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Conferring legal personality on the world's rivers: A brief intellectual assessment

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Description / Abstract

The following compilation is substantially reproduced and adapted from a series of essays that appeared in the blog of the International Water Law Project (www.internationalwaterlaw.org). The series was solicited in response to the unique recent phenomenon in which a number of courts and legislatures around the world have conferred legal personality on particular rivers. What resulted is a fantastic, thoughtprovoking and timely compilation.

In effect, various water bodies around the world have been accorded legal rights – some through legislative actions and others via judicial decisions – that in some jurisdictions, equate with those recognized in human beings. Although there may be interesting parallels in rights accorded to corporations, children and the intellectually challenged, the practical implications of these particular actions are still not well recognized or understood.

Harkening back to Christopher Stone's remarkable 1972 article 'Should Trees Have Standing? Toward Legal Rights for Natural Objects', the series pursued some of the most fascinating and perplexing issues surrounding legal personality in rivers. What actual rights might such legal personality provide? How does a river represent itself in court and before other societal institutions? If a river can suffer harm and sue alleged perpetrators of that harm, might it be subject to lawsuits for damages it might inflict as a result of flooding? What resources might a river have at its disposal to protect its rights? Does the recognition of such rights comport with the rights, interests and perspective of indigenous peoples? These are just some of the unique issues considered in these provocative essays.

The legislative and judicial actions discussed in this series are a novel legal approach to the management of critical freshwater resources. These mechanisms, however, have yet to be fully evaluated, scrutinized and tested. The essays that follow constitute a thought-provoking effort to contribute to that assessment. Moreover, they were written with the sincere objective of ensuring the sustainability of unique freshwater resources around the world.

The International Water Law Project is itself a unique institution. Existing solely on the Internet, the website is one of the premier resources and clearinghouses for information on

international water law and policy. Its purpose is to educate and provide relevant resources to researchers and the public and to facilitate cooperation over the world's freshwater resources.

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