

Legal Rights for Rivers and Ecosystems in Comparative Law

Recent developments from Colombia

Oceania Ecosystem Services Forum

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<https://time.com/5661162/why-the-amazon-is-on-fire/>

Te Awa Tupua (Whanganui River Claims Settlement Act) 2017

S 14 Te Awa Tupua declared to be legal person

(1) Te Awa Tupua is a legal person and has **all the rights, powers, duties, and liabilities of a legal person.**

(2) The rights, powers, and duties of Te Awa Tupua must be exercised or performed, and responsibility for its liabilities must be taken, by Te Pou Tupua on behalf of, and in the name of, Te Awa Tupua, in the manner provided for in this Part and in Ruruku Whakatupua—Te Mana o Te Awa Tupua.



[The Tour to Save the World: Colombia Wins the Yellow Jersey for the Rights of Nature](http://www.iconnectblog.com)
www.iconnectblog.com



El Rio Atrato



‘In this way, respect for nature must begin with a reflection on the idea of existence, the process of evolution, the universe and the cosmos. That is, a system of thought based upon a conception of the human being as an integral part and not simple dominator of nature will permit a process of self-regulation of the human species and its impact on the environment, to recognise its role within the circle of life and evolution from an **ecocentric** perspective.’

Centro de Estudios para la Justicia Social “Tierra Digna” and others v the President of the Republic and others, No T-622 of 2016, Corte Constitucional [Constitutional Court], Sala Sexta de Revision [Sixth Chamber] (Colombia) (10 November 2016) 137-8.

‘This approach has a special relevance in Colombian constitutionalism, keeping in mind the principle of cultural and ethnic pluralism that supports it, together with the ancestral knowledge, use and customs of indigenous and tribal peoples. Accordingly in the following paragraph we explore an alternative vision of the collective rights of the ethnic communities in relationship to their cultural and natural surroundings, which are called, “**biocultural rights**”.’

Centro de Estudios para la Justicia Social “Tierra Digna” and others v the President of the Republic and others, No T-622 of 2016, Corte Constitucional [Constitutional Court], Sala Sexta de Revision [Sixth Chamber] (Colombia) (10 November 2016) 42.

Amazonas



AMAZON CONSERVATION

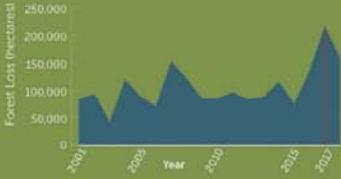
2018 DEFORESTATION IN THE COLOMBIAN AMAZON

In 2018, following trends from the last two years, there has been a significant increase in the deforestation in the Colombian Amazon. This is believed to be linked to increased agriculture, cattle ranching, and land grabs.

Much of this deforestation is in the transition area between the Andes and Amazon, some of the most biodiverse stretches of forest in the world.

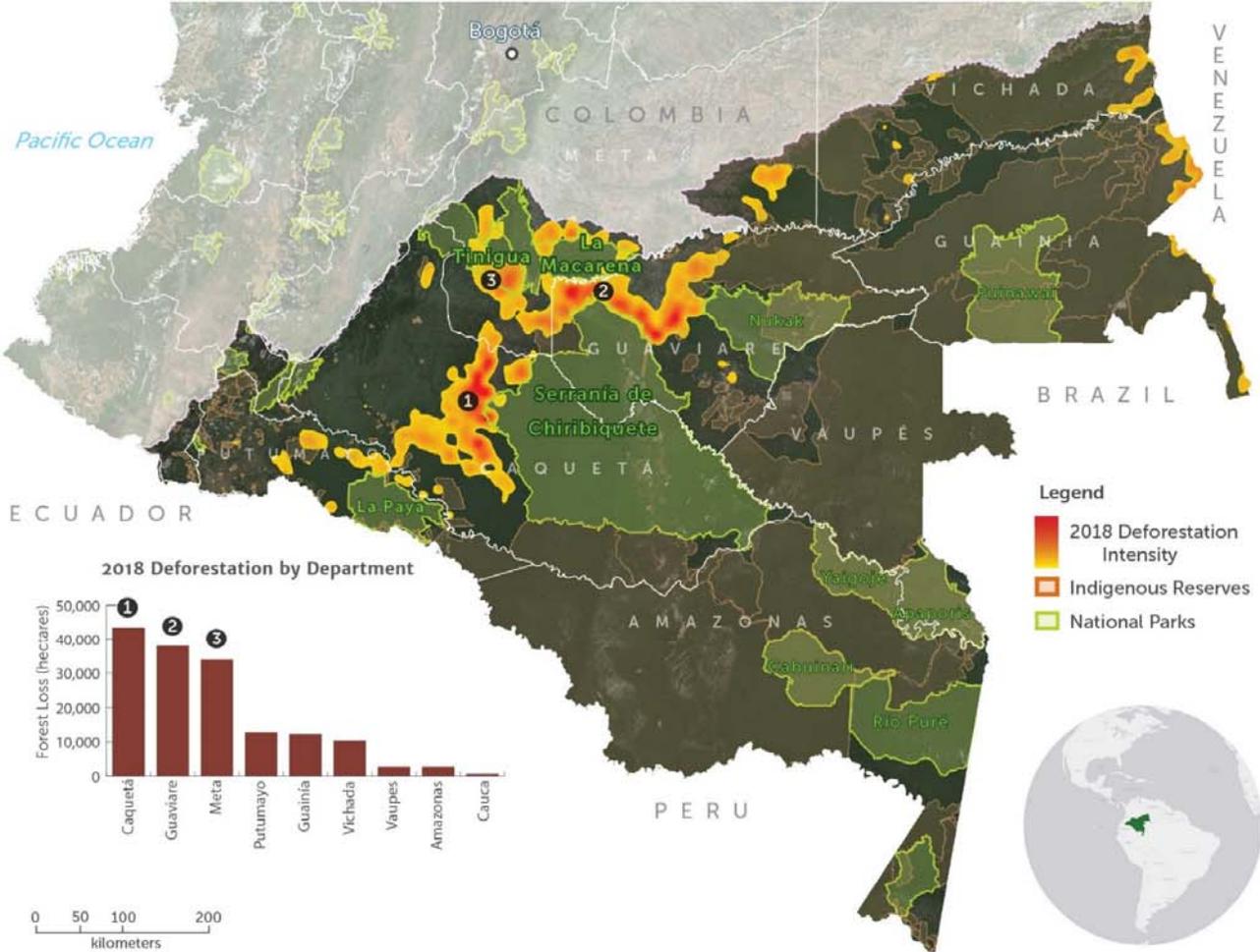
156,722 Ha

2018 Deforestation



Created by: Brian Hettler & Allison Thieme
 Date Published: December 30, 2018
 Data used: Hansen Forest Loss 2000-2017
 Hansen Forest Alert Data through December 31, 2018

amazonteam.org | amazonconservation.org
maaproject.org



‘Therefore, in order to protect this vital ecosystem for global progress, just as the Constitutional Court declared the Atrato River, the Colombian Amazon is recognized as an entity, “**legal subject**”, and a holder of rights for its protection, conservation, maintenance and restoration by the State and the territorial entities that comprise it.’

Andrea Lozano Barragán and others v the President of the Republic and others,
No STC4360-2018, Corte Suprema de Justicia [Supreme Court of Justice], Sala de
Casación Civil [Appeals Chamber] (Colombia) (4 April 2018) (n 101)

Decree 348 Promoting the Rights of Nature and the Protection of Strategic Ecosystems

15 July 2019 – Government of Nariño

Article 1: The Government of Nariño will promote the respect, protection, conservation and restoration of the **strategic ecosystems** of the Department, areas of special ecological protection, and nature in general, adopting them as **rightholders** and **subjects** for protection.

<https://servicio.nariño.gov.co/DespachoGobernador/Normatividad/archivos/Decretos/2019/Decreto-348-2019-07-15.pdf>

(without limit...)

2017 – Constitution of Mexico City, art 1 - “recognize and regulate the broader protection of the rights of nature formed by all its ecosystems and species as a collective entity subject to rights.”

2018 - White Earth band of the Chippewa Nation adopted the “Rights of the Manoomin” law - secures legal rights of manoomin, or wild rice, a traditional staple crop of the Anishinaabe people.

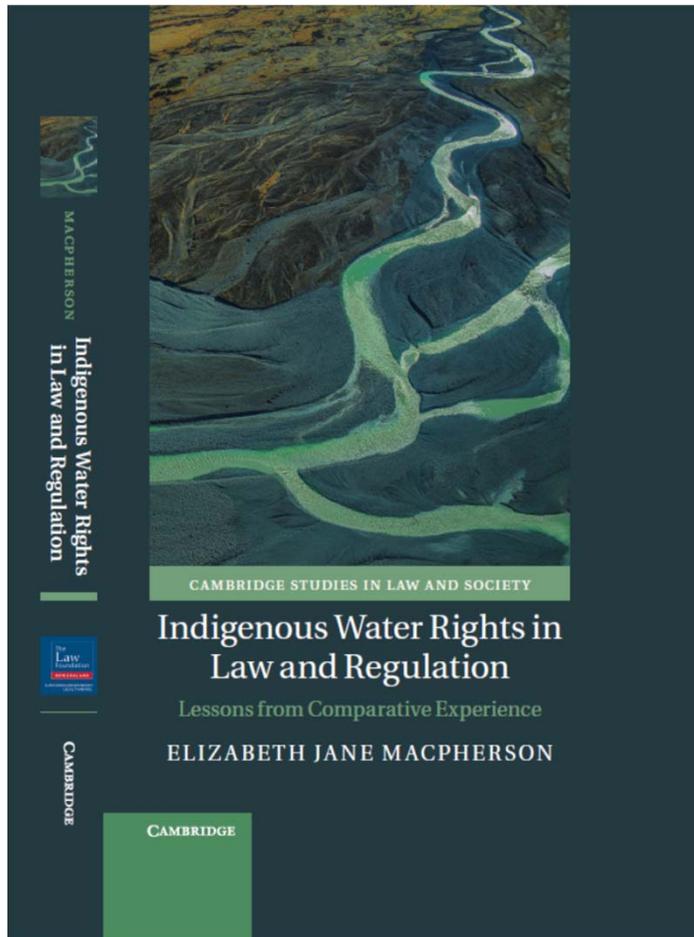
2018 - Municipality of Paudalho, State of Pernambuco, Brazil - enacts a rights of nature law.

2019 - Toledo, Ohio, residents adopt the *Lake Erie Bill of Rights* to secure legal rights to the lake ecosystem.

2019, the Yurok tribe in the U.S. recognized legal rights of the Klamath River.

2019 - Punjab and Haryana High Court, India - decision declaring that all animals are legal persons with “corresponding rights, duties and liabilities of a living person.”

<https://celdf.org/advancing-community-rights/rights-of-nature/rights-nature-timeline/>



<https://www.cambridge.org/core/books/indigenous-water-rights-in-law-and-regulation/DFA764BDE6898B2DA778B5117262C5AB>