

A RIVER IS A 'PERSON'



Dr Susan Bliss

GeoWorld 7, 8, 9, 10 (Macmillan)

Whanganui River, New Zealand Source: https://upload.wikimedia.org/wikipedia/commons/b/b7/Whanganui_River_-_New_Zealand.jpg

In March 2017, landmark court rulings in New Zealand and India gave specific rivers the legal status of a 'person'. The rivers involved are the Whanganui River by the New Zealand government and the Ganges River and its main tributary Yamuna, by the Uttarakhand government in India.

The law in both countries, declared that living entities such as a river, possess the status of a legal person and all their corresponding rights. These holistic earth-centred laws will guide the future management of these rivers. Activists celebrating this ground breaking law should be cautious, as the scale of the task is mammoth.

Location: Wanganui River on New Zealand's north island (source and mouth in blue)



Map: <http://www.teara.govt.nz/files/m-2174-enz.jpg>

Now, the river is just like you and me. One wonders what would occur to the management of the Murray and Darling Rivers if granted the status of a person.

Whanganui River, New Zealand

New Zealand's law designated the Whanganui River, the country's third longest river, as a legal person. The 145km long river, called *Te Awa Tupua* in Maori, became the first natural resource in the world to be granted the same legal rights as a person. The river is recognised as 'indivisible' and a 'living whole from the mountains to the sea'. It incorporates the river's tributaries and all its physical and spiritual elements.

The river is a person in the sense that it can own property and acquire debts. Companies and foundations have legal rights and responsibilities independent of the people they employ-then why not a river?

The local Maori tribe called the Whanganui *iwi* have a deep spiritual connection to their ancestral river. A local proverb states '*I am the river and the river is me.*' The Wanganui *iwi*, have been fighting to proclaim their rights over the river since the 1870s, making it New Zealand's longest running legal dispute. Now it is over!

The law has stated that two guardians will act for the river – one for the *iwi* and one for the government. Under the settlement the government will pay the *iwi* NZ\$80million as compensation for past abuses and a



Whanganui iwi rowing on Whanganui River

Photo: <http://www.aljazeera.com/news/2017/03/zealand-river-world-legal-person-170316091153248.html>

fund will be set aside worth NZ\$30 million to enhance the 'health and wellbeing' of the river. An office called *Te Pou Tupua*, will act as 'the human face' of the river.

Sources

- <http://www.economist.com/news/asia/21719409-odd-legal-status-intended-help-prevent-pollution-and-other-abuses-new-zealand-declares>
- <http://www.stuff.co.nz/national/90516475/if-the-whanganui-river-is-a-person-is-it-just-like-you-and-me>
- <http://www.ecowatch.com/new-zealand-whanganui-river-2315449092.html>
- Top tips for healthy streams NZ and Whanganui Catchment Area <http://www.whanganui.govt.nz/our-district/major-projects/healthy-streams/Documents/Healthy%20Streams%20brochure%20for%20web.pdf>

Below the pristine Whanganui River and at left pollution of the Ganges River



Source: [https://commons.wikimedia.org/wiki/Category:Aerial_photographs_of_Whanganui#/media/File:Photo_taken_in_Whanganui_-_panoramio_-_Duane_Wilkins_\(2\).jpg](https://commons.wikimedia.org/wiki/Category:Aerial_photographs_of_Whanganui#/media/File:Photo_taken_in_Whanganui_-_panoramio_-_Duane_Wilkins_(2).jpg)

Source: <http://www.dailymail.co.uk/news/article-4334454/India-grants-Ganges-Yamuna-legal-person-status.html>

Ganges and Yamuna Rivers, India

In India the Ganges and Yamuna Rivers now have the same rights as humans in a bid to fight pollution. The Ganges flows more than 2,500km from the Himalayan Mountains in northern India, through Bangladesh to the Bay of Bengal. The Yamuna is the Ganges longest tributary. The rivers are sacred to Hindus for their miraculous healing powers, and attract pilgrims who ritualistically bathe and scatter ashes of their dead. However, the rivers are heavily polluted from 1.5bn litres of untreated sewage and 500m litres of industrial waste, entering the rivers daily.

The Ganges River and Yamuna originate (source) in the northern Himalayan state of Uttarakhand. The highest court in Uttarakhand now gives the rivers human status. It signifies to everyone, that harming or polluting the rivers comes with the same consequences as harming a person.

The law states that a management board is to be established, and three officials appointed to act as legal custodians responsible for conserving and protecting the rivers and their tributaries. Pollution of rivers is now illegal but preventing pollutants being discharged into the rivers, will be a difficult task.

Location of Ganges and Yamuna Rivers



Map: https://lh6.googleusercontent.com/-MhFZFjbaTPc/UDE3Kzi5_pl/AAAAAAAAABig/XWqveJ0RcNU/s800/Ganga%2520River.jpg

