environmental protection*. Retrieved February 23, 2021, from https://theecologist.org/2017/may/09/natures-rights-new-paradigm-environmental-protection

Kates, R. W. (2011). What kind of a science is sustainability science? *Proceedings of the National Academy of Sciences*, *108*(49), 19449–19450. https://doi.org/10.1073/pnas.1116097108

Levang, E. (2020). Can we protect nature by giving it legal rights? *Ensia*. Retrieved February 22, 2021, from https://ensia.com/articles/legal-rights-of-nature/

Liu, J., Lui, G., McElwee, P., Mohammed, A., Mungatana, E., Muradian, R., Rusch, G. M., Turnhout, E., Chan, I., Fernandez-Llamazares, A., & Lim, M. (2019). *Chapter 6. Options for Decision Makers*. 260.

Lurgio, J. (2019, November 29). Saving the Whanganui: Can personhood rescue a river? *The Guardian*. https://www.theguardian.com/world/2019/nov/30/saving-the-whanganui-can-personhood-rescue-a-river

Macpherson, E., Ventura, J. T., & Ospina, F. C. (2020). Constitutional Law, Ecosystems, and Indigenous Peoples in Colombia: Biocultural Rights and Legal Subjects. *Transnational Environmental Law*, *9*(3), 521–540. https://doi.org/10.1017/S204710252000014X

Magallanes, C. J. I. (2015). Nature as an Ancestor: Two Examples of Legal Personality for Nature in New Zealand. *VertigO - La Revue Électronique En Sciences de l'environnement*, *Hors-série 22*, Article Hors-série 22. https://doi.org/10.4000/vertigo.16199

Magallanes, I., & J, C. (2018). *From Rights to Responsibilities using Legal Personhood and Guardianship for Rivers* (SSRN Scholarly Paper ID 3270391). Social Science Research Network. https://doi.org/10.2139/ssrn.3270391

Masaquiza, M. (n.d.). *Indigenous People, Indigenous Voices*. Retrieved April 28, 2021, from https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

Mount, N. (2017, June 10). Can a river have legal rights? I visited the jungles of Colombia to find out. *The Conversation*. http://theconversation.com/can-a-river-have-legal-rights-i-visited-the-jungles-of-colombia-to-find-out-84878

O'Donnell, E. L., & Talbot-Jones, J. (2018). Creating legal rights for rivers: Lessons from Australia, New Zealand, and India. *Ecology and Society*, *23*(1). https://www.jstor.org/stable/26799037

Palacios-Torres, Y., de la Rosa, J. D., & Olivero-Verbel, J. (2020). Trace elements in sediments and fish from Atrato River: An ecosystem with legal rights impacted by gold mining at the Colombian Pacific. *Environmental Pollution*, *256*, 113290. https://doi.org/10.1016/j.envpol.2019.113290

Pascual, U., Balvanera, P., Díaz, S., Pataki, G., Roth, E., Stenseke, M., Watson, R. T., Dessane, E. B., Islar, M., Kelemen, E., Maris, V., Quaas, M., Subramanian, S. M., Wittmer, H., Adlan, A., Ahn, S., Al-Hafedh, Y. S., Amankwah, E., Asah, S. T., … Yagi, N. (n.d.). Valuing nature's contributions to people: The IPBES approach. *Current Opinion in Environmental Sustainability*, *26–27*, 7.

Paulson, S., Gezon, L. L., & Watts, M. (2003). Locating the Political in Political Ecology: An Introduction. *Human Organization*, *62*(3), 205–217.

Russell, R. (2020). *Rights of nature: Can Indigenous traditions shape environmental law? | DW | 05.02.2020*. DW. Retrieved February 22, 2021, from https://www.dw.com/en/environment-nature-rights-indigenous-activism-legal-personhood/a-52186866

Sheber, K. (2020). *Legal Rights for Nature: How the Idea of Recognizing Nature as a Legal Entity Can Spread and Make a Difference Globally*. *26*(1), 23.

Sheehan, L. (2020, April 22). *Earth Day's 50th Sees Explosion in Rights of Nature Movement Worldwide*. http://vjel.vermontlaw.edu/earth-days-50th-sees-explosion-rights-nature-movement-worldwide

Sowards, A. (2015, January 19). *Should nature have standing to sue?* High Country News. https://www.hcn.org/issues/47.1/should-nature-have-standing-to-sue

Stone, C. D. (1972). Should Trees Have Standing?: Toward Legal Rights for Natural Objects Christopher D. Stone. *Southern California Law Review*, *45*, 450–501.

Svarstad, H., Benjaminsen, T., & Overå, R. (2018). Power theories in political ecology. *Journal of Political Ecology*, *25*, 350. https://doi.org/10.2458/v25i1.23044

Tanasescu, M. (2017, June). *When a river is a person: From Ecuador to New Zealand, nature gets its day in court*. The Conversation. http://theconversation.com/when-a-river-is-a-person-from-ecuador-to-new-zealand-nature-gets-its-day-in-court-79278

Tanasescu, M. (2020). Rights of Nature, Legal Personality, and Indigenous Philosophies. *Transnational Environmental Law*, *9*(3), 429–453. https://doi.org/10.1017/S2047102520000217

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, no. 129–2, New Zealand Parliament (2017).

Tignino, M., & Turley, L. E. (2018). Granting Rivers Legal Rights: Is International Law Ready for Rights-Centered Environmental Protection? *New Security Beat*. Retrieved February 23, 2021, from https://www.newsecuritybeat.org/2018/06/granting-rivers-legal-rights-international-law-ready-rights-centered-environmental-protection/

Torres Ventura, J., & Macpherson, E. (2019, September 3). *The Tour to Save the World: Colombia wins the Yellow Jersey for the Rights of Nature*. IUCN. https://www.iucn.org/news/world-commission-environmental-law/201909/tour-save-world-colombia-wins-yellow-jersey-rights-nature

UNEP. (2017, March 24). *Environmental recovery key to post-conflict development in Colombia – UN agency*. UN News. https://news.un.org/en/story/2017/03/553942-environmental-recovery-key-post-conflict-development-colombia-un-agency

Vargas-Chaves, I., Rodriguez, G., Cumbe Figueroa, A., & Mora-Garzón, S. (2020). Recognizing the Rights of Nature in Colombia: The Atrato River case. *Jurídicas*, *17*, 13–41. https://doi.org/10.17151/jurid.2020.17.1.2

Warne, K. (2018). *This river in New Zealand is a legal person. How will it use its voice?* National Geographic. Retrieved February 22, 2021, from https://www.nationalgeographic.com/culture/graphics/maori-river-in-new-zealand-is-a-legal-person

Westerman, A. (2019). *Should Rivers Have Same Legal Rights As Humans? A Growing Number Of Voices Say Yes*. NPR.Org. Retrieved February 22, 2021, from https://www.npr.org/2019/08/03/740604142/should-rivers-have-same-legal-rights-as-humans-a-growing-number-of-voices-say-ye

Whyte, K., & Cuomo, C. (2017). Ethics of Caring in Environmental Ethics: Indigenous and Feminist Philosophies. *Oxford Handbook of Environmental Ethics*.

Ximena Gonzáles Serrano, M. (2020, June 19). Three years of river rights: Collective Agency for Community Ontologies on Water. *Rivers*. https://rivers-ercproject.eu/three-years-of-river-rights-collective-agency-for-community-ontologies-on-water/

Yin, R. K. (2003). *Case study research: Design and methods* (3rd ed). Sage Publications.