

## Members' Motion: Rights of Rivers

To consider the motion received in accordance with the Members' Motions Procedure.

**Proposer:** Councillor Millward

**Seconder:** Councillor Coleshill

### Proposed motion:

- a) This Council supports the growing global movement for rights for nature in general and for rivers in particular as a framework for rethinking the relationship between human beings and the rest of the world.
- b) This Council supports the introduction into law of the following rights for rivers:
  - 1) the right to flow;
  - 2) the right to perform essential functions within their ecosystems;
  - 3) the right to be free from pollution;
  - 4) the right to feed, and to be fed by, sustainable aquifers;
  - 5) the right to native biodiversity;
  - 6) the right to regeneration and restoration; and
  - 7) the right to legal personality, to be exercised through legal guardianship.
- c) This Council therefore:
  - 1) will explore becoming a supporter of the Ouse River Charter with our citizens;
  - 2) supports the River Medway Pilgrimage 2025 and gladly accepts the invitation received from Friends of the River Medway to join representatives of Maidstone Borough Council and others on 24.7.25 to discuss a declaration of the rights of the River Medway; and
  - 3) will respond positively to proposals from community groups and organisations for similar declarations in respect of Wealden's other rivers.

### Background information provided by the proposers

Rivers are alive with multiple species of flora and fauna that seek to thrive in an environment of clean water, unpolluted soil and sunlight – ecosystems. Sadly, the rivers in England are not thriving and Wealden's are no exception. The Rivers Trust's latest report – 'The State of Our Rivers' (2024) – concludes that not a single river stretch in England is in high or good overall condition, and that 23% are in poor or bad overall condition. Moreover, only 15% of river stretches are in good or high ecological condition. The report is based on government data published in 2022 which showed a marginal decline in river health in England since 2019, coupled – disgracefully – with a 6% reduction in river sampling.

For far too long government has allowed rivers to be used as dumping grounds for damaging, sometimes toxic, substances and has sought to force planning authorities to pretend that

regulatory regimes are working where they plainly aren't. This pretence was exposed and rejected in the planning inspector's decision on our Southern Water Grampian condition in March, and a few days later by the High Court in relation to waste from chicken farms and the River Wye. The Court's judgment declared that the government's Farming Rules for Water were "a regulatory regime which beyond any doubt had failed to protect the environment from harm" and approved a county council policy that imposes strict controls on the disposal of that waste.

These decisions are welcome but insufficient. The scale of this country's and the world's nature crises requires a new approach, business as usual having plainly failed. It is time for us to join the emerging global movement of governments, local authorities and other bodies that is recognising the rights of nature, and the rights of rivers in particular. This approach rethinks the relationship between human beings and rivers, and replaces the idea of dominance with that of interdependency. It requires human activity to be assessed from the point of view of a river as well as from ours, and for the interests of rivers to be actively protected both for their intrinsic value and because in damaging rivers we damage ourselves.

One common objection to such proposals is that rivers cannot speak and therefore cannot represent themselves. However, legal systems already allow for the representation of entities that cannot act on their own behalf. Another argument is that rivers, being inanimate, cannot possess rights. Yet, legal personality has been granted to entities such as limited liability companies. Similarly, a river can be represented by appointed guardians – a concept already recognised in the legal frameworks of several countries.