

Recognition of the Pamplonita River: Between Environmental Memory and the Ecocentric Paradigm

Reconocimiento jurídico del río Pamplonita: entre memoria ambiental y paradigma ecocéntrico

Recibido: 11 agosto 2025

Aceptado: 12 septiembre 2025

Publicado: 28 octubre 2025

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Cómo citar:

Abstract

The study aimed to analyze the possibility of recognizing the Pamplonita River as a subject of rights, grounding its ecological, cultural, and social value from an ecocentric and environmental justice perspective. The methodology was developed through a qualitative and descriptive documentary analysis, based on the review of national jurisprudence, especially Constitutional Court Ruling T-622 of 2016 on the Atrato River—, constitutional

norms, and national and international scientific literature. The results showed that the deterioration of the Pamplonita River is associated with factors such as pollution, mining, armed conflict, and weak water governance, but also revealed the existence of solid legal and academic precedents that allow for its protection to be projected from a biocultural and socio-ecological justice approach. In conclusion, it is argued that the legal recognition of the Pamplonita River as a subject of rights is not only a legal and constitutional imperative but also a strategy to strengthen community governance, environmental memory, and socio-ecological reconciliation in the region.

Keywords: Pamplonita River, Subject of rights, Documentary análisis, Socio-environmental justice, Ecological constitution

Resumen

El estudio tuvo como objetivo analizar la posibilidad de reconocer al río Pamplonita como sujeto de derecho, fundamentando su valor ecológico, cultural y social desde un enfoque ecocéntrico y de justicia ambiental. La metodología se desarrolló bajo un análisis documental de carácter cualitativo y descriptivo, sustentado en la revisión de jurisprudencia nacional —en especial la Sentencia T-622 de 2016 sobre el río Atrato—, normativa constitucional y literatura científica nacional e internacional. Los resultados evidenciaron que el deterioro del río Pamplonita está asociado a factores como la contaminación, la minería, el conflicto armado y la débil gobernanza hídrica, pero también mostraron que existen precedentes jurídicos y académicos sólidos que permiten proyectar su protección desde la bioculturalidad y la justicia socioecológica. Como conclusión, se sostiene que el reconocimiento jurídico del río Pamplonita como sujeto de derecho no solo es un imperativo legal y constitucional, sino también una estrategia para fortalecer la gobernanza comunitaria, la memoria ambiental y la reconciliación socioecológica en la región.

Palabras clave: Río Pamplonita, Sujeto de derecho, Análisis documental, Justicia socioambiental, Constitución ecológica

1. Introducción

This research was based on a documentary analysis specifically of Ruling 622 of 2016, national and international scientific production related to the Pamplonita River, socio-environmental justice, and the recognition of rivers as subjects of rights, identifying authors, approaches, methodologies, and

research trends that allow us to understand how social, cultural, and ecological impacts have been addressed in contexts of conflict and environmental governance.

A bibliometric study of the Pamplonita River and its recognition as a subject of rights is necessary because it allows us to map the state of scientific and academic

knowledge on socio-environmental issues that link armed conflict, ecological degradation, and community governance. Through the analysis of research trends, authors, and methodologies, gaps in scientific production can be identified, inter-institutional and international collaboration networks can be strengthened, and inputs can be provided for the formulation of evidence-based public policies. In addition, this approach provides rigorous methodological support that legitimizes the construction of proposals for environmental memory, ecological justice, and socio-environmental forgiveness, linking academia with the riverside communities that have been historically affected. Consequently, the study not only contributes to the scientific field but also becomes a strategic tool for promoting territorial reconciliation and environmental sustainability in the Norte de Santander region.

2. Theoretical Framework

In recognition of the regulatory framework and ethical contribution, therefore, it must be addressed through education, understood as a guiding principle that guarantees social justice, equity, and human dignity in the construction of an inclusive social contract for higher education (Araque et al, 2024). Subsequently, it converges with environmental law, which is a regulatory and legal field that seeks to regulate the interaction between human societies and

the natural environment, establishing parameters for the protection, sustainable use, and restoration of ecosystems. In recent decades, this legal framework has been complemented by the approach of ecological justice, which broadens the traditional anthropocentric perspective to recognize the intrinsic rights of nature, as well as the shared responsibility of human beings in defending the planet.

Colombia has around 1,200 major rivers, distributed across five hydrographic basins, making it one of the countries with the greatest water wealth (IDEAM, 2014). Among them is the Pamplonita River in Norte de Santander, which belongs to the Catatumbo watershed and flows into the Zulia River in Puerto Santander (Sánchez et al., 2024; Rodríguez et al., 2018). It originates in Pamplona at 2,333 meters above sea level, runs for 300.64 km, and its basin covers 140,603 hectares in ten municipalities in the region. It has 25 sub-basins with slopes between 26.5° and 48°, which are more pronounced in El Tamá National Park (MinAmbiente, 2021). According to CORPONOR (2010a), 94% of its basin retains vegetation cover, while only 6% corresponds to intervened areas. The upper basin functions as a strategic water recharge area, regulating runoff and ensuring vital water sources for the region (Mena et al., 2020).

Setting a precedent, the Constitutional Court of Colombia (2016), in Ruling T-622/16, presented by Judge Jorge Iván

Palacio Palacio, recognized the Atrato River as a subject of rights, based on the ecological Constitution, biocultural rights, and the precautionary principle. In its argument, the Court cited key case law on the environment and health —such as rulings T-397 of 2014, T-154 of 2013, C-595 of 2010, T-080 of 2015, T-1077 of 2012, and C-449 of 2015— to support the scope of the precautionary principle in the face of serious and irreversible risks. In addition, it revisited decisions on the ecological constitution and biocultural rights—including T-411 of 1992, T-415 of 1992, T-536 of 1992, T-092 of 1993, C-519 of 1994, C-200 of 1999, C-431 of 2000, C-671 of 2001, C-339 of 2002, T-760 of 2007, as well as C-595 of 2010, T-080 of 2015, and C-449 of 2015 to consolidate an ecocentric paradigm. Similarly, in terms of inter communis effects, it cited SU-1023 of 2001, and in relation to constitutionality and international standards, it relied on Principle 15 of the Rio Declaration (1992), Law 99 of 1993 (art. 1), ILO Convention 169, and the Convention on Biological Diversity, among other international references.

Now, regarding the Political Constitution of Colombia (1991), Articles 78, 79, and 80 establish the fundamental framework for consumer and environmental protection, stipulating that the law must guarantee the quality control of goods and services, the right of all persons to enjoy a healthy environment, and the duty of the State to plan the management and use of

natural resources, promoting their sustainable development, conservation, restoration, and replacement.

The article by Pérez et al. (2022) is essential for understanding the socio-environmental problems in Colombia, as it shows how the internal armed conflict has been closely linked to the exploitation of natural resources and legal and illegal extractive practices that have financed both armed actors and state structures. Through the analysis of 82 cases, it is demonstrated that War Actions (WA)—combat, bombing, anti-personnel mines—and Extractive Actions (EA)—mining, monoculture, hydroelectric dams, illicit crops—coincide in most scenarios, forming a pattern of territorial control and capital accumulation that has deepened the violence. The most serious impacts fall on indigenous, Afro-descendant, and peasant communities, victims of forced displacement, murder, and dispossession of resources. In addition, the identification of affected rivers such as the Cauca and Atrato.

The body of research by Vicente (2020), Gardeazábal et al. (2025), Estrada et al. (2023), Álvarez (2025), Bermeo (2020), Álvarez-Rondón (2025), and Thomas Bohórquez (2021) shows how rivers in Colombia have not only been strategic settings for armed conflict, but also direct victims of violence, extractivism, displacement, and state neglect. Since Ruling T-622 of 2016, which recognized the Atrato River as a subject of rights, a paradigm shift towards ecocentrism has taken hold, where rivers are conceived as

entities with intrinsic value and bearers of ecological, cultural, and spiritual memory. Cases such as the Pamplonita, Magdalena, Cauca, San Francisco, and Catatumbo rivers reveal their role as symbols of reconciliation and environmental justice, while pedagogical and spiritual readings (Bermeo, 2020) highlight water as a sacred good and a link to dignity. In this sense, the proposal for ecological citizenship and an “environmental historical memory” (Thomas Bohórquez, 2021) requires overcoming the anthropocentric view, strengthening community and institutional participation, and ensuring public policies that recognize ecosystems as subjects of comprehensive reparation, an indispensable condition for building lasting peace that also includes nature.

The analysis by Brunet (2021) and other authors shows that the legal recognition of rivers such as the Atrato in Colombia, the Vilcabamba in Ecuador, the Whanganui in New Zealand, and the Ganges and Yamuna in India constitutes a paradigm shift towards an ecocentric and biocultural model of environmental law. In the Colombian case, Ruling T-622 of 2016 responded to the historical violence of the armed conflict and the socio-environmental devastation caused by illegal mining and state neglect, establishing the river not only as a victim but also as a legal and political actor through the figure of the “guardians of the river.” This precedent is linked to international experiences that recognize rivers as living entities and subjects of

rights, where the struggles of indigenous, Afro-descendant, and peasant communities converge with the need for new forms of socio-environmental governance. In this sense, it is proposed that contemporary environmental justice must go beyond the symbolic, integrating legal, cultural, spiritual, and community dimensions to ensure the real protection of ecosystems and their recognition as an active part in the construction of peace and sustainability.

In different contexts, legal advances in recognizing nature as a subject of rights have marked a shift toward an ecocentric paradigm. In India, the case of the Ganges and Yamuna rivers (2017) demonstrated interest in protecting them as “living entities,” although the Supreme Court’s suspension of the ruling revealed the practical limits of transferring ecocentric principles to traditional law. In contrast, in Colombia, Ruling T-622 of 2016 on the Atrato River and the Supreme Court’s 2018 decision on the Amazon consolidated precedents that not only have symbolic value but also impose concrete measures such as action plans, guardian committees, and intergenerational pacts to ensure environmental conservation and restoration. These rulings, despite their implementation difficulties, reinforce the idea that nature is the bearer of biocultural rights and that its protection also implies recognizing indigenous and Afro-descendant communities as historical guardians of the territories,

which transforms environmental justice into a cornerstone for addressing climate change and building socio-ecological peace.

Between 2011 and 2018, the Pamplonita River basin (Norte de Santander) concentrated a socio-environmental conflict aggravated by a fragmented water governance that marginalized riparian communities (Garzón, 2022) and by the effects of the armed conflict (territorial disputes, pollution, and abandonment). In the urban sphere, Pamplona is shaped by the river as both a physical boundary and a historical axis of facilities (mills, the Normal School), but informal urban expansion increased environmental risks (Castellblanco, 2023). Collective memory in Cúcuta reflects deterioration due to the lack of civic appropriation (Cruz & Rodríguez, 2020), while health risks are evidenced by *Acanthamoeba* and *Naegleria* associated with high organic loads (Duque et al., 2018).

At the basin scale, channeling works in Chiveras caused loss of vegetation cover and alteration of fauna (Millán, 2014); the Strategic Environmental Assessment of the POMCA identified severe ecological transformation in Pamplona, Cúcuta, Los

Patios, and Villa del Rosario (Ortega, 2016); climate change projections estimate -7% to -13% in flows under RCP 2.6/4.5/8.5 scenarios (Mena et al., 2020); HEC-RAS modeling warns of 2.33- and 100-year floods in La Don Juana (Sánchez et al., 2024); and in Cúcuta, material extraction, pollution, and inadequate land use persist, with weak implementation of the CEAM despite Decree 0198 of 2022 (Villamizar et al., 2024). Pressure is further aggravated by waste and wastewater discharges (Díaz, 2023), as the Pamplonita is the main receptor of domestic effluents from eight municipalities (CORPONOR, 2023b).

In light of the insufficiency of legal instruments, the precedent of the Atrato River —Constitutional Court Ruling T-622/2016, with 9 follow-up reports (2017:1; 2018:2; 2019:1; 2020:2; 2021:3)— and the Amazon as a subject of rights (2018) justify exploring for the Pamplonita an ecocentric model (guardianship, structural orders, biocultural reparation) that links territorial justice and public health.

Consequently, a dual intervention becomes unavoidable: (i) a legal-

institutional approach, assessing the feasibility of recognizing the Pamplonita River as a subject of rights —by analogy with ruling T-622/2016— in order to mandate restoration plans, community-state guardianship, control of discharges, and climate change adaptation (articulating POMCA, SEA, HEC-RAS, and RCP 2020/2024 scenarios); and (ii) a socio-educational approach, through 3R campaigns (Reduce, Reuse, Recycle) in schools and surrounding communities, motivational talks, edu-communication, and youth participation (in line with Cruz & Rodríguez, 2020) to reverse the crisis of territorial identity and the culture of disposability documented by Díaz (2023) and CORPONOR (2023b).

This binomial of rights of nature + environmental education makes it possible to simultaneously address the sources (mining, discharges, land use) and the impacts (biodiversity loss, emerging pathogens, flood risk), strengthening governance (CEAM-2022) and opening a pathway for socio-ecological reconciliation that acknowledges the river as a victim, witness, and agent of reparation for the region.

In a sense closer to the exocentric, according to Doria Álvarez and Orozco Ospino (2020), the use of sustainable materials such as lime-stabilized adobe helps reduce environmental impact and preserve natural resources, thus promoting a more balanced relationship between society and nature.

3. Method

The study on the Pamplonita River as a subject of rights was conducted through a qualitative and descriptive documentary analysis, based on the review of scientific literature, normative frameworks, and jurisprudence at both national and international levels. This method, which Hernández and Mendoza (2018) recognize as a qualitative research technique oriented toward the review, interpretation, and systematization of information from written, audiovisual, or digital documents, made it possible to identify trends, gaps, and proposals. Thanks to this methodological strategy, it was possible to support

the recognition of the river as a legal and ecological entity, grounded in relevant academic and legal references.

4. Results

At first, through the bibliographic analysis, the recognition of rivers as subjects of rights was examined, based on the jurisprudence of Ruling T-622 of 2016, which marked a milestone by recognizing the Atrato River as a subject of rights. This opened the door to consider an ecocentric approach as a precedent in the ruling, also proposed by Brunet (2021).

Another result is that the armed conflict in Colombia has intensified environmental deterioration. For this reason, Pérez et al. (2022) documented in 82 cases how acts of war and extractive practices have historically overlapped in the territories, affecting rivers such as the Atrato, Cauca, and Amazon.

The third relevant finding is that environmental memory and socio-ecological justice serve as a foundation for reconciliation, supported by the research of Vicente (2020), Bermeo

(2020), and Thomas Bohórquez (2021). These authors emphasized the need for an ecological citizenship and an environmental historical memory that acknowledges rivers as victims and witnesses in processes of comprehensive reparation.

5. Conclusions

El análisis permite concluir que, en perspectiva, el río Pamplonita puede reconcoerse como sujeto de derecho no es solamente una propuesta simbólica, sino una necesidad jurídica y socioambiental sustentada en la Sentencia T-622 de 2016 y en la Constitución Política de Colombia (arts. 78, 79 y 80). Dicho reconocimiento promueve un cambio de paradigma ecocéntrico, donde la naturaleza deja de ser vista como un objeto de explotación y pasa a concebirse como una entidad con valor intrínseco, vinculada a la memoria cultural y espiritual de las comunidades ribereñas

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This article did not use texts generated by a Large Language Model (ChatGPT or others) for its writing.

Funding

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