



Rights of Rivers Summit Report Friday 24th November 2023



Introduction

Love Our Ouse is a community-based initiative formed to link people to **celebrate, learn** about and upscale **positive action** for the Sussex Ouse from source to sea. We believe the Ouse has the right to support healthy ecosystems and a thriving riverside community.

In November 2021, Depot Cinema screened **Invisible Hand**, a Rights of Nature documentary, with a discussion afterwards, including Paul Powlesland of Lawyers for Nature on the panel. Subsequent considerations led to the current Directors forming **Love Our Ouse CIC** and proposing a River Festival in partnership with the Railway Land Wildlife Trust in September 2022.

A Rights of Rivers workshop facilitated by Emma Montlake and Duncan Rawson was held at the River Festival, at which the participants proposed a draft Charter.

Matthew Bird, Cabinet Member for Sustainability at **Lewes District Council** at the time, discussed the potential for putting a motion to the District Council with Love Our Ouse. Two previous motions on water quality had been passed, but he and others felt frustrated that the focus on the river was through the narrow lens of sewage pollution and that a paradigm shift in the relationship with the river was needed. With support from the **Environmental Law Foundation** he drafted a motion that took account of the attempted motions at Frome and Medway Councils.

In February 2023, a [Rights of River motion](#) was proposed, with support from **Sussex Wildlife Trust** and **Ouse and Adur Rivers Trust**, which Lewes District Council passed to consider granting the river Ouse legal rights, similar to the rights that protect people.

Specifically, the motion set out that:

1. This Council acknowledges the growing global movement of 'rights of nature' as a framework for rethinking its relationship with the environment.
2. This Council believes that there is a case to be made for considering our interactions with our local waterways in the context of the 'Rights of Rivers' and through which the health and well-being of the River Ouse can be addressed.
3. This Council will explore the implementation of the Rights of Rivers along the River Ouse with local communities and relevant stakeholders. This will involve working towards producing a '**Declaration on the Rights of the River Ouse**' by relevant stakeholders for possible endorsement by the Council within two years.

The passing of the Lewes District Council Rights of River motion was a first at a local authority level across England. It attracted considerable interest and stories nationally and globally in newspapers, radio interviews, talks and podcasts.

As one of the relevant stakeholders and the major proponent of the Rights of Rivers for the Ouse, **Love Our Ouse** is committed to contributing time and effort towards the production of a **Rights of River Charter** and in supporting the Council to explore the endorsement of the Charter and Rights for the Ouse.

Love Our Ouse has been contacted by numerous students and academics exploring the Rights of Nature and other river-focused groups, Wildlife Trusts and local authorities working to implement their rivers' rights.

Offers of help to develop and define what the eventual River Charter for the Ouse could look like have been forthcoming. One such offer was received from **Monica Feria-Tinta**, the lawyer involved in **The Los Cedros** case, acting as the Amicus for the Forest. This ground-breaking case upheld the Rights of Nature in the **Ecuadorian Constitution**.

There is a growing recognition that the Rights of Nature and Rivers is a paradigm shift and offers a new way in how we relate to nature and rivers. It offers a way that is less anthropogenic focused and more inclusive of nature. Whilst we have existing environmental legislation and strategies to protect nature, including a rising agenda of nature restoration and nature-based solutions, we feel that nature and our rivers continue to suffer harm and exploitation.

Since February 2023, we have been working hard to build momentum across local communities, to explore the legal frameworks in which any Rights of the river can be constituted, to consider what the rights of the river Ouse should be, how they would be upheld and importantly, to think about who would speak for the river.

A **Rights of Rivers Steering Group** has been set and comprises of representatives from Love Our Ouse, Railway Land Wildlife Trust, Environmental Law Foundation, Lewes District Council, Ouse and Adur Rivers Trust, Sussex Wildlife Trust, and others as the work programme demands. The group meets every two months and ensures that progress is kept on track.



To bring all of the above together and to harness the groundswell of support and offers for help, we organised the **Rights of Rivers Summit** on the 24th of November to bring practitioners locally and from across the UK to share experiences and to make progress on developing the River Ouse Charter.

This report, links, supporting documents, and accompanying videos aim to capture the outcomes of an inspiring and productive day.

Partners and Supporters

Love Our Ouse partnered with and was supported by many organisations collaborating to deliver the Rights of Rivers Summit. They include:



We were also supported on the day by a team of **University of Sussex** and **Kings College** students who did a fantastic job in helping to facilitate the workshops.



Participation

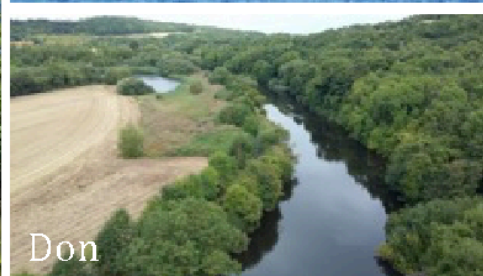
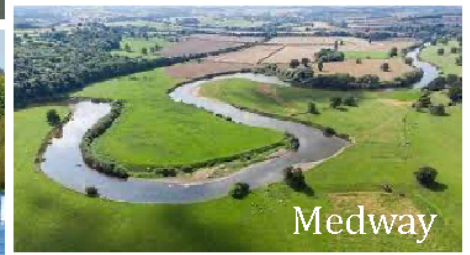
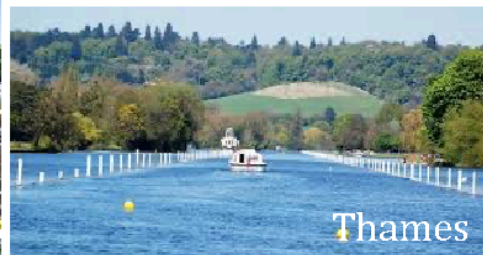
One of the main aims of the Summit was to bring together key stakeholders to progress the Ouse initiative. We also wanted to bring together interested parties and rights of nature activists from all parts of the UK who had connected with us following the Rights of Rivers motion. We were oversubscribed with attendees and limited by space. Invitees included, amongst others, local authorities, river groups, statutory organisations, academics, environmentalists, water utility companies, legal experts, farmers, and local communities.

Sussex Wildlife Trust
Ouse and Adur Rivers Trust
Lewes District Council
Wealden District Council
Southern Water
Bioregional Learning Centre
University of Roehampton
Essex Wildlife Trust
Hogan Lovells
University of Sussex
Chartered Institute of Water and Environmental Management
Francis Taylor Building
South Downs National Park

Arun and Rother Rivers Trust
Discovering Nature
Derbyshire Wildlife Trust
Policy Lab
JBA Consulting
Incendium Consulting Ltd
Local Angler
South East Water
Friends of the River Medway
Human Nature
Mid Sussex District Council
Good Innovation
Greenwave Coaching
Discovering Nature

Wilderlife
London Waterkeeper
Up Sewage Creek
Environmental Agency
Lewes Rowing Club
ProPark
Freelance
Gregory and Koffman
Knepp Wildland Foundation
Lawyers for Nature
The Southwood Foundation
Iford Estate
Kings College London
Moral Imaginations
UCL

Rivers Represented on the day



Event programme

The day started at Depot in Lewes, and following a welcome and introduction from Love Our Ouse Director Natasha Padbury, we heard from four outstanding speakers:

Mika Peck, Professor of Conservation Ecology at the University of Sussex, spoke about empowering nature and the rise of the rights of nature, particularly in Ecuador and how community eco-forensics can play such a key role.

Monica Feria-Tinta, Barrister at Twenty Essex specialising in public international law and international arbitration, talked about the global development of human and nature rights and the guardianship of the Atrato River in Columbia and its potential parallels with the River Ouse.

Neil Williams, Senior Lecturer in Ethics and Environmental Philosophy at the University of Roehampton, provided an update on responsibility and representation: the Rights of Nature in the UK.

Councillor Matthew Bird, Love Our Ouse Director, outlined the local context and the Ouse Rights of the River journey following the District Council motion.

This was followed by a panel discussion exploring questions and themes submitted by participants. The panel was chaired by Henri Brocklebank, Director of Conservation at Sussex Wildlife Trust and included:

- **Peter King**, Director at Ouse and Adur Rivers Trust
- **Cllr Emily O'Brien** Cabinet Member for Nature, Climate & Food Systems at Lewes District Council
- **Ben Taylor**, Farmer and Estate Manager for Iford Estate
- **Emma Mortlake**, Executive Director at Environmental Law Foundations and Director of Love Our Ouse
- And **Cllr Matthew Bird**, **Neil Williams**, and **Monica Feria-Tinta**.



Following lunch, Summit attendees broke into groups to take a guided walk along the Winterbourne Stream to the River Ouse. The walks introduced the features and wildlife of the Ouse and its tributaries, as well as some of the issues faced by the river. The groups convened at the Linklater Pavilion for an afternoon of facilitated workshops. The Summit ended with an informal networking session and drinks courtesy of Abyss Brewery.



Workshops

Love Our Ouse Directors and students facilitated four interactive workshops to elicit the collective expertise and wisdom of the participants across four questions, namely:

- 1. What mechanisms are available to implement Rights for the River?**
- 2. What does a Rights of River Charter look like?**
- 3. Who speaks for the River?**
- 4. What are the stakeholder's responsibilities, who do we engage with, and how?**

The workshops were intended to discuss in depth some of the critical themes of the Rights of Rivers and provide practical suggestions and guidance on progressing Ouse Rights of Rivers action and implementing the Charter. The following provides a summary of the key outcomes from each workshop.



WORKSHOP 1: What mechanisms are available to implement Rights for the River?

As background, The **Environmental Law Foundation** (ELF) has taken advice on what statutory opportunities there are at a local level for a rights of river approach. They have so far identified various opportunities to embed rights of river language and approach into local policy. Ideas include:

1. The **draft Lewes District Council Local Plan and Corporate Plan** are being reviewed, and there may be opportunities here for embedding the Rights of Rivers into local policy.
2. We have also been looking at **Conservation Covenants**. While acknowledging the limitations of a private agreement between the covenantor and the covenantee, we think there are opportunities for embedding rights of nature language – we see this as using soft law to create opportunities for behavioural change.
3. Is a change to the Council's Constitution possible?

Question 1: Regarding our ideas thus far, do you think we are progressing down the right lines, and are there any legal mechanisms we haven't considered?

The consensus was that what we were doing was along the right lines, seeking out local opportunities, given the national political consensus wasn't yet achievable. However, it was felt there should be a two-pronged approach – local and nationwide.

We should be alive to reviews of local policy suggesting rights of nature policy for Lewes District Council's draft local development plan, corporate plan, climate change and nature plan, which are currently all being reviewed. Embedding river rights language into local policy. The bio-diversity policy might be a particularly fruitful policy to target. Being mindful of the need for any new policy to be acceptable to a Planning Inspector. There was a warning over the **Regeneration Bill** - national policy can trump local policy, which risks establishing any local rights.

Gaps remain in nature protection; for example, the sea trout in the Ouse have grown to become the largest in the country. Could we focus on better protection and their habitats should be assessed for SSSI status?

Look to draft **Lewes District Council Byelaws** along the river with instructions to the Council for long-term implementation of the charter; support between Councils will be necessary – perhaps collusion between Councils.

Look to the **Environment Act 2021** for strengthening nature protection and how this sits with a charter; for example, S.40 NERC is replaced by a proactive duty (new section 40(1)) to “from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective”. Also, conservation covenants and Biodiversity Net Gain are being enacted in Jan 2023.

Question 2: How might a Rights of River charter be implemented in whatever legal form? For example, could the charter be used in a court case?

There were many ideas about how a charter could be used to challenge the status quo whilst acknowledging with national legislation, it would be easier. Rights of Nature/Rivers needs political support – can the Green Party be an advocate? The use of language about natural rights would be important.

One idea that keeps coming up is that of a “Green Chair” – a District Councillor who would represent nature, who sits on Council and represents Nature – much like Faith in Nature has nature on the board.

Regarding implementation, we could look at the A27- permits from outflows into Ouse and the Winterbourne Stream. There may be opportunities to work with water companies around diffuse pollution.

Evidence was acknowledged as necessary - outflows/ plans for assessment, collecting better evidence from mudflats.

Finally, it was acknowledged that we are not alone; there is a growing nature rights movement in the UK, and we should reach out to others, forming networks.

Question 3: How might the Rights of the River be incorporated into the planning process?

There might be further opportunities around the planning system. A nature-based approach could focus on how planning infringes rights and justifies the natural benefits of what they are doing – a more positive/ optimistic approach. This would lead to greater accountability and a change in how authorities consider nature.

The use of planning conditions that reflect nature rights and require breaches of rights to be remedied by developers. To keep developers to their promises, there must be better and improved nature monitoring post-development for Biodiversity Net Gain. The Council has a more significant role in supporting nature through the planning process.

We shouldn't ignore elements of Sustainable development. We need to achieve the rights of nature goals whilst maintaining and supporting a thriving economy and society.

Reintroducing nature into industrialised areas and a requirement for nature-led planning conditions to be enforced appropriately and monitored increases awareness and knowledge. Relate business to the environment, small and large scale and look for nature opportunities - led by Councils.

WORKSHOP 2: What does a Rights of River charter look like?

As background, it is easy and exciting to talk about a Rights of River Charter, but much more difficult to pull one together. The charter will include what we collectively believe the rights of the river should be, and there are precedents for this, but we need to consider the overall structure and content of the charter as well.

Question 1: As well as the rights, what else should be included in a charter?

There needs to be a clear articulation of why the charter is necessary and why the river needs rights. This should also include a definition of the charter's boundaries regarding catchment areas and other natural (and non-natural) areas. There should be a distinction between moral obligations and statutory rights.

The charter should contain an acknowledgement and mechanism to adapt to changing river conditions and external factors, including changes in any legal framework.

The charter should include the governance and representation structure, outlining clearly who speaks for the river.

Case studies showing how the charter can work for different river users would help communicate the purpose and benefits.

Education, particularly for young people, will be a vital component to achieving the long-term success of the charter.

If we give the river rights, then the river needs immunity against being sued for damages caused by natural events such as flooding.

Question 2: What needs to sit alongside a Charter? Is an implementation plan required?

The consensus was that an implementation plan is needed. This should include:

- The identification of **funding sources** for the charter and the river's voice.
- Clarity on who speaks for the voice and how legal rights are achieved.
- Mechanisms for enforcing the charter.
- A memorandum of understanding setting out the relationships and responsibilities of different organisations.
- Details on community engagement processes and **citizen science involvement**.
- Clarity on how to measure the success of charter initiatives.
- Inclusion of a review process to assess the charter's effectiveness and identify necessary changes.
- Tailoring the implementation plan to different sectors, such as agriculture and developers.
- A detailed account of each right of the river.
- Inclusion of a list of communities and organisations involved in the charter.

Question 3: How else might a Charter be used? What other benefits of a Charter could there be?

Integration into development and planning applications.

Getting more people engaged and supporting the river.

Bringing different rivers together for bottom-up governmental change.

Creating a broader movement for the rights of rivers.

Using the charter as **leverage for water resource management plans**, challenging water suppliers' obligations, such as the obligation to supply new developments.

WORKSHOP 3: Who speaks for the river?

As background, the idea behind "**Who Speaks for the River**" is to highlight the importance of giving a voice to the natural world, which cannot express its needs and concerns as humans can. It encourages individuals and groups to construct and verbalise their concerns for the river from the river's perspective and not from the perspective of humans.

There are several examples worldwide of mechanisms deployed to give a river a voice. For instance, in Colombia, the Altrato River has guardians elected from the community who are advised by a panel of experts.

Question 1: Given that Lewes has no indigenous population, who should speak for the river, and how would that work?

A **People / Citizen 'Assembly'** was the most prevalent suggestion across all four groups.

There was a consensus that it would be composed of a diverse mix of local people living near the river with children, a mix of various ages and genders included.

This should be supported by an **advisory panel** combining experts and those with deep lived river experience as they have the best sense of intrinsic value, understanding and connection. Also, legal expertise and local authority representation should form part of the advisory panel or the assembly.

Question 2: What legal standing would those representing the voice of the river have?

Education, culture shift and mindset change were deemed central and powerful tools for speaking for the river and influencing change. Not just legal powers hold power.

Lobbying for UK Rights of Nature legislation and giving local authorities authority was important.

Question 3: How do we ensure that the river's voice is independent and represents the best interests of the river and all those with a relationship with the river?

There was much discussion around how to have a **more ecocentric approach**, moving from human/anthropocentric representation.

Creating an **inter-species council** or assembly, where each person represents a species, such as a sea trout or an element such as 'river form', was prevalent in nearly all groups.

There was a consensus around areas that the representing group should be democratic, possibly functioning based on unanimity, of a fiduciary nature, not a corporation or single entity/person, and that it should be transparent, have no other vested interest or affiliated interests, and adhere to strict guidelines.

WORKSHOP 4: What are the stakeholder's responsibilities, who do we engage with, and how?

As background, many organisations and individuals play a role in advocating for the well-being of the river and the broader ecosystem. Additionally, we have several legal frameworks and regulations in place to ensure the sustainable management of water resources. How do we ensure that all are engaged in this initiative, and how do we determine the priority of their engagement?

In general, the Charter is seen as an opportunity to help us grasp complex ideas and make these available to a wide range of audiences, including children and community members. It is recognised that we tend to see nature in a human-centric context. This needs to change. We need to recognise the river as its own entity.

The responses to the questions are listed below. **The number in the bracket indicates the number of times the same response was mentioned.**

Question 1: Who should be involved in the delivery of the charter, and how would the delivery of rights fit with current legislative rights?

All the groups mentioned a large number of stakeholders, but the emphasis was either on those who are most impacted by the river (lived or worked beside it) or on those who have decision-making or statutory powers. It was also noticeable that Rights of Rivers provided **an opportunity for engagement** with a broader set of stakeholders, both people and nature than is possible with existing mechanisms.

- Wider communities and residents of Lewes and an emphasis on those communities that are hard to reach and may ordinarily be excluded.
- Residents who live near the river, especially those affected by flooding. (4)
- Experts, e.g. professionals (legal and ecological)

- Schools
- Key Landholders (3)
- People who are especially passionate about the river and the local environment. (2)
- Other communities seeking to engage with the river
- People who care about implementing the law or who are interested in how the river is represented.
- Partnerships bigger than the District Council
- Anglers (4)
- People who spend significant time on the river (2)
- International stakeholders
- Water Companies
- Companies that pollute
- Recreational users (4)
- Children and young people
- Local wildlife species
- Agriculture
- Artists and musicians
- Developers (2)
- Educators (2)
- Planning (2)
- Nature, including the river (2)

Question 2: Who or what mechanisms should be used to enforce the charter?

It was clear that opportunities existed for a broader range of mechanisms to underpin the charter than is ordinarily the case.

Themes of local accountability through Citizens Assemblies, for example, were discussed at length, and the idea of local evidence, such as in Citizen Science and **Eco-forensics** underpinning this accountability, was also noted.

- Rights of the Rivers should be implicit or captured in local policies
- Landowners could sign up to and enforce the Charter
- Local Citizen Assemblies or another grouping of local communities. (4)
- Environment Agency. This would be dependent on changes at the national level. (3)
- Local Council – dependent on changes in the law
- There are already mechanisms to cover some aspects of the Charter that need to be upheld.
- Similar organisations to 'jury services'.
- Another group of people (different to the Government)
- Any mechanism needs to be resourced and supported by the Government through investments, etc.
- Police at the local level or district council. E.g. where they can enforce sewerage legislation and transgressions and identify river-based crimes (3)
- Does the Office for Environmental Protection have a role to play?
- Independent Organisation, potentially Rivers Trust or similar? (2)
- Guardians of the River
- Scientists linking with NGOs

Further comments included:

- Can the abuse of nature be equal to the abuse of humans? Is it similar to murder or other crimes carried out by humans on humans?
- It is hard to pass legislation in government – it is hard to equate ecocide to murder.
- Enforcement will depend on the threat level and whether rights can determine specific responses.
- Differentiate between different body representatives and how they can enforce specific rights.

- Legislation and enforcement already exist for some of the issues that might be laid out in a Charter, but they are not working.
- The Environment Agency is not focused on the correct issues and is under-resourced.

Question 3: Who are the broader stakeholders, and how do we encourage their engagement with the rights of rivers?

Due to the length of discussion on the first two questions, Question 3 was relatively unanswered. A few suggestions of how to encourage more involvement in the Rights of Rivers were as follows;

- Hold a festival to raise awareness.
- Road trips – targeted at local primary schools
- Different ways to target people who would not attend such events
- Interactive exhibitions (at a local visitor centre or similar)
- Postcard. 'What do you care about' etc.
- Having a charter can help frame issues concerning the river and explain them to people who don't ordinarily connect on these issues.

Feedback

Following the summit, a survey was undertaken with all the participants to gather their views of the day. The following summarises the most salient points.

What did you learn or take from the day that was useful to you?

'That it is all possible! It is great to hear of the global movement and successes, which inspire and help bring the prospect of more protection for our Ouse into the realm of realism! Also, although there are many local campaigns, many (in the UK) are just a charter with no legal muscle.'

'I learned that the aims of the Rights of the Ouse team were more realistic and pragmatic than they could have been, that there have been successful examples (Colombia) and that there are others who are looking into it far more than I had known.'

'It was a wonderful day - a seamless and enlightening blend of global issues (rivers worldwide) and the local (Ouse). I learned that intelligent community organising is really possible.'

'The day helped me understand different organisations' perspectives at the event. All there for the Ouse but in very different ways - and yet, working together. It made me want to learn more about riverine law!'

Having attended the Summit, are you planning to do anything differently, and if so, what?

'I would like to be more involved with the rights of the river project. I think the rights of nature are important concepts, and I would like to help promote them and widen my understanding of them.'

'Yes, read more about river legislation and the idea of 'rights'. I am also hoping to attend one of the river tour events.'

'Having heard and spoken to Neil Williamson, I am considering developing a concerted strategy with different Rights of Nature groups across the British Isles to launch motions and charters simultaneously in 2025.'

'I am deeply worried about the degradation of nature locally and globally and feel that we need to do something radical and new to save our planet - strengthening the rights of nature is vital for our and the planet's survival.'

Next steps

The Summit produced many thoughts, advice, ideas, and offers for help. There is a great deal for the Love Our Ouse team to assimilate over the next few weeks. However, the work hasn't stopped.

In recent weeks, the legal team, led by Emma Mortlake, has continued to explore options for both the charter and the governance structure, i.e., who speaks for the river.

We continue working with national partners to support and progress Rights of Rivers initiatives across the UK.

Over the coming months, we will continue to work closely with Lewes District Council and other stakeholders through the Steering Group to build the case for adopting rights for our beautiful river.

Engagement with local communities is central to this, and in addition to specific activities, our current River People Tour continues to flow through the catchment. See our website for more details.

Supporting Resources

Summit highlights short video link: [CLICK HERE](#)

Summit presentations as PDF's folder link: [CLICK HERE](#)

Summit full morning presentations video link: [CLICK HERE](#)

With thanks

The Summit came together from the combined efforts of a lot of people. Thank you to everyone who came and contributed to the day. Special thanks to:

Helen Meade and Railway Land Wildlife Trust

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