

Voices of Water Foundation (VoW)

Further information + River & Ria Guardianship plans

What is River Legal Personhood?

Legal Personhood has developed and evolved over decades to emulate a society's understanding of who or what is entitled to legal rights. River personhood is a legal concept that gives a River a voice, by granting a River the status of a legal person. This shifts a River from an 'object' under law, to being recognized as an entity with legal 'standing', one with intrinsic value and essential rights that deserve to be enforced and protected. In this, we at the Voices of Water Foundation (VoW) believe that granting Rivers Legal Personhood has power to change and deepen relationships between humans and nature, away from one of domination, to one of balance.

Why we think UK Environmental Law is not working

One could argue, the current way in which UK Environmental Law is set up is not one within the best interest of the Natural world. Nature is treated as an object under UK Law, protected through statutes and appointed regulatory agencies designated for enforcement of the statutes. We believe this system is flawed. A River treated as an object under law limits the River's protection. Not only can this provide 'doorways' for misuse and harm to the environment, we think treating nature as an object, considered as property, to be owned, exploited and so on, can also cause subconscious/mental separation, encouraging a view that sees humans and nature as separate, rather than interconnected.

Therefore, we feel, shifting the view and changing the words through law, to whereby a River is seen as an 'entity' with rights that deserve to be respected, enforced and protected, is a needed paradigm shift, one that can be apart in reconnection in many ways, to where we all come from, water. You can read further information on the issues with current UK environmental law on earthlawcentre.org.

What are Rias, why are we including Rias in this movement and what is our core motive?

The geology of River systems is complex, and some connect to, or become a part of, other water bodies such as Drowned River Valleys, also referred to as Rias, or coastal plain estuaries. A Ria forms when sea-levels rise, flooding a River valley that is already present, shaped overtime through the erosional processes of a flowing River. The valley now submerged under the seawater, forms a long winding estuary that stretches inland, creating unique geological and habitat features that maintain the typical look/characteristics of a River. To our knowledge, Rias have been rarely discussed in the context of environmental personhood.

Rias are a common geographical feature in Cornwall, where our Voices of Water Foundation (VoW) was founded, and where our first 'tributary' mission has begun, sparking from our love for the beautiful Helford River local to us, which is actually a Ria. The core motive of VoW is to help the voice of Rivers and Rias in the UK to be heard and recognized as the 'beings' and 'life forces' they truly are, to be granted Legal Personhood, with rights that are enforced and protected. Through our first 'tributary' movement and mission starting with our first petition for - *Rivers and Rias in England and Wales to be*

granted Legal Personhood, and our River and Ria Guardianship Group enforcement plans (our current example and focus for this being the Helford River), we hope this can become so.

The Universal Declaration of River Rights (UDRR)

Created by the Earth Law Centre, this framework, which can also be applied to Rias/River estuaries, recognizes that all Rivers are living entities, with fundamental rights, entitled to have legal guardians to act on their behalf, for the enforcement of their rights. Furthermore, it recognizes these rights extend to the health of watersheds and River basins, the importance of indigenous communities represented in River guardianship, and that the fundamental rights below should be implemented around the world, with the necessary resources provided to ensure they are realized and enforced. With that, the UDRR is about encouraging balance, a balanced relationship between humans and nature, away from one of dominion, to one of protection and respect for the living entities that Rivers are.

More information on the first two fundamental rights below is described in the declaration, highlighting that to maintain the overall health of the River ecosystem, the River's flow must, at minimum, follow natural patterns, and the River's flowing water is owned by the River, not people. Further description on the second fundamental right highlights natural processes such as flooding, moving and depositing sediment, recharging groundwater and habitat space for native flora and fauna, are all essential functions within a River ecosystem.

The six fundamental rights:

- The right to flow
- The right to perform essential functions within its ecosystem
- The right to be free from pollution
- The right to feed and be fed by sustainable aquifers
- The right to native biodiversity
- The right to regeneration and restoration

We would like to highlight that the fourth right in the UDRR above may not apply as directly to Ria habitats as it does to River habitats. Rias are surface water features, with outer parts largely fed by ocean tides. However, the inner parts to a Ria are fed by freshwater inputs. Therefore, groundwater can still contribute to the water table through the streams and creeks that are a part in feeding the Ria systems.

Please refer to the Universal Declaration of River Rights on earthlawcentre.org and rightsofRivers.org for further info.

Further rights added overtime

Along with the fundamental rights above, we also feel it's important to note that a River's rights can also be added to over time. This is also good when considering that every River has differing ecological

features, with differing levels of pollution issues. Therefore, among the fundamental rights, one River may also require other specific rights, that with correct guardianship enforcement, could be granted and applied for the River's requirements over time.

Concerns with River personhood

As designating and entitling Rivers the status of 'personhood' by law, gives the River legal 'standing' this means alike a person, the River has the right to sue, through appointed guardians who could file lawsuits on the River's behalf, but also in turn the River can be sued. To some this has brought concern from the potential a River could be sued if, for example, the River was to flood someone's home, a further concern being if this was to happen, how can the River pay damages?

However, this is another example of where clear and prepared River guardianship enforcement structures are so important, with strategies and preparations already in place to consider a wide range of circumstances. A River with legal personhood hypothetically means funds could be raised and gathered prior, or during such cases, designated to protect the River, with a guardian appointed to use the River's funds to pay any legal fees, and other lawsuit costs that could come from such a case. Appointed River funds could come from government, community donations or other sources. We discuss this further in our ideas for enforcement strategies and structure below. Furthermore, this concern could also be outweighed, or additionally challenged, from the stronger protection and legal basis to sue polluters a River would get through being granted legal personhood. If a River's rights are dishonored and abused, an appointed legal guardian/s can take strong legal action to hold those responsible and accountable for the pollution or damaging of the River's habitat.

Other concerns have been highlighted around the enforcement of River rights or worry that sufficient strategies for the protection and enforcement will not be put in place after a River is granted legal personhood. Again, this is where we believe forward thinking, with River guardian enforcement strategies and plans put in place prior, leading up to a River being granted legal personhood, is imperative. Our mission within the Voices of Water Foundation is also centered around community-based stewardship, and connection between local groups and communities for the protection and rights of UK Rivers and Rias. We are already confirming individuals, local groups and organisations willing to take part in and make up River Guardian Groups within the vicinity of the Helford River, and other groups/stakeholders ready to set in motion Guardianship for Rivers and Rias in their vicinity, more info on pages 4 - 8.

International examples of environmental personhood

This has been done before! Currently international examples whereby environmental entities have been granted Legal Personhood, shifting legal frameworks, include both the Whanganui River and the Te Urewera Forest in New Zealand. In 2021 the Magpie River in Canada, in the Innu language known as the Muteshekau-shipu, was also granted Legal Personhood, with nine specific rights, including the right to flow, the right to be safe from pollution, the right to sue, and so on. Moreover, in 2022 the Mar Menor Lagoon in Spain was declared a legal person. These are just a few examples of where this movement is happening and being supported on a global scale.

Momentum in the UK

Currently there are no Rivers in the UK with full Legal Personhood, whereby the law has been changed to grant a River Legal Personhood with legal rights that are enforced and protected. We hope that the first ‘tributary’ quest of the Voices of Water Foundation, our movement and petition could be a part in changing this.

More movements and momentum for River rights in the UK are growing! The River Ouse in Sussex celebrated a significant and historical moment this year, when the Lewes District Council (LDC) agreed to formally support a new charter identifying the Rights of the River Ouse, recognizing the River Ouse as a living entity, the first decision of its kind taken by a local authority. Other River groups, trusts, and organisations are also forming local River guardian groups, and/or running projects, workshops, talks/events around River rights, the momentum is flowing!

Our Guardianship strategies/plans - Helford River as the first example

As mentioned, we hope the first ‘tributary’ mission of the Voices of Water Foundation (VoW) can lead to UK Rivers and Rias being granted Legal Personhood. The Ria we would like to focus the following examples of Guardianship group enforcement strategies on is the Helford River, Cornwall. Alongside the wider issues all Rivers and Rias currently face, the template below also focuses on specific issues to the Helford, but can be adjusted for specific issues other Rivers and Rias are facing that may be unique to them.

How we hope Legal Personhood will be implemented on the Helford River

Made up of partnering individuals from river, marine and terrestrial conservation trusts, organisations, charities, and community groups, in the vicinity of the Helford River, Cornwall, that have connected to join a group of newly formed Voices of Water Foundation, the Helford (VoW) River Guardians Group, stakeholder groups, with support from the Voices of Water Foundation, will be responsible for:

- Appointing a lead Legal Guardian to the Helford River, who will be responsible for upholding the Helford River’s rights in a court of law, supported by the Voices of Water Foundation legal team.
- Appointing a Helford River Guardian Group, represented and directed by the lead Helford River Guardian, supported by the Voices of Water Foundation legal team. The Helford River Guardian Group, made up of smaller groups responsible for gathering evidence for protection/enforcement of each of the Helford River’s rights as adopted from the UDRR, listed above.

Through adopting the UDRR, our ideas and structure for the guardianship enforcement of the Helford River, which we believe as a template could be applied to other Rivers and Rias, are centered around connecting what we already have, the voices and actions of individuals already working to protect the

environment. Our ideas and plans for the enforcement structure of the Helford River Guardian Group are as follows:

Note: For now, this is still only a brief description of our plans for River and Ria guardianship protection strategies, the Helford River as an example. If our petition is successful, we aim to provide more detailed descriptions on the strategies, practices and equipment incorporated and utilized within the guardianship structure. Moreover, this does not yet consider options and ideas if further rights were to be granted over time, but can be adapted to do so.

Enforcing the Rights - Helford River as an example:

The Lead Guardian/s – Supported by Legal teams and Trustees

One or two **lead Helford River Guardian/s** will be appointed to the Helford River Guardians Group. The lead Guardian/s will be responsible for upholding the Helford River's rights in a court of law and will be supported by a **Voices of Water Foundation Legal Team**. This lead Guardian/s will be responsible for managing the Helford Guardian Group, made up of specific groups centred around each of the Helford River's specific rights. Furthermore, the lead Guardian/s will be responsible for utilizing in a court of law, evidence, gathered by the various guardian group types, again with case guidance from the supportive legal team, that proves any harmful or polluting acts that violate the Helford River's rights. The lead Guardian can utilize this evidence to hold those violating the River's rights accountable and responsible, to stand for and take legal action for the protection of the River's/Rias rights in a court of law.

The **Voices of Water Foundation**, with support from its trustee/s will be appointed to help gather funds for the Helford River, in preparation to cover costs if cases threatening to sue the River were to occur. With further advice from a VoW Legal Team, the lead Guardian/s will be responsible for utilizing the Helford Rivers funds to pay for any legal fees. The Legal team for VoW, advising the lead Guardian/s may join the organisation on a case-by-case basis, one or two perhaps also a part of the organisation permanently.

Another Voices of Water trustee/s will support the Lead Guardian/s in organising community events and projects, that also partner with other local trusts, charities and organisations, centered around the protection and sharing community awareness of the Helford Rivers rights. Such projects could encourage more local individuals/groups to become a part of Helford Guardianship Groups.

The Guardian Groups - Helford River as an example

Managed by the lead Guardian/s, advised by the legal team and supported by the Voices of Water trustees, the Helford River Guardians groups will be made up of differing groups specifically assigned for protection of each of the Helford River's rights. Each group will be formed through connecting individuals from environmental trusts, organisations, charities and groups within the vicinity of the Helford River.

Note: All guardian groups will be required to monitor and document the health, wellbeing and function of their area of guardianship enforcement for the Helford River, assigned necessary equipment to do so. If any of the rights are violated, guardian groups will collect evidence, for the lead Guardian/s, again

supported by the legal team. All groups will be guided by the lead Guardian/s, also supported by the Voices of Water trustees, specific trustees may be assigned to further support specific groups. Strategies/a platform for guardianship group data processing and storing to be created by the Voices of Water Foundation.

1. Helford River Science and Habitat Monitoring Guardian Group

The enforcement of the 1st, 2nd and 4th rights for the Helford River could all be incorporated into a scientific and habitat monitoring guardian group. We imagine the group to be made up of individual marine, freshwater and terrestrial scientists, ecologists, and geomorphologists, responsible for monitoring and documenting the essential functions and natural processes within the Helford River, using various scientific methods and practices to do so. Furthermore, monitoring any disruptions or violations to the 1st, 2nd and 4th rights, collecting any evidence to prove so, and provide to the lead Guardian/s.

This group could also provide opportunities for local universities to involve their students, and student projects in the habitat monitoring work. Students could connect and learn from local scientists in the field, while learning more about what it means to be a guardian to such a precious Ria.

2. Helford River Protection Against Pollution Guardian Group

We aim for this guardian group to be formed for the protection and enforcement of the 3rd right, the Right to be free from pollution. We envisage this to be made up of citizen scientists, and individuals from local marine and freshwater trusts, charities and organisations, responsible for water quality testing for evidence of sewage, chemical and agricultural pollution. This group will also aid in the removal of plastic pollution, and other pollutive debris, where possible. Again, any significant pollutive impacts can be gathered by the group as evidence for the lead Guardian/s.

The Voices of Water Foundation will also aim to connect further with local communities, with support from our trustees appointed to help support this group, to run local River Guardian clean up events for the Helford River, offering up more opportunities for local people residing around the Helford River to connect with this guardian group. We will also consider alternative methods for monitoring the Helford River's water quality and health. For example, we have been conversing with some local marine organisations currently utilizing unique underwater technology to monitor water quality.

Polluting issues specific to the Helford River

Furthermore, through already connecting with local marine and River charities/orgs, we have been made aware of the increase in abandoned boats on the Helford River. Over time abandoned boats degrade, polluting the River with debris of such that could be filled with chemicals or other pollutants. Therefore, we aim for the monitoring of abandoned boats, and gathering evidence of the polluting effects abandoned boats may cause to the Helford River, to be applied within our enforcement strategies.

3. Helford River Invasive Species Removal & Biodiversity Guardian Group

We aim for this guardian group to be formed and focused on the 5th right, the Right to Native biodiversity. We envision this group to incorporate those from local marine, freshwater and terrestrial trusts, charities

and organisations, with experience in invasive species monitoring and removal. After undertaking biodiversity surveys, this group could then go onto remove any invasive species threatening the Helford River nature biodiversity.

Furthermore, this group could incorporate conservation projects, run by the Voices of Water Foundation and trustees appointed to support this group, that focus on increasing and preserving the Helford Rivers habitat biodiversity. Such projects could again offer opportunities to local communities and groups to volunteer and be involved in the conservation process.

4. Helford River Regeneration and Restoration Guardian Group

We aim for this guardian group to be formed for the protection and enforcement of the 6th right, the Right to Regeneration and Restoration. Made up of individuals from local terrestrial, marine and freshwater trusts, charities and organisations, these guardians will be responsible for monitoring and highlighting areas within the Helford River, and connecting surrounding habitats, in need of regeneration and restoration. With this, we envision this group to undertake conservation projects for projecting the Helford River's habitat regeneration and restoration, run by the Voices of Water Foundation, again supported by trustees appointed to support this group,

Specific ecosystems vital to the Helford River

Furthermore, we have already started connecting with local organisations and charities that understand and work to protect the unique terrestrial ecology of the Helford River. The health of trees and riverbanks are essential to a healthy River and Ria system, for water absorption, infiltration, nutrient regulation, pollution control, wildlife corridors and more. Remnants of temperate rainforests reside and thrive around the Helford River, vital ecosystems essential to the health of the overall Helford River system. Another ecologically significant habitat to the Helford River are seagrass beds, vital for improving water quality, providing nursery areas for fish, seahorses and many other species, mitigating climate change, and more.

Therefore, through connecting with those already focused on the conservation, protection and regeneration of specific terrestrial and marine habitats special to the Helford River, we are already forming partnerships ready to connect with the ideas for this guardian group, and our overall Helford River Guardianship plans.

Guardianship meets and events - Helford River as an example

We aim for the Voices of Water Foundation to have access to a space for guardianship meets and events. This could be a place for VoW trustees to have biannual meetings, along with the lead Helford River Guardian/s and guardian groups, as well as for events that welcome members of the public to learn more about the work to protect and enforce the rights of the Helford River.

Other VoW project/event ideas to incorporate into River/Ria Guardianship

Re-awakening indigenous practices and history - Helford River Guardianship example

Globally, the designation of Legal Personhood to Rivers and enforcement of guardianship has been driven by, and connected to Indigenous belief and tradition with the associated River. The Whanganui River in New Zealand is a wonderful example of this. We want to explore that here. The history and stories of ancient ancestors of these lands show that they viewed and associated Rivers, and other water spaces, as sacred, as entities, often personifications of their beliefs being in the form of water deities, gods and goddesses. We feel re-awakening and connecting back to all this, is so vital for strengthening deeper relationships to the waters that surround and support us.

Therefore, the Voices of Water Foundation, with support and help from trustees and the Helford River guardians, would also like to arrange events around the Helford River focused on sharing stories and knowledge of British Indigenous tradition, belief and spiritually with sacred water spaces. Perhaps such events could also weave in water healing practices, whether that be through wild swimming, or through sound healing practices shared with the Helford River, connecting people through mind and body further to this precious ecosystem.

Supporters of our overall mission

At the Voices of Water Foundation (VoW) we are already teaming up with/planning future River and Ria Guardianship strategies with many wonderful people/organisations. Our support is growing and for this we are truly grateful! Below is some info/list of some of our supporter so far.

Supporters list for our first 'tributary' mission:

Kirstie Edwards - As Ex Mayor and Cllr at Falmouth Town council and having worked as an advocate for all things climate and nature within academia, the public, private and VCSE sectors for over a decade, Kirstie brings both professional and community representation to her supporter role. In her work at Cornwall Voluntary sector forum, she manages the Climate and Environment Alliance - a collection of Cornish VCSE organisations that work within this space, to use their collective power to support and affect change. The alliance has recently published the [The Green Footsteps Guide | Cornwall Voluntary Sector Forum](#) 97 pages of support for VCSE orgs to become more sustainable.

Climate and Environment Alliance - The Climate and Environment Alliance is a collection of Cornish Charities that work together to address Climate, Environment, Nature and Sustainability challenges in Cornwall. Ranging from large county wide organisations, to place based community organisations, they recently delivered [The Green Footsteps Guide | Cornwall Voluntary Sector Forum](#), to support VCSE organisations on their climate resilience journey.

Cornwall VSF - Cornwall Voluntary Sector Forum (Cornwall VSF) is a charity dedicated to connecting, supporting and promoting the voluntary, community and social enterprise (VCSE) sector in Cornwall and Isles of Scilly. Our aim is to support local charities, voluntary groups, and social enterprises to build a

stronger and more sustainable community sector. Our vision is a connected, supported, and well-promoted VCSE. A sector that is sustainable, flexible, and resilient.

Further Supporters:

Lawyers for Nature

Helford and Marine Conservation

Clean Ocean Sailing

Plant One Cornwall

One Bag Beach Clean

Matthew Good Foundation

Nature Connects Cornwall

The Thousand Year Trust

Friends of the River Medway

The 2 Minute Foundation

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