

The Case for a Declaration on the Rights of the River Ouse

Introduction

Rights of Nature is a new approach to preservation and care whereby the intrinsic value of nature is recognised for its own sake as a subject of rights and not as an object to be owned.

This approach has been rapidly growing globally, with more than 250 Rights of Nature initiatives according to the Eco Jurisprudence Monitor which tracks Rights of Nature initiatives globally.

On 22nd February 2023, Lewes District Council, supported by Ouse and Adur Rivers Trust and the Sussex Wildlife Trust, passed the following motion:

- 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 with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Ouse. This will involve working towards the production of a 'Declaration on the Rights of the River Ouse' by relevant stakeholders for possible endorsement by the Council within 2 years.*

Since the Rights of Rivers motion was passed, Rights of Nature has developed at pace in the UK and there are now 12 River Rights initiatives with many more being developed. The Green Party has called for a Rights of Nature Act.

Declaration of Rights – Rights of Nature as a Paradigm Shift

The interdependency between humans and nature is not currently being adequately addressed by policy, investment, or actions. A key factor in this is that relevant legislation and policy are ultimately anthropocentric. A 'Rights of Nature'-led approach represents a paradigm shift in mindset which recognises and embraces the interdependencies between humans and the rest of nature. It seeks to balance human needs and the needs of the natural environment and recognises that humans are part of nature and not separate from it.

Consultation with local communities and key stakeholders has identified that existing environmental legislation and policy is not supporting or facilitating the widespread and intrinsic value that local people place upon the River Ouse as a source of identity, culture, history, nature connection, and mental and physical well-being. River Rights has at its core a participatory approach which seeks to mobilise and involve local communities in decision-making on nature, to give nature a voice.

Current legislation and policy on rivers is piecemeal, sectorally-siloed and provides no overarching framework which truly represents all stakeholders' shared vision for a regenerated, sustainable river system. In England, there is no existing overarching legislation or policy which recognises that Rivers have a *right* to exist and thrive based on

their own intrinsic worth, regardless of their instrumental worth to humans. According to the Rivers Trust in their 'State of the Rivers Report 2024', no stretch of river in England or Northern Ireland is in good overall health. This is in the context of the UK being one of the most nature-depleted countries in the World.

The 'Charter for the River Ouse' does not simply propose a set of rights to ensure its long term health, but it sets out a framework for a collaborative response, i.e., that it is not merely the responsibility of, say, the Environment Agency, the Council, or the water companies to ensure the health of the river; but the responsibilities sit with all of us. This represents a subtle but significant shift that creates a shared culture of care and gives agency to all stakeholders, human and non-human to become active citizens and take mutual responsibility in understanding current issues and supporting the shaping of a regenerated Ouse.

The Charter recognises the scale of work needed across the River Ouse and that improvements are already being made through cross-sector partnership approaches which seek to address the overall trend of deterioration. However, there is a long way to go to reverse the decline in river health seen under existing UK legal and regulatory frameworks. That is not to say that existing laws and regulations are wrong, nor that the concept of rights of rivers is a replacement for those laws and regulations. Rather, by recognising our interdependence with the river and the intrinsic right of the river to exist, establishing rights for the river becomes complementary to existing legislation, and can provide a lens through which to address positive action for the river's health. While the river rights set out in the Charter for the River Ouse will not have the force of legislation, those who endorse them will be committing to incorporating a framework which provides for the River Ouse's needs and wellbeing to be taken into account in a way that has not been specifically provided for hitherto.

A Charter for the River Ouse in a Local Context

The Charter for the River Ouse provides a local framework highlighting an eco-centric and holistic approach which complements existing frameworks and strategies at a catchment and river basin district level. It is intended to contextualise discussion around the issues that impact the River Ouse and provide support to those working towards restoring its ecosystems and biodiversity. The aim is that the Charter can draw together the strategic ambitions of a wide range of stakeholders and bolster local policies on biodiversity and climate change to support and encourage sustainable regeneration of the Ouse Valley whilst facilitating positive action in protecting the ecology of the catchment.

The health and function of the River Ouse, as for many other rivers across the country, is impacted by a range of historical and contemporary pressures, including past management practices resulting in a lack of hydrological and morphological diversity, unsustainable water demand, unsympathetic development and land management practices, under investment in infrastructure, hard engineering approaches to water management and the impacts of climate change. These are big issues which require communities, business, government agencies, local authorities and NGO's to work together in co-design and delivery of improvements, but equally importantly also needs to be considered from a nature-focused perspective.

The technical requirements for improvement are well understood but such solutions require long-term thinking and agreement beyond standard political and business planning cycles as well as socio-political and cultural interventions and long-term investment which enables those striving to deliver positive and sustainable change at a longer-lasting scale.

Positive Action to Date

The positive work being delivered on the River Ouse across a variety of sectors by many local organisations, is growing and, whilst it is not feasible to list them all, examples of this work include:

- Lewes District Council investing in green-blue infrastructure through long term partnerships such as the Ouse Valley NFM project, the partnership with the Ouse & Adur Rivers Trust in restoring the Cockshut Stream, and their support for the Wilder Ouse Project.
- Sussex Wildlife Trust led the Sussex Flow Initiative Project on the River Ouse which delivered tangible benefits in restoring floodplain function and has widened its remit into the Wilder Ouse Project focused on increasing biodiversity and ecosystem health across the catchment area.
- The Aquifer Partnership (TAP) has been instrumental in improving water quality within the Brighton Chalk Block.
- Love Our Ouse has helped mobilise community support for the regeneration of the river and support for this charter of rights for the Ouse and for rivers nationally.
- South East Water's Catchment Management programme is working with landowners to reduce pesticide use and provide funding towards rainwater harvesting to reduce agricultural reliance on the public supply and river/borehole abstraction.
- Natural England's Catchment Sensitive Farming team is providing a range of advice to landowners on producing food in a way which protects soil, water and air quality.
- The Ouse & Adur Rivers Trust's Adaptation Projects on the Ouse & Uck are creating and restoring connectivity within the channel and across riparian and floodplain areas to boost freshwater ecology.
- Network approaches such as Weald to Waves, Ouse Valley Climate Action and Sussex Bay are seeking to initiate nature recovery projects at scale. "Bigger, better, more joined up".

Despite these initiatives, the River Ouse, like all rivers in the UK, faces a multitude of challenges that have in the main come about as a result of anthropogenic-focused decisions.

River Rights seek not only to support positive actions like those mentioned but to create a context whereby they are the norm rather than the exception.

Statutory Duties and local policies

Under the Environment Act 2021, public bodies, including local councils, are subject to an enhanced biodiversity duty. This requires such bodies (including district and borough councils) to consider what actions they can take, including in respect of determining policies or other objectives, consistent with the exercise of their functions, that can further the

conservation and enhancement of biodiversity (referred to as a general biodiversity objective). Such actions can include restoring or enhancing a specific species or a particular habitat.

Endorsement of the Charter and active support for its implementation could help to underpin existing policies within public bodies consistent with the “*general duty to conserve and enhance biodiversity*”.

There is also scope that the Charter could be used to influence amendments and updates to the local planning policies, Local Nature Recovery Strategies and National Biodiversity Networks, to ensure future development policies fully acknowledge the approach under the Charter for the River Ouse.

Within the Implementation Plan we will look to capture how the Charter has been used to influence river action and policy.

Engagement and consultation

A series of stakeholder, academic and community consultations carried out by Love Our Ouse over the last 18 months have found widespread support and identified international precedence for recognising the rights of the River Ouse to exist and thrive and for these rights to be represented and considered in policy and river management forums.

The production of these documents results from considerable and ongoing engagement across numerous stakeholder groups and organisations, including no less than 7 public engagement events. The engagement has included public engagement events within the central communities of the Ouse Valley (Balcombe, Barcombe, Lewes and Newhaven) over 400 people participated in a series of public workshops and consultations in which the public showed high levels of support for creating a Charter for the River Ouse.

In November 2023, a Rights of Rivers Summit [Love our Ouse River Summit_REPORTdocx.docx](#) was held, attended by over sixty representatives from over 45 organisations, including Local Authorities, the Environment Agency, water utility companies, civil society environmental organisations, private sector companies, legal experts, landowners, academic institutions, and experts advocating a Rights of Nature approach. Nine rivers where River Rights action is taking place or being discussed were represented. The Summit explored legal issues, engagement, river representation, what a River Charter might look like and how it could be practically implemented; it is worth noting that the participation by so many groups, involved in and influencing the development of the charter in its very early stages, creates a legacy of participatory co-creation of this charter.

Across these engagement events it was generally agreed that a Charter should outline the legal and moral expectations that a Rights of Rivers approach requires and that this be supported by a clear Framework of Implementation co-developed with partners setting out how the Charter can be used.

Highlighting the gravitas of the Rights of Nature movement and the trailblazing Rights for the River Ouse motion the development of this draft Charter to date has been led by Love our Ouse with significant contributions and advice from Lewes District Council, Ouse and Adur Rivers Trust, Sussex Wildlife Trust, Railway Land Wildlife Trust, The Southwood Foundation, Environmental Law Foundation, Lawyers for Nature, Hogan Lovells, University of Sussex, University of Roehampton, University of Southampton and Barrister Monica Fera Tinta.

National broadsheets, radio and podcasts have reported on the River Ouse Rights and it has been cited in several academic research papers.

Charter Rights for the River Ouse

Rivers are essential to all life. Humans depend on our rivers to provide clean water for drinking and sanitation, fertile soil, and regeneration but rivers also support an extensive diversity of species and ecosystems and play a vital role in the functioning of the Earth's continuous water cycle. Rivers are also one of the largest natural carbon-transport systems on our planet, moving land-based carbon to be stored in the oceans and providing temperature regulation functions.

Rivers and the wetlands they create give many communities a sense of place and identity. Many towns exist in their place because of a river. Communities increasingly demonstrate that they care for their Rivers and act as guardians as the public's concern grows for the poor state of our rivers' ecological health, which increasingly impacts public health.

At a basic level, our rivers face severe pressures from climate change, unsustainable consumption patterns, diffuse and point source pollution, invasive species, failing and inappropriate infrastructure and unsympathetic development. We must work together, faster, at a landscape scale, in delivering action to address these threats.

The River Ouse sustains a diverse array of life forms, including legally protected endangered and vulnerable species. However, climate change and consumption patterns are having significant effects on water availability and flow rates; in-channel structures present major impediments to the movement of fish, in particular, and pollution impacts the rivers natural function and resilience of all species. All of this puts unsustainable pressure on the river's ecosystem, increasing its vulnerability to future change.

This Charter recognises that a wide range of organisations are already having a positive impact on the health of the river, utilising to the best of their abilities the often-limited resources available to them. **However**, there is a need to increase this effort if we are to see improvement which matches the ambition of those at the frontline of positive change especially as the river faces increasing threats across a number of areas. The Charter and its implementation seek to tackle these threats with a partnership framework that recognises the river as its own entity - promoting good practice and identifying where more needs to be done; what action can be taken to restore the Ouse's ecological and chemical health, recognising that we all have responsibilities to fulfil the river's rights. The Charter also seeks to increase political, social and economic benefits for activities that support the river's health.

This Charter establishes that these rights are intended not only to recognise the rights of the River Ouse, but also the health of the river catchment and bioregion of which the Ouse is a part and the health of all ecosystems and natural beings therein, all of which possess, at minimum, the fundamental rights to exist, thrive, and evolve.

Acknowledging the river rights detailed in this Charter is considered a critical component in safeguarding the River Ouse for present and future generations, placing a new emphasis on how we consider nature restoration and filling a gap within existing thought processes and strategies. This step will promote a sustainable river system for the River Ouse, emphasising harmony with nature and benefiting both the river and the public.

Supporters of this Charter of Rights for the River Ouse agree to work together towards the following aspirations.

The River Ouse should possess the following fundamental rights as set forth in this Charter, which arise from its very existence.

- ***The right to exist in its natural state:*** Recognising and reflecting that the River Ouse like all rivers is essential for ensuring life, including human life, within the Ouse catchment and bioregion whilst recognising the modification of the river where it is necessary to protect existing critical infrastructure and or communities.
- ***The right to flow:*** Flows must follow natural flow patterns and be sufficient in quantity to maintain the ecosystem health of the entire river system.
- ***The right to perform essential natural functions within the river catchment:*** These include maintaining horizontal and longitudinal connectivity, flooding, moving and depositing sediment, recharging groundwater, providing adequate habitat for native flora and fauna, processing nutrients; being water.
- ***The right to feed and be fed from sustainable aquifers:*** ensuring that clean, healthy aquifers provide sustainable ecosystem services in the context of how climate change is affecting these processes.
- ***The right to be free from pollution:*** taking a holistic view to include diffuse and point sources including but not limited to damaging levels of sewage discharge, industrial waste, litter, pharmaceuticals, agricultural run-off from pesticides, manure and fertilisers; and accelerated soil erosion from human activities, recognising that our changing climate can exacerbate all of these issues.
- ***The right to native biodiversity:*** recognising and responding to the severe decline in native biodiversity over the last fifty years and the threats that invasive non-native species represent for local biodiversity.
- ***The right to regeneration and restoration:*** that a shared vision which identifies and develops best practice river and nature restoration and regeneration across the River Ouse Catchment is progressed in partnership with all relevant stakeholders.
- ***The right to an active and influential voice:*** to have the interests of the River Ouse appropriately and, in so far as is possible, impartially represented and considered in the determination of matters that directly affect it. To lobby the Government to create the legal frameworks that can ensure consistent representation for all rivers.