

# Case study report on rights of rivers in practice in Bangladesh and Colombia

---

SEI report  
June 2026

Yesica Rodríguez-Blásquez  
Dayoon Kim  
Robert Farnan  
Alison Dyke  
Sushmita Mandal  
Cláudia Coleoni



---

**Published by**

Stockholm Environment Institute  
*Visiting address:* Textilgatan 43  
*Post and deliveries:* Virkesvägen 1A  
120 30 Stockholm, Sweden  
*Tel:* +46 8 30 80 44  
[www.sei.org](http://www.sei.org)

**Author contact**

Yesica Rodríguez-Blásquez  
[yesica.rodriguez@sei.org](mailto:yesica.rodriguez@sei.org)

**Editing**

Naomi Lubick

**Layout**

Tyler Kemp-Benedict

**Graphics**

Yesica Rodríguez-Blásquez

**Media contact**

Ulrika Lamberth  
[ulrika.lamberth@sei.org](mailto:ulrika.lamberth@sei.org)

**Cover photo**

The Atrato River waterfront in Quibdó, Chocó. © Daniela Alzate / SEI

**Copyright**

Copyright © 2026 Stockholm Environment Institute. This work is licensed under Creative Commons Attribution 4.0 International.

To view a copy of the licence, visit [creativecommons.org/licenses/by/4.0](https://creativecommons.org/licenses/by/4.0)

**DOI:** <https://doi.org/10.51414/sei2026.022>

**Acknowledgements**

The authors thank the SEI Global Research Committee for their support of this project through Sida core funds. They also express their gratitude to the representatives of the Bangladesh Environmental Lawyers Association (BELA), Cuerpo Colegiado de Guardianes del Atrato, the Dhaka North City Corporation, Instituto de Investigaciones Ambientales del Pacífico (IIAP), Ministerio de Ambiente y Desarrollo Sostenible (MADS), Riverline People, and The Green Trial Law Group (TGT) for the valuable information and insights they provided for this research.

Transcription of interviews was done through Microsoft Teams AI Transcription feature.

**Stockholm Environment Institute is an international non-profit research institute that tackles climate, environment and sustainable development challenges.**

**We empower partners to meet these challenges through cutting-edge research, knowledge, tools and capacity building. Through SEI's HQ and seven centres around the world, we engage with policy, practice and development action for a sustainable, prosperous future for all.**

---

# Contents

|   |           |
|---|-----------|
| <b>Summary</b>  | <b>4</b>  |
| <b>1. Introduction</b>  | <b>5</b>  |
| 1.1 Bangladesh: Turag River   | 6         |
| 1.2 Colombia: Atrato River  | 8         |
| <b>2. Theoretical framework and methodology</b>                                 | <b>11</b> |
| <b>3. Results</b>   | <b>13</b> |
| 3.1 Legal personhood  | 14        |
| 3.2 Guardianship arrangement  | 16        |
| 3.3 Epistemic politics  | 18        |
| 3.4 Governance alignment  | 20        |
| 3.5 Historical and colonial legacy  | 22        |
| <b>4. Discussion</b>  | <b>25</b> |
| 4.1 Going beyond anthropocentric boundaries of legal personhood                 | 25        |
| 4.2 Negotiating power through guardianship                                      | 26        |
| 4.3 Normative legal frameworks and material realities of marginalized knowledge | 27        |
| 4.4 Added layers onto existing governance and diffused responsibilities         | 28        |
| 4.5 Persisting colonial legacies in river governance                            | 28        |
| <b>5. Conclusion</b>  | <b>30</b> |
| <b>References</b>   | <b>32</b> |

## Summary

This report examines how the rights of rivers are being implemented in practice through comparative analysis of two case studies: the Turag River and all rivers in Bangladesh and the Atrato River in Colombia. The findings highlight that while legal recognition represents an important step, its transformative potential depends on broader political, institutional and epistemic conditions:

### **1. Legal recognition is a starting point, not a solution.**

Granting legal personhood to rivers introduces a significant normative shift but does not in itself ensure implementation or desired ecological outcomes. In both cases, a persistent gap remains between juridical recognition and its translation into enforceable actions and measurable environmental improvements.

### **2. Community agency and guardianship are critical.**

Inclusive and representative guardianship arrangements are central to translating rights into practice. The Colombian case shows that collective community participation can strengthen legitimacy and continuity of governance processes, while its absence, as in Bangladesh, constrains meaningful implementation.

### **3. Including different forms of knowledge determines transformative potential.**

Implementation of the rights of rivers is not only a legal or institutional challenge but also an epistemic one. Where governance systems fail to integrate local and relational knowledge, rights remain abstract and difficult to operationalize. In contrast, in Colombia, the partial inclusion of biocultural knowledge, which links ecological processes with the cultural practices, values and livelihoods of local communities, demonstrates pathways toward more grounded and context-sensitive governance.

### **4. Governance arrangements shape outcomes.**

The effectiveness of rights of rivers depends on governance design. Fragmented institutional mandates, unclear coordination mechanisms, and weak enforcement capacities limit implementation. Where governance remains misaligned across sectors and scales, legal recognition risks adding complexity without improving outcomes.

### **5. Structural conditions constrain transformation.**

The implementation of rights of rivers unfolds within existing governance systems shaped by historical and colonial legacies, anthropocentric paradigms and institutional fragmentation. Without deliberate efforts to address these structural constraints, the legal recognition of rivers as rights-bearing entities risks remaining a symbolic framework rather than becoming a transformative one.

# 1. Introduction

The rights of nature as a framework recognizes that elements of natural systems – such as animals, plants, rivers, forests and ecosystems – have inherent rights. The framework stands in contrast to the perspectives of nature as a resource to be managed and used for human benefit. The framework is not new, as many Indigenous Peoples’ cultures and societies worldwide have long regarded nature as sacred and humans as inseparable from it (O’Donnell et al., 2020).

Across different legal political, and social contexts, laws, organizations, Indigenous Peoples, civil society groups, and advocates have contributed to a growing and diverse set of movements seeking to protect the rights of nature, promote ecological well-being, and respond to ongoing environmental and climate crisis (Boyd, 2017; Kauffman & Martin, 2021). Within common law and civil-law traditions the recognition of the rights of nature is relatively recent but rapidly growing, spearheaded by Indigenous Peoples, civil society and legal advocates (Boyd, 2017; Kauffman & Martin, 2021). A spectrum of legal frameworks has enshrined rights of nature – with examples including the constitutions of Ecuador and Bolivia, Indigenous laws of Yurok and White Earth Band Tribes, subnational charters of the City of Lafayette, and the case laws of Bangladesh and Colombia (Boyd, 2018; Kauffman & Martin, 2014). Two decades have passed since the first rights of nature case – the Tamaqua Borough case in Pennsylvania (US) – was recognized in Western jurisprudence (Boyd, 2018).

This lag calls for a critical examination of how rights of rivers are operationalized in practice, and the political and governance conditions that enable or constrain their effective implementation. To what extent do current governance arrangements create conditions for achieving intended social and ecological outcomes, and what lessons do these generate for more effective and equitable policy, practice and investments?

This report addresses this need by exploring the preliminary outcomes to date of rights of nature case laws in two contexts, Bangladesh and Colombia. It is intended primarily for non-governmental organizations (NGO), civil society organizations and practitioners working on the governance and implementation of the rights of rivers, as well as for researchers and a broader audience interested in their legal and institutional dimensions.

We focus on rights of rivers, as rivers have been a key nature body or area of focus in rights of nature jurisprudence, shaping the legal understanding of rivers as sacred, holistic and interconnected entities with rights (The Cyrus R. Vance Center et al., 2020). As of December 2025, approximately 40 freshwater ecosystems, including rivers, have been recognized as having rights under legal frameworks globally (EJM, 2026; UN, 2025). Our two cases – located in two key regions (Asia and Latin America) – were selected for comparative analysis based on their distinct governance contexts, which provide lessons for rights of rivers implementation in practice. In Bangladesh, the Supreme Court’s decision to extend legal personhood to “all rivers” lacks institutional depth, resulting in an implementation process that is ad hoc and selective, whereas in Colombia the implementation of the Atrato’s river rights often succumbs to procedural difficulties and contextual challenges as implementation mechanisms are not embedded into various river-related plans.

Our research questions were:

1. How do the rights of rivers operate through different governance models of Bangladesh and Colombia, and what factors influence their effectiveness?
2. What are the strengths and limitations of current governance arrangements in upholding the rights of rivers in these two countries?
3. What strategies or pathways can be adopted to ensure more inclusive, equitable and effective implementation of the rights of rivers?

The report analyses the cases through a theoretical framework of “political capabilities” (Farnan et al., 2024) to examine how the rights of river jurisprudence are navigated through the structures of river governance, guardianship, and the politics of knowledge. The report also draws insights from a literature-based analysis of the Whanganui River case in New Zealand, which informed the development of the analytical framework used to examine the two main case studies. The report concludes with key findings and implications for future research, as well as for policy and practice, on inclusive and effective implementation of the rights of rivers.

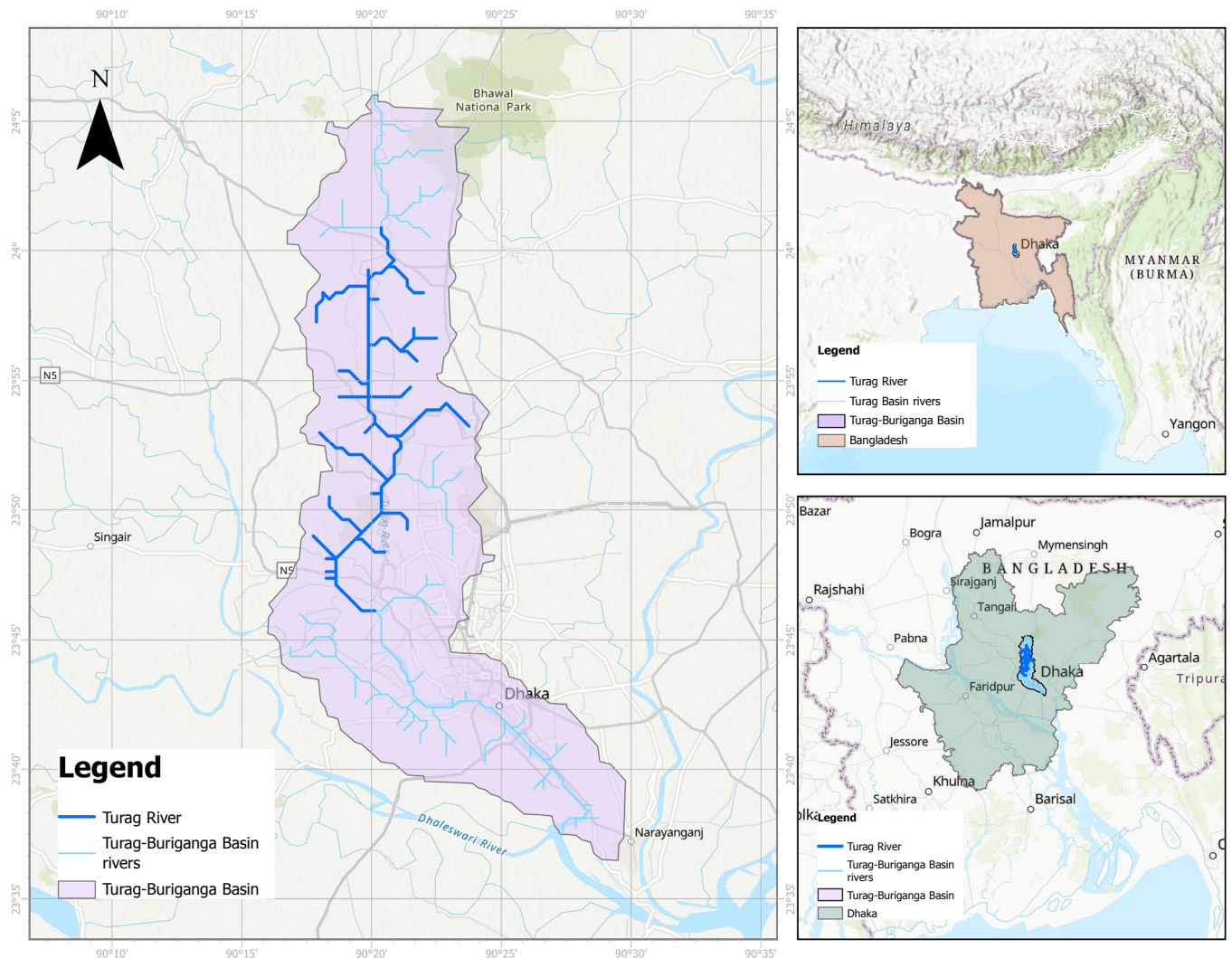
Below we provide brief backgrounds on the legal measures used to accord rights to the Turag River (and subsequently all rivers in Bangladesh) and the Atrato River (Colombia). See Table 1 for a comparison of the legal context for both.

## 1.1 Bangladesh: Turag River

Bangladesh is often called a land of rivers, and it contains a large part of the Ganges-Brahmaputra-Meghna Delta, the world’s largest delta (Rahman et al., 2019). Rivers are cornerstones of the country’s socioeconomic conditions: many rural communities rely on rivers for their livelihoods, and urban residents rely on them for transport and household water supplies, as well as for cities’ industrial water supplies (Jahan, 2026).

Flowing through the capital city of Dhaka, the Turag River (see Figure 1) is vulnerable to pollution from untreated wastewater from industrial, residential and agricultural areas (Kabir et al., 2022; Rabbani & Sarker, 2017). It has been recognized as one of the most polluted rivers in Bangladesh, and numerous studies have focused on identifying and analysing the pollutants present in the river (Hossain et al., 2021; Islam et al., 2023; Luftor Rahman et al., 2012).

Figure 1. Location of the Turag River



Source: Authors' own

In 2016, the NGO Human Rights and Peace for Bangladesh (HRPB) filed a public interest litigation to protect the Turag River from encroachments, illegal construction and earth filling on its riverbanks. The NGO claimed these activities led to dire impacts from river pollution and “river grabbing” on the health and livelihoods of local communities (Jahan, 2026). The petitioners relied on the “public trust doctrine” as enshrined in Article 18A of the constitution of Bangladesh, which outlines the principles and obligations of the state to protect and safeguard the country’s ecosystems and biodiversity (Jolly & Naik, 2022). The progress of the litigation was influenced by broader discussions on the health and status of the rivers in Bangladesh, such as at the fourth International Water Conference (Antara, 2019).

The Turag River judgement in 2019 became a landmark decision, with its wide scope and explicit designation of a responsible body to implement it. The High Court Division of the Bangladesh Supreme Court granted legal personhood to all rivers in the country, including the Turag River. The National River Conservation Commission (NRCC), established under the Ministry of Shipping in 2014, prior to the judgement, was

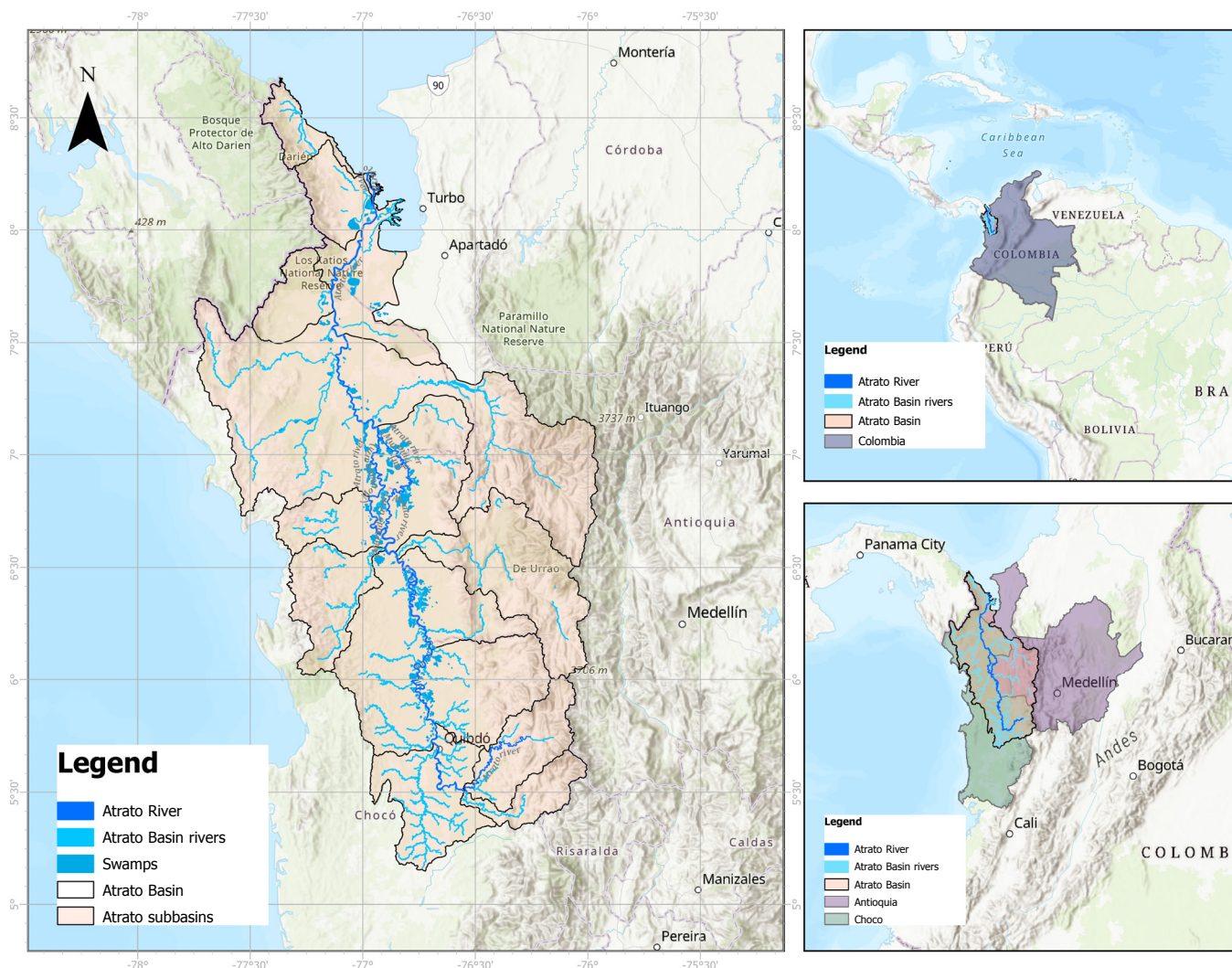
assigned as the legal guardian with the responsibility to conserve, protect, develop and remove pollution and encroachment from the Turag and other rivers.

Moreover, the Turag River judgement issued 17 directives, including mandates to prevent encroachment and pollution, treat river grabbing and pollution as crimes, hold violators liable, evict offenders, eliminate unauthorized structures, prepare and publish lists of grabbers, and disqualify them from bank loans and public office elections. This includes mandatory a No Objection Certificate (NOC) from the NRCC to be issued to agencies before their initiations of a project in rivers, canals and waterbodies under the Directive 5 (HRPB, 2019), as well as eviction orders for the Turag River's "illegal encroachers" under the Directive 6 (Writ Petition No. 13989/2016 Human Rights and Peace for Bangladesh v Government of Bangladesh and Others, 2019). Following an appeal in 2020 by one of the industrial actors that was a respondent in the original 2019 decision, the directives were declared non-binding, which weakened the weight of enforcement (Pasha, 2025).

## 1.2 Colombia: Atrato River

The Atrato River flows through the Chocó biogeographic region in Colombia (see Figure 2), a territory characterized by dense tropical forest, exceptionally high rainfall (among the highest in the world), and a complex network of waterways that shape ecological processes and everyday life (Gómez N. et al., 2014; Pérez-Escobar et al., 2019; Valoyes et al., 2012). For Afro-descendant and Indigenous communities inhabiting the basin, the river is central to mobility, food systems and social organization, while also holding deep cultural and spiritual significance (Minority Rights Group International, 2023). Rather than being understood as a separate natural resource, the Atrato is experienced as a living territory, inseparable from the collective identities, knowledge systems and ways of life of the communities that depend on it (Corte Constitucional, 2016). However, the Atrato watershed, considered a global biodiversity hotspot, is critically threatened by mechanized gold and copper mining (González Moreno et al., 2024; Palacios-Torres et al., 2020; Wesche, 2021); owing to runoff pollution from these mines, unhealthy levels of mercury and lead are found in fish and children (Gallego Ríos et al., 2018; Palacios-Valoyes et al., 2024).

Figure 2. Location of Atrato River



Source: Authors' own

The legal recognition of the Atrato River as a subject of rights in Colombia is the result of an ongoing struggle by Afro-descendant and Indigenous communities in the Chocó region to gain recognition of their rights and their territorial governance practice (González Moreno, 2020). Their work began to intensify in the early 2000s and reached critical levels by the mid-2010s, as communities across the Atrato basin experienced escalating territorial dispossession, environmental degradation, forced displacement and social disintegration driven by the convergence of extractive economies – particularly illegal, mechanized and foreign mining – armed conflict and sustained state neglect (Rogelis Rincón et al., 2022; Wesche, 2021).

Within this context, four grassroots organizations initiated a strategic legal action in 2015 through an *acción de tutela*. Supported and legally represented by the law organization Tierra Digna, the four organizations claimed that the Colombian state failed in its responsibility to manage extractive activities and therefore violated their fundamental collective and individual rights (Corte Constitucional, 2016). After the *tutela* was dismissed in lower courts, the Constitutional Court undertook an in-depth

review of the case, including an on-site inspection of the river basin at the request of the communities (Durante Reyes, 2020). This process culminated in Judgement T-622 of 2016, which recognized the Atrato River, its basin and tributaries as a subject of rights to protection, conservation, maintenance and restoration (Corte Constitucional, 2016).

Two elements of the judgement are particularly noteworthy. First, the Constitutional Court grounded its decision in a biocultural rights framework, which recognizes the interdependence between ecosystems and the cultural, social and economic life of ethnic communities, conceiving nature as mutually constitutive (Cagüañas et al., 2020), framing environmental degradation as a violation of communities' fundamental rights. Second, a central outcome of the judgement was the establishment of the Comisión de Guardianes del Río Atrato, composed of state and community representatives, as a collaborative governance mechanism responsible for the river and overseeing the implementation of the 13 court orders (Castañeda Ruiz et al., 2019).

Among the court's main orders, several are particularly relevant because they illustrate the judgement's ambitions regarding ecological restoration, the control of illegal mining, public health, food security and institutional accountability (Ministerio de Ambiente y Desarrollo Sostenible, n.d.):

- Order 5: formulation and implementation of a plan for the decontamination of the river and the restoration of degraded ecosystems.
- Order 6: design of a plan to neutralize and eradicate illegal mining.
- Order 7: recovery of traditional subsistence practices and food security of ethnic communities under an ethno-development approach.
- Order 8: conduct toxicological and epidemiological studies to assess the effects of contamination on human health.
- Order 10 and 11: allocation of resources for implementation, as well as mechanisms for monitoring and verifying compliance with the measures.

Table 1. Case laws in Bangladesh and Colombia on rights of rivers

|  | <b>Turag River and all rivers, Bangladesh</b>   | <b>Atrato River, Colombia</b>   |
|--|---|---|
| Case name                              | Human Rights and Peace for Bangladesh v Government of Bangladesh and others, Writ Petition No. 13989/2016 | Atrato River Judgement T-622/16 of 10 November 2016   |
| Scale of rights of rivers jurisdiction | National: legal recognition extended to all rivers across the country                                     | Local-basin scale: recognition limited to the Atrato River and its tributaries                            |
| Legal approach                         | Case law (Supreme Court, 2019)  | Case law (Constitutional Court, Judgement T-622 of 2016)  |
| Rights recognized of river             | Legal personhood recognized, but with limited specification of inherent river rights                      | Legal personhood recognized with explicit rights to restoration, protection, conservation and maintenance |
| Dominant mode of implementation        | Enforcement-oriented and reactive (e.g. eviction, encroachment removal), with weak statutory backing      | Planning-oriented, with emphasis on action plans rather than enforceable measures                         |

## 2. Theoretical framework and methodology

From March to July 2025, we conducted a literature review of academic papers, policy documents, civil society reports and media articles, related to the rights of nature and the rights of rivers in English. Having identified the general governance challenges facing river rights globally, we focused our review on Bangladesh and Colombia, as these countries' experiences with rights of rivers implementation are comparatively distinct. We supplemented this review of the academic and grey literature on Bangladesh and Colombia with a survey of other globally significant rights of rivers cases (e.g. India and New Zealand) and undertook a thematic analysis of the cross-cutting governance challenges facing each country. This entailed searching for evidence of similarities and differences in the decision-making authority or power of implementing actors and institutions, to surface the underlying governance contexts and processes that shape different social and environmental outcomes.

Following this review and ethics approval for primary data collection, between September and October 2025, we conducted key informant interviews with six people from Bangladesh and five people from Colombia. The interviews were carried out online and in person, and interviewees were selected based on purposive sampling and intentionally selected to collect data from diverse actors across academia, government and NGOs. In Colombia, the actors were interviewed in Spanish and included members of the Atrato River Comisión de Guardianes del Río Atrato, both institutional and community based. For Bangladesh, we conducted interviews in English with national-level and city-level actors, including a municipal government actor of Dhaka. As we explain below, these interviewees provided key insights into the distinct governance and, particularly, implementation challenges that shape rights of rivers processes in Bangladesh and Colombian respectively.

After the conclusion of our data collection, large language models (LLMs) were used to transcribe interview recordings via Microsoft Teams. We analysed the findings collectively within the project team, which facilitated the analysis of the underlying similarities and differences of rights of rivers governance and implementation challenges in both countries. This iterative research process also enabled us to conduct follow-up interviews where required.

The methodological approach outlined above has enabled us to reveal cross-cutting governance challenges facing the adoption and protection of rights of rivers in Bangladesh and Colombia. It also allowed a more specific analysis of the decision-making processes and practices that make each countries' experience of rights of rivers implementation at times both distinct and similar.

In building our analytic framework, we have brought together two complementary theoretical perspectives: political capability and knowledge infrastructures. We deployed the first – political capability – to better understand implementation of the rights of rivers as a manifestation of the control (or lack of control) that rights of rivers actors and institutions have over the livelihoods and ecosystems associated with protected river systems (Ensor et al., 2021; Farnan et al., 2024; Holland, 2017; Schlosberg, 2012). From this perspective, the implementation of river rights can be viewed as an effort to overturn the long-standing logic of resource extraction that

historically underpins how nature and rivers are understood, objectified and governed, and it can be seen as part of the broader global movement to pluralize ecological knowledge production through the surfacing of local or Indigenous forms of expertise and knowledge. The second perspective – knowledge infrastructures – refers to the multi-scalar networks, institutions and alliances through which this environmental governance and knowledge is produced, legitimized and mobilized (Deslatte et al., 2024; Farnan et al., 2024). Integrating these two perspectives enables a relational analysis of how power and knowledge interact within river governance arrangements, particularly in contexts where legal innovations coexist with entrenched institutional and knowledge hierarchies.

Rather than being applied as a preformed conceptual model, this study deployed political capabilities and knowledge infrastructures inductively as part of the comparative review of the literature on rights of rivers. This enabled us to identify recurring governance challenges, power asymmetries and knowledge-related tensions, which were iteratively consolidated into a coherent analytical framework. Based on this, we subsequently identified five cross-cutting governance themes:

1. “Legal personhood” refers to the formal recognition of a river as a rights-bearing legal subject within juridical and environmental governance frameworks. As an analytical theme, it focuses on how this legal status is defined, interpreted and institutionalized, as well as how it reconfigures relationships between rivers, state authorities and other governance actors such as communities.
2. “Guardianship arrangement” denotes the governance arrangements established to represent and protect river interests. This theme examines the design, roles, mandates and interactions of guardianship bodies, as well as the distribution of authority and responsibilities between state and non-state actors involved in representing river interests.
3. “Epistemic politics” captures the power relations that shape whose knowledge is recognized, legitimized and acted upon within river governance. This component focuses on how different knowledge systems – such as scientific, technocratic, ethnic and local knowledge – are engaged, prioritized or contested across implementation processes.
4. “Governance alignment” describes the institutional configuration through which river governance is organized across scales and sectors. It directs attention to coordination mechanisms, institutional mandates, resource allocation and enforcement arrangements, highlighting how governance responsibilities are distributed and connected.
5. “Historical and colonial legacy” denotes the historical and structural influence of colonial-era power relations, practices of dispossession and “extractivism”, and dominant ways of governance on contemporary river governance. This theme analyses how inherited institutional logics and prevailing visions of rivers and territories continue to shape authority, decision-making practices and knowledge production.

Together, these five themes provide an integrated analytical framework for examining how rights of rivers are operationalized in practice and help to identify pathways toward more just, inclusive and effective river governance.

### 3. Results

The section outlines the results from the data collection through literature review and key informant interviews. A summary of this section is provided in Table 2.

Table 2. Comparative table of rights of river governance structure of case study

| Aspect                                     | Turag River and all rivers, Bangladesh  | Atrato River, Colombia  |
|--|---|---|
| Guardianship model                         | Single guardian: National River Conservation Commission (NRCC), which includes civil servants from state administration bodies and one permanent member from the NGO sector   | Shared guardianship: Commission of Guardians composed of the state (Ministry of Environment and Sustainable Development through the Integrated Water Resources Management Directorate) and community (el Cuerpo Colegiado de Guardianes del Atrato) representatives   |
| Community representation in guardianship   | No formal representation of riparian or local communities   | Collective community representation through el Cuerpo Colegiado de Guardianes, composed of 14 guardians representing seven organizations across the upper, middle and lower basin and its diverse ethnic groups   |
| Autonomy and capacity of guardianship body | Limited autonomy; NRCC operates as an advisory body with restricted budget and enforcement powers   | High political legitimacy but limited financial autonomy; community guardians lack control over budgets and implementation  |
| Political agency of community members      | Weak to marginalized. NRCC struggles to meaningfully engage with local communities. Alliances between community members and NGOs aim to tackle governance gaps but efforts remain limited. Decisions made by agencies governing rivers are not clearly informed.                                    | Moderate. Community members have decision-making power in river governance; however, meaningful inclusion of their voices is questioned at times. Lack of systematic support, i.e. budget, results in further discrepancies between the vision and reality of the governance system.  |
| Epistemic justice                          | No explicit mechanism to integrate local communities' knowledge; reliance on expert-led and technocratic instruments  | Inclusion of local and biocultural knowledge through tools such as biocultural calendars aligned with community rhythms and traditions; largely driven by sustained community effort.   |
| Governance alignment                       | River governance is shaped by weak inter-ministerial coordination and overlapping institutional responsibilities. While the Turag judgement assigns a central role to the NRCC, its directives intersect with existing legal frameworks and agency mandates across national and subnational levels. | The implementation of the judgement has been shaped by fragmented institutional responsibilities and the lack of a clearly defined coordinating authority. While legal personhood expanded institutional responsibilities, it did not redefine coordination mechanism or leadership, resulting in persistent coordination challenges. Also, there are uneven levels of commitment across governance scales, particularly between national institutions and local authorities, where municipal and departmental governments have yet fully internalized the judgement. |
| Historical and colonial legacy             | The overall decision-making structures are characterized by managerial, top-down and centralized approaches to river governance, which were established during the colonial period.   | Colonial governance legacies continue to shape river governance in the Atrato basin, reproducing centralized and technocratic state logics, while Judgement T-622 has opened limited but meaningful spaces for communities to contest these hierarchies and reassert territorial and epistemic authority.   |

### 3.1 Legal personhood

The concept of legal personhood for rivers plays out in different ways in the two countries, though both share a lack of concision for defining the rights of rivers. The rights of river judgements, including of Bangladesh and Colombia, have granted a range of legal rights and protections through recognizing rivers as legal persons or living entities (O'Donnell, 2020). This section further discusses how inclusion (or lack thereof) of legal personhood affected the outcomes of the two judgements.

#### Bangladesh

The Turag River judgement set a precedent for recognizing the rights of rivers in the Asia-Pacific region and globally, particularly in its recognition of the rights of all rivers in the country. Other precedents recognize the rights of one or a few river bodies, rather than all rivers in the country (Willems et al., 2021).

However, the judgement does not articulate what is entailed in legal personhood status, contrary to other precedents. Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 of New Zealand and Ecuador's constitution, both cited as part of the Turag River judgement, included elaborations on the inherent rights and values of rivers.

Furthermore, the Turag River judgement's directives lacked clear implementation measures to uphold the river's legal personhood. Such measures would include the details and authorities of legal proceedings to be initiated by a represented body of the rivers (i.e. NRCC as guardians) to represent the voice of the river as a legal person. The only directive in the judgement with an authoritative measure is Directive 6, which requires the NRCC to remove illegal encroachment on the Turag River (excluding other rivers) within 30 days. However, this directive also lacked statutory support for enforcement (see Section 3.4 below on governance alignment). Therefore, the judgement lacks a clear definition to recognize the river as the rights-bearing entity and to operationalize such recognition with a clear roadmap.

The novelty of the judgement in the Bangladesh context stems from its linkage of the rights of the Turag River to the public trust doctrine and the right to a healthy environment, as enshrined in the constitution of Bangladesh. The doctrine highlights government bodies' responsibilities to protect, conserve and manage state resources, which serves as a legal foundation for all actions mandated under the judgement. However, the judgement's statements on the doctrine primarily rely on human benefits to justify the conservation and protection of the river rather than emphasizing the wellbeing or the benefits to the river; any actions to protect and restore rivers are done for human benefits (Writ Petition No. 13989/2016 Human Rights and Peace for Bangladesh v Government of Bangladesh and Others, 2019).

## Colombia

The recognition of the Atrato River as a rights-bearing legal subject through Judgement T-622 (2016) marked a significant juridical shift in Colombia. In the Atrato basin, this recognition was initially understood as an opportunity to halt environmental degradation – particularly linked to mining – and to reposition the river as a central subject of rights, including restoration, protection, conservation and maintenance. However, findings from the interviews indicated that the legal meaning and practical scope of this recognition of the river as having legal personhood have remained only partially defined and insufficiently articulated in operational or enforceable terms (interview 8).

In practice, legal recognition has not fully displaced anthropocentric governance frameworks, as the river continues to be primarily understood by state and institutional actors through its functions and uses for human life, rather than as an autonomous entity with interests of its own (interview 8). In contrast, community narratives reflect a relational understanding of rights, in which the wellbeing of the river is inseparable from the rights, livelihoods and cultural continuity of the people who inhabit the basin. In this sense, rights are expressed less as abstract “rights of the river” and more as collective and biocultural rights embedded in long-standing human–river relationships (interviews 9, 10, 11).

Regardless of the implementation of restoration initiatives under the framework of the judgement, there is little evidence of sustained ecological improvement in the Atrato River. The formal recognition of the river as a subject of rights has not yet translated into material recovery of the basin (interview 10). On the contrary, environmental degradation associated with illegal mining has intensified in the years following the judgement, with an estimated increase of approximately 50 000 hectares (ha) affected by mining activities across the basin (interview 8). This trend highlights a persistent gap between juridical recognition and effective ecological transformation.

This gap is further reinforced by the way legal personhood has been operationalized. While Order 5 mandates both the design and implementation of a plan to decontaminate the Atrato River basin, in practice, efforts have largely centred on the formulation of a long-term action plan with extended implementation horizons, while the socio-environmental pressures affecting the river continue to unfold in the present. This temporal mismatch risks framing compliance in procedural terms, without ensuring timely and effective action on the ground.

From a conceptual perspective, legal personhood can be understood as a form of normative recognition, as it redefines rivers’ legal status from objects to subjects within the law (Kauffman & Martin, 2021; O’Donnell, 2018). However, its transformative capacity remains constrained by conceptual ambiguity (particularly regarding whether it establishes autonomous ecological rights or extends human-centred legal frameworks to nature), which shapes how such rights are interpreted and implemented in practice (Kauffman & Martin, 2021; O’Donnell, 2018). Furthermore, this ambiguity is reinforced by a formalistic institutional design that often privileges procedural requirements (see Section 3.4, for further discussion on governance alignment) over substantive ecological outcomes, thereby limiting its capacity to generate tangible environmental improvements.

## 3.2 Guardianship arrangement

Effectively governing all rivers and protecting them through legal personhood requires a robust structural arrangement involving actors that could uphold the rights of rivers, including an assignment of human “guardians” (Jolly & Naik, 2022). This section further discusses how guardianship arrangements were made in the two judgements.

### Bangladesh

Contrary to precedents of other rights in river cases and similar to India’s Ganges and Yamuna rivers case (which is put on stay), the Turag judgement declared that the governance of the legal personhood of the rivers was entrusted to a government institution, the NRCC, as the sole guardian. The lack of plural governance structures and the potential conflict of interest arising from economic and development priorities of state departments are key limitations of the guardianship under the judgement (Eckstein et al., 2019). Although the previous chairman of NRCC expressed the need to engage with the community and their rights (Chandran, 2019), limited political will and capacity hinder them from meaningfully engaging with broader stakeholders in their operations, including local communities (interview 2).

The Supreme Court’s decision to declare NRCC as a guardian has been criticized in the literature due to its limited institutional and operational capacity. Operating with a capacity of 48 officers and an annual budget of approximately BDT 50 million (USD 400 000) as of 2022 (NRCC, 2022), the NRCC serves as an advisory body under the Ministry of Shipping and has been critiqued as lacking institutional independence (interview 1). For example, in cases where encroachment and pollution of rivers are reported, NRCC sends an advisory letter to relevant government ministries with recommendations for action to reduce or mitigate the violations, without any power to hold violators accountable (interview 4). In other words, the NRCC does not have statutory enforcement power over the eviction of river encroachers, cancellation of industrial permits, or pollution control (Singha, 2025).

Past instances have shown the vulnerability of NRCC to political and industrial influence. In one incident, the NRCC decided not to publish the names of 37 000 river encroachers compiled at the end of 2022, based on a survey that cost BDT 340 million (approximately USD 2.8 million) (Pasha, 2025; Yousuf, 2023). An initiative led by the NRCC and the Bangladesh Inland Water Transport Authority to address pollution in the Buriganga River was discontinued after the removal of a leading authority from the NRCC, allegedly due to political influence from industries that contribute to the pollution (interview 2). Therefore, the limited operational capacity and budget of NRCC are perceived as key limitations to upholding the judgement (interview 4).

To strengthen its independence and operational capacity, as supported by the Turag judgement, the NRCC proposed the Draft National River Conservation Commission Act 2020. The draft includes critical measures, such as mandating other government authorities to obtain an NOC from NRCC before making any plans related to the river, as outlined under Directive 5 of the Turag judgement (Rahman, 2023). However, the draft act was struck down on appeal (Huq & Azaz, 2024), with no updates as of May 2026.

## Colombia

The recognition of the Atrato River as a rights-bearing legal subject created the need for governance arrangements capable of representing and operationalizing the river's rights. The Constitutional Court initially envisioned a representation model composed of one state representative and one community representative. However, this design was contested by community organizations, which argued that a single community delegate could not adequately reflect the territorial, cultural and ecological diversity of the river basin (interview 10).

The Constitutional Court's solution was the creation of the Commission of Guardians, a dual but interconnected guardianship arrangement. Established as the representative body of the river, the Commission is composed of the state and community representatives. The state is represented by the Ministry of Environment and Sustainable Development through the Integrated Water Resources Management Directorate, while the community representation is exercised collectively rather than individually.

To operationalize this collective representation, communities created the *Cuerpo Colegiado de Guardianes del Atrato*, an autonomous body composed of 14 guardians representing seven community-based and Indigenous organizations<sup>1</sup> across the upper, middle and lower areas of the basin. This structure ensures territorial coverage, ethnic diversity and gender parity, and it constitutes a central pillar of the guardianship arrangement (interviews 10, 11).

The *Cuerpo Colegiado* plays a key role in the decision-making process. Community guardians act as interlocutors between state institutions and local community-based organizations, participate in deliberative spaces related to the implementation of the judgement, and are responsible for channelling information back to their respective communities (interviews 10, 11). Guardianship is thus exercised as a collective and politically grounded practice, but also as a demanding and exposed role involving significant responsibility and, in some cases, personal risk (interview 9).

Despite its strong legitimacy and organizational capacity, the guardianship arrangement faces structural limitations. The *Cuerpo Colegiado* does not have autonomous financial resources, and participation depends on limited logistical support provided by state institutions. While community guardians can influence decisions within the Commission, they do not control budgets or implementation mechanisms, resulting in an imbalance between authority and material capacity (interviews 10, 11).

Overall, the Atrato case illustrates an innovative guardianship arrangement in which formal representation through the Commission of Guardians is grounded in a robust community-based structure. However, the effectiveness of this arrangement remains constrained by limited institutional and financial support, shaping both its possibilities and its limits in upholding the river's rights.

---

<sup>1</sup> El *Cuerpo Colegiado de Guardianes del Atrato* is composed of representatives from seven Afro-descendent and Indigenous organizations across the basin: Consejo Comunitario Mayor de la Organización Popular Campesina del Alto Atrato (COCOMOPOCA), Consejo Comunitario Mayor de la Asociación Campesina Integral del Atrato (COCOMACIA), Asociación de Consejos Comunitarios y Organizaciones del Bajo Atrato (ASCOBA), Foro Interétnico Solidaridad Chocó (FISCH), Mesa Indígena del Chocó, Consejo Comunitario del Río Quito, and Mesa Socioambiental del Carmen de Atrato.

### 3.3 Epistemic politics

The knowledge in which the river is understood play a critical role on how human societies build relationships with rivers and its rights. This section illuminates how judgements exhibit two different ways in which knowledge is gathered and incorporated with regards to rights of rivers.

#### Bangladesh

In Bangladesh, riparian communities and their deep-rooted ecological knowledge remain marginalized within the current river governance structures (Hossain et al., 2019; Islam et al., 2018; Mamun, 2007). Limited inclusion of the key stakeholders can affect the ability of decision-making bodies, often government actors, to make informed decisions in river (and broader water) governance, where knowledge co-production and co-management become a key (N. Sultana & Luetz, 2022; P. Sultana & Thompson, 2010).

The Turag judgement established a framework for rights of rivers through an administrative lens. At present, the guardianship body, NRCC, is composed of government representatives, with community-based riverine representatives who are not represented (interviews 1 and 6). In addition, the 17 directives issued under the judgement prioritize the use of top-down, state-led or expert-led instruments. For example, Directive 8 outlines the mandate for “concerned authorities” to make a digital database, based on geographical information systems, remote sensing and satellite technology, and to share information on biodiversity in the watersheds at local levels, with no mention of how different types of knowledge would be integrated into the database. In addition, the narrative within NRCC communications often frames the river through a managerial lens, focusing on flood hazard mitigation and administrative oversight of rivers (interview 1). Overall, the judgement provided limited space for multiple knowledge systems to contribute to river governance, which contrasts with other case laws such as those regarding the Atrato River in Colombia and Whanganui River in New Zealand (Cagüañas et al., 2020; Charpleix, 2018).

In interviews, NGO actors working with riparian communities emphasized that implementation of the Turag judgement should address the lack of integration of knowledge from local communities (interviews 2 and 6). For example, local initiatives to protect and conserve the river ecosystem could further reflect the cultural values embedded in human–river relations. An interviewee also highlighted an instance where the subnational body of the Bangladesh Water Development Board in the Bay of Bengal region adopted traditional ecological knowledge-based water management practices in their operations, as proposed by a local NGO (interview 6). This indicates partial entry points for more decentralized and bottom-up forms of river governance.

## Colombia

The implementation of the Atrato River judgement illustrates that recognizing a river as a subject of rights is not only a legal or institutional challenge, but also a challenge of bridging different ways of knowing and relating to the river, as reflected in the profound gaps between legal formulations and territorial understandings of the river (Cagüañas et al., 2020). The rights associated with legal personhood were defined in this judgement in general and operational terms, focusing on how the river can be managed and used by humans, rather than reflecting the ways in which communities, individual humans and non-human entities understand and relate to the river. This definition produced ambiguity around what the river's rights entailed in practice and limited understanding and application of these rights by institutional and local actors (interview 8).

This epistemic gap was not immediately recognized by state institutions following the judgement, nor was its resolution guaranteed. Communities indicate that it took between a year and a half and two years for several institutions to be formally notified of the court decision, to begin internalizing its implications, and to properly establish a dialogue to make decisions with and for the communities (interviews 9, 10). These reports from interviewees suggest that the process required sustained effort, negotiation and political will to reshape institutional practices; such graduated steps reveal that the construction and implementation of the judgement could not be carried out through institutional logics alone, but that they depended on continuous dialogue with and knowledge from communities inhabiting the basin.

These epistemic differences have been actively negotiated through the reconfiguration of decision-making spaces during implementation. Communities deliberately promoted the decentralization and territorialization of governance, challenging the concentration of authority in national institutions in main cities and insisting that deliberations take place within the river basin itself. Through this process, institutional dialogues were reorganized to disrupt hierarchies of knowledge, foster horizontal forms of communication, and assert local and relational knowledge as equally legitimate in defining priorities, actions and interpretations of the judgement (interview 11).

Concrete mechanisms have supported this epistemic reconfiguration, most notably through the development of biocultural instruments such as calendars that align institutional planning with local cultural practices, agricultural cycles and social rhythms. These tools have required state actors to adapt their modes of engagement and decision-making to territorial realities. However, the integration of diverse knowledge systems remains uneven and largely dependent on sustained community effort, rather than being structurally embedded within institutional frameworks. As a result, epistemic inclusion in the Atrato case represents an important but fragile transformation, one that is continuously negotiated and unevenly realized across institutions. While some state actors – such as the Ministry of Environment and Sustainable Development – have moved toward more collaborative and territorially grounded forms of engagement, others have been more resistant, maintaining governance practices that privilege technocratic expertise and constrain the institutionalization of epistemic plurality (interviews 9, 10, 11).

### 3.4 Governance alignment

The operation of rights of river judgements takes place within the existing fabric of activities and interventions by different government agencies. This section discusses how the rights of river judgements and their directives are aligned or misaligned with existing governance mechanisms.

#### Bangladesh

The governance challenges of the rivers are driven by a multitude of factors, including limited ministerial collaboration and duplication of mandates. The Turag judgement directives have laid the foundations for the NRCC's overall management of the rivers in the country; however, these conflict with statutory frameworks, policies and mandates of other agencies across local and national levels (Singha, 2025).

Water governance in Bangladesh involves a vast range of actors. Within the government, it comprises 35 agencies from 13 ministries, which oversee 1400 rivers nationwide. The lack of coordination among these actors, including siloed funding and technical capacities, has contributed to the sector's vulnerability to elite capture and industrial exploitation of the Turag River and others (Islam and O'Donnell, 2020). An interviewee highlighted that an alleged BDT 320 billion (approximately USD 2.6 billion) was allocated to the restoration of the Buriganga River between the early 2000s and 2023; however, no visible restoration effort took place (interview 6). The lack of community involvement in this restoration plan was also identified as a limitation (interview 6).

Within these contexts, the Turag judgement set directives for NRCC as a guardian that override some statutory responsibilities of other agencies. There is a clear relationship between existing environmental governance statutes, such as the Bangladesh Environmental Conservation Act (BECA) 1995 and the Water Act 2013, and the 17 directives of the Turag judgement; however, no clarifications were made on the responsibilities of the government agencies. For example, a NOC under Directive 5 of the Turag River decision, obtained from NRCC, conflicts with the BECA, where the Department of Environment could override such an obligation as the principal authority for pollution control under Section 3 of BECA.

Another key example of a conflicting mandate is Directive 6 of the Turag judgement, in which the NRCC is ordered to issue eviction notices to river grabbers in collaboration with other agencies. However, the enforcement power for eviction primarily falls under the district administration, as outlined in the State Acquisition and Tenancy Act, 1950.

These conflicts in enforcement lead to ineffective management of river protection under the directives of the judgement. Singha (2025) summarizes the decision's implementation directives as such: "judicial orders [of the Turag River judgement] envision coercive powers and mandatory inter-agency coordination that the current statutory framework neither grants nor compels" (Singha 2025, 13). Therefore, the judgement has introduced normative measures without the means to make them actionable, thereby weakening the position of the guardian, NRCC.

## Colombia

Translating Judgement T-622 from a judicial mandate into coordinated action for the Atrato River revealed deep-seated patterns of governance fragmentation. The dispersion of responsibilities, the lack of clarity regarding roles and competencies, and the absence of a clearly designated authority to coordinate implementation shaped the way the judgement was operationalized, resulting in fragmented and independent implementation by state entities (Cuesta Palacios, 2021). While legal personhood introduced new obligations for the restoration and protection of the Atrato River, it did not reorganize existing governance architectures or clearly assign leadership for implementation, resulting in persistent coordination gaps across institutions (interview 8).

Implementation from more than 30 state institutions has largely advanced according to sectoral agendas, priorities and institutional interest, rather than through a shared and integrated strategy (interview 8). This has resulted in fragmented approaches to implementation driven by divergent rationalities and modes of action across state actors. While some entities – such as the Ministry of Environment and Sustainable Development – have been perceived as more open to participatory, dialogue-based and territorially grounded modes of engagement, others have approached their mandates through more centralized and enforcement-oriented frameworks.

This divergence is particularly evident in relation to Order 6, assigned to the Ministry of Defence, which addresses illegal mining as the main source of contamination in the Atrato basin. Community actors highlighted that implementation under this order has prioritized coercive strategies aimed at eradication, with limited incorporation of collective dialogue or the exploration of alternative pathways that recognize artisanal mining as a traditional and culturally embedded practice that is likely to occur (interviews 9, 10). Without substantive progress on this order, advances achieved under other components of the judgement risk being diluted or reversed (interview 8).

Fragmentation is also evident across governance scales. At the national level, ministries have progressively engaged with the court decision and with community actors, generating spaces for dialogue and partial implementation. In contrast, local governments – particularly municipalities and departmental authorities – have shown limited uptake of the judgement, often framing it primarily as a budgetary burden rather than as an opportunity for territorial transformation (interviews 10, 11).

This vertical disconnect has constrained continuity on the ground and weakened the institutional anchoring of actions in the territory. The disconnect between national and local government actors is further compounded by multiple legal and institutional mandates, which often create overlapping responsibilities and competing priorities for implementation. The judgement coexists with other governance instruments that continue to operate in parallel, such as Watershed Management and Planning Plan (Planes de Ordenación y Manejo de Cuencas Hidrográficas, POMCA), limiting the extent to which legal personhood can serve as an integrating framework for aligning policies, institutions and regulatory instruments (interview 8).

Within this fragmented governance landscape, the Atrato River Action Plan adopted in 2019 to comply with Order 5 represented a key effort to translate the court's judgement into a coordinated governance instrument. Led by the Ministry of Environment and Sustainable Development, the plan focused on river decontamination and ecological restoration with a long-term horizon of 2040 (Ministerio de Ambiente y Desarrollo Sostenible, 2019). While widely recognized by both institutional and community actors as participatory and strategic roadmap for implementation, the initial formulation of the plan proved overly ambitious and weakly operational. Updates in 2025 were meant to address this and reduce duplication, prioritize actions and improve territorial operability; however, the plan continues to face limitations due to weak institutional accountability, as responsibility for implementation remains diffuse and unevenly assumed by the entities formally in charge, illustrating both the potential and limits of planning instruments for governance alignment.

Although significant financial resources have been mobilized through national-level project programs, funding has remained fragmented, project-based and discontinuous. According to one interviewee, approximately COP 31 billion (USD 8.4 million) have supported productive initiatives in the Atrato basin through the program El Campo Emprende, strengthening around 364 community-based productive units (interview 9). In parallel, restoration efforts have included an initial allocation of approximately COP 8 billion (USD 2.2 million) through Fondo Atrato for the restoration of around 300 ha degraded by mining (interview 10), and approximately COP 19 billion (USD 5.2 million) channelled through Fondo para la Vida to restore close to 7000 ha under ongoing implementation arrangements (interviews 7 and 8). This effort deserves to be recognized; however, despite the scale of these investments, their dispersion across isolated programs and funding windows has limited sustained coordination, long-term monitoring and local institutional strengthening, reinforcing existing governance fragmentation.

### **3.5 Historical and colonial legacy**

This last section underlines how colonial history continues to shape the judgements' outcomes and operations, affecting different elements mentioned above – especially guardianship arrangements, epistemic justice and governance alignments.

#### **Bangladesh**

The Turag judgement and its directives directly uphold current river management systems, which are characterized by managerial, top-down and centralized approaches, rather than addressing and reconfiguring them through frameworks of rights of nature. These approaches can be traced back to British colonial water management projects in Bangladesh, first established in the late 1700s, as part of policies in South Asia to control water and promote agricultural development, including flood control and irrigation. These policies served to control local rural populations, as well as to generate revenues from the land and its people (D'Souza, 2006). These economic and political aims embedded in river management continue to shape the governance of rivers in Bangladesh.

This legacy is especially apparent in the dimension of procedural injustice within the judgement's directives. The NRCC is a government body responsible for governing the river, with a limited scope of engagement with other non-government stakeholder groups. As indicated earlier, interviewees have noted that NRCC-led guardianship of the river can sideline the importance of ecology and the ecosystem of rivers and broader watersheds in Bangladesh, as well as the knowledge and practices of local riparian communities (interviews 1, 2 and 6). Given this lack of acceptance of local knowledge and authority, the current management risks exacerbating the environmental injustices that stem from colonial legacies and misinterpretations of historical and ecological relations in riparian contexts.

However, the judgement also includes a pathway for a renewed understanding of the river, moving away from a "lifeless resource" toward a "living entity". The judgement has cited several literary works that portray rivers as living beings, and it includes a directive to recognize rivers as both legal persons and living entities. Despite this entry point, the recognition of rivers as a living entity was not clearly defined in the judgement; the concept of a living entity does not have statutory power in the current system.

Globally, the rights of rivers movements have been driven by the need to redefine human–nature relationships (The Cyrus R. Vance Center et al., 2020). This framing could further point to how Bangladesh could reorient its relationships regarding river rights, human development and industrial pollution beyond the Turag River judgement.

## Colombia

The implementation of Judgement T-622 unfolds in a territory profoundly shaped by historical and colonial legacies that continue to structure governance relations in the Atrato basin. The history of Spanish colonization, which introduced enslavement that led to racialized marginalization and extractive exploitation that continues today (Larrichio, 2002; Leal, 2008), has shaped how state authority and community governance intersect in the present.

Afro-descendant and Indigenous communities along the Atrato River trace their territorial presence to processes of resistance and escape from Spanish colonial violence, as enslaved populations sought refuge in remote riverine areas to secure autonomy and survival (interview 7). These historical trajectories underpin long-standing struggles for autonomy and collective rights, later formalized through legal recognitions such as Law 70 (1993) through the 1991 Colombian Constitution, which recognized land rights of Black communities (interview 10). Long before Judgement T-622 on the Atrato River, communities exercised territorial governance through, for instance, zoning practices that integrate rivers, forests, land and livelihoods such as fishing into a single socioecological system (interview 11).

This territorial and relational understanding of governance contrasts sharply with dominant state approaches, which continue to be organized through sectoral, technocratic and centralized logics. Although the judgement formally introduces a biocultural framing, its implementation has largely been mediated through institutional

arrangements that reproduce pre-existing modes of administration and control (Wesche, 2021). Decision-making authority remains concentrated at the national level, relying on technical language and procedural frameworks that are poorly aligned with territorial realities and lived histories.

These asymmetries have materialized through expert-driven planning processes and bureaucratic vocabulary that initially left little room for community ways of knowing and relating to the river. In response, communities have actively contested these inherited hierarchies by reorganizing decision-making spaces, collectively preparing for institutional engagements, and appropriating legal and technical language to assert their authority (interview 11). Practices such as reshaping meeting formats, insisting on deliberation in the territory, and grounding decisions in cultural and ecological rhythms have been central to challenging colonial patterns of governance and reasserting epistemic legitimacy.

Overall, Judgement T-622 heightens the tension between continuity and transformation. While it does not dismantle colonial legacies embedded in governance structures, it renders them visible and contestable, opening meaningful spaces – although fragile and unevenly distributed – for renegotiating state-community relations (McNeish & Moreno Socha, 2024) and challenging entrenched hierarchies of power, knowledge and territory.

## 4. Discussion

The discussion draws together insights from the comparative analysis of the cases of the Atrato and Turag rivers to examine the broader implications of rights of rivers in practice. We address five interrelated themes: the limitations of legal personhood as a transformative governance mechanism; the role of guardianship arrangements in translating recognition into governance practice; the importance of different ways of knowledge and participation; the challenges of fragmented governance and the ways in which colonial legacies continue to shape contemporary river governance. Together, these themes highlight that the effectiveness of rights of rivers depends not only on legal recognition, but also on the political, institutional and social conditions through which it is implemented.

### 4.1 Going beyond anthropocentric boundaries of legal personhood

Colombia and Bangladesh's recognition of the legal personhood of rivers occurred through judicial determination, rather than through legislation recognizing the river's independent voice. Further comparison of the two reveals a shared gap between juridical recognition and operational clarity, albeit expressed differently: in Colombia through procedural and planning-heavy implementation and in Bangladesh through vague articulation and limited enforcement pathways. This gap highlights how courts can initiate recognition without necessarily resolving how legal personhood translates into actionable governance or into tangible transformations that address the socio-environmental problems that originally motivated recognition.

This suggests that legal personhood operates less as a transformative solution itself and more as a conditional entry point into governance change. In both cases, its effects are shaped not by recognition alone, but by how river rights are defined, embedded and supported through institutional capacities and enforcement mechanisms.

The Colombian case illustrates how biocultural framing can foster legitimacy and mobilization, even when ecological recovery remains limited (McNeish & Moreno Socha, 2024). In contrast, Bangladesh's broad recognition highlights how scale without institutional depth constrains the ability of legal personhood to disrupt development-oriented governance trajectories. Taken together, these cases indicate that legal personhood does not resolve socio-environmental problems, but rather exposes the structural conditions required for such transformations to occur.

In both cases, the judgements and their implementation measures remained largely anthropocentric – i.e. focusing primarily on halting extractive practices and limiting river pollution, rather than articulating and protecting the river's interests as an entity in its own right. Undoubtedly, measures to mitigate anthropocentric impacts, such as pollution prevention, are still necessary to protect rivers. However, pollution prevention and efforts to eliminate illegal mining are only partial measures towards the realization of the rights of rivers.

Recognizing rights of rivers should lead to proactive regeneration, not just an instrument to remedy human-made problems – such a holistic view requires mandating

assessments and monitoring mechanisms for the whole of a watershed beyond human impacts, such as life cycles of flora and fauna, or flood pulses and hydraulic cycles. Without this view, the river's legal personhood remains instrumental to the human right to a healthy environment, rather than a means to protect the inherent right of the rivers to exist and thrive themselves.

Another court-based approach is the enshrinement of rights that puts the nature body at the forefront of the judicial process, as in the Whanganui River case in New Zealand (Eckstein et al., 2019). The judgement text, the Te Awa Tupua Act, provides for the Whanganui River to have "all the rights, powers, duties, and liabilities of a legal person", which is to be exercised by the guardian on behalf of the river. The text includes detailed legal proceedings, enforcement mechanisms and an overall institutional framework that encompasses the wellbeing of "Whanganui River from the mountain to the sea, incorporating all its physical and metaphysical elements" and brings the river's rights to the centre via the Māori worldview (Te Awa Tupua [Whanganui River Claims Settlement] Act 2017, 2017).

## 4.2 Negotiating power through guardianship

Understanding guardianship in the two contexts of our case studies requires tracing different forms of political agency and advocacy strategy for participation in environmental governance. The key difference between the guardianship arrangements of Colombia and Bangladesh is the representation of the local communities in the decision-making bodies – lacking in Bangladesh, but constantly negotiated in the Colombian context through the institutional mechanisms with comprehensive procedural orders (Wesche, 2022). Building on these differences in representation, the comparison reveals how guardianship arrangements shape political capabilities in practice.

In the Atrato case, bottom-up mobilization by multiple Afro-descendant and Indigenous organizations led to the reconfiguration of the guardianship model initially defined by the Constitutional Court, resulting in a collective form of community representation rather than a single community delegate, alongside state representation. This process strengthened the legitimacy of the guardianship arrangement and enabled broader territorial, cultural and ecological representation across the basin. Collective community guardianship subsequently enabled sustained engagement with state institutions, facilitated information flows between territorial actors and national authorities, and reinforced the legitimacy of governance processes, even in the absence of autonomous financial resources or control over implementation. Guardianship in this case thus operates not only as a formal representational mechanism, but as a lived governance practice grounded in territorial plurality and political agency.

In contrast, the Turag judgement entrusted guardianship exclusively to a central state institution, limiting opportunities for community participation and decentralized governance. The exclusion of riparian communities from the guardianship arrangement in Bangladesh reflects a lack of political will for a decentralized model of river governance. Under the Turag judgement, the NRCC operates as the sole guardian,

without representation from subnational bodies or committees. In contrast, other government authorities, such as the Bangladesh Water Development Board or the Ministry of Local Government, Rural Development and Co-operatives, are represented at the district and *upazila* (provincial) levels. While the Atrato model remains constrained by structural resource limitations, the comparison suggests that guardianship arrangements that institutionalize community agency are better positioned to translate legal recognition into sustained governance practices than those that rely solely on administrative authority.

### 4.3 Normative legal frameworks and material realities of marginalized knowledge

In both Colombia and Bangladesh, entrenched hierarchies of knowledge shape the formulation and implementation of river rights governance. However, the comparison reveals a key difference in how these hierarchies are addressed in practice and how they translate into political capabilities. In the Colombian case, epistemic politics unfold through sustained negotiation and contestation, as the community guardianship body actively works to assert local and relational knowledge within decision-making processes. In contrast, in the Bangladeshi case, riparian local and Indigenous knowledge remains largely peripheral to state-led governance instruments, limiting opportunities for communities to influence how river rights are interpreted and enacted.

Comparing these two cases, we observe that epistemic politics play a decisive role in determining whether legal personhood becomes a lived governance practice or remains a largely normative construct. In Colombia, the gradual incorporation of local and biocultural knowledge – through reconfigured decision-making spaces and tools as biocultural calendars aligned with territorial rhythms – has enabled partial epistemic transformation and strengthened community political agency, even as such inclusion remains fragile and heavily dependent on sustained community effort. In Bangladesh, conversely, the directives of the Turag River judgement are not conjoined with the existing local and national movements for the river's ecological integrity, which leaves the river's legal personhood as a normative concept. The increasing number of legal cases filed by the local community to defend rivers may be an indication that communities are hoping to challenge and overturn this context.

The barriers to participation in broader river governance should be tackled together, by many stakeholders. In doing so, the voices of marginalized groups – such as *haor* and *char* dwellers, women and gender minorities, impoverished farmers and fisherfolk – will be reflected in the decisions made about rights of rivers along with their own rights.

Together, the two cases illustrate that without deliberate efforts to translate diverse knowledge systems into institutional practice, epistemic inclusion remains uneven, limiting the transformative potential of rights of rivers.

#### **4.4 Added layers onto existing governance and diffused responsibilities**

In both Colombia and Bangladesh, the implementation of court decisions regarding rights of rivers has faced challenges arising from the lack of a clearly designated mandate and coordinating leadership, together with weak alignment between judicial directives and existing statutory frameworks. In Colombia, the Atrato River Judgement T-622 introduced new obligations without redefining existing institutional configurations or assigning a lead authority, resulting in persistent coordination gaps across sectors and governance scales. In Bangladesh, the Turag judgement similarly overlaid new responsibilities onto a dispersed governance landscape, where overlapping mandates and conflicting legal frameworks limit the operational authority of the NRCC. In both cases, judicial recognition has thus produced diffuse responsibilities rather than institutional coherence.

The two cases raise questions about the role of the judiciary in rights of rivers in contexts of structurally fragmented environmental governance. The hope has been that judicial recognition can help bridge long-standing institutional gaps, but instead, it risks repackaging existing fragmentation within a new legal framework. For both the Atrato and Turag rivers, court judgements have expanded institutional responsibilities without resolving underlying misalignments between mandates, enforcement powers and governance scales. In Colombia, fragmentation manifests through sectoral implementation, weak vertical coordination between national and subnational authorities, and project-based financing strategies that limit sustained institutional strengthening (Cuesta Palacios, 2021). In Bangladesh, similar dynamics emerge through statutory conflicts and the lack of coercive authority to enforce court directives, reinforcing the regulatory deadlock (Karim et al., 2012).

Rather than functioning as an integrating framework, both rights of rivers cases have been absorbed into pre-existing governance arrangements, adding complexity without necessarily enhancing coherence. This suggests that, without deliberate institutional realignment and political commitment across governance scales, recognizing the rights of rivers risks placing additional pressure on already strained governance systems – reframing environmental problems without fundamentally transforming the conditions that produced them.

#### **4.5 Persisting colonial legacies in river governance**

The two rights of rivers cases illustrate that colonial legacies do not operate as static historical residues, but as actively reproduced governance practices that shape political capabilities and knowledge infrastructures in the present. While both cases reveal the persistence of colonial approaches to governance, Colombia shows a more visible tension between inherited institutional structures and territorially grounded practices, whereas Bangladesh reflects a stronger continuity of centralized, managerial approaches.

In Colombia, colonial histories of dispossession and racialized marginalization coexist with long-standing community-based governance systems that predate Judgement

T-622 and actively contest state-centric models. In the Atrato River case, while the judgement does not dismantle colonial patterns of centralized authority and technocratic administration, it has created a legal and political opening through which communities can contest these legacies. Pre-existing territorial governance practices, rooted in biocultural relationships with the river, have enabled communities to mobilize the judgement as a tool for renegotiating state-community relations, even if such transformations remain partial and uneven.

In Bangladesh, by contrast, colonial-era water management rationalities remain deeply embedded within contemporary governance institutions, which limit space for alternative territorial or relational understanding and management of rivers. The Turag judgement largely reinforces inherited managerial logics that prioritize control, infrastructure and administrative oversight, limiting opportunities for plural forms of authority and knowledge to emerge. Although the judgement's recognition of rivers as living entities gestures towards an alternative relational framing, its lack of statutory grounding prevents it from meaningfully challenging dominant development-oriented paradigms inherited from colonial management and governance structures.

Overall, our comparative analysis points to the transformative potential of rights of rivers as a framework, showing that it is shaped not only by legal recognition, but by whether colonial governance rationalities are rendered contestable in practice. Where territorial governance systems and political capabilities already exist, as in the Atrato basin, rights of rivers can function as a point of negotiation and opportunity for partial transformation. However, where colonial legacies remain deeply institutionalized, as in Bangladesh, the rights of rivers framework risks being absorbed into existing power structures, limiting its capacity to reconfigure human–river relationships.

## 5. Conclusion

The comparative analysis developed in this study allows for a set of overarching conclusions regarding the rights of rivers framework, understood not only as a legal innovation but also as a political, institutional and knowledge-based process under contestation. Taken together, the findings suggest that the rights of rivers as a framework does not constitute a self-sufficient normative solution to the ecological crisis affecting river systems. Rather, recognition of rights of rivers can operate as an enabling condition through which relationships between the state, communities, knowledge and nature can be reconfigured.

The legal recognition of rivers as subjects of rights tends to generate a persistent gap between legal status and its operational translation. Legal personhood, while introducing a meaningful symbolic shift by displacing the understanding of the river as a mere object of management, does not in itself guarantee the substantive definition of rights nor their enforceability in practice. In the absence of clear mandates, well-defined competencies and effective enforcement mechanisms, the rights of rivers risk remaining at a declarative level, with limited impact on the material trajectories of ecological degradation they seek to reverse.

Our study demonstrates that the rights of rivers framework remain shaped by anthropocentric rationalities embedded in contemporary environmental governance. In practice, rivers' rights are frequently interpreted and operationalized in relation to human benefits – such as pollution reduction, risk mitigation or the protection of livelihoods – rather than as the affirmation of ecological entities with their own dynamics, cycles and needs. This persistence of anthropocentrism reveals that the ontological shift proposed by rights of nature cannot be consolidated through legal language alone but requires deeper transformations in dominant paradigms of knowledge and water governance.

We find that guardianship arrangements emerge as a critical node for the materialization of the framework. Rather than being an ancillary component, guardianship constitutes the infrastructure through which river rights acquire political agency. The extent to which rights of rivers can be realized in governance practice depends on how representation, authority and resources are distributed within these guardianship arrangements. However, even the most inclusive guardianship models face structural constraints when they lack financial autonomy, implementation powers or sustained institutional anchoring, underscoring persistent tensions between political legitimacy and material capacity.

Our results further show that rights of rivers are fundamentally an epistemic project. Their implementation exposes disputes over whose knowledge counts, who is authorized to define the meaning of rights, and how territorial decisions are made. In the absence of explicit mechanisms to integrate diverse knowledge systems – scientific, technical, local and ethnic – the framework tends to reproduce existing epistemic hierarchies and privilege technocratic approaches. In this sense, epistemic justice is not a normative add-on, but a structural condition for rights of rivers to realize their transformative potential.

Additionally, rights of rivers are often implemented within environmental governance architectures that are characterized by institutional fragmentation, overlapping mandates and weak articulation across scales. In such contexts, legal recognition may introduce new layers of responsibility without resolving pre-existing misalignments between competencies, capacities and accountability mechanisms. Rather than functioning as an integrating framework, rights of rivers risk being absorbed into already strained governance systems, increasing complexity without necessarily strengthening coherence or collective action.

Finally, our comparative analysis suggests that the transformative potential of the rights of rivers is closely linked to their capacity to render visible and contestable the historical and colonial legacies that continue to shape water governance. While legal recognition does not automatically dismantle these rationalities, it can open spaces, however uneven and fragile, for questioning entrenched hierarchies of power, knowledge and territory. From this perspective, rights of rivers as a framework operates less as an endpoint than as a field of ongoing negotiation, the scope of which ultimately depends on the political, institutional and epistemic capacities that can be activated in each context.

## References

- Antara, N. F. (2019, January 30). 4th international water conference: Call for recognition of rivers' existence. *Dhaka Tribune*. <https://www.dhakatribune.com/bangladesh/nation/167491/4th-international-water-conference-call-for>
- Boyd, D. R. (2017). *The Rights of Nature: A Legal Revolution that Could Save the World*. ECW press.
- Boyd, D. R. (2018). Recognizing the rights of nature: lofty rhetoric or legal revolution? *Natural Resources & Environment*, 32(4), 13–17.
- Cagüañas, D., Galindo Orrego, M. I., & Rasmussen, S. (2020). El Atrato y sus guardianes: Imaginación ecopolítica para hilar nuevos derechos. *Revista Colombiana de Antropología*, 56(2), 169–196. <https://doi.org/10.22380/2539472X.638>
- Castañeda Ruiz, H. N., Gómez Osorio, Á. M., Pérez Garcés, H., & Herrera Mejía, J. A. (2019). The Declaration of the Atrato River as a subject of rights: an opportunity for the construction of a present-future project of sustainable territory. *Journal Kavilando*, 11(2), 417–433. <https://ojs.kavilando.org/index.php/kavilando/article/view/358>
- Chandran, R. (2019, July 5). Fears of evictions as Bangladesh gives rivers legal rights. *Reuters*. <https://www.reuters.com/article/us-bangladesh-landrights-rivers/fears-of-evictions-as-bangladesh-gives-rivers-legal-rights-idUSKCN1TZ1ZR/>
- Charpleix, L. (2018). The Whanganui River as Te Awa Tupua: Place-based law in a legally pluralistic society. *The Geographical Journal*, 184(1), 19–30.
- Cook, B. R., & Lane, S. N. (2010). Communities of knowledge: Science and flood management in Bangladesh. *Environmental Hazards*, 9(1), 8–25.
- Corte Constitucional. (2016). *Sentencia T-622 de 2016: Río Atrato como sujeto de derechos*. <https://atrato.minambiente.gov.co/wp-content/uploads/2021/11/Sentencia-T-622-16-Rio-Atrato.pdf>
- Cuesta Palacios, Y. Y. (2021). *Análisis de la sentencia T-622 DE 2016—declaración del río Atrato como sujeto de derechos y avances de su aplicación*. Universidad Militar Nueva Granada.
- Deslatte, A., Adams, J., Cheema, F., Alonso Vicario, S., Barnes, J., & Koebele, E. (2024). How state-reinforced knowledge infrastructure influences adaptive urban water governance. *Ecology and Society*, 29(4), art28. <https://doi.org/10.5751/ES-15454-290428>
- D'Souza, R. (2006). Water in British India: the making of a “colonial hydrology.” *History Compass*, 4(4), 621–628. <https://doi.org/10.1111/j.1478-0542.2006.00336.x>
- Durante Reyes, L. (2020, January 12). Navigating new rights and responsibilities in the Colombian Atrato River—an ecocentric approach to human rights. *Human Rights Center Antonio Papisca*. <https://unipd-centrodirittiumani.it/en/topics/navigating-new-rights-and-responsibilities-in-the-colombian-atrato-river-an-ecocentric-approach-to-human-rights>
- Eckstein, G., D'Andrea, A., Marshall, V., O'Donnell, E., Talbot-Jones, J., Curran, D., & O'Bryan, K. (2019). Conferring legal personality on the world's rivers: a brief intellectual assessment. *Water International*, 44(6–7), 804–829. <https://doi.org/10.1080/02508060.2019.1631558>
- EJM. (2026). Explore the definitive tracker for ecocentric laws around the world [Web page]. *Eco Jurisprudence Monitor*. <https://ecojurisprudence.org/?map-style=political>
- Ensor, J., Tuhkanen, H., Boyland, M., Salamanca, A., Johnson, K., Thomalla, F., & Mangada, L. L. (2021). Redistributing resilience? Deliberate transformation and political capabilities in post-Haiyan Tacloban. *World Development*, 140, 105360. <https://doi.org/https://doi.org/10.1016/j.worlddev.2020.105360>
- Farnan, R. A., Ensor, J., Shrestha, A., Poudel, D., Singh, B., Thinphanga, P., Hutanuwatr, K., Subedi, Y., Lama, S., Singh, S., & Friend, R. (2024). Knowledge infrastructures, conflictual coproduction, and the politics of planning: A post-foundational approach to political capability in Nepal and Thailand. *Political Geography*, 108, 103002. <https://doi.org/10.1016/j.polgeo.2023.103002>
- Gallego Ríos, S. E., Ramírez, C. M., López, B. E., Macías, S. M., Leal, J., & Velásquez, C. M. (2018). Evaluation of mercury, lead, arsenic, and cadmium in some species of fish in the Atrato River Delta, Gulf of Urabá, Colombian Caribbean. *Water, Air, & Soil Pollution*, 229(8), 275. <https://doi.org/10.1007/s11270-018-3933-8>
- Gómez N., L. F., Suárez, C. F., Trujillo, A. F., Bravo, A. M., Rojas Díaz, V., Hernández E., N., & Vargas, M. C. (2014). *Landscape management in Chocó-Darién priority watersheds (WWF-Colombia)*. [https://wwfint.awsassets.panda.org/downloads/choco\\_darien\\_32.pdf?](https://wwfint.awsassets.panda.org/downloads/choco_darien_32.pdf?)

- González Moreno, V. (2020). El río Atrato como un sujeto de derechos. Un aporte político de las luchas étnicas del Chocó. In *La Lucha por los Comunes y las Alternativas al Desarrollo Frente al Extractivismo. Miradas desde las ecología(s) política(s) latinoamericanas* (Primera, p. 46). CLACSO. <https://www.centrosiembra.org/2021/12/10/el-rio-atrato-como-un-sujeto-de-derechos-un-aporte-politico-de-las-luchas-etnicas-del-choco/>
- González Moreno, V., Castro Acevedo, M., Melo, D. A., & Miranda, C. (2024). *Las deudas del cobre en el Carmen de Atrato. Un examen al proyecto minero El Roble* (Primera edición). Centro Sociojurídico para la Defensa Territorial (SIEMBRA). [https://www.centrosiembra.org/wp-content/uploads/2025/10/SIEMBRA-Cartilla-EL-ROBLE-Digital\\_Final2025\\_compressed.pdf](https://www.centrosiembra.org/wp-content/uploads/2025/10/SIEMBRA-Cartilla-EL-ROBLE-Digital_Final2025_compressed.pdf)
- Holland, B. (2017). Procedural justice in local climate adaptation: Political capabilities and transformational change. *Environmental Politics*, 26(3), 391–412. <https://doi.org/10.1080/09644016.2017.1287625>
- Hossain, B., Ajiang, C., & Ryakitimbo, C. M. (2019). Responses to flood disaster: use of Indigenous knowledge and adaptation strategies in char village, Bangladesh. *Environmental Management and Sustainable Development*, 8(46). <https://doi.org/10.5296/emsd.v8i4.15233>
- Hossain, M. N., Rahaman, A., Hasan, M. J., Uddin, M. M., Khatun, N., & Shamsuddin, S. M. (2021). Comparative seasonal assessment of pollution and health risks associated with heavy metals in water, sediment and fish of Buriganga and Turag River in Dhaka City, Bangladesh. *SN Applied Sciences*, 3(4), 509. <https://doi.org/10.1007/s42452-021-04464-0>
- HRPB. (2019). *Turag River Case*. Human Rights and Peace for Bangladesh. <https://www.hrpb.org.bd/public/images/judgement/writ-petition-no.-13989-of-2016-only-17-directions--river-turag-case.pdf>
- Huq, E., & Azaz, M. (2024). The destructive work of restoration: fishing communities facing territorialization in Turag River. *Environment and Planning E: Nature and Space*, 7(4), 1526–1554. <https://doi.org/10.1177/25148486241254922>
- Islam, M. M., Rahman, M., Nargis, S., Ahamed, M. R., Mollik, R. S., Boby, N. J. K., Raju, M. R., Proshad, R., & Aziz, M. A. (2023). Elevating health of the Turag River: a synergistic water quality assessment approach. *Earth Systems and Environment*, 7(4), 761–780. <https://doi.org/10.1007/s41748-023-00357-x>
- Islam, M. R., Ingham, V., Hicks, J., & Kelly, E. (2018). From coping to adaptation: flooding and the role of local knowledge in Bangladesh. *International Journal of Disaster Risk Reduction*, 28, 531–538. <https://doi.org/10.1016/j.ijdr.2017.12.017>
- Islam, M. S., & O'Donnell, E. (2020). Legal rights for the Turag: rivers as living entities in Bangladesh. *Asia Pacific Journal of Environmental Law*, 23(2), 160–177. <https://doi.org/10.4337/apjel.2020.02.03>
- Jahan, I. (2026). Intersection of the legal personhood of rivers and the Law of the Sea in the context of Bangladesh. *Asia-Pacific Journal of Ocean Law and Policy*, 1(aop), 1–26. <https://doi.org/10.1163/24519391-bja10098>
- Jolly, S., & Naik, G. D. (2022). Rivers as legal personalities in India and Bangladesh from an eco-centric perspective: balancing developmental needs and environmental protection. *Chinese Journal of Environmental Law*, 6(2), 253–274. <https://doi.org/10.1163/24686042-12340087>
- Kabir, A., Sraboni, H. J., Hasan, Md. M., & Sorker, R. (2022). Eco-environmental assessment of the Turag River in the megacity of Bangladesh. *Environmental Challenges*, 6, 100423. <https://doi.org/10.1016/j.envc.2021.100423>
- Karim, Md. S., Vincents, O. B., & Rahim, M. M. (2012). Legal activism for ensuring environmental justice. *Asian Journal of Comparative Law*, 7(1). <https://doi.org/10.1515/1932-0205.1344>
- Kauffman, C. M., & Martin, P. L. (2014). Scaling up Buen Vivir: globalizing local environmental governance from Ecuador. *Global Environmental Politics*, 14(1), 40–58. [https://doi.org/10.1162/GLEP\\_a\\_00639](https://doi.org/10.1162/GLEP_a_00639)
- Kauffman, C. M., & Martin, P. L. (2021). *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future*. The MIT Press. <https://doi.org/10.7551/mitpress/13855.001.0001>
- Larrichio, L. (2002). Erik Werner Cantor, Ni aniquilados, ni vencidos: Los emberá y la gente negra del Atrato bajo el dominio español, siglo XVIII. *Colonial Latin American Historical Review*, 11(1), 96–98. [https://digitalrepository.unm.edu/clahr/vol11/iss1/6/?utm\\_source=digitalrepository.unm.edu%2Fclahr%2Fvol11%2Fiss1%2F6](https://digitalrepository.unm.edu/clahr/vol11/iss1/6/?utm_source=digitalrepository.unm.edu%2Fclahr%2Fvol11%2Fiss1%2F6)
- Leal, C. (2008). Disputas por tagua y minas: recursos naturales y propiedad territorial en el Pacífico colombiano, 1870–1930. *Revista Colombiana de Antropología*, 44(2), 409–438. <https://doi.org/10.22380/2539472X.1063>
- Luftor Rahman, A. K. M., Islam, M., Hossain, M. Z., & Ahsan, M. A. (2012). Study of the seasonal variations in Turag River water quality parameters. *Academic Journals*, 6(10), 144–148. <https://doi.org/https://doi.org/10.5897/AJPAC12.023>
- Mamun, A.-A. (2007). *Traditional ecological knowledge and its importance for conservation and management of freshwater fish habitats of Bangladesh*. PhD thesis, University of Manitoba. <http://hdl.handle.net/1993/20536>

- McNeish, J.-A., & Moreno Socha, J. (2024). Muddy waters: on the problematic political ecology of the Atrato ruling, Colombia. *The International Journal of Human Rights*, 1–21. <https://doi.org/10.1080/13642987.2024.2324121>
- Ministerio de Ambiente y Desarrollo Sostenible. (n.d.). *¿Qué ordena la Sentencia?* Gov.Co. Retrieved <https://atrato.minambiente.gov.co/index.php/la-sentencia/que-ordena-la-sentencia/>
- Ministerio de Ambiente y Desarrollo Sostenible. (2019). *Plan de Acción Ambiental. Cumplimiento a la Orden Quinta— Sentencia T-622 de 2016* (p. 193). [https://atrato.minambiente.gov.co/wp-content/uploads/2022/02/Plan-de-Accion-Orden-Quinta-cuenca-rio-atrato\\_opt.pdf](https://atrato.minambiente.gov.co/wp-content/uploads/2022/02/Plan-de-Accion-Orden-Quinta-cuenca-rio-atrato_opt.pdf)
- Minority Rights Group International. (2023). *Water justice and the struggles of minorities and indigenous peoples for water rights: a planetary perspective*. <https://minorityrights.org/resources/trends2023-water-justice-and-the-struggles-of-minorities-and-indigenous-peoples-for-water-rights-a-planetary-perspective>
- NRCC. (2022). *The Annual Report 2022: Limitations and Challenges of the National River Protection Commission in Protecting Rivers, Canals, Beels, and Water Bodies of Bangladesh*. National River Conservation Commission of Bangladesh. <https://nrcc.gov.bd/pages/annual-reports/%E0%A6%AC%E0%A6%BE%E0%A6%B0%E0%A7%8D%E0%A6%B7%E0%A6%BF%E0%A6%95%E0%A6%AA%E0%A7%8D%E0%A6%B0%E0%A6%A4%E0%A6%BF%E0%A6%AC%E0%A7%87%E0%A6%A6%E0%A6%A8-%E0%A7%A8%E0%A7%A6%E0%A7%A8%E0%A7%A8-%E0%A6%AC%E0%A6%BE%E0%A6%82%E0%A6%B2%E0%A6%BE%E0%A6%A6%E0%A7%87%E0%A6%B6%E0%A7%87%E0%A6%B0-%E0%A6%A8%E0%A6%A6-%E0%A6%A8%E0%A6%A6%E0%A7%80-%E0%A6%96%E0%A6%BE%E0%A6%B2-%E0%A6%AC%E0%A6%BF%E0%A6%B2-%E0%A6%93-%E0%A6%9C%E0%A6%B2%E0%A6%BE%E0%A6%B6%E0%A7%9F-f862a2-6922decf933eb65569e1d897>
- O'Donnell, E. (2018). *Legal Rights for Rivers: Competition, Collaboration and Water Governance* (1st ed.). Routledge. <https://doi.org/10.4324/9780429469053>
- O'Donnell, E. (2020). Rivers as living beings: rights in law, but no rights to water? *Griffith Law Review*, 29(4), 643–668. <https://doi.org/10.1080/10383441.2020.1881304>
- O'Donnell, E., Poelina, A., Pelizzon, A., & Clark, C. (2020). Stop burying the lede: the essential role of Indigenous law(s) in creating rights of nature. *Transnational Environmental Law*, 9(3), 403–427. <https://doi.org/10.1017/S2047102520000242>
- 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>
- Palacios-Valoyes, E., Salas-Moreno, M. H., & Marrugo-Negrete, J. L. (2024). Biomonitoring of mercury and lead levels in the blood of children living near a tropical river impacted by artisanal and small-scale gold mining in Colombia. *Toxics*, 12(10), 744. <https://doi.org/10.3390/toxics12100744>
- Pasha, G. M. (2025, August 16). Bangladeshi rivers' legal personhood meaningless without enforcement. *East Asia Forum*. <https://eastasiaforum.org/2025/08/16/bangladeshi-rivers-legal-personhood-meaningless-without-enforcement/>
- Pérez-Escobar, O. A., Lucas, E., Jaramillo, C., Monro, A., Morris, S. K., Bogarín, D., Greer, D., Dodsworth, S., Aguilar-Cano, J., Sanchez Meseguer, A., & Antonelli, A. (2019). The origin and diversification of the hyperdiverse flora in the Chocó Biogeographic Region. *Frontiers in Plant Science*, 10, 1328. <https://doi.org/10.3389/fpls.2019.01328>
- Rabbani, Md. L., & Sarker, S. (2017). Pollution sources assesment of Turag River, Bangladesh. *IOSR Journal of Mechanical and Civil Engineering*, 14(02), 84–91. <https://doi.org/10.9790/1684-1402038491>
- Rahman, M. M., Ghosh, T., Salehin, M., Ghosh, A., Haque, A., Hossain, M. A., Das, S., Hazra, S., Islam, N., & Sarker, M. H. (2019). Ganges-Brahmaputra-Meghna Delta, Bangladesh and India: A transnational mega-delta. In *Deltas in the Anthropocene* (pp. 23–51). Springer. [https://doi.org/10.1007/978-3-030-23517-8\\_2](https://doi.org/10.1007/978-3-030-23517-8_2)
- Rahman, S. (2023, March 16). Enforcement of river protection laws in Bangladesh. *Daily Observer*. <https://www.observerbdb.com/news/411300>
- Rogelis Rincón, R., González Moreno, V., Rodríguez Padilla, R., Romaña Palacios, A., & Péreza Guzmán, M. (2022). *El Atrato es la vida: conflicto armado y economías extractivas en el río Atrato* (Primera edición). Bogotá D.C: Foro Interétnico Solidaridad Chocó y Centro Sociojurídico para la Defensa Territorial SIEMBRA. ISBN 978-958-53652-4-7. <https://www.centrosiembra.org/2022/08/31/el-atrato-es-la-vida-conflicto-armado-y-economias-extractivas-en-el-rio-atrato/>
- Schlosberg, D. (2012). Climate justice and capabilities: a framework for adaptation policy. *Ethics & International Affairs*, 26(4), 445–461. Cambridge Core. <https://doi.org/10.1017/S0892679412000615>
- Singha, A. (2025). Legal personhood of rivers in Bangladesh: promise, pitfalls, and the way forward. *Law and Society Students' Journal*, 3(1). <https://doi.org/10.5281/zenodo.17416929>

- Sultana, N., & Luetz, J. M. (2022). Adopting the local knowledge of coastal communities for climate change adaptation: a case study from Bangladesh. *Frontiers in Climate*, 4, 823296. <https://doi.org/10.3389/fclim.2022.823296>
- Sultana, P., & Thompson, P. (2010). Local institutions for floodplain management in Bangladesh and the influence of the Flood Action Plan. *Environmental Hazards*, 9(1), 26–42. <https://doi.org/10.3763/ehaz.2010.SI05>
- Te Awa Tupua [Whanganui River Claims Settlement] Act 2017, (2017). New Zealand Legislation. <https://www.legislation.govt.nz/act/public/2017/7/en/latest/#DLM6830851>
- The Cyrus R. Vance Center, Earth Law Center, & International Rivers. (2020). *Rights of rivers: a global survey of the rapidly developing rights of nature jurisprudence pertaining to river*. International Rivers. <https://www.internationalrivers.org/resources/reports-and-publications/rights-of-river-report/#:~:text=A%20new%20report%20by%20the%20Cyrus%20R.%20Vance,rivers%20and%20nature%20is%20rapidly%20gaining%20momentum%20globally>.
- UN. (2025). *Rights of Nature Law and Policy*. Harmony with Nature - United Nations. <http://www.harmonywithnatureun.org/rightsOfNature/>
- Valoyes, Z., Ramírez, G., Klinger, W., & Carabali, F. (2012). Estructura ecológica principal del Chocó Biogeográfico según criterio de diversidad y singularidad de especies y ecosistemas. *Revista Bioetnia*, 9(2), 115–135. <https://doi.org/10.51641/bioetnia.v9i2.81>
- Wesche, P. (2021). Rights of nature in practice: a case study on the impacts of the Colombian Atrato River Decision. *Journal of Environmental Law*, 33(3), 531–555. <https://doi.org/10.1093/jel/eqab021>
- Wesche, T. (2022). Who owns nature? About the rights of nature. *Estudios de Filosofía*, (Query date: 2023-07-13 12:51:17). <https://doi.org/10.17533/udea.ef.347573>
- Willems, M., Lambooy, T., & Begum, S. (2021). New governance ways aimed at protecting nature for future generations: the cases of Bangladesh, India and New Zealand: granting legal personhood to rivers. *IOP Conference Series: Earth and Environmental Science*, 690(1), 012059. <https://doi.org/10.1088/1755-1315/690/1/012059>
- Writ Petition No. 13989/2016 Human Rights and Peace for Bangladesh v Government of Bangladesh and Others, 13989/2016 Writ Petition (2019). [https://supremecourt.gov.bd/resources/documents/1048627\\_W.P.13989of2016.pdf](https://supremecourt.gov.bd/resources/documents/1048627_W.P.13989of2016.pdf)
- Yousuf, M. (2023, January 19). 37,000 River Grabbers: NRCC decision to withhold names draws flak. *The Daily Star*. <https://www.thedailystar.net/news/bangladesh/news/37000-river-grabbers-nrcc-decision-withhold-names-draws-flak-3224731>

Stockholm Environment Institute is an international non-profit research institute that tackles climate, environment and sustainable development challenges.

We empower partners to meet these challenges through cutting-edge research, knowledge, tools and capacity building. Through SEI's HQ and seven centres around the world, we engage with policy, practice and development action for a sustainable, prosperous future for all.

---

### Visit us at

- 1 SEI Headquarters
- 2 SEI York
- 3 SEI US
- 4 SEI Tallinn
- 5 SEI Oxford
- 6 SEI Asia
- 7 SEI Africa
- 8 SEI Latin America

