Water/human rights beyond the human?
Indigenous water ontologies, plurilegal encounters and interlegal translation
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Abstract:

RIVERS's **main challenge is to produce ground-breaking knowledge, from an empirical, interdisciplinary and dialoguing perspective, about the contentions and challenges intrinsic to reconceptualising human rights with different ways of understanding and relating to water**. Worldwide, indigenous peoples are mobilising against the neoliberalisation of nature, demonstrating radically different ways of knowing, being and living. At the same time, in 2010 the UN acknowledged water as a human right, while in 2017 New Zealand, India and Colombia established ground-breaking legal precedents by granting rivers human rights. **RIVERS's overarching research question is: To what extent can international human rights law come to grips with plurilegal water realities?** This project engages with one of the most pressing questions of this century: **the relationship between humans and nature**. RIVERS tackles two **intertwined core objectives**: 1) analysing different ways of knowing and relating to water and life among indigenous peoples and their understanding of its (potential) violation by extractive projects; 2) discussing the contributions, challenges and pitfalls of interlegal translation of differing water natures in plurilegal encounters at domestic and international levels. RIVERS will develop a multi-sited analysis and empirical case-studies in three contexts: Colombia, Nepal and the UN human rights protection system. Through the lens of legal pluralism, this will foreground competing political and legal water realities that interrogate dominant understandings of the modern world. RIVERS will address **two interrelated research challenges**: 1) indigenous visions/practices: beyond water as a natural resource and human right; 2) the UN human rights system: towards counter-hegemonic water knowledge production. This project will pioneer new ways of thinking about water beyond the modern divides of nature/culture, providing clues about future paths towards reconceptualising human rights.

RIVERS adopts an interdisciplinary approach crosscutting the fields of human rights and legal anthropology. Its main scholarly impact will be in the human rights field; however, this project will also produce major empirical contributions to ongoing key debates in the field of anthropological theory regarding the ontological turn.

RIVERS - Water/Human rights beyond the human? (ERC project, GA 804003)
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Acronym: RIVERS
ERC Starting Grant designed by Lieselotte Viaene - 2018

Water is a unique resource. Without water there is no life. A global water crisis is threatening our planet. Recently, the United Nations acknowledged water as a basic human right. Aiming to strengthen the universality of human rights as a concrete good in peoples' lives – as opposed to merely a theoretical construct – a global consensus has emerged among legal scholars that: 1) the accommodation of cultural diversity and a plurality of legal orders should not been seen a threat to the human rights paradigm, but rather as an enriching input for it; and 2) human rights should be decolonised by integrating locally-grounded views rooted in other forms of knowledge belonging to those groups systematically excluded and silenced by colonialism and capitalism (Brems 2001; Rajagopal 2006; Santos 2014). Despite these theoretical advances, human rights remain entrenched in modern assumptions about nature/culture and human/non-human divides. In fact, water conflicts across the world are bringing to the fore fundamental challenges regarding the anthropocentric boundaries of the human rights paradigm. The **main challenge** of RIVERS is **to produce ground-breaking knowledge, from an empirical, interdisciplinary and dialoguing perspective, about the contentions and challenges intrinsic to reconceptualising human rights with different ways of understanding and relating to water**. Indigenous communities across the globe, such as Standing Rock in the United States, are mobilising against the neoliberalisation of nature, demonstrating alternative ways of knowing, being and living embedded in a radically different human-nature relationship. Moreover, in 2017 New Zealand, India and Colombia established ground-breaking international legal precedents by granting the same legal rights to rivers as those afforded to human beings. While in 2019, Guatemala's Constitutional Court recognized that water is a living being and that indigenous peoples have a special relationship with water. From an orthodox legal perspective, the recognition of rivers as living beings and legal entities and the emerging human right to water are two different legal concepts. However, in an indigenous non-dualist conception, everything is not only interrelated and interdependent but is alive, meaning that natural resources should be as equally protected as human life (Viaene 2017). RIVERS's overarching research question is: **To what extent can international human rights law come to grips with plurilegal water realities?** Accordingly, RIVERS engages with one of the most pressing questions of this century: the **relationship between humans and nature** (Descola 2013). This project will tackle two intertwined **core objectives**: 1) analysing different ways of knowing and relating to water and life among indigenous peoples and their understanding of its (potential) violation by extractive development projects; 2) discussing the contributions, challenges and pitfalls of interlegal translation of different water natures in plurilegal encounters at the domestic and international levels. Case studies through the lens of legal pluralism will bring about competing political and legal water realities that interrogate key modern assumptions which have organised dominant understandings of the modern world and everyday power relations about sovereignty, natural resources, development and territory. RIVERS recognises that legal pluralism – the existence of a plurality of legal orders stemming from different sources of legitimation within one socio-political space (Griffiths 1986; Von Benda-Beckmann 2002) – constitutes 'an important element of the contexts in which human rights operate' (Corradi 2017: 3). In daily life, this plurality of legal norms is shaped by interconnectedness or interlegality (Santos 2002; Hoekema 2004). However, many water controversies bring to the fore competing views about how the world is made creating legal and anthropological discomfort. This project also draws on the crucial insight that law is a source of 'constituting and legitimating power' (von Benda-Beckman, von Benda-Beckman, Griffiths 2009): an analysis of contestations over hegemonic and counter-hegemonic legal understandings of water and life will provide important clues about how to reconceptualise the human rights paradigm from below. RIVERS will therefore develop a multi-sited analysis and empirical case-studies in four contexts: Colombia, Guatemala, Nepal and the UN human rights protection system. As represented in *figure 1*, RIVERS is divided into two interrelated **research streams (RS)**: 1) indigenous visions/practices: beyond water as a natural resource and a human right; and 2) the UN human rights system: towards counter-hegemonic water knowledge and norm production. The research streams will be operationalised through **four mutually reinforcing work packages (WP)**: WP-A) unveiling and grasping indigenous water knowledges and ontologies; WP-B) interlegal translation tools: anthropological expert testimonies in court; WP-C) human rights treaty bodies: water knowledge and norm production; and WP-D) universal human rights and international indigenous knowledge brokers.

The ground-breaking nature of RIVERS

This project's innovative impact must be situated in the theoretical and empirical realm. Unique bottom-up and interdisciplinary research will critically elucidate possible ways forward for an urgent paradigm shift beyond the dominant modern culture-nature and human and non-human assumptions of the human rights framework. RIVERS starts from the conviction that 'a good way to understand the status of a scientific problem is to study controversies' (Descola 2013: 7); in particular, this research will promote new approaches regarding three core political and scientific issues:

Ecology of (legal) (water) knowledges – RIVERS will, based on the principle of incompleteness of all knowledges, build up an 'ecology of knowledges' (Santos 2014) of water, recognising the existence of a plurality of ways of knowing and relating to water and thus engaging in broader epistemological and ontological disputes about human-nature relationships. This project aims 'to advance interdependence among the scientific knowledges produced by Western modernity and other, nonscientific knowledges' (Santos 2014: 198), in this case dominant legal and indigenous knowledges about and relationships with rivers and, more broadly, water. RIVERS will build this complex legal ethnographic river/water landscape within the context of what Latin American scholars have coined as 'extractivism' or 'neoextractivism' (Gudynas 2009, 2015; Acosta 2013; Burchardt and Dietz 2014), which refers to a development model fast gaining momentum in the Global South. This model is marked by large-scale natural resource exploitation projects such as dam building, mining, oil drilling and monocultural agro-industrial production, which have destructive effects on local livelihood and water sources. In fact, indigenous communities across the world are disproportionally affected by natural resource extractive projects in their territories (UN Doc. A/HRC/24/41; IGWIA 2016).

Reconceptualising human rights (to water) from below – RIVERS questions the mainstream interpretation of the right to water, rooted in the Western modern liberal worldview, and seeks to demonstrate that engaging in dialogue with ontologically different concepts of water will pave the way for rethinking the human right to water and human rights more broadly. In line with the 'empirical turn' in international legal research (Rachlinski 2011; Shaffer and Ginsburg 2012), RIVERS's innovative bottom-up approach will reveal other plurilegal relationships and water realities and highlight the importance of a richer understanding of the application of the key human rights principles of interdependence and indivisibility, transcending the culture-nature divide.

Moving beyond the anthropocentric human rights dogma □ RIVERS will pioneer new ways of rethinking the modern assumptions and conceptualisations about the culture-nature divide that underpin the dominant human rights paradigm by providing ground-breaking empirical data and innovative comparative and interdisciplinary insights. This project will also establish dialogue between mainstream human rights theory and emerging theories and conceptual frameworks that challenge the human-centred nature of the dominant human rights framework, such as Earth Jurisprudence (Schillmoller and Pelizzon 2013; Wright 2013), Rights for Nature (Maloney 2015; Borrás 2016) and the international constitutional debates that followed Ecuador's landmark decision in 2008 to grant constitutional rights to nature – the first country in the world to do this.

Figure 1: RIVERS project design| research streams and work packages
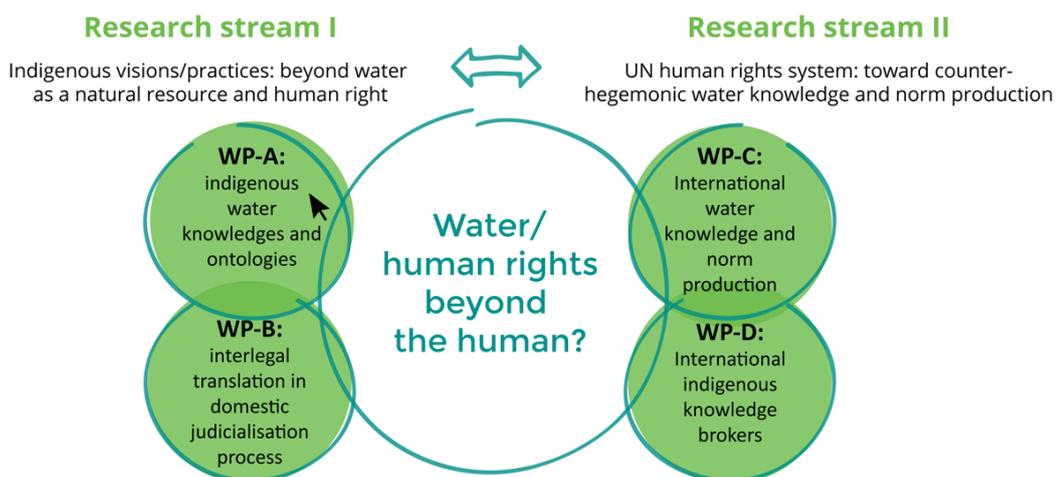
State of the art

An extensive body of literature on political ecology has shown that water commodification, urbanisation, privatisation and climate change threaten more than ever local livelihoods across the world, disproportionally affecting ethnic, indigenous and afro-descendent groups (Shiva 2002; Swyngedouw 2004, 2009; Boelens et al. 2010; Wagner 2015; Baghel et al. 2017). In the midst of these water controversies, in 2010 the United Nations (UN) General Assembly explicitly recognised the right to water and sanitation as a human right essential to the realisation of all human rights and the UN Human Council confirmed that it is legally binding upon states to respect, protect, and fulfil this 'new' human right (UN doc. A/RES/64/292 and UN doc. A/HRC/15/L.14 2010). This formally recognised the Committee on Economic, Social and Cultural Rights' (CESCR) definition of the right to water as 'the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses' established in its General Comment No 15 of 2002 and derived from the right to an adequate standard of living (article 11) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This significant development was the result a decade of debate about the (de)privatisation of water and the importance of access to clean drinking water for human development (Filmer-Wilson 2005; Sultana and Loftus 2012). An emerging body of interdisciplinary literature is trying to tackle the many challenges that this 'new' universal human right poses: what will be the impact of this recognition on domestic legal frameworks? How can its enforcement be assessed? (Sultana and Loftus 2012; De Albuauerque 2014; Wagner 2015; Singh 2016). RIVERS is concerned with another key challenge: the content and scope of this emerging human right, which will be further elaborated by international, regional and domestic jurisprudence in the coming years. Against these legal developments, RIVERS engages with literature produced within three different fields of study:

1.   Human rights and cultural pluralism

After decades of debate about the universality of human rights and of the supposed opposition of 'culture' and 'rights' (Cowen, et al 2001), today a theoretical consensus has emerged that universality does not require uniformity (Brems 2001). Several legal and political scholars have elaborated proposals such as the 'relative universality of human rights' (Donnelly 1984), 'inclusive universality' (Brems 2001) and a 'pluralist conception of human rights' (Cohen-Jonathan 2003), arguing that it is both desirable and feasible to integrate contextual diversity within universal human rights standards (An-Naim 1991). Further, legal anthropologists have provided the crucial insight that a narrow conception of culture as something static and homogeneous cannot hold and that a more contested, dynamic and hybrid model of culture offers a better understanding of human rights practice at local levels (Wilson 1996; Cowan et al 2001; Goodale and Merry 2007). We have come to the conclusion that universal human rights can coexist with respect for cultural diversity (UN doc. A/RES/55/91 2001).

2.   Critical and decolonising theories of human rights

This corpus of research from mainly Asian, Latin American and African legal scholars criticises the liberal Western and Eurocentric roots of human rights and asserts that the decolonisation of knowledge is fundamental in order to construct a more inclusive and representative human rights paradigm (Darian-Smith et al 1999; Rajagopal 2006; Baxi 2002; Mutua 2007; Santos 2014). There is a strong call that 'the future demands thinking beyond the Greek and eurocentrism' (Mignolo 2000: 739). An analysis of these contemporary non-Western critiques reveals that they do not reject the idea of human rights, but rather try to recast them by questioning their concrete shape, interpretation and application, as well as political actions taken in their name. By asserting the validity of alternative decolonial, 'non-Western' views of human rights, they are attacking hegemonic interpretations, but at the same time expressing support for (or at least acceptance of) the concept of human rights.

3.   The ontological turn in social science, and anthropology in particular

RIVERS will also engage with the so-called 'ontological turn in social theory' (Escobar 2007), which refers to a heterogeneous but intrinsically connected corpus of literature produced by influential anthropologists, sociologists and philosophers. This literature unsettles dominant modernist ontological assumptions and conceptualisations of culture/nature and human/non-human. The agency of non-humans and its inclusion in a new analytical framework has been the central concern of researchers related to Science and Technology Studies and Actor-Network Theory (Latour 1993, 2007; Stengers 2000; Mol 1999; Law and Mol 2002), multispecies ethnography (Haraway 2008; Kirksey and Helreich 2010; Kohn 2013), perspectival multinaturalism (Viveiros de Castro 1998) and ecology of others (Descola 2013). This much debated ontological turn questions the assumption of an all-compassing modernity which sees 'the differences that exist are between cultural differences on "one" single reality out there' (Blaser 2013: 547) and suggests that difference should be reconceptualised in ontological and not just epistemological terms. Foremost, RIVERS will contribute to the emerging project of 'political ontology' within ethnographically-grounded anthropological theory, which suggests that natural resource conflicts are not only

conflicts over power – as studied by the vast field of political ecology – but also, and mainly, ontological conflicts over the making of worlds and the existence of multiple worlds or ontologies (Escobar 2015; Blaser 2009, 2013; de la Cadena 2015).

Gaps in previous research and the RIVERS approach

Despite important theoretical breakthrough in these different fields, many unresolved issues remain. At least three gaps can be identified: 1) some shifts have been induced in the hegemonic human rights paradigm by, for example, demands from the animal welfare movement for animal rights and indigenous demands for collective rights. However, human rights scholars have not yet fully engaged with the profound challenges which the ontological turn in social science puts forward, nor have they dealt with the radically different human-nature relationship claimed by indigenous peoples and other ethnic groups, which comes to the fore in water conflicts; 2) a large empirical gap still exists about other knowledges and practices related to human rights concepts embedded in historically excluded ontological frameworks. Moreover, little empirical research has been done on the constraints and challenges of the practice of dialogue mechanisms, at the local, national and international level, between counter-hegemonic human rights visions from the margin and hegemonic human rights discourse and norms; 3) human rights as well as anthropological research regarding indigenous peoples focuses primarily on one socio-political geographical area without exploring connections, commonalties and divergence across these geographical frontiers. In this regard, by focusing on water and rivers as the source of human as well as non-human life, RIVERS will provide ground-breaking insights which will: 1) empirically engage with the challenges posed by ontological encounters within human rights norm-setting and practice about water; 2) advance more critical and pluralist reflections about human-nature conceptions within human rights and about the relationship between law and the commodification, preservation and use of water; and 3) foster and enrich in-depth South-South knowledge dialogues among Latin American and Asian indigenous peoples historically dispossessed from their territories by colonialism and neoliberal extractivism in order to counter hegemonic human rights visions.

Research design: contexts and key questions

Against this theoretical background, RIVERS acknowledges that 'global-local-state interactions are very complex and diverse even within a geographically limited area' (Speed and Leyva Solano 2008: 19). In order to provide the necessary ingredients to operationalise the main research question, the project will consider three levels for the selection of research contexts and case studies:

1.   Human rights for indigenous peoples *Rationale*: International human rights law has given increasing recognition to indigenous peoples as legal subjects; however, the big question that currently dominates the ongoing debate is how the implementation gap can be bridged (Pillay and Ryder 2014). Indigenous peoples have moved from being an 'absent humanity' (Clavero 2000) during the creation of the international human rights regime to becoming internationally recognised collective-rights holders endowed, amongst other attributes, with the right to self-determination and to land, territory and natural resources. We can point to a global package of human rights for indigenous people comprising the International Labour Organization's (ILO) Convention 169 of the Rights of Indigenous and Tribal People (1989), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007), the recommendations of the Special Rapporteur on the Rights of Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), the ILO supervision mechanism, the American Declaration on the Rights of Indigenous Peoples (2016) and the jurisprudence of the Inter-American Court of Human Rights (IACHR) and the African Court of Human and People's Rights. As this package has recognised the special, collective and multidimensional relationship of indigenous peoples to their territories and natural resources, it is to be expected that in the coming years the scope and contours of the emerging human right to water, enshrined in ICESCR, will be debated and confronted with indigenous claims based on radically different water relationships. Through *WP-C/ International indigenous knowledge brokers* and *WP-D/ international water norm production*, RIVERS will engage from within with the challenges which surface in going beyond hegemonic legal water views and practices.

Strategic litigation in state courts *Rationale*: The international recognition of indigenous peoples' rights, but the failure of states to promote and protect them, has led indigenous communities and movements around the globe to mobilise human rights to forge their effective application. One of the main strategies, besides transnational advocacy, is judicialisation processes in domestic and regional courts (Couso et al. 2010; Roy 2016; Mukundi Wachira and Karjala 2016). Currently, strategic litigation regarding human rights violations provoked by extractive projects in indigenous territories is mainly focused on protecting internationally recognised collective rights to their land, territories and natural resources. It is to be expected that the new human right to water will also be increasingly invoked and claimed. Interestingly, at the regional human rights protection level,

there is an emerging cross-fertilisation of human rights norms regarding indigenous peoples. In a recent landmark case the African Court of Human and Peoples' Rights, Ogiek indigenous peoples vs Kenya (May 2017), the Court not only referred, in its first decision on indigenous peoples, to the right to territory as enshrined in UNDRIP but also cited the jurisprudence of the IACHR. Similarly, the Uttarakhand High Court of India, which granted the Ganga and Yumana rivers the status of living human entities, cited New Zealand's Te Awa Tupua law, which recognises the Whanganui River as a legal entity (although in July 2017 the Indian Supreme Court overruled this landmark judgement). RIVERS has chosen to focus on **Colombia, Guatemala and Nepal** in order to foster an open, mutually reinforcing and empirically grounded dialogue because: 1) from a human rights point of view, Colombia and Nepal are perceived as the strongest regional examples of the protection of indigenous peoples, while Guatemala is seen as a weak example. However, Latin America has faced constitutional transformations recognising indigenous peoples since the early 1990s, while in Asia this constitutional recognition only started recently (Gomez 2014; Roy 2016). In fact, Colombia's leading role originates in a strong body of multicultural jurisprudence created since the constitutional recognition of indigenous peoples in 1991. Guatemala's population is largely indigenous (around 70%), while Colombia's indigenous population represents 3,4%. Nepal is perceived as Asia's strongest example because it is one of only two Asian countries which has constitutionally recognised indigenous peoples. This shift only occurred in 2015, so it is to be expected that the courts will be increasingly confronted with indigenous collective claims. Moreover, the three countries have ratified ILO Convention 169 and ICESCR. Nepal and Guatemala adopted UNDRIP, while Colombia abstained during its adoption, but supported it in 2009. 2) at the grassroots level the indigenous peoples in all countries have been confronted with successive land dispossession and systematic human rights violations by colonisation, internal armed conflicts and extractive projects. The three countries are facing immense challenges in pushing forward the effective inclusion of indigenous peoples in their current complex post-conflict socio-political landscapes. These empirical cases will be reinforced with a critical legal-anthropological analysis of important legal developments in India and New Zealand. In *WP-B/ Interlegal translation*, this project will engage with the extent to which expert anthropological reports can serve as cultural/ontological knowledge brokers in court.

3. Indigenous grassroots struggles *Rationale*: A global indigenous water protector's movement is emerging, such as in the emblematic case against the Dakota Access Pipeline (US), better known as Standing Rock, around water controversies provoked by extractive development projects in their territories that calls for respect and defence of sacred water bodies such as rivers. Given the diversity of indigenous peoples around the world, it would be incorrect to state that there is only one indigenous conception of water; however, the Indigenous Peoples' Water Declaration (2003), published at the 3rd World Water Forum in Kyoto (Japan), shows that there are commonalities in their understandings. At the same time, there is an emerging body of literature based on ethnographic research that questions what is conceivable as indigenous narratives demonstrate the crucial role of agentive nonhumans, such as rivers and mountains, in indigenous perceptions of water (de la Cadena 2015; Li 2015; Viaene 2015; Drew 2017). *WP-A/ indigenous water ontologies* aims at unveiling diverse indigenous ways of knowing, living and being in relation to water and rivers in Guatemala and Nepal.

As visualised in *figure 1*, RIVERS's research design has broken down the main research question of to what extent international human rights law can come to grips with plurilegal water realities into two RS, which are operationalised into four interrelated WPs.

<div align="center">RS-I: Indigenous ontologies: beyond water as a natural resource and a human right</div>

RIVERS does not take for granted what water is. In fact, this project recognises that the apparently simple concept of water assumes 'complex unconscious meanings that need to be consciously sorted out' (Lewellen 2002: 237) and its legal construction within the human rights paradigm should be critically scrutinised. According to Western cultural theory, water is a resource; 'it is not alive, it is inert, and it can be fully defined in terms of its physical properties. It has no consciousness; and it has no life' (Groenfelt 2006: 108). This assumption underpins the dominant legal positivist view of water expressed by the CESCR, which defined water as a commodity (CESCR 2002). By contrast, in non-dualist worldviews/practices, such as those of indigenous peoples and major Asian spiritual traditions such as Buddhism, Hinduism and Taoism everything is interconnected and is alive, has consciousness and should therefore should be treated with the dignity it deserves, including rivers, which are perceived as sacred water bodies (Thich Nhat Hanh 1987; the Dalai Lama 2004, 2017; Cooper and Palmer 1998; Groenfelt 2006; Viaene 2010, 2015; Drew 2017). RIVERS therefore sees water 'not only' (de la Cadena 2015) as a natural resource to be extracted and used for human consumption and a human right, but suggests thinking about water and rivers as entailing ontological political conflict, namely 'conflict involving different assumptions about

what exists' (Blaser 2013: 547). This research stream examines multiple and contested meanings attached by Latin American and Asian indigenous peoples to rivers and interrogates the extent to which these counter-hegemonic understandings can be translated in courtroom settings investigating alleged human rights violations by extractive projects in their territories. It will explore the impact of indigenous understandings of non-humans such as water, specifically a river as a living being and an active agent that should be protected like human life, on dominant anthropocentric human rights frames. For example, in light of the ground-breaking recognition of rivers as living beings, a pressing question in the judicialisation of water conflicts surfaces: does the obstruction of the continuous flow of rivers by hydroelectric dams imply a violation of the right to life, enshrined in the Universal Declaration of Human Rights and the International Covenant on Political and Civil Rights? According to, for example, Maya Q'eqchi' indigenous ontologies, this is a valid legal argument as such a dam on the Chixoy River would imply *xmux'bal yuam li nim ha*, which means the desecration of the river's life (Viaene 2015, 2017).

WP- A: Unveiling and grasping indigenous water knowledges and ontologies

Expressions such as '*I am the river, the river is me*' (Māori saying about the Whanganui River in New Zealand) and '*Rivers are the veins of the earth. A dam will cut the veins, so the river, the earth and us, we all die*' (Maya Q'eqchi elder about the Chixoy River in Guatemala, Viaene 2017) are generally perceived as cultural beliefs or strategic slogans against the extractive politics of neoliberal governments and are therefore dismissed by state institutions and transnational companies (Bonelli, Roca-Servat and Bueno de Mesquit 2016). Building upon the PI's long-term legal anthropological research among indigenous peoples in Latin America, this work package aims at grounding these 'slogans' ethnographically and conceptually by looking into the 'partial, shifting, and clashing representations' (Warren 2008) of water expressed by different indigenous groups in specific cases in Guatemala and Nepal and thus avoiding essentialised notions. *Research questions*: How do diverse indigenous peoples perceive and relate to water in daily practice? How does water and the river speak in the midst of socio-political conflicts provoked by extractivism? What is at stake if indigenous peoples lose access to the continuous flow of rivers by extractive projects? To what extent does indigenous knowing and relating to water contest the conventional interpretation of the human right to water?

WP- B: Interlegal translation in court: anthropological expert testimonies

Can the river speak in court? (cf. Spivak 1988). Companies are non-humans that have legal personality and are represented by humans in court, but to what extent can knowledge about rivers and water based, for example, upon dreams, fire ceremonies or ayahuasca rituals, actually be heard in court? Australian and Latin American domestic courts, as well as the IACHR, increasingly request expert anthropological reports to support legal interpretations of cases where indigenous peoples are involved (Povinelli 1995; Sánchez Botero 2010; Burke 2011; CIESAS 2012). For example, in the landmark case Awas Tingni vs Nicaragua (2002), anthropologists played a crucial role in helping the IACHR to understand the fundamental elements of indigenous cosmology, which led to the application of a multicultural interpretation of the right to property, recognising indigenous views and knowledges (Gómez Isa 2016). The Special Rapporteur on the Rights of Indigenous Peoples has also stressed the importance of expert anthropologists in national court cases regarding indigenous peoples (UN. Doc. A/HRC/21/47 2012). In this work package, RIVERS aims to bridge the empirical knowledge gap about the contentions, challenges, success factors and lessons learned regarding the construction and application of anthropological expert testimony as an interlegal translation tool in strategic litigation. Moreover, this project will explore to what extent these anthropological expert testimonies can deal with legal tensions and discomfort triggered by political and ontological conflicts about water in judicialisation processes concerning natural resources and indigenous peoples' rights in state courts in Colombia and Nepal. Building upon the growing literature about the practice of human rights in the vernacular (Merry 2006a) or the local relevance of human rights (Goodale and Merry (eds.) 2007; De Feyter (ed.) 2010; Shaw (ed.) 2010), this work package will examine the role of indigenous and non-indigenous anthropologists as 'knowledge brokers' (Merry 2006b) or 'ontological diplomats' (Viveiros de Castro 2015) who navigate between culturally-ontologically different worlds in local and global spaces. *Research questions:* To what extent can anthropologists counter-analyse orthodox legal ways of knowing water with indigenous counter-hegemonic ways of knowing and relating to water in the courtroom? To what extent can anthropologists overcome the reality of 'uncontrolled equivocation' – a 'type of communicative disjuncture where the interlocutors are not talking about the same thing, and do not know it' (Viveiros de Castro 2004)? Which strategies can anthropologists use to negotiate radically different water realities with lawyers, human rights defenders and judges trained in an anthropocentric human rights paradigm that reduces the river's whispers to mere beliefs?

RS-II: UN human rights system: toward counter-hegemonic water knowledge and norm production

Recently, water has entered the arena of international human rights law, slowly pushing against its anthropocentric boundaries. Within human rights legal theory, 'intercultural dialogue' (An-Na'im 1991; Santos 2014) and a human rights system based on an 'overlapping consensus' (Gutmann 2001; Donnelly 2003) of foundations that are rooted in different societal contexts has been proposed, and widely accepted, as mechanisms to contextualise human rights, accommodate cultural diversity and integrate historically marginalised voices. Yet, these theoretical breakthroughs have not been matched by equal success in human rights practice. Moreover, water controversies across the globe in indigenous territories are foregrounding the internal limits of the hegemonic human rights paradigm and of these practices of dialogue and flexibility. As international human rights law is developed and reinforced by the UN human rights system, RIVERS aims in this research stream to empirically scrutinise encounters of hegemonic and counter-hegemonic understandings of the human right to water and human rights broadly within this universal protection system. This research stream aspires to fill in knowledge gaps about how international human rights law is constructed and how human rights works at this international level (Goodale and Merry 2007; Shaffer and Ginsburg 2012).

WP-C: Human rights treaty bodies: water knowledge and norm production

This work package engages with international norm-setting within key UN spaces in order to investigate the encounter between, on the one hand, indigenous water knowledges and legal orders embedded in ontological frameworks in which nature and culture are interrelated, indivisible and interdependent and, on the other, the emerging human right to water rooted in a modern ontology marked by a nature-culture divide. The prime site of international water knowledge and norm production is the Committee on Economic, Social and Cultural Rights (CESCR), which is as a treaty body that monitors compliance with the ICESCR through a system of periodic country reports required every five years from each ratifying State. CESCR is composed of 18 independent international experts and holds two sessions per year, consisting of a three-week plenary and a one-week pre-sessional working group. During the sessions, representatives of the reporting State go into a constructive dialogue with the Committee regarding the State's compliance with the ICESCR. In addition, since 2013 the CESCR has been able to receive and consider individual complaints or communications from individuals about human rights violations. A second norm-setting site is the Special Rapporteur on the human rights to safe drinking water and sanitation, who was appointed in 2008 as part of the Special Procedures of the Human Rights Council. This international independent expert carries out thematic research, undertakes country missions, collects good practices and works together with several stakeholders to promote the implementation of this human right. *Research questions:* How do people think about the right to water in international human rights law settings? To what extent are indigenous water conceptions recognised and incorporated in the development and interpretation of the human right to water? How does the UN system deal with tensions provoked by plurilegal water realities and challenges regarding interlegal translation about water?

WP-D: Universal human rights and international indigenous knowledge brokers

Indigenous peoples have been able, after decades of political struggle, to obtain a more prominent presence in the higher-level bodies within the universal human rights protection system (Burger 2016). This work package will examine the impact and limitations of the work of independent indigenous international experts as knowledge/ontological knowledge brokers or diplomats (cf. WP-B) within the UN human rights system. RIVERS will focus on the mandates created with the UN Human Rights Council. In 2007 EMRIP, comprising five independent experts, was established as a subsidiary body which provides the Human Rights Council and Member States with expertise on indigenous peoples' rights as set out in UNDRIP. This Expert Mechanism organises an annual session in which representatives from States, indigenous peoples' organisations, civil society and academia take part. Since 2001, a Special Rapporteur on the Rights of Indigenous Peoples, as part of the Special Procedures, has been very active in promoting indigenous peoples' rights and investigating alleged human rights violations around the globe. For example, the former Special Rapporteur elaborated, with support of civil society and academia, an international study on extractivism and indigenous peoples (Un Doc. A/HRC/24/41 2013). *Research questions:* What have been the main obstacles, success factors and lessons learned in procuring an international norm-making space which recognises counter-hegemonic human rights views? To what extent have international indigenous knowledge brokers been able to overcome knowledge and ontological conflicts about human/rights? What kinds of tools, mechanisms and strategies have been useful for navigating between different and competing legal realities?

Methodology

RIVERS is grounded in a **legal-anthropological approach** that attempts to understand the rules of social behaviour by emphasising the legal domain and by recognising that law is always socially constructed in a socio-political, economic and cultural context (Rouland 1994; Starr and Goodale 2002). Moreover, it is acknowledged that legal anthropologists play a valuable role in the human rights field by 'challenging Western notions of what constitutes a legal domain' (Griffiths 2005) and 'in translating the legal precepts of local societies into the vernacular of the dominating cultures' (Donavon 2009). RIVERS adopts **an innovative, bottom-up interdisciplinary, multi-sited and dialoguing research design** crosscutting the fields of human rights and legal anthropology in order to produce unique empirical data which have not yet been considered in previous research on this subject. This project recognises that academic research is 'a significant site of struggle between the interests and ways of knowing of the West and the interests and ways of resisting of the Other' (Tuhiwai Smith 2012, 2) and aims therefore to contribute to the necessary process of decolonising research methods, which will help the participating indigenous peoples to reclaim control over their own ways of knowing, being and living. RIVERS is based on a qualitative research design marked by an inductive approach which aims to generate in-depth understanding of indigenous and international legal perceptions of water and how international human rights can deal with plurilegal water realities. Although generalisability is not the core goal of qualitative methods, RIVERS's research design will generate important critical insights into complex ideas, practices and politics that are relevant for rethinking the emerging human right to water and the human rights paradigm in general.

Multi-sited research (Marcus 1995) will allow the tracing and analysis of common, connecting and divergent water conceptions and practices across global-local and state places. The fieldwork sites are:

1)   *grassroots level of indigenous communities*:

RIVERS will conduct legal ethnographic research on the impact of large-scale hydropower projects in indigenous territories. Even though dams have made an important contribution to human development, in too many cases the human rights of the involved groups have been violated, particularly indigenous peoples who are disproportionally affected because of power inequities (World Commission on Dams 2000). Further, dams 'fundamentally change dam-affected people's right to access and use water, by flooding, dewatering, and/or altering the course of a river on which they depend' (International Rivers 2014). The selection of the cases is based on the fact that indigenous peoples not only claim ecological damages and displacement but also the profanation of the river, mountains and sacred places.

Guatemala	There are many large scale hydro-electric dam projects under construction in different indigenous territories. The specific case will be selected in coordination with indigenous experts, such as the Association of Mayan Lawyers NimAjPu. This case will benefit from my research experience during my Marie Curie project and previous policy research on the Xalalá dam in Guatemala.
Nepal	Tanahu hydropower project, which involves the construction of a power plant with water storage facilities on the Seti River, affecting Damauli communities whose members belong to different indigenous groups such as the Magar, Gurung and Newar (Tahanu department).

2)   *state level*: judicialisation processes relating to the selected hydropower projects in Colombia and Nepal. If these case studies are not in (local, Supreme/Constitutional) court at the time of the planned fieldwork, alternative cases related to extractivism which severely impact on rivers will be selected in coordination with the country expert and local human rights and indigenous peoples' organisations.

3)   *international level UN human rights system (Geneva)*:

UN treaty bodies	1) Committee on Economic, Social and Cultural Rights (CESCR)
	2) Human Rights Council
UN Special Procedures	1) Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)
	2) The work of the Special Rapporteurs on the Rights of Indigenous Peoples and the Right to Water and Sanitation

RIVERS will apply **explicit methodological triangulation** (Flick 2007) in order to foster an in-depth and comprehensive understanding of the overall research question. This will also allow the views of all key stakeholders to be investigated, power inequalities to be mapped and the broader socio-political and economic contexts in which water controversies unfold to be explored and explained. RIVERS will develop specific methodological strategies to link the innovative empirical knowledge produced in and across the four WPs. In ethnographic research, data collection and analysis are concurring processes, which implies that initial data analysis shapes continuing data collection. Throughout RIVERS, this back and forth process will actively dialogue with the three theoretical literature bodies (see state-of-the-art). This will enhance the rethinking of theoretical assumptions regarding the human rights to water and human rights more broadly. *Comprehensive academic bibliographic research* will be elaborated regarding the related literature bodies for each WP (see state-of-the-art), which will be organised in a digital cloud accessible to the team. This study will also include a review of legal developments in India and New Zealand regarding the legal recognition of rivers as subjects of human rights. For each WP, relevant media (*written press, social media and broadcasts)* regarding the empirical case studies and relevant indigenous rights regional evolutions will be monitored in order to analyse the announcements of indigenous leaders/organisations, the opinions of civil society actors, and the press releases of relevant UN Special Procedures. During the project, the team will use the software ATLASti to code and support the inductive analysis of the large and diverse body of data produced.

RS-I│ Indigenous views/practices: beyond water as a natural resource and human right

WP- A: Unveiling and grasping indigenous water knowledges and ontologies

Research question: How do diverse indigenous groups perceive and relate to water, the human rights to water and their (potential) violation in the case of extractive and energy projects threatening or affecting their rivers?

Research design: For each country case study, a *specific socio-political, anthropological and legal analysis*, considering, for example, academic and grey literature, domestic laws and (inter)national and regional jurisprudence, will be developed. *Participatory collaborative research* will be undertaken at the local level of indigenous communities using: 1) *participant observation* during meetings, ceremonies and collective activities. This immersion in concrete contexts is indispensable for gaining an understanding from within the socio-political and cultural realities and courses of practice and action of the community members; *ethno-linguistic workshops* (1-2 days) with key community elders, linguists and other cultural knowledge brokers to reveal indigenous words, expressions and concepts concerning water, human rights and their violations. I have applied this research method first during my research and further in my current Marie Curie research project and it has been very useful in elucidating implicit and explicit knowledge and advancing an understanding of the ontological framework in which they make sense (estimated number: 5 workshops/case study with an average of 10 participants; total: 10 workshops); 3) *focus groups* with indigenous women, men and elderly people in order to canvass different opinions and experiences and collective norms and practice regarding water conflicts provoked by dams (estimated number: 20/case study with an average of 10 participants; total 40 focus groups); 4) *life histories over generations* with selected leaders, healers and spiritual guides (men and women) to assess the impact of these mega projects on people's experiences and to elucidate the extent to which water and water bodies such as rivers form part of human and non-human social life (estimated number: 10/case study; total: 20 life histories); 5) *two community collaborative documentaries* about indigenous water knowing, living and being and human rights (one on Latin America and one on Asia) as a vehicle for collective counter-hegemonic knowledge production and intercultural translation; 6) *organisation of a workshop* in collaboration with the indigenous authorities at the end of each field period, where the preliminary research findings will be shared and discussed with the community members.

WP- B: Interlegal translation tools: anthropological expert testimonies in court

Research question: That extent can anthropological expert testimonies deal with legal tensions and discomfort triggered by political and ontological about water and how do different stakeholders in judicialisation processes interpret and negotiate these different ways of knowing water? **Research design:** 1) *participant observation* during different phases of the judicialisation process in order to follow the complexity of plurilegal water encounters and trace the different legal ideas related to water and rivers; 2) *individual in-depth interviews* with lawyers, magistrates, anthropologists, indigenous leaders and litigating organisations/NGOs in order to grasp their views and experiences regarding the challenges and constraints of interlegal translations and encounters in and around the court (estimated number 25 interviews/case study; total 50 interviews); 3) *document analysis* of selected expert testimonies used in court cases and other written material on the cases to complement and

juxtapose the set of observational data and series of interviews; 4) at the end of each fieldwork period, a *workshop* will be organised together with the litigating lawyers and the indigenous authorities where the preliminary research findings will be shared and discussed.

Strategies to link empirical data within WP-A/WP-B: In each case study (i) the observational data will be discussed in the focus groups and the individual in-depth interviews; (ii) the semantic and conceptual water knowledge gathered will be used to enhance the life narratives, to stimulate the focus group discussions, to juxtapose conventional legal water ideas during the interviews; (iii) during a methodological workshop, at the end of each fieldwork period, the gathered data will be discussed with the PI and the country expert.

> *Expected results:* (i) an in-depth ethnographic-conceptual understanding of commonalities and discrepancies in indigenous everyday water knowledge and practices embedded in diverse epistemological and ontological frames; (ii) unveiling the different cultural/ontological, socio-political and power issues at stake when the continuous flow of rivers is threatened; (iii) a critical analysis of the challenges and constraints of interlegal encounters between hegemonic legal ideas about water and counter-hegemonic indigenous water views in the context of judicialisation processes; (iv) a critical account of the potentials and limits of the role of cultural/ontological knowledge brokers and interlegal translation tools in specific court cases.

RS-II │ UN human rights system: toward counter-hegemonic water knowledge and norm production

WP-C Human rights treaty bodies: water knowledge and norm production

Research question: How are legal ideas about water, rooted in diverse ontological frameworks, interacting within the universal human rights protection system and how does the UN system deal with tensions provoked by plurilegal water realities? **Research design:** 1) *participant observation* during the relevant annual sessions of CESCR and the Human Rights Council and their side events to experience their operationalisation in order to grasp a socio-political understanding of their role in the interpretation of the content and scope of the emerging human right to water. The selection criteria for the sessions will be based on the scheduled agenda: country case-study review, presentation of reports of EMRIP, Special Rapporteurs on the rights of indigenous peoples/right to water; 2) *in-depth and semi-structured interviews* with several current and past independent experts and their assistants in both UN treaty bodies in order to illuminate different legal perspectives on the right to water (estimated total: 50 interviews); 3) *in-depth individual interviews* with the current and former Special Rapporteur on the rights to water and sanitation and their assistants in order to gain an understanding from within about how the UN system is dealing with plurilegal water realities (estimated total: 15 interviews); 4) *document analysis* of relevant reports by both UN treaty bodies, shadow reports of civil society organisations, and relevant annual, thematic and country reports of the Special Rapporteur on the right to water and sanitation.

WP-D Universal human rights and international indigenous knowledge brokers

Research question: To what extent have international indigenous knowledge brokers been able to overcome knowledge and ontological conflicts about human/rights within the UN human rights system and to forge counter-hegemonic human rights views? **Research design:** 1) *participant observation* during the annual sessions of EMRIP in order to experience its socio-political life and to get grip on the perspectives and interactions among the EMRIP experts, Member States and indigenous representatives regarding indigenous understandings of human rights; 2) *in-depth individual interviews* with EMRIP's experts, their assistants and relevant indigenous leaders in order to grasp different views and experiences on the obstacles, success factors and lessons learned in forging broader universal human rights norms (estimated total number: 50 interviews); 3) *participant observation* during the annual report presentation of the Special Rapporteur on the rights of indigenous peoples at the Human Rights Council, her participation during EMRIP and during at least three country visits in cases related to natural resources to assess the impact of her mandate on the UN human rights system; 4) *in-depth individual interviews* with the current and former Special Rapporteur on the rights of indigenous peoples and their assistants in order to gain an understanding from within about the challenges and obstacles to promoting indigenous peoples' rights and forging an inclusive view of human rights with the UN system (estimated total number: 20 interviews); 5) *document analysis* of relevant annual and thematic reports presented by EMRIP and the Special Rapporteur to the Human Rights Council in order to complement the observational and interview data.

Strategies to link empirical data within WP-C/WP-D: (*i*) the observational data will be discussed in the focus groups and during the individual in-depth interviews; (ii) during a methodological workshop at the end of each fieldwork period, the gathered data will be discussed with the PI.

Expected results: (i) an in-depth understanding of the challenges and pitfalls of international norm production faced with plurilegal water realties; (ii) a critical account of the potentials and limits of interlegal translation and the role of international indigenous knowledge brokers in plurilegal encounters at the international level.

Strategies to link empirical data across RS-I/RS-II and with main research question

(i) At the end of year 2 an internal methodological seminar will be organised at UC3M in collaboration with Scientific Advisory Committee members (*see infra*) and led by the PI in order to enlarge perspectives and analysis beyond each WP and to create a field research roadmap for each RS with the risks in each WP, appropriate mitigation strategies and necessary adjustments to the selected research. (ii) Two international expert seminars (Y3 and 4) will be organised to discuss the empirical data in light of ongoing legal and anthropological theoretical debates.

Expected overall results: RIVERS's unique empirical and comparative approach will map out the contentions and challenges intrinsic to the reality of plurilegal conceptions of human rights and bring about new critical and pluralist insights into legal understandings regarding water and life. Case studies in Latin American and Asian contexts which will interrelate with international knowledge and norm production processes in the UN human rights system will facilitate innovative South-South and North-South dialogue and learning about complex challenges posed by ontological water encounters. This original bottom-up/top-down water nexus will pioneer new ways of thinking about water beyond the modern divides of nature-culture and human and non-human, providing clues about future paths towards reconceptualising human rights.

Ethical issues

RIVERS will be guided by relevant ethical guidelines in anthropological and legal studies. **Informed consent**: all researchers are ethically responsible towards participants. All participants will be informed about project details and all participants, voluntary individuals and indigenous communities will give their informed consent, formally (written) or, where this is not possible, informally (oral), before participating. **Data protection issues:** participants have the right to remain anonymous. All researchers will take responsibility for taking appropriate precautions for protecting the confidentiality of both participants and data. The right to withdraw of participants will be assured throughout the duration of the project. The Ethics Committee of University Carlos III de Madrid will periodically assess RIVERS's compliance with the ethics protocol.

High risk/high gains and feasibility

Water as a source of power interests lies at the epicentre of major socio-economic and political conflicts in the Global North and South, provoking numerous human rights violations. RIVERS will undertake empirical research in the 'social minefields' (Rodriguez-Garavito 2010) of extractive development projects located in indigenous territories marked by historical power inequalities between indigenous communities, the State and (trans)national corporations, legacies of colonialism, and historical and contemporary race and gender discrimination. Despite the important normative advances in human rights law in relation to indigenous peoples' rights, in reality indigenous leaders are increasingly criminalised, threatened and even killed for defending their livelihoods and environment against the destructive impact of these mega projects (IWGIA 2016). RIVERS's researchers, who are objective but 'engaged observers' (Sanford and Angel-Ajani 2008), will work on political debates that cannot be neutralised. At the same time, RIVERS will foreground processes where other counter-hegemonic ways of knowing and living water are put on the scholarly table. These unfamiliar practices and discourses generally create Western and legal discomfort regarding the deep-rooted assumptions about the nature-culture divide and the conceptual limitations of the hegemonic human rights paradigm. RIVERS's research starting point is the reality that 'every version of an "other" wherever found, is also the construction of a "self" and the making of ethnographic texts' (Clifford 1986: 23). In this project the team will therefore be guided by the value of reflexivity, widely accepted in anthropology, which refers to 'the constant awareness, assessment, and reassessment by the researcher of the researcher's own contribution/influence/shaping of intersubjective research and the consequent research findings' (Salzman 2002: 806). In this sense, the present proposal has elements of high risk but also of **high gains in terms of enhancing complex dialogues of knowledge production between academia, indigenous communities, local and international ontological knowledge brokers and international human rights bodies.** The previous research experience of the PI, the intellectual environment of the host institution and the support of country experts and the Scientific Advisory Committee ensure the feasibility of the project. **1) Solid interdisciplinary background and broad academic and policy field experience:**My mixed educational background (BA and MA in Criminology, MA in Cultural Comparative Studies and PhD in Law) has trained me

in encouraging dialogue between different fields, perspectives, and methods. I have long-term ethnographic research and human rights practitioner experience in different Latin American contexts (Peru, Guatemala, Ecuador, Colombia) at various stages of my career: as a MA and PhD student, an international consultant for development cooperation organisations, a staff member of the UN Office of High Commissioner for Human Rights (OHCHR)-Ecuador and a post-doctoral researcher. I was granted a Marie Curie individual research fellowship *(*Centre for Social Studies, University of Coimbra, Portugal) investigating the challenges of grounding indigenous epistemologies of human rights and the construction of intercultural dialogue through the prism of consultation processes on natural resources, focusing on Guatemala and Colombia. I have also received training in Mahayana Buddhism, Vedanta and Tantra philosophy and Taoism in India, Nepal, Thailand and other countries. The many commonalities I saw between indigenous knowledge and these Asian non-dualist philosophies about the human being-nature relationship inspired me to expand my research horizon to Asia and to begin a new research programme. This mixed background provides me with a unique in-depth, comparative academic and practitioner's vantage point to lead this ambitious project. 2*)* **Involvement of country experts and a Scientific Advisory Committee (SAC)** The collaboration of the country experts and SAC members will guarantee the empirical and theoretical feasibility and the internationalisation of RIVERS. The members have developed extensive theoretical and empirical research and advocacy in Latin America, Asia and the UN. The tasks of the **country experts,** to be selected in Y1, are 1) facilitating access to the different field work sites; 2) introducing the team into relevant national academic and indigenous networks; 3) advising the team concerning ethical and methodological issues raised during the fieldwork; 4) supporting RIVERS's research results dissemination and communication strategy in Nepal and Colombia. The **SAC members** will serve as international sounding boards who will contribute to the project with institutional contacts and theoretical and methodological observations and will participate in advanced training, the two expert seminars and the final conference as keynote speakers: 1) *Victoria Tauli Corpuz*: Since 2014 UN Special Rapporteur on the Rights of Indigenous Peoples and from the Kankana-ey Igorot people of the Philippines. She is a former Chair of the UN Permanent Forum on Indigenous Issues (2005-2010) and as an indigenous activist she has worked on building an Asian indigenous movement; 2) *Rachel Sieder*: Senior Research Professor at the Center for Research and Graduate Studies in Social Anthropology (CIESAS) in Mexico City. She is also an associate senior researcher at the Chr. Michelsen Institute in Bergen, Norway, and associate fellow at the Institute for the Study of the Americas, University of London. eder has worked for the last three decades on Central America, and her research interests include human rights, indigenous rights, social movements, indigenous law, legal anthropology, the state and violence.; 3) *Mario Blaser*: Associate Professor, Department of Geography and Canada Research Chair in Aboriginal Studies at the Memorial University of Newfoundland. His research examines the anthropology of ontological conflicts in connection with natural resources vs sentient landscapes; 4) *Rutgerd Boelens*: Special Professor, Political Ecology of Water in Latin America (CEDLA, University of Amsterdam), Personal Professor Water Governance and Social Justice, Wageningen University (Netherlands), the director of Justicia Hídrica/the Water Justice Alliance.

Timescale and milestones

Year 1: background and field work set-up
All WP| Recruitment and integration into HRI/DU; organisation of internal training workshop by the PI to engage with the theoretical and methodological framework; team training in the use of the NVIVO. It is to be expected that team members will take an exploratory field trip of up to two months into the research field by the end of this year in order to select development extractive projects in indigenous territory, establish partnerships, gather first primary sources and conduct exploratory semi-structured interviews with main stakeholders. A three-day meeting during the last semester with the SAC members and country experts, who will then monitor the project with a critical input on all its phases.
Outcome| Each researcher will prepare a background summary country/UN-specific report and a preliminary report on their fieldwork; research agendas (all WPs) and access granted to communities (WP-A) and court cases (WP-B); creation of the digital literature cloud.
Year 2: legal-ethnographic field research
WP-A| Water ontologies: at least 4 months of research in indigenous communities : participant observation, linguistic workshops (5), focus groups (15), life stories (10), workshop (1) in Guatemala and Nepal.
WP-B| Interlegal translation: at least 3 months of research on court cases : participant observation, in-depth interviews (25), gathering written material, workshop (1) in Colombia and Nepal.

WP-C| UN water knowledge/norms production: participant observation at sessions of CESCR and the Human Rights Council and side events (at least 5 weeks), in-depth interviews (30) with previous and present Special Rapporteurs on the right to water.

WP-D| UN indigenous knowledge brokers: participant observation at EMRIP, the Human Rights Council (at least 4 weeks) and during 1 country visit of the Special Rapporteur on the rights of indigenous peoples related to natural resources; in-depth interviews (5) with former and present Special Rapporteurs; UN document analysis.

All WP| back and forward data collection/analysis, literature review, organisation of 1 summer school; organisation of an internal methodological workshop.

Outcome| preliminary fieldwork reports; 4 papers submitted; 1 summer school (Spain); internal working paper about methodology; at least three presentations in international conferences.

Key intermediate goal 1: The methodological seminar, in collaboration with SAC members, will analyse the preliminary empirical data of each WP and identify the main challenges to interconnecting each WP. A field research roadmap for each RS will identify risks in each WP, propose appropriate mitigation strategies and necessary adjustments to the selected research methods.

Year 3: legal-ethnographic field research

WP-A| Water ontologies: at least 6 months of research in indigenous communities: participant observation, linguistic workshops (4), focus groups (20), life stories (10), workshops (1) in Guatemala and Nepal.

WP-B| Interlegal translation: at least 4 months of research on the selected court cases: participant observation, in-depth interviews (15), workshop (1) in Colombia and Nepal.

WP-C| UN water knowledge/norms production: participant observation at sessions of CESCR and the Human Rights Council and side events (at least 5 weeks), in-depth interviews (25) with current and past independent experts of these treaty bodies and their assistants.

WP-D| UN indigenous knowledge brokers: participant observation at EMRIP, the Human Rights Council (at least 4 weeks) and during 1 country visit of the Special Rapporteur on the rights of indigenous peoples related to natural resources; in-depth interviews with experts of EMRIP, assistants and indigenous leaders (30); UN document analysis.

All WP| back and forward data collection/analysis; organisation of: 1 internal methodological seminar; international expert seminar on 'South-South indigenous river dialogues' at IHR/UD; advanced training.

Outcome| intermediate fieldwork reports; submission of 1 Special Issue to an international indexed journal; 6 papers submitted.

Key intermediate goal 2: During the international expert seminar 'South-South indigenous river dialogues', the collected ethnographic data on indigenous water visions/practices (RS-I) will be analysed against the background of the ongoing debates about the ontological and decolonial turns in social science and their impact on hegemonic understandings of water in human rights.

Year 4: follow-up legal ethnographic field research

WP-A| Water ontologies: at least 2 months of research in indigenous communities :participant observation, focus groups (5), ethnolinguistic workshop (1) in Guatemala and Nepal.

WP-B| Interlegal translation: at least 1 month of research on selected court cases: participant observation, in-depth interviews (5), workshop (1) – in Colombia and Nepal.

WP-C| UN water knowledge/norms production: participant observation at sessions of CESCR and the Human Rights Council and side events (at least 5 weeks), in-depth interviews (10) with current and past independent experts of these treaty bodies and their assistants.

WP-D| UN indigenous knowledge brokers: participant observation at EMRIP, Human Rights Council (at least 4 weeks) and country visit of the Special Rapporteur on the rights of indigenous peoples related to natural resources; in-depth interviews with experts of EMRIP, assistants and indigenous leaders (35); UN document analysis.

All WP| back and forward data collection/analysis; organisation of: 1 internal methodological workshop; 1 international expert seminar 'Reconceptualising the human right to water from the margin' in one of the case study countries; expert focus groups at the UN.

Outcome| final fieldwork reports; production of 2 documentaries about indigenous water realities; 4 papers submitted; submission of 1 Special Issue to an international indexed journal; submission of 1 edited book proposal about research conclusions to a university publishing house; PhD thesis completed.

Key intermediate goal 3: Based on an in-depth discussion of the empirical insights of RS-II, the international expert seminar 'Reconceptualising the human right to water from the margin' will identify the main contentions and challenges of rethinking the human right to water within the UN human rights system.
Year 5: Final synthesis
During the final international conference 'Moving beyond the anthropocentric human rights frame', RIVERS's empirical insights will be discussed with a range of theoretical human rights scholars in order to forge a paradigm shift in human rights thinking. The two documentaries about indigenous water realties will be presented in Latin America, Asia and a CECSR side event (Geneva) in order to disseminate the main conclusions to wider audiences. **Outcome|** 1 advanced training course (Asia), 1 final international conference, 2 booklets (corresponding to each research stream and identified inter-relations), 1 policy booklet.

Impact of the project and expected outcomes

A) Scholarship

At the *theoretical level* RIVERS will 1) develop an innovative empirical interdisciplinary input into international human rights law theory which will pave the way to future research horizons as part of the wider task of substantially reconceptualising conventional human rights notions; 2) enhance a unique dialogue between, on the one hand, ground-breaking legal ethnographic data about water conceptions collected in Latin American, Asian and UN contexts and, on the other, different theoretical literature bodies
– human rights/cultural diversity, critical and decolonial theories of human rights and ethnographically grounded anthropological theory – which until now have not been juxtaposed; 3) contribute to bridging the empirical knowledge gap about the content and deeper understanding of other visions of the human right to water based on different ontological frameworks; 4) foreground a complex legal ethnographic water landscape regarding extractivism which will fuel the ongoing controversial theoretical debates about the ontological turn in anthropology and social science in general; 5) strengthening an interdisciplinary South-South and North-South dialogue between researchers working in human rights and water controversies, which has so far received inadequate scholarly attention. At the *methodological level* RIVERS will*: 1*) increase affirmation of the need for an empirical turn in international human rights law, which is still regarded in some legal academic environments with a certain amount of methodological suspicion, due principally to the lack of connection between bottom-up approaches and legal theory. The project will be an incentive to consolidate academic interest in Spain and Europe, and also in the Latin American, Asian and UN contexts where RIVERS will be carried out; 2) will develop a critical self-reflective analysis on its participatory methodology with the intention of contributing to decolonising social science's research approaches and supporting indigenous academic knowledge production;

B) Training

The project's commitment to training a young indigenous researcher through the completion of a PhD degree and providing post-doctoral researchers an enriching intellectual environment will impact on (early) career development in the study of indigenous peoples' rights, legal pluralism, human rights and legal anthropology. This area is still marginal at law/social sciences faculties of European universities and in particular in Spain. Other training activities (summer courses and advanced courses) will impact on wider audiences, contributing to an increase in awareness of water/human rights beyond conventional human rights thinking and to empirically grounded legal research.

C)(Inter)national policy debates and proposals

RIVERS aims at engaging with ongoing (inter)national political debates about water/human rights and indigenous peoples' rights. In order to maximise its political impact at the international level, a booklet will be produced in coordination with the current Special Rapporteur on the Rights of Indigenous Peoples, who is part of RIVERS's SAC and in collaboration with the UN Indigenous Fellowship Programme of the OHCHR. This booklet will contain the research results and related policy orientations discussed during an expert focus group as a side event of CESCR (Y4). In Colombia and Nepal, in coordination with the country expert and collaborating indigenous organisations/communities, RIVERS will also elaborate policy recommendations that will guide key stakeholders on how to improve interlegal translation tools in judicialisation processes regarding extractive development projects. The two short community documentaries about indigenous water realities and extractivism will reach a wider audience, at both national and international levels.

D) Outputs

Academic publications: two special issues in top-ranked peer-reviewed international journals with a selection of presentations at the two thematic expert seminars (one in Spanish and one in English or both issues with articles in both languages); one book with an international university publisher conveying the project's conclusions; 12 papers in peer-reviewed international journals (in Spanish and English).

PhD training: 1 PhD thesis based on publications/articles to be completed.

Dissemination and training activities: 1 final international conference, 2 advanced training courses (Y3&4) 1 summer school (Y1) focused on young indigenous researchers in collaboration with the UC3M Expert on Indigenous Peoples' rights and the Interdisciplinary Network on Indigenous Peoples (EMPI)

Outreach publications and video resources: Two collaborative community documentaries about indigenous water relationships (one on Latin America and one on Asia), which will be used as tools for intercultural translation and reflection and debate among main national and international stakeholders; 2 booklets with the project's conceptual approach for each WP and main results, which will be used to disseminate the research findings and discussions with indigenous organisations and UN human rights mechanisms; 1 policy booklet based on the expert focus group as a CESCR side event (Y4) and 1 guideline with policy recommendations about interlegal translation in judicialisation processes regarding extractivism (Y5).

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