

Case 15: Rivers Are People Too

On March 15th, 2017, New Zealand passed a law declaring the Whanganui River a legal person. The Whanganui is the first river to gain legal personhood, but India quickly followed suit and granted personhood to both the Ganges and Yamuna rivers.¹⁴² Court-appointed guardians are now responsible for being trustees of the rivers' rights. These rivers cannot vote or buy beer, but they now have legal standing in national courts. Maori spokesperson Gerrard Albert says of the legal recognition:

We have fought to find an approximation in law so that all others can understand that from our perspective treating the river as a living entity is the correct way to approach it, as in [sic] indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management.¹⁴³

In addition to reflecting an ancestral view of personhood, there are practical advantages to the new legal status of the Whanganui and Ganges. Each day, around two billion liters of waste are deposited in the Ganges alone. No longer will attempts to protect the river's health be required to show harm to people, because the rivers themselves will have rights. According to one source, "[t]he decision, which was welcomed by environmentalists, means that polluting or damaging the rivers will be legally equivalent to harming a person."¹⁴⁴

However, these new protections have some people worried about the possible effects of protecting rivers on the local human populations. For instance, city sewage, farming pesticides, and industrial waste are all currently dumped into the Yamuna, and these waste products are, to some extent, an unavoidable aspect of urban development, farming practices, and industry. An immediate cessation of dumping this waste would adversely affect the people living in the area and benefiting from these industries.

¹⁴² Michael Safi, "Ganges and Yamuna Rivers Granted Same Legal Rights as Human Beings," *The Guardian*, March 21, 2017, <https://www.theguardian.com/world/2017/mar/21/ganges-and-yamuna-rivers-granted-same-legal-rights-as-human-beings>.

¹⁴³ Eleanor Ainge Roy, "New Zealand River Granted Same Legal Rights as Human Being" *The Guardian* March 16, 2017, <https://www.theguardian.com/world/2017/mar/16/new-zealand-river-granted-same-legal-rights-as-human-being>.

¹⁴⁴ Safi.

Others critics worry about ascribing rights to apparently non-moral "agents." Micaiah Bilger noted that "[u]nder the law, 'persons' quickly are becoming whatever society wants them to be – or not to be."¹⁴⁵ But, as Chris Finlayson, New Zealand Minister for Treaty of Waitangi Negotiations, suggested, "the initial inclination of some people will say it's pretty strange to give a natural resource a legal personality...but it's no stranger than family trusts, or companies or incorporated societies."¹⁴⁶

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¹⁴⁵ Micaiah Bilger, "Two Countries Grant Legal Personhood to Rivers, but Not Unborn Babies" *Life News*, April 10, 2017, <http://www.lifenews.com/2017/04/10/two-countries-grant-legal-personhood-to-rivers-but-not-unborn-babies/>.

¹⁴⁶ Colin Dwyer, "A New Zealand River Now Has the Legal Rights of a Human" *NPR*, March 16, 2017, <http://www.npr.org/sections/thetwo-way/2017/03/16/520414763/a-new-zealand-river-now-has-the-legal-rights-of-a-human>.