

What happens when a river becomes a person?

Implications for Integrated Water Resource Management



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IWRM means coordinated, collaborative water resource management



Mexico's new
water reserves
protect both
human use and
environmental
flows

But what happens when a
river IS a person?



What is a legal person?

- An entity capable of bearing rights and duties
- Basically, a corporation (not human rights)
- Three types of legal rights



Why would rivers need rights?



- **Eco-centrism:** sue in court to protect the river's own interests, not just those of people who use it
- **Market environmentalism:** acquire rights to water and participate in water markets
- **Regulatory theory:** participate in decision-making with its own voice and compete for regulatory outcomes

In 2017, four rivers became people



Whanganui River,
New Zealand



Rio Atrato,
Colombia



Ganges and Yamuna
rivers, India

Many values, many impacts: competing uses



Folio 2126 del Cuaderno de pruebas Núm. 5. Imagen de la transformación que producen las actividades mineras en la selva chochoana. Enero 29 de 2016.

What happened next?

A river was reported as murdered

Collaboration and co-management

- NZ: guardians appointed, funding allocated
- Colombia: guardians appointed

Competition

- NZ: no rights to water for the river (up to 80% diverted for hydropower)
- Colombia: no property rights
- India: State government of Uttarakhand appealed decision because they were afraid they would be sued when rivers flood

The paradox of legal rights



Environmental protection goes up

Rivers with legal rights can take *more* action to better protect their rights

BUT

People are *less* likely to want to protect them



Environmental protection goes down

The paradox in action: environmental water managers in Aus and USA

An indirect form of legal personality for rivers in operation for 20 years

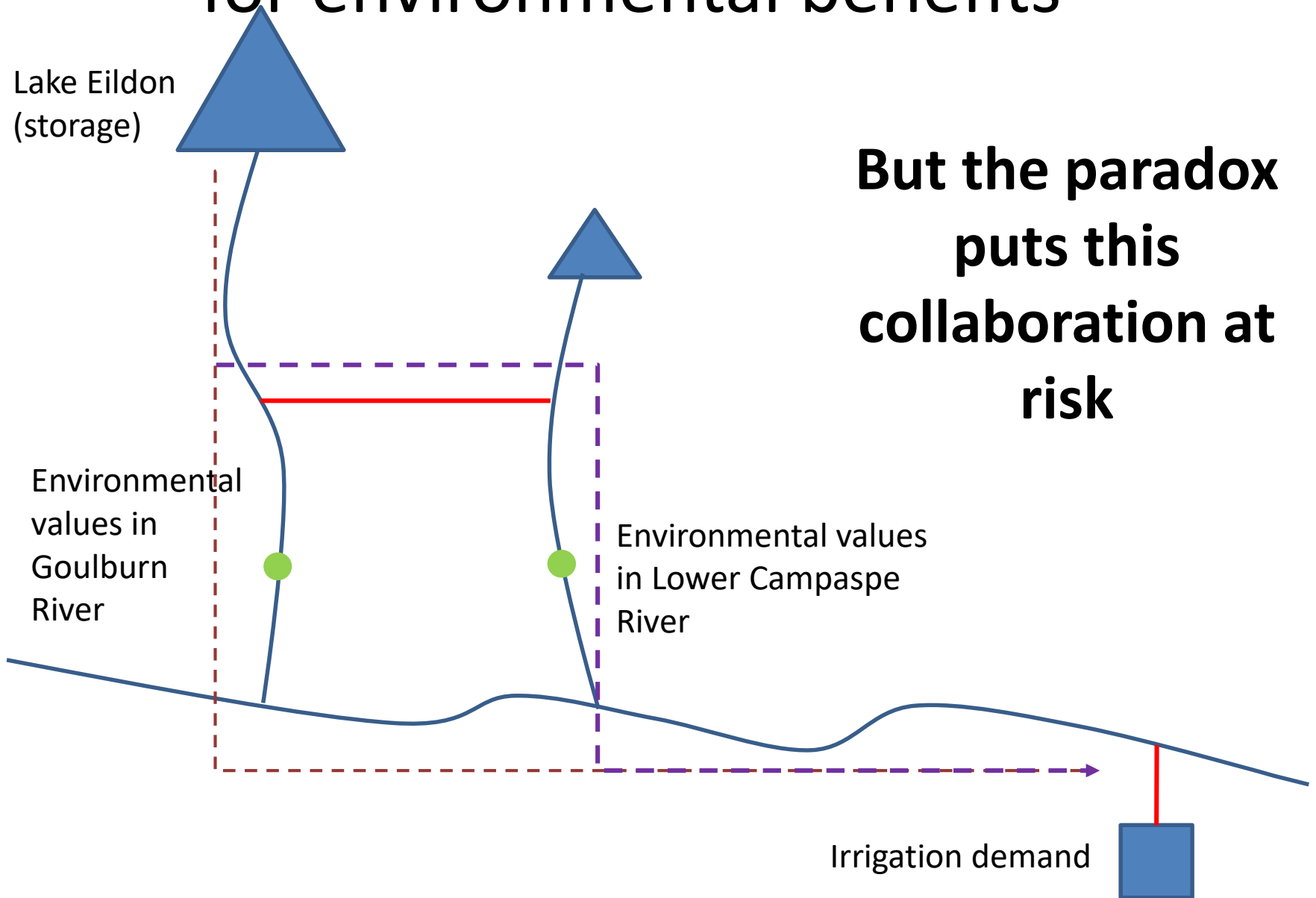
Australia: 'Just another user' 'The largest irrigator in the basin'

- Paying the same fees and charges, sitting on committees as a water customer
- Legal reform weakened right to hold water, and limited power to protect instream water rights

Western USA: collaboration at the cost of power

- 'we have to make it work for the agricultural community too'
- In many states, only one nominated government agency can hold water rights
- Limited protection against unlawful use

IWRM in action: using irrigator water for environmental benefits



Lessons from the rivers: how can legal rights fit within an IWRM framework?

Minimise competition, maximise collaboration

- Connect people and place
- Strengthen cultural values

If we do expect rivers to compete, give them a level playing field

- Give legal rights force and effect: organisation, funding, and governance