

Environmental memory and biocultural justice in the Pamplonita River

Memoria ambiental y justicia biocultural en el río Pamplonita

Received: November 10, 2025

Accepted: March 02, 2026

Published: April 10, 2026

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How to cite: Rochel, Y.P., Jaimes, J.P. (2026). Environmental memory and biocultural justice in the Pamplonita River. *Humanities, Technology and Education Journal*, 2(1), 63-77.

Retrieved from: <https://ojs.unipamplona.edu.co/index.php/HUTECEDU/article/view/3736>

Abstract

The study aimed to analyze the socio-environmental and historical deterioration of the Pamplonita River and to substantiate the need to recognize it as a subject of rights. The overall objective focused on examining the environmental and regulatory factors that contribute to its degradation, using a qualitative, socio-legal, and interpretive approach that integrated content analysis, triangulation of sources, and De Sousa Santos' socio-legal method. The results show progressive deterioration associated with urbanization, pollution, mining, climate variability, and the impacts of armed conflict, which have turned the river into an ecological victim and the territory into a scene of environmental inequality. On the legal level, it was identified that Ruling T-622 of 2016, together with rulings on the Amazon and international precedents, constitute the basis for supporting its eventual recognition as a subject of rights. Likewise, community narratives demonstrate the profound cultural, spiritual, and territorial value that riverside communities attribute to the river, reinforcing the urgency of biocultural protection. In conclusion, the study demonstrates that the Pamplonita faces structural impacts, that there is solid regulatory and jurisprudential support for recognizing it as a subject of rights, and that its protection requires the integration of socio-ecological justice, territorial memory, and transformative ecological governance.

Keywords: Pamplonita River, Legal entity, Environmental memory, Biocultural governance, and Socio-ecological justice

1. Introduction

The Pamplonita River, located in the department of Norte de Santander, constitutes a strategic ecosystem that supplies water to ten municipalities and fulfills essential functions in water regulation and environmental sustainability in the region. Its value transcends the ecological and is projected into social, cultural, and legal dimensions, as the river not only represents a source of life, but also a symbol of collective memory and resistance against the impacts of armed conflict, urbanization, and extractive practices that have deteriorated it throughout history (Sánchez et al., 2024; Rodríguez et al., 2018; CORPONOR, 2010a; Mena et al., 2020).

In Colombia, rivers have been scenarios of violence and at the same time carriers of socio-ecological memory. The Truth Commission (2022) recognized nature as a victim of the armed conflict, making visible damages to territories, mountains, and water sources. Within this framework, narratives such as those of Villegas and Castrillón (2025) underscore the role of rivers as witnesses of violence, while Pérez et al. (2022) show the coincidence between War Actions and Extractive Actions in different basins across the country. Paradigmatic cases such as that of the Atrato River, recognized as a subject of rights through Ruling T-622 of 2016, have opened a path toward an ecocentric paradigm that inspires reflection on other rivers, including the Pamplonita (Vicente, 2020; Lyons, 2019; Gardeazábal et al., 2025).

The Pamplonita River faces progressive

deterioration derived from processes of uncontrolled urbanization, pollution, mining, and traces of the armed conflict. This situation threatens not only biodiversity and associated ecosystems, but also water security and the well-being of riverside communities. Despite its relevance, the river lacks legal recognition that guarantees its comprehensive protection, which reveals a gap in environmental public policies and in the application of socio-ecological justice principles in the region.

In this sense, the central objective was to analyze the socio-environmental and regulatory impacts that contribute to the deterioration of the Pamplonita River in order to substantiate its legal recognition as a subject of rights. Within this framework, the research was guided by three specific objectives: to characterize the main socio-environmental impacts that have deteriorated the Pamplonita River [1]; to study the Colombian and international legal and jurisprudential framework that supports the recognition of rivers as subjects of rights [2]; and to understand the regulatory, jurisprudential, and social frameworks that influence the protection and recognition of the Pamplonita River as a subject of rights [3]. Additionally, the question focused on: How do socio-environmental impacts and the current regulatory framework influence the need to recognize the Pamplonita River as a subject of rights?

The justification for this study lay in the need to make the Pamplonita River visible as a strategic ecosystem and victim of historical impacts, since its deterioration compromises not only biodiversity and the water balance of Norte de Santander, but also the cultural and

territorial memory of riverside communities.

The main beneficiaries of the research are local communities, environmental leaders, and institutions responsible for water resource management, since, by substantiating normatively and jurisprudentially the legal recognition of the river as a subject of rights, it contributes, in one way or another, academic and social arguments that support protection and restoration actions, in a context where environmental justice and reconciliation with nature become compelling reasons that motivated the development of the work. That is why Rochel et al. (2025) point out that as a prospective, recognizing the Pamplonita River as a subject of rights transforms the relationship between society and nature, by promoting an ecocentric approach in which the river ceases to be seen as an exploitable resource and comes to be understood as a being with intrinsic value, ecological identity, and spiritual bond with riverside communities.

2. Methodology

The methodology is oriented from a qualitative, socio-legal, and interpretive approach, which seeks to understand the social, legal, and ecological meanings associated with the recognition of the Pamplonita River as a subject of rights. According to Denzin and Lincoln (2018), the qualitative approach allows interpreting phenomena from the perspective of social actors, while the socio-legal method, according to De Sousa Santos (2010), makes it possible to analyze law as social practice in contexts of inequality and environmental transformation. The study employs content analysis and thematic systematization, which according to Bardin

(2013) and Strauss and Corbin (2016), allow categorizing and understanding the structure of meanings present in legal documents, testimonies, and environmental sources. These techniques are articulated through a triangulation process (Flick, 2014), in which normative, doctrinal, and social sources converge to guarantee interpretive validity.

3. Theoretical Framework

The set of studies analyzed shows that the relationship between armed conflict and the environment in Colombia constitutes a structural framework where natural resources have been used as an engine of war and axis of capital accumulation. Pérez et al. (2022) underscore that this dynamic operates in two ways: War Actions (WA)—combats, bombings, antipersonnel mines—and Extractive Actions (EA)—legal and illegal mining, expansion of monocultures, hydroelectric plants, and illicit crops—which territorially coincide in the majority of the 82 cases analyzed.

This convergence demonstrates that armed control has facilitated the intensive extraction of minerals, biomass, land, and fossil fuels. Likewise, these practices are associated with forced displacement, selective assassinations, threats, and environmental dispossession, disproportionately affecting indigenous, Afro-descendant, and peasant communities. Pérez et al. (2022) conclude that this configuration has produced profound environmental injustices, with material, spiritual, and cultural damages, to the point of consolidating racialized geographies of impact; 76% of cases report impact on ethnic populations and 25% simultaneously involve indigenous and Afro-

descendant peoples, which requires prior consultation, reparations with a differential approach, and comprehensive territorial protection measures.

For their part, Lyons (2019) provides a socio-ecological perspective by analyzing the deterioration of the Mandur River, in Puerto Guzmán (Putumayo), affected by illegal mining, glyphosate fumigations, and state abandonment, which has compromised both its ecological balance and the community life that depends on it. This analysis proposes the idea of a "deep reconciliation," where the river is recognized as a victim of the conflict and as a carrier of memory, incorporating material, spiritual, ethical, and affective dimensions in the reparation processes. From this perspective, the author points out that the construction of peace requires recognizing the ecological agency of rivers and restoring the relationship between communities and territories, transcending traditional legal frameworks toward a socio-environmental justice that comprehensively repairs the accumulated damages of the armed conflict.

In Colombia, various studies agree that rivers have been scenarios, victims, and witnesses of profound socio-environmental violence derived from the armed conflict. Gardezabal et al. (2025) highlight that bodies of water such as the Magdalena, Cauca, and Atrato have suffered pollution, forced disappearances, displacements, and extractive pressures; however, they have also become symbols of ecological, cultural, and spiritual memory, promoting their recognition as subjects of rights and their integration into ecological justice processes. Along the same lines, Estrada et al. (2023) show, through testimonies

of ex-combatants collected in works such as *Everything is Water*, *Waters at War*, *Waters at Peace*, and *Dying River*, that rivers such as the Pamplonita, San Francisco, and Catatumbo reveal both the damages of war and an alternative environmental ethic that emerged even in wartime contexts. These narratives propose a "democracy of water" and a praxis of environmental care that challenges extractivist models and resignifies territories, proposing rivers as axes of reconciliation and territorial reparation.

For their part, Álvarez (2025) and Álvarez-Rondón (2025) delve into the legal and ethical turn that has allowed recognizing rivers as subjects of rights, especially driven by Ruling T-622 of 2016. This biocentric approach rethinks the relationship between society and ecosystems toward co-responsibility, protection, and comprehensive reparation—material, cultural, and symbolic—of rivers such as the Atrato, Ranchería, or Pamplonita, historically affected by armed violence, extractive practices, and state abandonment. Complementarily, Bermeo (2020) introduces a spiritual and pedagogical reading that conceives water as a sacred good linked to memory, life, and the dignity of peoples, proposing a spirituality of care that favors ecological justice and more-than-human reconciliation. Together, these perspectives agree that peace in Colombia requires recognizing rivers as victims and fundamental actors in reparation, memory, and socio-environmental transformation processes.

The analyses of Thomas Bohórquez (2021) demonstrate that the Colombian armed conflict has left deep marks both on human communities and on natural territories,

especially in regions like Putumayo, where rivers, forests, and mountains have been direct victims of war, extractivist, and drug trafficking dynamics. For the author, these power relations have constructed a "historical environmental memory," understood as the recognition that nature has also suffered irreversible damages from deforestation, illegal mining, irregular occupation, and pollution. Cases such as the Mocoa, Mulato, and Sancoyaco rivers show how disasters—including the 2017 Mocoa avalanche—cannot be understood without the anthropic intervention associated with war and state abandonment, configuring a disputed territory where violence affects both communities and ecosystems. In this way, the author maintains that nature must be recognized as a historical subject whose memory requires comprehensive reparation, in line with processes of justice, non-repetition, and biocultural rights.

Along this same transformative line, Vicente (2020) analyzes the legal recognition of nature as a subject of rights based on the emblematic case of the Atrato River, through Ruling T-622 of 2016, which marked a paradigmatic turn in Colombian environmental law. This decision implies the transition from anthropocentric visions toward an ecocentric framework, which recognizes the intrinsic value of ecosystems and articulates the protection of nature with the human rights of communities that depend on it. For the author, this change lays the foundations for an ecological citizenship based on co-responsibility, environmental ethics, and the safeguarding of biocultural rights, especially relevant for ethnic peoples historically affected by conflict and extractivism. Thus, the Atrato case

materializes the need for an ecological rule of law, where peace and reparation are conceived comprehensively, uniting social, territorial, and environmental justice.

International precedents show that the recognition of nature as a subject of rights has expanded from legal, cultural, and ontological perspectives. In Ecuador, the 2008 Constitution made the country a pioneer in recognizing these rights, and the case of the Vilcabamba River—analyzed by Suárez (2013)—consolidated in 2011 the first ruling that judicially recognized a river as a subject of rights, obligating the State to remedy damages caused by road works carried out without an environmental license. In Peru, Ramírez (2025) presents the experience of Don Guillermo, who narrates his bond with a karwara mermaid, spirit of the water according to Kukama cosmology, revealing an understanding of the river as a living being with spiritual, ethical, and political agency.

This account, shared by communities of the Amazon and Putumayo, demonstrates that state interventions—such as the Amazon Waterway—are not only environmental aggressions, but ontological ruptures that harm the relationship between indigenous peoples and the beings of water. In parallel, in Mexico, León Estrada and López Rosas (2025) analyze the Papaloapan River, whose ecological deterioration, agricultural expansion, and lack of recognition as biocultural heritage threaten both its sustainability and the continuity of the traditional knowledge of Tlacotalpan. Their study concludes that the Papaloapan landscape is an inseparable product of sociocultural and ecological processes, and that its conservation requires integrating local knowledge, cultural

values, and ecological strategies for sustainable management.

In New Zealand, the case of the Whanganui River, studied by Allen (2024), represents one of the most significant advances in contemporary environmental law. After more than 140 years of struggle by the Māori people, the Te Awa Tupua Act (2017) recognized the river as a legal person, with rights equivalent to those of a human entity and under the custody of two guardians who simultaneously represent the Crown and the Whanganui iwi. This legislative—not judicial—recognition integrates the indigenous worldview that "the river is a living ancestor," establishing that its health is inseparable from community well-being and constituting a model of pluralistic ecological justice https://www.legislation.govt.nz/all/results.aspx?search=qs_act%40bill%40regulation%40deemedreg_river_resel_25_h&p=1.

Together, the cases of Ecuador, Peru, Mexico, and New Zealand demonstrate the transition toward ecocentric frameworks that articulate nature, culture, spirituality, and law, underscoring the need for policies and institutional structures that recognize ecosystems as subjects with dignity, memory, and effective protection.

National and international advances in the recognition of nature as a subject of rights reveal a legal and civilizational turn toward ecocentrism. In India, the ruling *Mohd. Salim v. State of Uttarakhand* (High Court of Uttarakhand, 2017)—analyzed by Safi & Agencies (2017)—declared the Ganges and Yamuna rivers as "living entities," assigning them legal guardians; however, the Supreme

Court suspended the ruling months later due to the practical and legal liability challenges it implied. In Colombia, the Supreme Court of Justice (2018) declared the Amazon as a subject of rights, ordering a halt to deforestation and the creation of PIVAC, consolidating a model of intergenerational governance.

The most influential case is Ruling T-622 of 2016, which recognized the Atrato River as a subject of rights in the face of illegal mining and the violation of ethnic communities' rights, ordering legal guardians, restoration plans, and nine follow-up reports between 2017 and 2021.

This legal milestone—according to Brunet (2021)—not only repairs ecological and social damages but introduces a new architecture of biocultural governance that recognizes the river as a political actor and victim of the armed conflict. The Court grounded this turn in articles 1, 8, 79, and 80 of the Constitution, incorporating principles of intergenerational justice, biocultural rights, and environmental solidarity.

The Atrato precedent has transformed Colombian ecological constitutionalism by demonstrating that nature is not an object, but a subject with intrinsic value whose protection ensures the cultural, territorial, and spiritual continuity of communities historically affected by violence, illegal mining, and state abandonment.

The Court ordered the creation of the Atrato River Guardians Commission, composed of the State and communities, to guarantee the legal representation of the river and execute a comprehensive plan of decontamination and

ethno-development. According to Brunet (2021), this model connects with global experiences such as New Zealand and India, but is distinguished by the centrality of conflict memory and the ethnic dimension. Colombian jurisprudence also demonstrates that traditional legal instruments have been insufficient, which reinforces the need to apply and expand the rights of nature approach to other strategic ecosystems. The recognition of the Atrato as a subject of rights—together with the Amazon (2018)—today constitutes the basis of a socio-ecological justice that articulates territory, culture, and life, strengthening the transition toward a pluralistic environmental constitutionalism with inter communis effects for other rivers and biomes at risk.

4. Results and Discussion

The results showed that the Pamplonita River presents accumulated socio-environmental deterioration, associated with uncontrolled urbanization, pollution, mining, climate change, and the impacts of the armed conflict, which positions it simultaneously as a strategic ecosystem and an ecological victim of historical violence. The documentary analysis allowed identifying that Ruling T-622 of 2016 constitutes the strongest precedent for substantiating its eventual recognition as a subject of rights, especially when compared with international cases such as Vilcabamba, Whanganui, Ganges–Yamuna, and the Amazon. The results are organized in Table 1, where the analysis and interpretation were structured.

Table 1. Relationship between specific objectives and document analysis

Objectives	Documentary Analysis
[1]	<p>i. Progressive deterioration caused by uncontrolled urbanization, pollution, mining, discharges, climate change, and demographic pressure was identified.</p> <p>ii. The documentary analysis, such as the Truth Commission, demonstrated the existence of the armed conflict in the degradation of rivers and in turn converting it into an ecological victim and witness of the conflict.</p> <p>iii. The relationship between war actions and extractive actions was confirmed as explained by</p> <p>(Pérez et al., 2022).</p>
[2]	<p>i. The legal analysis allowed identifying that Ruling T-622 of 2016 is the central precedent for recognizing the Pamplonita River as a subject of rights. ii. Relevant international cases were documented: Vilcabamba (Ecuador, 2011), Whanganui (New Zealand, 2017), Ganges–Yamuna (India, 2017), Amazon (Colombia, 2018). iii. The transition toward an ecocentric paradigm that recognizes the intrinsic value of ecosystems was demonstrated (Brunet, 2021; Vicente, 2020). iv. It was confirmed that the Colombian constitutional framework (arts. 1, 8, 79, 80) supports the legal recognition of the river. v. It was shown that traditional environmental law instruments are insufficient to guarantee effective protection for strategic rivers.</p>

- [3] i. It was identified that the river possesses ecological, cultural, territorial, and spiritual value, which justifies reinforced protection. ii. It is concluded that recognizing the river as a subject of rights is an act of socio-ecological justice, articulating reparation, protection, and memory. iii. It was established that legal recognition would contribute to socio-environmental reconciliation after decades of violence and state abandonment.

Source: own elaboration (2025)

In this regard, the following discussions were conducted, from the applicability of the elements of De Sousa Santos' (2010) socio-legal method and taking into account law as social practice proposed by De Sousa Santos (2010), it is evident that Colombian environmental law fails to materialize in the territory: the Pamplonita River continues to be subjected to processes of pollution, uncontrolled urbanization, and absence of state control.

This demonstrates that there is a deep gap between current environmental regulations and their real effectiveness, which confirms De Sousa Santos' thesis about the distance between formal law and the social dynamics where it is applied. In this sense, the Pamplonita situation reveals that norms, although robust on the legal level, are insufficient if they are not translated into concrete actions that transform the socio-ecological reality of the territory.

From the perspective of legal pluralism, the study shows that the protection of the Pamplonita River is not limited to state law, but incorporates community knowledge, environmental memories, and cultural practices that recognize the river as a living

being and integral part of the territory. In this regard, Bermeo (2020) pointed out that while these forms of social and cultural normativity coexist with law, they also point toward the configuration of their own frameworks of regulation and environmental care.

In this sense, the presence of community voices and riverside memories demonstrates that the defense of the river is constructed from multiple legalities, which strengthens the argument for biocultural protection that transcends the traditional legal paradigm.

In the historical and territorial contextualization, the contributions of the Truth Commission (2022) and Lyons (2019), explained and with documented records, demonstrated that the armed conflict, added to extractive models and predatory economic practices, have profoundly and sustainedly impacted the Pamplonita River basin, making rivers become true ecological victims.

From the perspective of interdisciplinarity, although this study articulated studies and the respective triangulation of legal documents, environmental studies, community testimonies, and sociocultural analyses was carried out to comprehensively understand the situation of the Pamplonita River, it is recurrent to cite Denzin and Lincoln (2018), who integrate multiple sources and approaches, allowing the construction of a more robust and complete view of the investigated phenomenon.

From the critique of legal formalism, the study addressed, registered, and analyzed pertinent documents such as environmental regulations like Law 99 of 1993 and Law 1333 of 2009.

Although these are insufficient to guarantee the real protection of the Pamplonita River, Ruling T-622 of 2016 is the constitutional precedent that reveals the need to adopt an ecocentric approach and reinforced protection that overcomes the limitations of environmental positivism and effectively safeguards the ecological integrity of rivers.

From the perspective of socio-ecological justice, the study establishes that the recognition of the Pamplonita River as a subject of rights represents a form of ecological reparation and territorial justice, especially in the face of the historical impacts that the ecosystem has suffered. As Álvarez (2025) and Vicente (2020) point out, this approach implies understanding rivers as living entities whose rights must be protected to guarantee the sustainability of territories and the well-being of communities that depend on them.

From the ecology of knowledge approach, the study demonstrates that the protection of the Pamplonita River requires articulating scientific, regulatory, environmental, and community knowledge, recognizing that no single knowledge is sufficient to understand the socio-ecological complexity of the territory. That is why the contributions of Estrada et al. (2024) reinforce the importance of including territorial voices and local knowledge as a central part of the river's defense. In this way, the ecology of knowledge becomes a key foundation for promoting reinforced and biocultural protection of the Pamplonita, aimed at guaranteeing its ecological integrity and its recognition as a subject of rights.

From the analysis of conflict and inequality,

the study demonstrates that the armed conflict intensified environmental pressures on the Pamplonita River, increasing pollution, weakening institutional presence, and directly affecting riverside communities. As Pérez et al. (2022) and Garzón (2022) point out, the overlap between extractive activities, war dynamics, and absence of state control deepened inequalities in access to water and limited the possibilities of environmental protection in the basin.

From the perspective of law as a tool for transformation toward an ecocentric paradigm and approach, on one hand, the transition from an anthropocentric to an ecocentric model was allowed with the constitutional precedent of Ruling T-622 of 2016 (Atrato River), SU-095 of 2018 (Amazon), and the Supreme Court rulings of 2018, which constitute precedents that demonstrate the capacity of law to redefine water governance and expand the notion of environmental justice. Accordingly, Rochel et al. (2025) maintain that the Pamplonita River meets the historical, ecological, and territorial conditions necessary for its legal recognition from a prospective that law is configured as a transformative instrument capable of reorienting the relationship between society and nature in Norte de Santander.

5. Conclusions

The results based on the first objective show that the Pamplonita River faces progressive socio-environmental deterioration derived from processes of accelerated urbanization, pollution discharges, mining, climate variability, and demographic pressures, factors that have compromised its ecological balance and its water support capacity. The

documentary analysis demonstrates that these impacts are aggravated by the influence of the armed conflict, which turned the river into a scenario of violence and an ecological victim due to war, extractive, and institutional abandonment actions. The territorial coincidence between zones of armed confrontation and mining or illegal activities—reported in multiple studies—confirms that the Pamplonita's deterioration is structural and not solely environmental. Additionally, a water governance gap that limits state action is observed, which reinforces the urgency of establishing reinforced protection mechanisms for this strategic ecosystem.

In connection with the second specific objective, the legal analysis allowed determining that Ruling T-622 of 2016, which recognized the Atrato River as a subject of rights, constitutes the central precedent for substantiating the protection of the Pamplonita. This jurisprudence, together with SU-095 of 2018 (Amazon as a subject of rights), demonstrates that Colombian constitutionalism has adopted an ecocentric approach that recognizes the intrinsic value of ecosystems. At the international level, cases such as the Vilcabamba River (Ecuador, 2011), Whanganui (New Zealand, 2017), Ganges–Yamuna (India, 2017), and Papaloapan (Mexico, 2025) strengthen the idea that contemporary environmental justice demands recognizing rivers as living entities with ecological dignity. Additionally, the review of the Colombian constitutional framework (arts. 1, 8, 79, and 80) shows that robust regulatory foundations exist to advance this recognition. However, the evidence also indicates that traditional environmental law instruments have been insufficient to halt the Pamplonita's

degradation, which justifies the need to elevate its legal protection to a higher category.

Finally, the third objective was related to the analysis of environmental memory studies, which reveals that the Pamplonita River possesses profound symbolic, cultural, spiritual, and territorial value for riverside communities. This identity bond, expressed in accounts of ecological memory, cultural practices, and spiritual perceptions of water, justifies reinforced protection that transcends the merely normative level. From this perspective, recognizing the Pamplonita as a subject of rights is configured as an act of socio-ecological justice that articulates historical reparation, dignification of the ecosystem, and restoration of the social fabric affected by decades of violence. The discussion shows that the future protection of the river requires integrating legal, environmental, community, and territorial knowledge, which coincides with contemporary approaches to biocultural governance.

In this way, legal recognition not only responds to an emerging normative framework, but to an ethical and territorial need that seeks to reestablish the relationship between society and nature in Norte de Santander.

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This article has not used texts generated by an LLM (ChatGPT or others) in its writing.

Funding

This work has not received any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.