

Where River Meets Sea, Justice Flows: Watu's Wave with Rights

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Abstract

In 2024, Linhares (ES), Brazil, passed the world's first law recognizing a wave—at the Doce River estuary—as a subject of rights. Building on community-led recovery after the 2015 Fundão dam disaster, the initiative was led by surfers who spent years disconnected from it. Integrating biocultural values, traditional knowledge, and scientific approaches, the law creates relational governance rooted in the rights of Nature (RoN). This practice-based case study combines literature review and semi-structured interviews to analyze how RoN translates ancestral and local ontologies into enforceable norms; what institutional design features (e.g., a multi-stakeholder Guardians' Committee) enable implementation; and how narrative choices, naming the Wave as kin rather than asset, counter misinformation and mobilize broader Ocean ethics. By situating this case within impact assessment debates on territorial security, we argue that this approach strengthens legitimacy, bridges knowledge systems, and offers pathways for marine-coastal stewardship. Ultimately, to keep the Wave breaking, the river must remain alive, highlighting ecosystem interdependence and relational responsibilities across land, river, and sea.

1. Introduction

According to Hauley Valim (2025), a surfer and local activist, the Wave at the estuary of the Doce River is remarkably clean and simple in form. Even so, it is a high-level wave; reaching the exact takeoff point requires high precision.

At the same time, this wave is more than a natural phenomenon. For local communities, surfers, and Indigenous peoples, the Wave is a living and ancestral being. Valim (2025) also describes the Wave since its ontological conception: it is impossible to mention the Wave without considering the manifestation of the Watu River (as the Krenak call it), a sociodiverse, multidimensional, and ancestral being. The Wave, in turn, can translate this complex transcendental being through its tube, which connects the human being with the ontological conception of Watu.

The 2015 Fundão dam disaster in Mariana (MG) broke out in this relation, silencing the Wave for years and causing natural and ontological impacts. The toxic mud that ran along

the riverbed compromised its marine ecosystem, and the absence of the wave breakers has left those who interact with it feeling empty.

In 2024, the rights of the Wave of the Doce River's estuary were recognized by the municipality of Linhares, in the state of Espírito Santo, Brazil. This case is emblematic of how legislative proposals can advance new normative and governing paradigms.

In light of that, this paper presents a practice-based case study that combines literature review and semi-structured interviews to analyze how Rights of Nature translates ancestral and local ontologies into enforceable norms; what institutional design features enable implementation; and how narrative choices counter misinformation and mobilize broader ethics.

2. The recognition of the Wave of the estuary of the Doce River's Rights

In November, 2015, the tailings dam operated by the mining companies Samarco/Vale/BHP collapsed in a district of Mariana (MG, Brazil), releasing 56.6 million cubic meters of toxic mud that flowed through the Doce River Basin, crossing the states of Minas Gerais and Espírito Santo before reaching the Atlantic Ocean. This mud, laden with heavy metals and harmful compounds, spread over a region known for its rich marine and coastal biodiversity. More than an environmental disaster, it was a crime that ruptured the ways of life of different communities, fishers, and surfers, who lived in harmony with the river and the sea (Brazil, 2024).

As a way of resistance, the *Regenera Rio Doce* movement emerged with the ambition of shifting the perspective on the disaster toward regeneration. After mapping community needs, the movement promotes educational and health activities for the massacred river accepted at the local and international levels (VALIM, 2025). Flavia Ramos (2025), one of the movement's founders, states that these activities became part of an ongoing process of building trust with local communities and among the activists themselves.

In its path toward regeneration, the movement was invited by Vanessa Hasson (lawyer, founder of the OSCIP MAPAS, reference in the RoN) in 2018 to the 1st Brazilian Forum for the Rights of Mother Earth in São Paulo. There, the crime against the Watu River was judged in an ethnic tribunal. During the event, an external legal proposal created tensions, reinforcing the need for a law "from within," as activist Hauley Valim (2025) put it. Guided by the RoN, the *Regenera Rio Doce* Movement joined forces with local partners to co-create and advance a legal proposal.

Joining efforts in this process, the Surf Association of Regência (ASR) gained a new purpose, defending surfers affected as waste smothered the river estuary and silenced the waves for seven years. Seeing the wave as a sacred being born on Nature's balance, surfers united to advocate on the front lines of its regeneration, even without formal recognition as affected communities (VALIM, 2025).

The entry of council member Antônio César into the process opened new channels of dialogue between the legislative branch and civil society. His experience as a teacher helped translate concepts, as RoN, still unfamiliar to common sense, into language that could flow within the assemblies (VALIM, 2025). Beyond submitting a well-crafted bill, it required winning hearts and minds within the City Council. Legal advisor Thaís Santos played a key role by bridging territorial attachment and formal norms (RAMOS, 2025).

Law No. 4,225/2024 in the municipality of Linhares (ES) is an emblematic example of how legislative proposals can catalyze new normative paradigms, including the recognition of Nature as a subject of rights. The Wave at the estuary of the Doce River, therefore, stands as a powerful example of this paradigmatic shift, being the first wave on planet Earth to be recognized as a rights-bearing entity (LINHARES, 2023).

The law expressly recognizes the Wave at the estuary of the Doce River as a subject of rights, an entity endowed with intrinsic value and legal dignity. Moving away from conventional, typically generic, environmental regulations, the law adopts a tailored approach focused on the legal protection of the Wave at the estuary of the Doce River (LINHARES, 2023).

Article 3 creates the Committee for the Rights of the Rio Doce River Estuary, conceived as a consultative and participatory body responsible for safeguarding the wave's ecological, cultural, and spiritual integrity. It was officially established in March 2025 at the Regência Ecological Center, bringing together diverse representatives associated with the Wave, as local community members, surf associations, and legislative representatives, ensuring broad and integrated governance (Associação de Surf de Regência, 2025; LINHARES, 2023; 2024).

The main functions of the Committee are to produce reports and assessments on the health of the Wave. It also holds educational and mobilizing responsibilities, such as promoting awareness campaigns and environmental education initiatives to protect the Wave and advance the RoN. Furthermore, the law requires public authorities to ensure access to technical and environmental information, fostering citizen science initiatives, participatory monitoring, and ecological transparency (LINHARES, 2024).

Besides, the law has produced important institutional effects consolidating a governance network designed to ensure that recognition does not remain merely symbolic but is translated into concrete practices of care, carried out at *Jardim Regenera Rio Doce* (VALIM, 2025). The law has also inspired a broader strategy to “encircle the river” through multiple local recognitions across the basin, including the recognition of Pico do Itambé, where the Doce River rises as a rights-bearing entity in 2024 (RAMOS, 2025).

3. Discussion

3.1 Ontologies into Norms

RoN translates ancestral and local ontologies into enforceable norms by shifting the understanding of Nature from a resource to a living being or legal subject. For the Krenak people, the Doce River is Watu, a grandfather and teacher, rather than an object that can be owned or appropriated. Law No. 4.225/2024 translates this kinship relationship into legal terms by recognizing the Wave as a subject of rights, endowed with intrinsic value and legal dignity.

This strategic translation allows ancestral forms of reciprocity, belonging, and territorial attachment to enter state bureaucracy without severing their connection to the territory’s identity. As a result, the norm no longer treats natural elements in generic or purely functional terms, but instead adopts an approach that protects the ecological, cultural, and spiritual integrity of the Wave (BENDER, 2025; RAMOS, 2025; VALIM, 2025).

3.2 Institutional Innovation

The Wave Rights Committee is an institutional design feature that enables the implementation of this law. Its structure is intentionally plural, bringing together different forms of knowledge and representation, which strengthens both legitimacy and practical implementation by ensuring that governance is not concentrated in a single sector, but shared across actors directly connected to the territory and to the wave itself (LINHARES, 2023; DIREITOS DA NATUREZA, 2024).

This arrangement reflects a form of relational governance. The law was built “from within,” through active listening and co-creation among activists, surf associations, and specialized jurists, rather than being imposed externally through a top-down legal framework. In this sense, institutional innovation lies not only in the formal creation of the committee but also in a collaborative effort grounded in local knowledge, lived experience, and shared responsibility (LINHARES, 2023; RAMOS, 2025).

Concerning inclusive public engagement, best practices for co-constructing projects with stakeholders, including riverside people and other historically marginalized groups, involve creating genuine spaces for dialogue, recognizing multiple knowledge systems, and ensuring that participation goes beyond symbolic consultation. In emotionally charged contexts, especially those marked by environmental destruction and collective trauma, activists can play a crucial mediating role, acting as bridges between bureaucratic procedures and rooted community knowledge to prevent frustration and mistrust (RAMOS, 2025). In this case, affective cartography, based on collective memory and the pain of disaster, became an important methodological and political tool, helping to transform mourning into a technical report with legal force (VALIM, 2025).

3.3 Narrative

Narrative choices are fundamental political tools for countering misinformation and mobilizing a broader Ocean ethic. Referring to the Wave as kin rather than as an asset breaks with market-centered logic and reaffirms the interdependence between river and sea. Naming the Wave as kin shifts the relationship from one of ownership and extraction to one of care, reciprocity, and responsibility, making it harder to reduce the Wave to an economic object or dismiss its recognition as merely symbolic.

Language itself becomes a political instrument in this process. Replacing terms such as “natural resources” with “living communities” displaces the center of authority away from a purely state-centered or utilitarian framework and toward the protection of the dignity of life. These linguistic shifts reshape how reality is understood, valued, and governed (BENDER, 2025a).

In this sense, the narrative does more than support the legal recognition of the Wave: it reframes the RoN as a response to the failure of environmental law and as an opportunity for reconnection among different knowledge systems, worldviews, and forms of sensitivity (BENDER, 2025a).

4. Conclusion

The RoN framework effectively translates ancestral and local ontologies by shifting the legal status of Nature from a resource to a living being or legal subject, allowing traditional forms of reciprocity and belonging to enter state bureaucracy, preserving ancestral connection to its territorial identity. Consequently, the law moves toward an approach that protects the Wave's ecological, cultural, and spiritual integrity.

The Guardians' Committee is an important institutional innovation because it shares governance with those directly connected to the Wave, strengthening legitimacy. Its success comes from a collaborative process rooted in local knowledge and lived experience, rather than from a top-down model. Naming the Wave as kin instead of an asset also shifts the focus from extraction to care, reciprocity, and responsibility. In doing so, the case highlights the interdependence of river, land, and sea.

This case is both a denunciation and a horizon. It denounces the collapse of the structures that led to crimes, such as those involving Samarco/Vale/BHP. But it also heralds a new era, where territories speak, waters write, and waves teach that regeneration is a collective verb. In this time, Water is no longer scenery: it is the subject.

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