**Contribution to the Thematic Report to the Human Rights Council 54th session: “Fulfilling the human rights of those living in poverty and restoring the health of aquatic ecosystems: two converging challenges.”**

To

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# Introduction

An important paradigm shift entails to recognize not only the rights to humans to a healthy environment, to water and sanitation, but also the rights to the ecosystem itself, involving different species with whom we share the planet.

Throughout history, the importance of preserving the environment has given rise to various movements which advocate for the recognition of Nature's contribution to human well-being. Environmental laws seeking to protect Nature were first approved 40 years ago and are in force all over the world today. However, over the past four decades, with the conventional structure of environmental law (anthropocentric), the condition of the natural environment has not only failed to improve but has worsened.

This raises the need to rethink the law, a task corresponding to the Philosophy of Law and, from the radicalism demanded by the current reality, to propose a new legal model to recognize the intrinsic value of Nature and to protect the natural environment in an effective and urgent manner. From the Theory of Justice, this change responds to a new legal paradigm based on the recognition of the relationship between human beings and Nature, which has its roots in ecological awareness and ecological justice[[1]](#footnote-1).

If we question our relationship with water under an anthropocentric model, we need to admit that this model is inadequate to the challenges of our decade. It does not consider and does not question the obligations and responsibilities of human beings towards the aquatic ecosystems that they use and pollute. A management not of the water cycle, but a management of the behavior of the human being towards the water cycle should rather be applied. We would thus speak of rights to rivers, which once protected and preserved would ensure the right to water for the human being. Indeed, protecting the source of water, its watershed, ensures that the entire ecosystem is healthy. And a healthy ecosystem ensures the good health of people[[2]](#footnote-2).

This paradigm shift involves changing the current anthropocentric paradigm that allows for humans to be the masters of Nature, often leading them to control and to exploit Nature and Rivers for their own benefit. This recognition requires a transition towards an ecocentric approach that shifts the focus of the entire legal protection framework. In doing so, ecosystems are deemed subjects entitled to respect, not only because of their use to humans, but as living entities, which possess a dignity of their own (Gudynas, 2014, p. 27).

The last report 2022 of the Secretary-General on Harmony with Nature A/77/244[[3]](#footnote-3) with particular reference to the interactive dialogue highlighted the advances on Earth jurisprudence, documenting different cases around the world. **This approach creates a new narrative for a regenerative world in which human rights go hand in hand with the rights of Nature and sustainable development:** “Over the past decade, 40 countries have recognized the rights of Nature through more than 200 enactments and cases” (pr. 36, A/77/244[[4]](#footnote-4)).

Also, as of 2022, that report emphasises how societies can recognize this emerging paradigm in different legal traditions : “The rights of Nature are now recognized in a variety of legal systems, including those based on civil law tradition (26 States), mixed law (8 States) and common law (6 States)”. (para 38 A/77/244[[5]](#footnote-5))

Henceforth, it is recommended that humanity regardless on their legal tradition systems, should advance toward an ecological justice, that is not a concept rival to environmental justice, based on humans, but it is complementary and allows going further in the holistic protection of Nature. Indeed, environmental justice, together with ecological justice, protects as much the rights of humans as those of Nature.



In sum, protecting Rivers or ecosystems as whole, will help to fulfill human rights to Water and Sanitation, to a healthy environment, to health and to live with dignity. Moreover, as many societies identify themselves to the Land, as is the case for many indigenous communities, if we protect Nature, we protect at the same time biocultural rights, that are attached to their identity.

At the light of evocative cases around the world, we could illustrate how protecting rivers as legal entities, could help to protect more efficiently human rights. Vice-versa, we would illustrate how a damage to an ecosystem has collapsed the most basic human rights of communities.

# The Atrato River case in Colombia (by Yenny Vega Cárdenas)

The Colombian Constitutional Court allows the introduction of the ecocentric paradigm through judgment T-622 of 2016. Considered a landmark decision in Colombia on the matter; it recognized for the first time a river (the Atrato River) as subject of rights. In this decision, the Constitutional Court recognizes the biocultural rights of the riparian populations of the Atrato. The landmark decision made by this high court was the consequence of a tutela action filed by the Center for Social Justice Studies "Tierra Digna" to protect the Atrato River, given the level of contamination to which it was subjected, mainly due to illegal and large-scale mining activities (Judgment T-622 of 2016). The Atrato River came to be in a deplorable state of contamination largely because of pollution from formal and illegal mining activities. Due to these conditions and to safeguard the fundamental rights of the populations who depend on the river, Afro-descendant communities decided to file a *Acción de Tutela*[[6]](#footnote-6). This constitutional action requested the protection of the fundamental rights to a dignified life, healthy environment, water and health and, consequently, the suspension of large-scale mining activities that caused the violation of these rights (Judgment T-622, 2016, p. 4)[[7]](#footnote-7).

**Thus, the Court states in its considerations that the recognition of the Atrato River as a subject of rights is closely linked to the protection of the fundamental right to a healthy environment, the right to water and biocultural rights that strengthen the importance of the relationship between communities and their environment.**

Moreover, by recognizing for the first time in the country that a river is a subject of rights, the Court is at the forefront of new legal trends that recognize a profound ecological justice movement.

The landmark judgment on the Atrato River (T-622 of 2017) has been a source of inspiration for many judges of different levels, who rely on this precedent to extend the legal personhood to various rivers and to different natural entities including the Amazon Colombian Region.

Recognizing rights to rivers empowers the populations and turns them into guardians of the elements where life is generated. In addition, it brings to light problems that many ignored and which the State did not consider politically important to address. Violations of fundamental and basic rights of various populations were detected, such as the right to water, to a healthy environment, to life and to health. Those rulings exposed to the eyes of the world the conditions of the rivers, of the Amazon, of Nature as a whole, which are sick and in need of repair[[8]](#footnote-8).

The positive impact of this transition to a new paradigm is being observed concretely and progressively. Indeed, these declarations have opened a number of research projects, both nationally and internationally, which contribute to the empowerment and support of communities that have been forgotten for so many years. Thus, in September 2019, more than one billion pesos were invested to decontaminate the Atrato River and its tributaries, something never seen before in the history of the river. This funding comes from an agreement with the *John Von Neumann* institution, who provided support to advance compliance with the judgment. The empowerment of Chocoan society is another of the objectives of the ruling[[9]](#footnote-9). In fact, the funding seeks to support green businesses so that communities can reinvent their future.

Another positive effect of the ruling is the adoption, in December 2019, of an action plan between the Colombian government and the communities, which seeks to decontaminate the Atrato River. The action plan includes actions to restore the watershed, curb deforestation and address illegal mineral extraction activities. The actions are classified into short, medium and long term[[10]](#footnote-10).

Thus, Nature becomes in Colombia one more actor who must be listened to and whose best interest must be looked after.

# The Mutehekau Shipu/Magpie River case in Canada (by Yenny Vega Cárdenas)

In February 2021, the *Mutehekau Shipu* (Innu)/Magpie River (English) was declared a living entity with rights by the Innu Council of Ekuanitshit and the Regional County of Minganie in Côte-Nord, Quebec. The first of its kind in Canada, the declaration protects the nearly 300-kilometer-long river including the connected ​​7,650 km2 watershed. A message of hope in difficult times, in which pandemic and climate change have grabbed our attention, the Magpie River changes the story of protecting Nature in Canada[[11]](#footnote-11).

The *Mutehekau Shipu* is known as an ancestor and relative for the community of Ekuanitshit and is an integral element of their *Nitassinan* (ancestral territory). Affirming Innu biocultural rights is an important objective in recognizing the river’s legal identity as a living being[[12]](#footnote-12).

Many members of the Innu community talk about the imperative tradition to care for the Land and to preserve its state for next generations. Developments like hydroelectric projects that pose serious threats for the *Mutehekau Shipu* simultaneously threaten the rights of the Innu people, their culture, and their way of life, for past, present as well as posterity of the lineage[[13]](#footnote-13). Importantly, the Innu conception of territory/land entails a fiduciary relationship that aligns with eco-centric philosophies. Members of the Minganie municipality also agreed on the importance of changing the anthropocentric paradigm to promote different paths of economic and human development in the Côte-Nord region of Quebec. In response to the threat of potential hydroelectric projects, Innu youth and the inhabitants of the municipality ardently fought to protect the *Mutehekau Shipu* and cemented it as a symbol of their pride, culture, and of the reclaiming of the land.[[14]](#footnote-14)

Hand in hand, Indigenous and non-Indigenous people, began to manifest a *two-eyed seeing*[[15]](#footnote-15)process to protect the river, similar to the process between the Māori and the New Zealand Government did to protect the Whanganui River. At the same time, the Magpie River declaration ensures the respect for both the preservation of the river as a whole, and the right to self-determination and the biocultural rights of the Innu community of Ekuanitshit and the local community of Minganie. It is certainly a way to empower communities for change. This declaration also encompasses a decolonial process that advances reconciliation between Indigenous and non-Indigenous peoples and legal traditions in Canada[[16]](#footnote-16).

 **In sum, this case clearly demonstrates, that defending the rights of the river, is a joint struggle to protect the human right to water, to a healthy environment, to live, to health, to self-determination, and to bio-cultural rights that aim to protect this intrinsic link between humans and the land that surrounds them**. Even if the anthropocentric perspective is still dominant in the Canadian legal system, we cannot ignore that a paradigm shift is transforming environmental law systems across the country and around the world. Professor David Boyd, a law professor at the School of Public and Global Affairs at the University of British Columbia and **special** **rapporteur on Human rights and the environment** remarked that “this ‘fascinating’ development may also foster more ‘innovative’ ways to integrate Indigenous law into the Canadian legal system which has failed to acknowledge that Canada has three founding legal systems, ‘not two’ as many are still taught in law school”.[[17]](#footnote-17)

 The St. Lawrence Alliance, inspired by the Mutehekau Shipu case, led by the International Observatory on Nature’s Rights, worked on the presentation of two parallel bills that recognizes the legal personhood of this huge River. Those bills were presented last May 2022, one before the House of Commons of Canada by M.P. Alexander Boulerice (NDP), and the other before the National Assembly of Quebec presented by Emilise Lessard-Therrien (QS)[[18]](#footnote-18). This approach reflects a desire to recognize the link between humans and water, with a solution based on nature, a true governance model that integrates and protects the role of a healthy ecosystem.

# El Mar Menor, first European ecosystem recognized as legal person with rights ( by Teresa Vicente Gimenez)[[19]](#footnote-19).

The relationship of the human being with Nature established on an ethical basis is described in Aldo Leopold's Land Ethics in 1949: "A land ethic simply extends the boundaries of the community to include soils, waters, plants and animals, or collectively: the earth" (Leopold, 1949/2019: 349).[[20]](#footnote-20) There is a relationship of interdependence between all the elements of the ecosystem of which the human species is a part, "the lines of dependence, in terms of food and benefits, are called trophic chains (...) The pyramid is a tangle of chains so complex that it appears disorderly, but the stability of the system shows that it is a highly organized structure" (Leopold, 1949/2019: 349).[[21]](#footnote-21) The new model of ecological justice causes changes in the Theory of Law, such as the new legal relationship of complementarity of human beings with Nature, which extends the classic legal relationship of reciprocity between human beings to the relationship of complementarity of human beings with Nature. This in turn generates changes in positive Law, thus considering the new generation of rights: the rights of Nature and in the field of the Theory of Justice promoting ecological justice[[22]](#footnote-22).

This change has been brought about in Spain by the social movement which promoted the Popular Legislative Initiative (PLI) claiming that the rights of Nature for an ecosystem of great ecological value are in danger: the Mar Menor lagoon and its basin. The bill for the recognition of legal personhood of the Mar Menor lagoon and its basin was approved by the Congress and the Senate by a majority greater than the reinforced 2/3 in both Houses and became a Law of the *Cortes Generales* last September 21, 2022[[23]](#footnote-23).

The Popular Legislative Initiative (PLI) on a bill for the recognition of legal personality and rights to the Mar Menor lagoon and its basin are a response to a historical social movement. The initiative brought about Law 19/2022, on September 30, 2022, *Law for the recognition of legal personality to the Mar Menor lagoon and its basin.[[24]](#footnote-24)* The adoption of this initiative has been a triumph of citizenship, which managed to overcome the minimum of 500,000 signatures required by the Popular Legislative Initiative recognized in the Spanish Constitution (Article 87.3) and developed by the Organic Law 3/1984.[[25]](#footnote-25) Such an important effort has been recognized by the Secretary General of the United Nations in the last two reports on the United Nations "Harmony with Nature**"** Program, in particular in the last report published on July 28, 2022 (A/77/244)**.**

#  The Oder River case in Poland (by Piotr Nieznański)

The Oder - a European river with a length of more than 850 km, connecting 3 countries: the Czech Republic, Poland and Germany has become in 2022 an example of exceeding the capacity of the river ecosystem because of the human activity. The long-term dominant "economic" treatment and exploitation of the river, the toleration of industrial pollutant discharge, the construction of water stages, the regulation and channelization of the river for shipping and energy purposes led to an unprecedented ecological disaster, the consequences continue to this day.

In summer 2022, the Oder River collapsed. The capacity of resilience of this ecosystem before human pressure was drastically exceeded. The ecosystem surrendered in an unexpected, violent and unprecedented way. Along the length of more than 500 kilometers of the river, around 50 percent of the population of different kind of fishes’ species died within few days; in the middle and lower sections of the river almost all mollusks became extinct. Biological life is dying out on one of Europe's Larger rivers - a source of fresh water due to ... bloom and the release of deadly toxins by algae typical of saltwater.  Studies and monitoring of the Oder River's waters have shown that during this period the river's salinity - caused by human activity - mainly by discharges from mining industries - was higher than that of the Baltic Sea[[26]](#footnote-26). The high level of pollution and salinization of the Oder River along with extremely low water levels, due to climate change that had provoked high temperatures, led to high concentrations of substances dangerous to the freshwater ecosystem. The scale of the damage is still being determined, while scientists estimate that it may take several or even more than a dozen years to rebuild the Oder ecosystem. The Polish Angling Association named this ecological disaster on the Oder River "Polish Chernobyl."

The tragedy demonstrated the government's unpreparedness for such disaster. Everything from discharge control, prevention, water monitoring through communication and response procedures failed.  For the first 2 weeks of the tragedy, it was mainly community workers, volunteers, the Polish Angling Association, the Social Fishing Guard and residents themselves who worked to save the river - all they could do was to remove dead fish and shellfish bodies from the river.  It was not until 2 weeks later that the government acknowledged that there was a disaster and sent civilian and paramilitary services to support field operations.

What happened on the Oder River in summer 2022 could happen wherever rivers are dominated by economic needs. This is a dramatic indicator that our socio-economic system was not and has not yet been embedded in the natural system.  It is still - as in the industrial era - based on exploitation and exploitation rather than synergistic interaction and coexistence with Nature.  Climate change is already noticeably leading to a progressive escalation of such threats.

**Hence, what is needed is a global change of approach to rivers and building synergy between the economy and the quality of the environment we live in and share with other organisms.**

**The quality of human health and life directly depends on the condition of the environment including surface water. Thus, in an era of climate change and a growing water crisis, protecting water resources and water quality means, protecting basic human rights.**

Whether we learn from this ecological disaster, now depends not only on a public demanding change and not only on a scientific world aware of the changes - pointing out the growing crisis in the availability of good quality water and indicating that ensuring the good ecological status of surface water for us and future generations should become a priority in water management.

This depends mainly on awareness of the threat, the will and decisions in political and economic bodies. What is needed here is an immediate response - launching systemic changes, including legislative and financial ones, that will reverse the current trend of deteriorating surface water quality around the globe.

**The possibility of giving legal personhood to a river and formally recognizing its legal entity is one of the solutions that would enable its sustainable and effective protection.** In many cases passive protection alone may no longer be sufficient without revitalization and restoration measures to trigger natural processes and revive the natural self-purification capacities and biological life of rivers.

**This necessary paradigm change - dictated by the civilizational need of the 21st century to protect water and Rivers would help to implement the UN General Assembly resolutions recognizing the human right to a clean, healthy and sustainable environment, but also the Human right to water and sanitation.**

# The San Pedro River case in Aguascalientes- Mexico (by Carlos A. Villanueva Martínez and Yenny Vega Cárdenas)

The San Pedro River, also known as the Aguascalientes River, is the main tributary that runs through the center and from north to south, the territory of the state of Aguascalientes[[27]](#footnote-27), one of the 32 states that composes the Mexican Republic[[28]](#footnote-28). Although it is one of the smallest states, its contribution to the GDP is very important, given the industrialization and investment of multinational companies that have settled in this region.

Due to its climatic and geological characteristics, this State does not count on other rivers. The situation is still harder as the bed of San Pedro River, only carries water for few months of the year during the rainy season, due to the system of dams that have been built to use its waters for agricultural irrigation. The Mexican National Water Law has allocated 70% of availability of water to the agricultural sector in the country. It should be noted that water allocations did not consider the importance of maintaining a vital minimum of clean water for ecosystems. The wastewater discharges and allocation of water for different economic users affected seriously the life of the San Pedro River, like many others in this vast country. Thus, since 2018, the deterioration of the San Pedro River caused by wastewater from public-urban and agricultural use, aggravated by the disposal of solid waste of various types, was already being noticed, so its recovery was already demanded[[29]](#footnote-29). In 2019, there was a warning about the serious contamination by sewage and raw water generated by various sectors and its polluting effects on subsoil water, a situation that was related to the high incidence of kidney problems among the population[[30]](#footnote-30). In addition to the above, in 2021, organic matter, phosphorous and nitrogen and fecal pathogens were warned as the main contaminants in the river, to which arsenic was now added, whose prolonged exposure is associated with some cancers or skin lesions, as well as cardiovascular diseases and diabetes[[31]](#footnote-31) .

The State has been provisioning groundwater for human use since the river is deeply polluted and has been allocated to agriculture. Consequently, with population growth and industrialization, it faces a serious problem of water scarcity, which has resulted in overexploitation of groundwater, reflected in high extraction costs and deterioration of the subsoil. This has also generated geological failures that affect urban infrastructure such as buildings and housing.[[32]](#footnote-32)

The contradiction is blatant: Aguascalientes, despite having an adjacent river, the San Pedro River, cannot use it to supply the population with drinking water, given its level of contamination and also because it has been assigned to the agricultural sector. In addition, the enjoyment of activities such as fishing, and "recreational" swimming activities has been lost. This situation is generalized in the country, a consequence of a model that has separated water from the Earth, water from ecosystems, and has favored the creation of water markets. By affecting rivers, the human right to water and sanitation, the human right to a healthy environment, the right to health and quality of life are being violated.

Therefore, we wonder if the possibility of recognizing the rights of rivers, to be restored, preserved and return to their natural state, could allow rivers such as the San Pedro to be recovered. This juridical mechanism could at the same time protect the violated human rights above mentioned. Indeed, the rights of a river are in fact a reflection of our responsibilities towards the ecosystems and towards the more vulnerable people of a society in general.

Innovating towards a model that allows reaching agreements with different users, such as agriculture, urban and industrial sectors to commit themselves to river conservation, is something that is possible to achieve. However, when the will of some stakeholders and their priorities do not coincide with the preservation of the river, legal mechanisms are required to encourage changes in behavior. Thus, the strongest point of the recognition of the legal personhood of the river, is to understand that when there is an important damage to the river, it must be repaired. Also, it highlights the interconnectedness of people with the ecosystem, because a damage caused to the river, is a damage caused to ourselves as a collectivity.

# Conclusion

The cases briefly presented in this document illustrate the necessary interdependence of the human rights to water, sanitation, and to a healthy environment with the rights of rivers and Nature in general to be preserved and restored. To protect the former, we must necessarily change the paradigm that separates us from Nature. It is important to understand that we, as humans, need healthy rivers and ecosystem, to have a quality of life for ourselves, our children and the other species with whom we share the Planet.

The Anthropocene has left an indelible mark on ecosystems, it is time to change the paradigm to achieve a balance that can preserve life in all its forms. It should be noted that recognizing the rights of rivers or ecosystems does not mean that we cannot use them, it simply means that these rights define limits, so that our development does not imply the irrational destruction of the Earth. “We are the River and the River is us” (Proverb Māori)

**The recognition of rights of rivers could guarantee the human right to water.** In addition, this new model of governance implies the inclusion of local and indigenous communities, in the sharing of current and ancestral scientific knowledge and in the decision-making process.

The importance of this paradigm shift has already been recognized in several international documents. Recently, at the Conference of the Parties to the Convention on Biological Diversity held in Montreal, Canada, from December 7 to 19, 2022, the language concerning the rights of Nature and the rights of Mother Earth were introduced in several paragraphs of the Global Framework for biodiversity, making express reference to the new ecocentric conception of life on Earth. It is expressly clarified in Goal 19:

"Mother Earth Centric Actions: Ecocentric and rights-based approach enabling the implementation of actions towards harmonic and complementary relationships between peoples and Nature, promoting the continuity of all living beings and their communities and ensuring the non-commodification of environmental functions of Mother Earth".[[33]](#footnote-33)

Moreover, the Resolution adopted by the General Assembly on 14 December 2022 (A/RES/77/169)[[34]](#footnote-34), seems to pave the way for a new world that should evolve in Harmony with Nature. In fact, this resolution recognizes that planet Earth or Mother Earth, as is usually named by many nations, is our home, thus we should take care of every element that supports life. Moreover, that resolution proposes an important breakthrough to convene future high-level meeting entitled “**Earth Assembly” to be held on 22nd April 2024**[[35]](#footnote-35).

It is also worth highlighting that this resolution, recognizes that SDGs[[36]](#footnote-36) should integrate a holistic approach, in which we recognise that protecting and conserving ecosystems and avoiding harmful practices against animals, plants, microorganisms and living environments, we could contribute to a better quality of life for humankind and for the variety of living species on Earth. (A/RES/77/169, para 14-17)[[37]](#footnote-37).

**Thus, the time has come to negotiate a Universal Declaration that correlates the rights of rivers and the human right to water and sanitation**. Furthermore, it is necessary to establish a global water fund to support drinking water and sanitation infrastructures of the poorest in contingency with a dedicated water institution at the global level. Those were some of the recommendations proposed by some organisations during the UN Water Conference, last March 2023.

In sum, protecting human rights and Nature’s rights is a converging challenge.

# Recommendations

* Recognize that the wellbeing of humans is interconnected with the well being of Nature and other species with whom we share the planet.
* Recognize the necessary interdependence of the human rights to water, sanitation, and to a healthy environment with the rights of rivers and Nature in general to be preserved and restored.
* Recognize the importance of changing the paradigm that separates us from Nature, highlighting that as humans, we need healthy rivers and ecosystem, to have better quality of life for ourselves, our children and other species.
* Recognize that the Earth-centered paradigm should replace the Anthropocene to achieve a balance that can preserve life in all its forms.
* Recognize that rights of rivers or ecosystems does not imply that we cannot use water, since we are part of the ecosystem, and it is an essential element to our survival. Rights of Nature define limits so that our development does not imply the irrational destruction of the Earth.
* Recognize that rights of rivers can help to guarantee the human right to water and sanitation.
* Recognize that this new model of governance implies the inclusion of local and indigenous communities, in the sharing of current and ancestral scientific knowledge and in the decision-making process.
* Recognize that planet Earth or Mother Earth, as is usually used by many nations, is our home, thus we should take care of every element that supports life.
* Recognize the importance of supporting a future high-level meeting entitled “**Earth Assembly”** where this relevant approach will be studied further.
* Recognize that SDGs should integrate a holistic approach, which promotes protecting and conserving ecosystems and avoiding harmful practices against animals, plants, microorganisms and living environments, to contribute to a better quality of life for humankind and for the variety of living species on Earth.
* Recognize the necessity to negotiate a Universal Declaration that correlates the rights of rivers and the human right to water and sanitation. Furthermore, it is necessary to establish a global water fund to support drinking water and sanitation infrastructures of the poorest in contingency with a dedicated water institution at the global level.
* It is recommended that countries regardless of their legal tradition system, should advance toward ecological justice, a concept complementary to human rights that allows going further in the holistic protection of Nature.
1. Teresa Vicente Giménez, “The Mar Menor: An Ecosystem with its Own Rights”, in Yenny Vega Cárdenas & Daniel Turp, *A legal personality for the Saint-Lawrence River and other Rivers of the world*, Montréal, JFD, 2023. [↑](#footnote-ref-1)
2. Benadda, I., & Vega Cardenas, Y. (2023, 03). Un droit de l’eau pour un droit à l’eau. Récupéré sur Observatoire International des droits de la Nature, Blog: <https://observatoirenature.org/observatorio/2023/04/05/un-droit-de-leau-pour-un-droit-a-leau/> [↑](#footnote-ref-2)
3. UN Secretary-General Report A/77/244, Adopted the 28 of July 2022, accessible via the link : <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/444/24/PDF/N2244424.pdf?OpenElement> [↑](#footnote-ref-3)
4. *Id.* [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. Acción de Tutela: It is a Colombian legal action that allows the protection of human rights as a priority. [↑](#footnote-ref-6)
7. Yenny Vega Cardenas, & Nathalia Parra, “The Recognition of the Colombian Rivers and Nature as a subject of rights”, in Yenny Vega Cardenas & Daniel Turp, A legal Personality for the St Lawrence River and other Rivers of the World (pp. 385-436). Montreal: JFD, 2023. [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *Id*. [↑](#footnote-ref-9)
10. *Id*. [↑](#footnote-ref-10)
11. Yenny Vega Cárdenas & Uapukun Mestokosho, “Recognizing the Legal Personhood of the Magpie River/*Mutehekau Shipu* in Canada”, in Yenny Vega Cárdenas & Daniel Turp, *A legal Personality for the Saint-Lawrence River and other Rivers of the world*, Montréal, JFD, 2023. [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. Also found on (Ministère de l'Environnement du Québec, 2005) and the Romain Project (Hydro-Québec, 2007) ; (Vincent, 2008, pp. 148-152) ; (Asselin, 2011, pp. 47- ss). [↑](#footnote-ref-13)
14. *Resolution 671-082 of the Innu Council of Ekuanitshit about the Magpie River.* January 12, 2016. [↑](#footnote-ref-14)
15. Mi’kmaw Elder Albert Marshall brought forward the concept of Two-Eyed Seeing. It means a perspective that weaves together Indigenous ways of Knowing and western knowledge systems. [↑](#footnote-ref-15)
16. Yenny Vega Cárdenas & Uapukun Mestokosho, “Recognizing the Legal Personhood of the Magpie River/*Mutehekau Shipu* in Canada”, in Yenny Vega Cárdenas & Daniel Turp, *A legal Personality for the Saint-Lawrence River and other Rivers of the world*, Montréal, JFD, 2023. [↑](#footnote-ref-16)
17. David R. Boyd, Special Rapporteur on human rights and the environment quoted in (Vega Cárdenas, The recognition of the Magpie/ Muteshekau Shipu River as a non-human Person, 2021) [↑](#footnote-ref-17)
18. To know more about this project and the Draft Bills you can consult: <https://observatoirenature.org/observatorio/en/st-lawrence-river-alliance-2/> [↑](#footnote-ref-18)
19. Teresa Vicente Giménez, T., “The Mar Menor: An Ecosystem with its Own Rights”, in Yenny Vega Cárdenas & Daniel Turp, *A legal personality for the Saint-Lawrence River and other Rivers of the world*, Montréal, JFD, 2023. [↑](#footnote-ref-19)
20. In Spanish the original text can be read as follows: “Una ética de la tierra simplemente amplía los límites de la comunidad para incluir suelos, aguas, plantas y animales, o colectivamente: la tierra”. (Leopold, 1949/2019: 349) [↑](#footnote-ref-20)
21. In Spanish the original text can be read as follows: las líneas de dependencia, en cuanto al alimento y los beneficios, se llaman cadenas tróficas (…) La pirámide es una maraña de cadenas tan complejas que parece desordenada, pero la estabilidad del sistema demuestra que es una estructura organizadísima” (Leopold, 1949/2019: 349) [↑](#footnote-ref-21)
22. Teresa Vicente Giménez & Eduardo Salazar Ortuño (2022). Los derechos de la naturaleza y la ciudadanía: el caso del Mar Menor. *Revista Murciana de Antropología*, (29), 15–26. <https://doi.org/10.6018/rmu.524761> [↑](#footnote-ref-22)
23. Teresa Vicente Giménez, T., “The Mar Menor: An Ecosystem with its Own Rights”, in Yenny Vega Cárdenas & Daniel Turp, *A legal personality for the Saint-Lawrence River and other Rivers of the world*, Montréal, JFD, 2023. [↑](#footnote-ref-23)
24. Ley 19/2022, de 30 de septiembre, para el *reconocimiento de personalidad jurídica a la laguna del Mar Menor y su cuenca*. <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-16019> [↑](#footnote-ref-24)
25. Ley orgánica 3/1984 del 26 de marzo, *reguladora de la iniciativa legislativa popular* BOE núm. 74 de 27/03/84. Available at: <https://www.boe.es/eli/es/lo/1984/03/26/3/con> [↑](#footnote-ref-25)
26. It is estimated that in the summer of 2022, about 6,000 tons of salt per day were entering the Oder River. [↑](#footnote-ref-26)
27. Source: [https:](https://paratodomexico.com/estados-de-mexico/estado-aguascalientes/hidrologia-aguascalientes.html)//paratodomexico.com/estados-de-mexico/estado-aguascalientes/hidrologia-aguascalientes.html, accessed April 10, 2023. [↑](#footnote-ref-27)
28. Source: [https:](https://cuentame.inegi.org.mx/monografias/informacion/ags/economia/pib.aspx)//cuentame.inegi.org.mx/monografias/informacion/ags/economia/pib.aspx, accessed April 10, 2023. [↑](#footnote-ref-28)
29. Source: [https:](https://www.lja.mx/2018/06/rescatemos-el-rio-san-pedro/)//www.lja.mx/2018/06/rescatemos-el-rio-san-pedro/, accessed April 10, 2023. [↑](#footnote-ref-29)
30. Source: [https:](https://www.lja.mx/2019/09/grave-contaminacion-del-rio-san-pedro-se-filtra-al-acuifero-en-aguascalientes/)//www.lja.mx/2019/09/grave-contaminacion-del-rio-san-pedro-se-filtra-al-acuifero-en-aguascalientes/, accessed April 10, 2023. [↑](#footnote-ref-30)
31. Source: [https:](https://www.lja.mx/2021/10/rio-san-pedro-contaminado-y-en-sus-orillas-habita-el-80-de-la-poblacion/)//www.lja.mx/2021/10/rio-san-pedro-contaminado-y-en-sus-orillas-habita-el-80-de-la-poblacion/, accessed April 10, 2023. [↑](#footnote-ref-31)
32. Source: [https:](https://paratodomexico.com/estados-de-mexico/estado-aguascalientes/hidrologia-aguascalientes.html)//paratodomexico.com/estados-de-mexico/estado-aguascalientes/hidrologia-aguascalientes.html, accessed April 10, 2023. [↑](#footnote-ref-32)
33. CBD/COP/15/L.25, 18 December 2022, Original: English. On line: <https://www.cbd.int/doc/c/e6d3/cd1d/daf663719a03902a9b116c34/cop-15-l-25-en.pdf> [↑](#footnote-ref-33)
34. Resolution adopted by General Assembly on 14 December 2022. On line: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/756/57/PDF/N2275657.pdf?OpenElement> [↑](#footnote-ref-34)
35. *Id.* [↑](#footnote-ref-35)
36. Sustainable Development Goals [↑](#footnote-ref-36)
37. *Id.* [↑](#footnote-ref-37)