



How Granting Legal Rights to Nature is Changing Conservation

by **CATHERINE EUALE** /// EAC Volunteer

When the Provincial Government of Loja began clearing forest to widen a road above the Vilcabamba River in Ecuador, local residents knew the excavation debris would choke their water supply. They tried everything—petitions, protests, appeals to environmental agencies. Nothing worked. So, in December 2010, they tried something unprecedented: they sued on behalf of the river itself.

It took months. A lower court initially dismissed the case, claiming the plaintiffs lacked legal standing. But on March 30, 2011, the Provincial Court of Loja ruled in the river's favour, invoking the precautionary principle: until the government could prove the road project wouldn't cause environmental harm, work must stop. For the first time in history, an ecosystem had successfully defended itself in court.

Three years earlier, Ecuador had embedded Rights of Nature directly into its constitution, granting legal personhood to ecosystems. Legal personhood means an entity can hold rights and have those rights enforced in court. In Western legal systems, corporations have been legal persons for over a century, which is how they can own property, sign contracts and sue for damages. Now, ecosystems can too. A river with legal personhood can file lawsuits through appointed guardians, have its interests represented when development projects are proposed and claim damages when harmed.

The concept seems radical now, but for most of human history and across most cultures, rivers were ancestors, mountains were deities and forests were communities. The idea that these beings could be reduced to property is relatively recent, arising from colonial ideologies that treat land as devoid of meaning until claimed for human use.

The failure of traditional environmental protection laws led to the emergence of this legal framework. Environmental laws typically regulate how much harm humans can inflict on nature, not whether we should harm it at all. They treat ecosystems as property or resources, setting "acceptable" pollution limits while rivers die by degrees. Indigenous communities, who have never stopped viewing land and water as kin rather than property, began framing their traditional knowledge as legal grounds in Western courts.

In 2008, Ecuador became the first country to constitutionally recognize these rights, declaring that "Nature, or Pacha Mama, where life is reproduced and occurs, has the right to integral respect for its existence and for the maintenance and regeneration of its life cycles, structure, functions and evolutionary processes." This recognition emerged from Indigenous Quechua and Kichwa cosmologies combined with innovative legal thinking.

But constitutional rights mean nothing without enforcement, which is why the Vilcabamba River case mattered so much. The court ordered the Provincial Government of Loja to halt construction, present a remediation plan and publicly apologize. It proved these rights are real and actionable. Since then, Ecuadorian courts have applied these rights in dozens of cases, from protecting mangrove forests to halting mining in the Los Cedros cloud forest.

Halfway around the world, similar battles were unfolding with varying degrees of success. In 2017, India's Uttarakhand High Court recognized the Ganges and Yamuna rivers as living entities with legal personhood, affirming their sacred status in Hindu cosmology. The state government immediately appealed, and the case became tangled in jurisdictional disputes that continue today.



PHOTOS: Jimmie Pederson

Similarly, Bangladesh granted legal personhood to all its rivers in 2019, but lacks enforcement mechanisms to ensure compliance, leaving river personhood largely symbolic.

Yet across the ocean in Aotearoa, New Zealand, Indigenous persistence is paying off. After 140 years of Māori activism, the Whanganui River became a legal person in 2017. The Whanganui Māori have a saying: "Ko au te awa, ko te awa ko au" (I am the river, and the river is me). The are now two guardians who speak for the river in court — one from the Whanganui iwi and one from the Crown. In 2019, when developers proposed a dam on a tributary, the guardians argued it would sever the river's mauri (life force). The dam wasn't built.

The movement is also expanding beyond entire ecosystems. In 2019, Peru's regional government of Loreto granted legal personhood to stingless bees (*Melipona eburnea*), the first non-human animal species to gain such legal standing. Indigenous communities have depended on these bees for generations to pollinate forests. When populations crashed due to pesticides and habitat loss, the law recognized them as rights-bearing subjects.

Here on Turtle Island, the movement reached Quebec in 2021 when the Magpie River (Muteshekau Shipu) received legal personhood through parallel resolutions by the Innu Council of Ekuanitshit and the regional municipality. After a decade of organizing against Hydro-Québec's dam plans, the river now holds nine rights, including the right to flow, maintain its biodiversity and be free from pollution. But in Mi'kma'ki, we've barely begun this conversation. What would it mean for the Shubenacadie River to have rights? What about Boat Harbour (A'se'k), poisoned for

over 50 years with dioxins and mercury from Northern Pulp's effluent? Could it demand the cleanup of decades of industrial contamination?

Of course, granting ecosystems legal personhood isn't simple. The shift from treating nature as property to recognizing it as a legal person raises complex questions about representation and human to non-human relationships and power dynamics. Who can speak for the river? How can we proclaim what a forest wants? When wolf populations in B.C. threaten livestock, whose rights prevail? Or when a river's right to flow conflicts with a dam that provides renewable energy? These aren't hypothetical dilemmas, but lived tensions that communities around the world are actively navigating.

As Rights of Nature and More-Than-Human Rights organisers emphasise, lasting change comes from communities living in direct relationship with the more-than-human world. These legal frameworks acknowledge what Indigenous peoples have always known: we are kin to the rivers, forests and creatures around us. The Whanganui River has rights because Māori never stopped fighting for 140 years. Manoomin has rights because Ojibwe communities insisted on it. The Los Cedros forest still stands because local people refused to surrender.

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