



THE RISING ASIA REVIEW OF BOOKS

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MORE THAN LEGAL PERSONS Rivers And The Politics They Carry

Malene K. Brandshaug and Axel Borchgrevink, eds. *The Politics of Riverine Rights: Environmental Struggles in Aotearoa New Zealand, Colombia and India*. Abingdon and New York: Routledge, 2026, 244 pages, \$160.00 (hardback).

The granting of legal personhood to rivers has emerged in the past decade as one of the more provocative and consequential innovations in environmental law. Between November 2016 and March 2017, three distinct legal systems, in Colombia, Aotearoa New Zealand, and India, independently recognized rivers as legal subjects: the Atrato River in Colombia, the Whanganui River in New Zealand and the Ganga and Yamuna rivers in India's Uttarakhand state. That these decisions appeared almost simultaneously across three very distinct countries, emerging from different legal traditions, divergent colonial histories and disparate relationships between the state and Indigenous peoples, is itself a puzzle demanding serious scholarly attention. *The Politics of Riverine Rights*, edited by Malene K. Brandshaug and Axel Borchgrevink, is the most rigorous and empirically grounded examination of these cases

yet published and it contributes to the growing literature on rights of nature, environmental justice and legal pluralism.

Brandshaug and Borchgrevink led the multidisciplinary ‘Riverine Rights’ research project (2020–2024), funded by the Norwegian Research Council. The research project brought together an international and interdisciplinary team of researchers, anthropologists, lawyers, historians, political scientists, environmental economists and water scientists, many of them from the countries under study. This collaborative design gives the book unusual depth and legitimacy: it is a study of these rivers and their people, conducted not from a distance, but one carried out with the participation of local and Indigenous researchers, including Miriama Cribb, a born and bred Whanganui Māori who co-authored the New Zealand chapter.

Scope, Purpose And Content

The book’s stated aim is empirical and inductive rather than normative. The editors position themselves explicitly as ‘agnostics, not believers’ on the question of whether rights of nature are inherently good. This is a deliberate contrast to much of the existing rights of nature literature, which tends to celebrate legal personhood for natural entities as a self-evident step forward. The editors situate their work within a critical and comparative tradition, seeking to understand ‘what is happening in our cases’ before drawing conclusions about the framework’s broader promise or limitations. The result is a book that is honest about the complexity and unevenness of these legal innovations than most of its predecessors.

The volume is organized in three sections. Chapters 2 through 4 examine each river case in depth. Chapter 2, written by Miriama Cribb, examines the Te Awa Tupua (Whanganui River Claims Settlement) Act of

2017 from an insider's perspective. Cribb's chapter is one of the book's most distinctive contributions: it situates the Act not primarily as a legal innovation but as the culmination of more than a century of Whanganui Māori resistance to colonialism, a treaty settlement that integrated Māori law (kawa) into the governance of the river through a principle the Whanganui people have long held, 'Ko au te awa, ko te awa ko au' ('I am the river and the river is me'). For Cribb, the river's legal personhood matters above all as a recognition of Indigenous sovereignty and as a framework for genuine legal pluralism, not as a conservation mechanism.

Chapter 3, co-authored by Catalina Vallejo Piedrahíta and her colleagues, examines the Constitutional Court's 2016 ruling declaring the Atrato River, a 'subject of rights,' and introducing the novel concept of 'biocultural rights,' rights accorded jointly to the river and the Afro-Colombian and Indigenous communities living along its banks. The chapter traces the deep colonial history of the Chocó Department, a region where centuries of gold extraction, armed conflict and state abandonment have devastated both ecosystems and communities. The Atrato ruling emerged in large as a response to this emergency: the communities petitioned not for environmental philosophy but for state intervention to stop the illegal gold mining poisoning their water and their lives. The chapter's attention to the gap between the ruling's ambitious remedies and their limited implementation on the ground is among the most sobering analyses in the book.

Chapter 4, by Borchgrevink and Kavita Upadhyay, examines the Uttarakhand High Court's 2017 rulings declaring the Ganga and Yamuna rivers and the glaciers that feed them, to be legal persons. The contrast with the other two cases is striking. The Indian rulings, emerging from public interest litigation brought by private individuals rather than

organized Indigenous or community groups, were quickly stayed by the Supreme Court of India and have had no practical implementation. The chapter provides a detailed critical analysis of the court's reasoning, noting the legal and conceptual difficulties in applying personhood rights to rivers of the Ganga's scale and religious complexity and raises important questions about the risks of judicial overreach in the absence of political and institutional will to follow through.

Chapters 5 through 8 provide comparative analysis. Chapter 5, led by Brandshaug, is formally and aesthetically distinctive: it blends academic writing with extended quotations from river communities, origin stories, poetry and photographs in order to convey the depth and variety of people-river relationships across the three countries. The chapter develops the book's central analytical concept of 'people-river inseparability,' the idea that in all three cases, human wellbeing and riverine wellbeing are understood by local communities as fundamentally intertwined, a relational ontology that the legal framework of rights of nature only partially captures and which often predates and exceeds it. Chapter 6 provides a legal comparative analysis of the three cases, examining the philosophical justifications for rights of nature, the types of rights accorded in each ruling and the structural conditions for their effective enforcement. The chapter's comparative table of rights of nature provisions across the three cases is a useful reference. Chapter 7, by Borchgrevink, offers a political economy analysis, examining how colonial histories, state capacity, the economics of resource extraction and contests over knowledge and values, shaped both the origins and outcomes of each case. This chapter shows why the Whanganui case has achieved more durable results than the Atrato and why both dwarf the stalled Indian case with good attention to the structural conditions that determine whether rights on paper become rights in practice.

Chapter 8, by Brandshaug and John Andrew McNeish, situates the three cases within global trends: the expansion of liberal rights regimes, the judicialization of environmental politics, transnational environmental movements and changing scientific and social-scientific understandings of human-environment relations. The chapter engages productively with Tanasescu's critical account of the rights of nature movement, noting that the same liberal rights framework underpinning capitalism also provides the legal tools through which communities seek to protect rivers from capitalist extraction.¹ The concluding Chapter 9 pulls the threads together by returning to the three questions the project began with: Why were these rivers given legal personhood? What have been the outcomes? What can we learn?

Significance And Place In The Literature

The literature on rights of nature has grown rapidly over the past two decades, driven partly by advocacy and partly by the pace of legal innovation globally. Christopher Stone's foundational 1972 article "Should Trees Have Standing?" remains the canon reference point, but the contemporary field is shaped by a range of perspectives.² David Boyd's *The Rights of Nature* (2017)³ represents the optimistic, advocacy-oriented strand; Kauffman and Martin's *The Politics of Rights of Nature* (2021)⁴ offers a more systematic political science comparative frame-

¹ Mihnea Tanasescu, *Understanding the Rights of Nature: A Critical Introduction* (Bielefeld: Transcript Verlag, 2022).

² Christopher D. Stone, "Should Trees Have Standing? Toward Legal Rights for Natural Objects," *Southern California Law Review* 45 (1972): 450–501.

³ David R. Boyd, *The Rights of Nature: A Legal Revolution that Could Save the World* (Toronto: ECW Press, 2017).

⁴ Chaim M. Kauffman and Pamela L. Martin, *The Politics of Rights of Nature: Strategies for Building a More Sustainable Future* (Cambridge, MA: MIT Press, 2021).

work; while Tanasescu's *Understanding the Rights of Nature* (2022) has become the most important critical reference.³ Elizabeth Macpherson's *Indigenous Water Rights in Law and Regulation* (2019) provides essential legal context for the Whanganui case.⁵ Erin O'Donnell's *Legal Rights for Rivers* (2018) examines the governance dimensions of river personhood across multiple jurisdictions.⁶

What distinguishes *The Politics of Riverine Rights* from all of these is its empirical depth. Where most existing scholarship on these cases draws primarily on legal texts and secondary sources, Brandshaug, Borchgrevink and their team conducted years of fieldwork across three countries, building relationships with river communities, guardians, lawyers, activists and governance bodies. The result is a book that can say things no desk-based comparative study could: that the Atrato ruling's formal remedies have been 'limited in their success' due to ongoing violence and state weakness in Chocó; that the Indian case is effectively suspended in legal limbo with no near-term resolution in sight; and that even the comparatively successful Whanganui case has produced uneven results, with the river's legal personhood more robust as a recognition of Māori sovereignty than as a mechanism for improving the river's ecological health.

The book also makes a distinctive methodological contribution by modeling what rigorous comparative multi-sited ethnographic research on environmental law can look like.

⁵ Elizabeth Jane Macpherson, *Indigenous Water Rights in Law and Regulation* (Cambridge: Cambridge University Press, 2019).

⁶ Erin O'Donnell, *Legal Rights for Rivers: Competition, Collaboration and Water Governance* (Abingdon: Routledge, 2018).

Evaluation: Strengths And Limitations

The book's primary strength is the quality its editors advertise: empirical rigor combined with openness to what the evidence shows. Unlike many rights of nature scholarship, which tends to present these legal innovations as unambiguously-progressive, *The Politics of Riverine Rights* is willing to follow the evidence toward uncomfortable conclusions, that rights of nature can become 'paper tigers,' that they may serve as a veil for continuing extractivism and that their outcomes depend far more on political will, state capacity and the organizing power of local communities than on the legal doctrine.

The concept of 'riverine rights,' the editors' deliberate preference over 'rights of nature,' is a genuine, useful analytical contribution. By insisting on the relational quality of these rights, encompassing both rivers and the human communities bound to them, Brandshaug and Borchgrevink resist the false dichotomy between nature's rights and human rights that has plagued the field. The Whanganui case shows this well: the principle 'I am the river, the river is me' is poetic and also encodes an ontological position in which the interests of people and river cannot be separated, a position that the Western legal framework of personhood rights can accommodate but only imperfectly express at the moment.

The book has a few areas that invite further development. Given the richness of the case studies, the comparative chapters occasionally feel somewhat compressed. Chapter 7's political economy analysis, for instance, raises important questions about the relationship between state capacity and outcomes that deserve more sustained treatment. Similarly, the book's engagement with the India case, while honest about the constraints the researchers faced, the Supreme Court stay, the scale of the river basins, the absence of implementation, leaves the India

chapters feeling somewhat thinner than the New Zealand and Colombia chapters, a disparity the editors acknowledge but cannot fully resolve.

Readers primarily interested in international environmental law may also find that the book's ethnographic orientation, its commitment to 'law in action' rather than 'law on the books,' means that some of the technical legal analysis is handled more briefly than they might wish. Chapter 6's comparative legal analysis is valuable but would benefit from fuller engagement with the specific enforcement mechanisms, or lack thereof, in each jurisdiction.

Audience And Conclusion

The Politics of Riverine Rights is essential reading for scholars working across environmental law, legal anthropology, Indigenous rights, political ecology and earth system governance. Its geographic scope, spanning three continents and three distinctive legal and colonial histories, makes it valuable for comparative purposes and its India chapter will be of direct interest to scholars studying environmental politics, water governance and the rights of nature in South Asia, where the Ganga and Yamuna cases remain alive in the courts and in public debate. India's relationship with its sacred rivers, the expanding threats of pollution, dam construction and glacial retreat in the Himalayas and the ongoing struggles of communities for recognition and protection make the questions this book raises urgently relevant.

Published in 2026 as part of Routledge's Studies in Environmental Justice series, the book arrives at a moment when the rights of nature movement is expanding rapidly, with roughly 500 legal initiatives registered globally by 2024 and when the gap between legal innovation and effective enforcement is apparent. Brandshaug and Borchgrevink provide the most careful and balanced account yet available of that gap

and of the conditions under which it might be closed. Their conclusion, that riverine rights must be understood not merely as legal instruments but as expressions of deeper political struggles over land, sovereignty, identity and justice, is a contribution that will shape the field for years to come.

Note on the Reviewer

Shruti Dhaundiyal is an independent researcher based in Uttarakhand, India, working in the fields of environmental humanities, political ecology and the intersections of water, culture and justice in the Indian Himalayan Region (IHR). She holds an MA from Jawaharlal Nehru University, and an MPhil in Environmental Policy from the University of Cambridge. She is completing a PhD in Environmental Policy. She has recently co-authored a book on Women and Livelihoods in the Indian Himalayan Region, and her water-culture related project research has been published in academic journals and edited volumes. Her current work examines water, governance, and Himalayan socio-ecological futures through interdisciplinary approaches.