

***Flowing with Rights:* Exploring the Policy
and Legal Implications of Legal Personhood
for Rivers in England**

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Executive Summary

Overview

This policy report proposes a national legal framework to grant rivers in England legal personhood by recognising them as rights-bearing entities, not just infrastructure to manage. This shift is essential to tackle persistent river pollution, ecological degradation, and regulatory failure. Grounded in relational governance and inspired by international models such as New Zealand's Whanganui River and Colombia's Atrato River, the proposal outlines how this legal change would transform river protection in England.

The Problem

Despite public pressure, recent reforms such as the Environment Act 2021 and the Water (Special Measures) Bill 2025 remain rooted in the same failing frameworks: fragmented, anthropocentric, and reactive.

- 86% of English rivers fail ecological health tests.
- Pollution from untreated sewage alone caused over 120,000 fish deaths in 2024.
- Regulators like Ofwat and the Environment Agency have been criticised for weak enforcement and political capture.

The current system focuses on regulating the rate of harm (*e.g. allowable spills*) rather than preventing harm. With over 20 overlapping statutes and multiple agencies involved, enforcement and accountability are inconsistent. These failures are structural, not incidental, and require systemic legal reform.

The Legal Proposal: Grant Legal Personhood to Rivers

Legal personhood would allow rivers to hold rights, be represented in legal proceedings, and receive remedies tailored to their ecological health.

Three key shifts this framework would deliver:

1. **From Property to Relationship**
Rivers would be recognised not as commercial properties but as living ecosystems. This aligns the law with the ecological reality of interdependence between rivers, people, and nature.
2. **From Passive Regulation to Active Duty of Ecological Care**
Guardians would be empowered to bring legal claims on behalf of rivers, allowing pre-emptive enforcement rather than relying on post-crisis fines.
3. **From Static Rules to Climate-Resilient Governance**
A rights-based approach would embed flexibility, restoration, and long-term resilience into law, which is essential as rivers face rising pressures from climate change and development.

Key Recommendations

- **National Law:** Establish a National Rivers Rights Act to ensure consistency, durability, and immunity from local political trade-offs. This would prevent conflicts with existing statutes and eliminate the risk of local bylaws (*e.g., Frome Charter*) being struck down.
- **Recognised Rights** (initial core):
 - ***Right to Flow*** → to prevent over-extraction and preserve climate resilience.
 - ***Right to Be Free from Pollution*** → shifting the baseline from acceptable thresholds to zero-harm.
 - ***Right to Regeneration and Restoration*** → to embed a legal duty to repair, not just prevent, ecological damage.
 - ***Right to Maintain Native Biodiversity*** → recognising rivers as part of complex ecosystems.
 - ***Right to Legal Standing*** → to bring and benefit from claims directly.
- **Guardianship Structure:**
 - ***Local Level:*** A ‘Green Chair’ to represent each river, comprising diverse representatives from all councils through which the river flows.
 - ***National Level:*** A dual guardian model (government + citizen assembly representative) to provide oversight and strategic alignment.
 - ***With Regulators:*** Guardians complement, not replace, EA and Ofwat, it is about bridging monitoring and enforcement gaps.
- **Beyond Fines: Restorative Remedies:**
 - ***Restoration Orders & Water Restoration Fund*** → Legal obligation to clean and restore ecosystems.
 - ***Environmental Bonds*** → Financial risk is front-loaded onto polluters.
 - ***Community Conservation Orders*** → Offenders contribute to local initiatives.
 - ***Investment in Nature-Based Infrastructure*** → Build long-term resilience and reduce flood/drought risk.

Legal personhood is no longer a fringe idea, it is a credible legal tool backed by international precedent and growing public support. With local movements gaining momentum and existing law failing to deliver ecological recovery, now is the time for a new legal framework that recognises rivers not just as assets to manage, but as living systems to protect.

1. Introduction

This report proposes introducing legal personhood for rivers in England as a necessary response to systemic failures in river governance. It argues that current legal and regulatory approaches are based on fragmented, anthropocentric, and reactive frameworks. These frameworks are structurally incapable of delivering the protection and regeneration needed for river ecosystems to survive in a climate-stressed future. Legal personhood, grounded in the growing global Rights of Nature (“RON”) movement, offers a transformative legal and cultural framework to meet this challenge.

Why This Report and Why Now?

English rivers are in crisis. With over 86% of rivers failing to meet good ecological status, growing public backlash against both private water companies and underperforming regulators, there is unprecedented political momentum for reform.ⁱ The Water (Special Measures) Bill 2025 and promises to address these water issues in the Labour Party’s manifesto reflect this pressure, but they stop short of the structural transformation needed.^{ii iii}

International models from New Zealand’s Whanganui River to Colombia’s Atrato demonstrate that recognising rivers as legal persons can realign law, policy, and public behaviour toward ecological care.^{ivv} At the same time, *rights-based* approaches must be carefully tailored to a national context. This report examines what a credible, politically viable, and legally grounded model of river personhood would look like in England.

Scope and Methodology

This report draws on:

- Comparative legal analysis of river personhood models in Colombia, Ecuador, New Zealand, India, Canada, and Australia.
- English-specific regulatory reviews, including Environment Agency data, Office for Environmental Protection findings, and NGO campaigns.
- Political commentary, protest movements, and local initiatives (*e.g. the River Ouse Charter*).
- Academic frameworks including relationality theory, rights of nature literature, and legal philosophy (*e.g. Stone, Bosselmann, Pietrzykowski*).
- Climate resilience frameworks, which are supported by the IUCN and UNFCCC.

Audience and Structure

This report is written for policymakers, regulators, and legal reform advocates seeking a practical, credible model for transformative river protection in England.

Chapter	Focus
Executive Summary	A concise policy brief covering the proposal and its implementation.
1. Introduction	Outlines the issue, motivation, and framework of the report.
2. Current Challenges	Reviews failings in current regulation, governance, and legal pathways.
3. Legal Personhood and The Need for Seismic Shift	Explains what personhood means in legal theory and global practice.
4. Types of Seismic Shift	Lays out three legal and cultural shifts introduced by personhood.
5. Implementation in England	Proposes legal pathways, rights to be granted, enforcement mechanisms, and governance structures.
6. Conclusion	Summarises recommendations and reaffirms the need for a structural transformation.

Table 1 outlines the structure of this report

By grounding bold legal reform in precedent, evidence, and existing institutional frameworks, this report provides a roadmap for river governance that is ecologically meaningful, socially legitimate, and politically feasible.

2. The Legal Currents: Pollution, Regulation, and River Decline in England

England's River Pollution Data

River pollution in England is no longer a silent crisis. Despite mounting evidence, weak regulatory oversight and systemic underinvestment, particularly within the privatised water sector, degradation continues to go largely unchecked. In 2024, the Office of Environmental Protection (“OEP”) described England’s river management as “*deeply concerning*”, warning that key environmental targets will be missed yet again due to failures by regulators, such as Ofwat.^{vi}

Who are the polluters? According to the Environmental Agency’s (“EA”) 2024, England’s main river polluters are:^{vii}

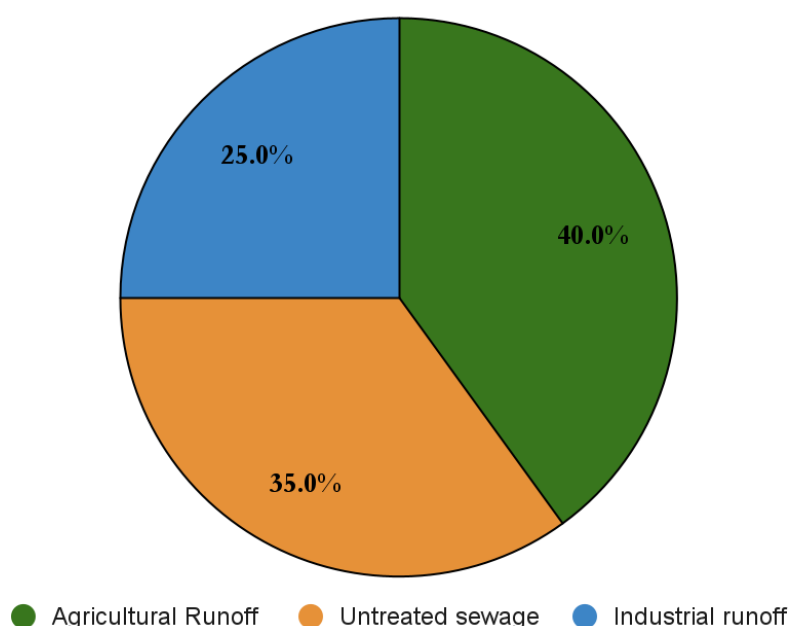
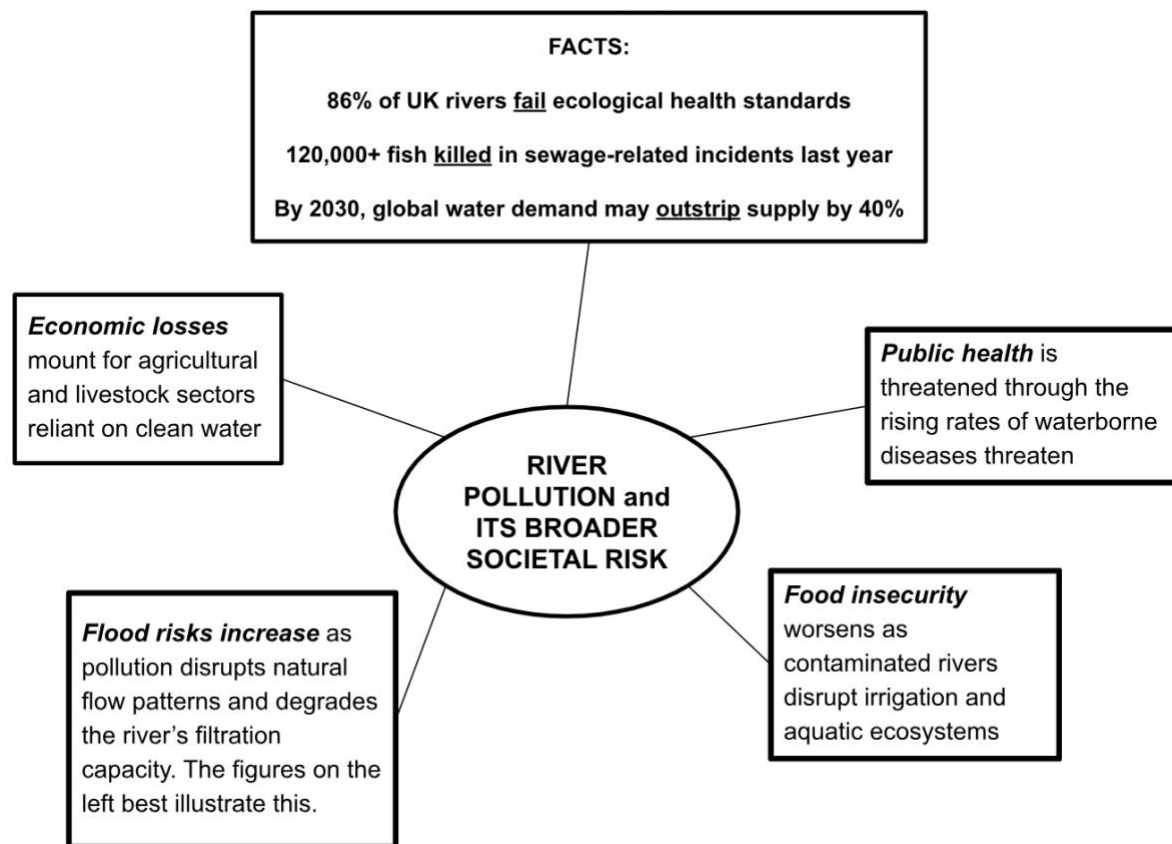


Figure 1 outlines the main polluters and their percentage of contribution

However, this report will be *focusing on untreated sewage when highlighting the issues*, as it represents the most direct and visible failure of regulatory enforcement in England’s river governance. Unlike agricultural runoff, which is more diffuse and difficult to trace, sewage discharges are largely managed by licensed water companies and subject to direct oversight. The persistent and unlawful release of untreated sewage into rivers, despite existing legal frameworks, highlights both the inadequacy of current penalties and the urgent need for structural reform.



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Figure 2 illustrates the wider societal risks and related facts concerning river pollution

The Industry's Failures: Avoidance and Payouts

Privatisation: Profits Over Protection

The 1989 privatisation of England's water industry was conducted to drive efficiency through regulated competition.^{xi} The purpose was to increase investment in ageing infrastructure and reduce the government's financial burden.^{xii} However, as discussed in further detail below, water companies operate as regional monopolies that face no real competition and are incentivised to maximise shareholder returns, all at the expense of environmental protection (*as discussed below*).

A System Built to Absorb Fines

The data in Figure 3 below is from a recent investigation by Ofwat in August 2024, where fines were imposed for failing to manage wastewater treatment and for routinely releasing sewage into rivers.^{xiii}

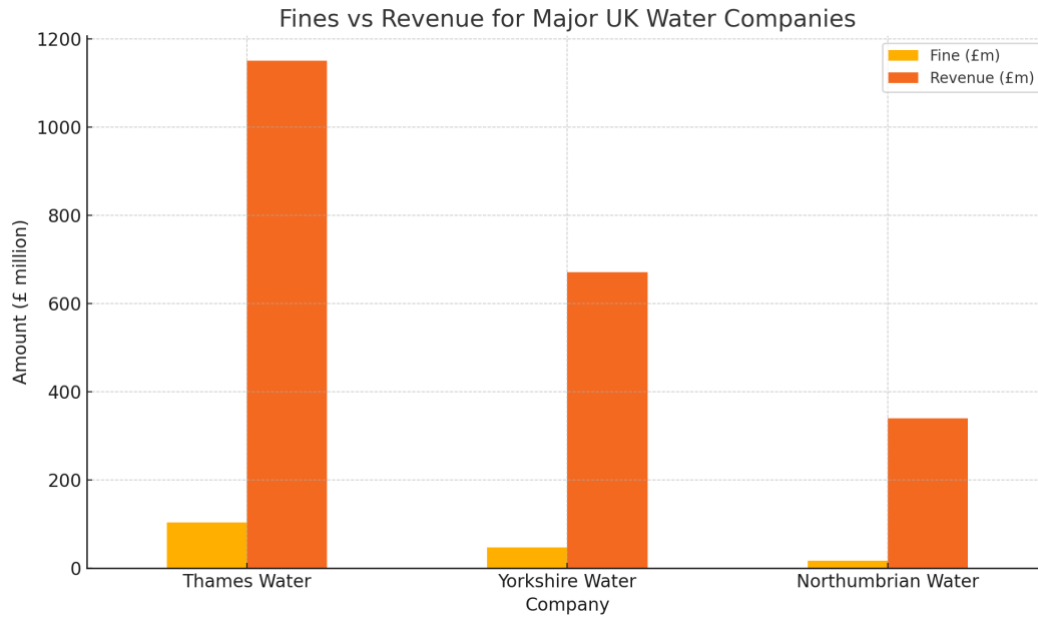


Figure 3 shows a comparison of revenues generated by three major English Water Companies against the fines from Ofwat

While Ofwat's enforcement action is commendable, it remains reactive and limited in its scope. However, the fines are minimal relative to profits: Thames Water's fine was less than 10% of annual revenue; Northumbrian Water's, just 5%. This demonstrates that pollution is treated as an economically manageable risk, instead of a legal or moral breach. This has created a culture of compliance through cost-calculation, not care.

See: Rivers Trust's interactive sewage [map](#) for visual context.

“Thames Water has become reliant on dumping sewage and paying dividends and bonuses while the bill payer funds everything.”

Ash Smith from Windrush Against Sewage Pollution_{xiv}

Case Study: Thames Water - Poster Child of Privatised Failure

- Thames Water sewage treatment works were responsible for almost **90% of the 298,081 hours of raw sewage** it released into rivers in 2024.^{xv}
- **Over 90% of discharges** stemmed from crumbling infrastructure, not just rainfall events.

Privatisation, a Broken Business Model:

Thames Water was handed debt-free infrastructure in 1989; it now has **£19 billion of debt** and requires a **£3 billion bailout**.^{xvi} Despite seeking a **59% bill increase**, Thames Water prioritised dividends and bonuses ("*sweating assets*") over infrastructure investment (0.05% annually). Relying on **loopholes like "storm overflows"** and a leak-focused plan instead of upgrades.^{xvii}

A structural reform is needed, not just stricter regulation.

The pattern noted in the Thames Water Case Study outlines the failure of privatisation to achieve efficiency and the behavioural concerns it has bred, such as:

- Efficiency has been replaced with deferred maintenance
 - a. ***Underinvestment in Infrastructure:*** Thames Water systematically deferred upgrades (*i.e., "sweated its assets"*) by exploiting "storm overflow" loopholes to prioritise short-term financial returns, mirroring how privatisation promised efficiency but delivered decay.
- Cost efficiency has been replaced with rising household costs
 - a. ***Prioritising profits over prevention (absorbing fines as cost):*** To continue paying dividends, Thames Water has passed on the cost of fines to customers through higher bills.

Essentially, the current system has allowed actors to 'game' environmental law by complying with technical standards while continuing to degrade ecosystems.^{xviii} This is not just a problem with privatised water; recent studies show publicly owned water companies in Wales and Scotland also face scrutiny for sewage spills, poor transparency, and slow infrastructure improvements.^{xix}

Thus, underinvestment and loopholes reveal a larger issue, which is, **regulation focuses on the *rate* of environmental harm, not preventing harm itself.**

Regulatory Failures: Why the Current System Cannot Deliver River Protection

Despite over 20 legislative instruments and multiple agencies tasked with environmental protection, 86% of rivers in England fail ecological health tests.^{xx,xxi} This is not for lack of law, but due to a broken regulatory architecture based on fragmentation, economic prioritisation and anthropocentrism. The problems with the current regulatory landscape are broken down into five main issues:

Problem 1: Fragmented Governance

Current state: River management is spread across numerous acts and agencies. This confusing overlap of duties has led to accountability gaps.^{xxii}

Act	Purpose/ Scope	Authorities Introduced/ Empowered
Water Act 1989	Privatised the water industry; separated environmental and commercial oversight.	OFWAT (economic regulation), National Rivers Authority (later Environment Agency).
Water Resources Act 1991	Pollution control, flood defence, water licensing.	Environment Agency (“EA”).
Environment Act 2021	Water quality, biodiversity, and sewage discharge targets.	Office for Environmental Protection (“OEP”), enhanced EA powers.

Table 2 provides examples of river governance acts and the agencies they introduce

Why it matters: The Environment Act 2021 aimed to strengthen regulatory protections, but in practice, it has compounded complexity. For example, by layering a new Ofwat duty of imposing automatic penalties for certain water-related offences, it reinforces the existing enforcement issues of weak penalties.^{xxiii}

Policy takeaway: Policymakers should simplify governance, clarify enforcement roles, and create a unified national strategy for rivers (*further discussed in the Implementation of Legal Personhood*).

Problem 2: Self-Reporting and Weak Data Integrity

Current state: Regulators heavily rely on self-reported pollution data from water companies. Professor Peter Hammond’s research suggests actual raw sewage discharges are up to ten times higher than reported.^{xxiv}

Why it matters: This makes it impossible to target interventions effectively or build public trust.^{xxv}

Policy takeaway: Introduce independent monitoring and resources with the EA and local bodies to verify data. Do not legislate based on blind spots (*further discussed in the Implementation of Legal Personhood*).

Problem 3: Financial Priorities Trump Ecological Health

Current state: Regulators have conflicting responsibilities, namely, they are tasked with protecting consumers but are also required to prop up financially unstable companies. Some regulators have undertaken strategies which prioritise financial stability, such as:

- During the 2019 Price Review, Ofwat cut £6.7 billion in environmental upgrades and framed it as cost “*efficiency*”.^{xxvi}
- Ofwat’s CEO met privately with company executives during the sewage scandal.^{xxvii}
- A 2023 report from OEP noted that the EA and Ofwat failed to comply with environmental laws.^{xxviii}

Meanwhile, the system’s collapse is exemplified by Thames Water now being £19 billion in debt despite decades of private operation.^{xxix}

Why it matters: This creates a system where corporate risk is socialised, while environmental harms are tolerated for financial convenience. Trust in regulators is eroding, as noted by protests and watchdog reports.^{xxx}

Policy takeaway: Ensure regulators balance ecological harm and are not economically co-opted (*further discussed in the Types of Seismic Shift: Change 1*).

“Ofwat, the Environment Agency and the secretary of state are jointly responsible for the terrible sewage pollution of our rivers. They have allowed the water companies to pollute routinely, unlawfully, as a normal part of their usual business practice. Let’s be quite clear here. Those three public bodies are complicit in allowing the pollution. That must now end.”

Linley-Adams, an in-house solicitor at WildFish

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Problem 4: Property-Based Metrics that Regulate the Rate of Harm

Current state: Assess rivers through measurable, quantifiable indicators (*e.g. litres of discharged sewage*).

Why it matters: The current government has set targets for reducing spills to only *10 overflows yearly by 2050*.^{xxxii} This does not outlaw pollution, but it normalises it by determining how much harm is administratively acceptable.

Policy takeaway: Move beyond property-based benchmarks to *rights-based* protections (*discussed in the Types of Seismic Shift: Change 1*).

Problem 5: Rivers Cannot Defend Themselves

Current state: Claims can only be brought by either: (a) regulators, or (b) private individuals who may only use laws of nuisance or trespass when affected by river degradation.^{xxxiii}

Why it matters: This excludes the river itself from having a direct or effective legal route to challenge harm. Christopher Stone, a pioneer of legal personhood for nature, noted that without legal standing, rivers are invisible in the legal process.^{xxxiv}

Policy takeaway: Recognise rivers as rights-bearing entities, so that rivers (through appointed guardians) can bring legal claims before harm becomes irreversible (*discussed in the Types of Seismic Shift: Change 2*).

Why the Water (Special Measures) Bill Still Fails to Address Root Causes

Considering the structural and regulatory failures outlined above, the proposed Water (Special Measures) Bill, which is currently being debated in parliament to hold water companies to account, represents a continuation of the same flawed approach: fragmented, reactive, and focused on optics rather than outcomes.^{xxxv}

Still Regulating the Rate of Harm, Not Preventing It

At its core, the Bill gives Ofwat expanded powers to issue rules on governance and remuneration of water companies.^{xxxvi} However, this remains firmly rooted in the existing framework that manages pollution rather than prohibiting it. Even Ofwat's guidance on implementing these powers includes the allowance to '*fail to meet the specific standard*', further underlining the weakness of enforcement.^{xxxvii} This reflects the same property-based, that finds environmental damage tolerable, so long as it stays within "*acceptable*" thresholds.

Self-Monitoring Continues Under a New Name

The Bill requires companies to monitor emergency overflows and publish pollution incident reduction plans.^{xl} However, this relies heavily on self-reporting, which originally enabled widespread underreporting of sewage discharges in the first place. Moreover, requiring companies to publish "*plans*" rather than meet binding targets risks performative compliance.^{xli}

Penalties That Polluters Can Afford to Ignore

While the Bill introduces tougher penalties, including potential imprisonment for water company executives who obstruct investigations, its primary enforcement tools remain monetary fines with standard rates.^{xxxviii xxxix} This standard threshold offers little deterrent when current fines already amount to a fraction of corporate profits (*as highlighted in the Thames Water Case Study*), hence unlikely to shift industry behaviour.

Fragmented and Compartmentalised Sectoral Management

The Bill only regulates the largest 16 water companies, hence compartmentalises environmental regulation by sector.^{xlii} The European Economic and Social Committee critiques that fragmentation inhibits the integration of legal and ethical principles as equally central pillars of environmental decision-making.^{xliii} By regulating only a subset of actors, the Bill risks creating loopholes and regulatory gaps where smaller or less scrutinised entities continue harmful practices unchecked and neglects the interconnected nature of rivers.

***The system is not broken, it is functioning exactly as designed-
and that design is no longer fit for purpose.***

3. Legal Personhood Explained

What is legal personhood?

Rights of nature (“*RON*”) is a legal and philosophical concept which holds that some entities possess inherent value deserving of legal recognition with rights, regardless of their utility to humans.^{xliv} Legal personhood *operationalises* *RON* in jurisprudence by allowing entities to hold rights, bear duties, and participate in legal processes.

The law currently grants personhood to many non-human entities such as corporations, states, charities, and ships primarily for functional reasons. In these cases, personhood is granted under the principle of legal instrumentalism: it is a legal fiction extended for the sake of administrative convenience, enabling entities like corporations to enter contracts, own property, or be held liable.^{xlv} These entities are not moral agents; they are legal constructs designed to facilitate economic and social governance.

What does legal personhood mean for rivers?

Based on the *RON* theory, rivers are not protected because they serve human interests, but because of their intrinsic i) ecological, ii) cultural, and iii) relational significance (*further explored in the Types of Seismic Shifts*).

Why: This is to ensure that the river’s health as a living ecosystem is recognised and safeguarded under the law.

How: By shifting the legal system from one that manages nature as property → one that respects nature as a subject with rights.^{xlvi}

Granting rivers personhood is about recognising intrinsic ecological value, not human utility.

What is required to make a river legally count?

Stone’s criteria ^{xlvii}	Implementation using legal personhood
The river has legal standing.	Creates the capacity for rivers to bring claims through appointed guardians.
When the court determines the legal relief, it must consider the injury to the river.	Courts must assess ecological harm based on the river’s health and functioning instead of human impact, to prevent irreversible harm.
The relief provided must be of benefit to the river.	Court orders must mandate remedies that restore, regenerate, or otherwise materially improve the river’s condition.

Table 3 compares the implementation of Stone’s criteria for making a river legal count through legal personhood

Meeting Stone's Criteria: Why It Matters

Christopher Stone (who is the pioneer of providing personhood to nature) argued that entities do not need to be human to deserve legal rights.^{xlviii} Therefore, personhood can be extended based on moral necessity and social evolution.

Building on Stone's work, legal philosopher Tomasz Pietrzykowski shows that rights are socially constructed through relational recognition: entities like rivers gain rights as societies mature in their ecological understanding.^{xlix} This relational model acknowledges rivers not as property, but as partners whose health sustains human communities (*further explained in the Types of Seismic Shifts under Change I*).

Therefore, the satisfaction of these three criteria is critical to moving beyond technical compliance and ensuring that rivers are not only visible within the law but also meaningfully protected and restored when harmed.

Why is a seismic shift needed now?

A legal "*seismic shift*" refers to a fundamental and profound change in legal principles, practices, or the legal landscape itself caused by various factors, including social movement or technological advancement.¹

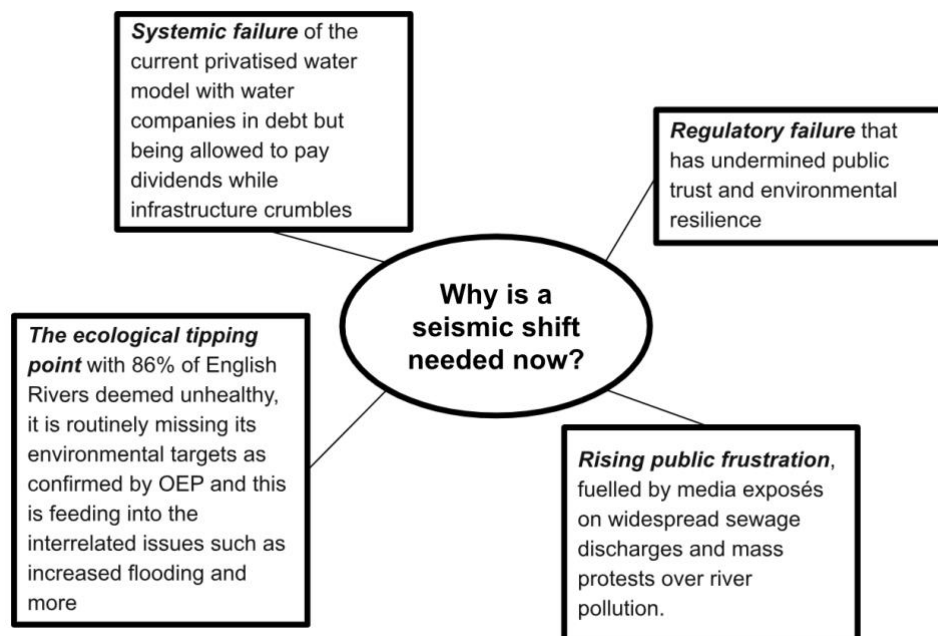


Figure 4 outlines the factors necessitating a significant change in river regulation

Current Lens: Understanding the Legal Roots of Failure

Before advocating for systemic reform, it is essential to comprehend the historical and philosophical underpinnings of the English environmental legal framework, which has significantly influenced its response to the water crisis.

Fragmentation and Anthropocentrism in Legal Traditions

Klaus Bosselmann, a prominent environmental law scholar and leader within the International Union for Conservation of Nature, critiques the European legal tradition for its emphasis on rationalism and property rights.^{li} He argues that this focus has led to fragmented authority structures and an anthropocentric worldview, where economic efficiency often takes precedence over ecological integrity. In the English context, this has resulted in a legal culture that permits environmental degradation if it aligns with economic calculations, thereby neglecting the long-term health of ecosystems.

Limitations of Current Environmental Laws

Mumta Ito, who initiated a European Citizens' Initiative to incorporate nature's rights into EU law, found that English Environmental laws tend to address only actions already deemed illegal, leaving a wide range of ecologically harmful but technically legal practices unregulated.^{lii} This approach fails to account for the intrinsic value of ecosystems and often overlooks the cumulative impacts of legally permissible activities that degrade environmental quality over time.^{liii}

Advocating for Rights of Nature

A criticism of Bosselmann and Ito's rights of nature proposals as impractical with property law is a misunderstanding of their core argument. Informed by the failures of current approaches (*like the Water (Special Measures) Bill as explored in Current Challenges*), Bosselmann and Ito are not advocating for minor reforms. Instead, they call for a fundamental systemic cultural and legal transformation that goes beyond the limitations of existing property rights and economic interests to truly protect nature.

Key Takeaway: The Roots of the Problem

The UK's river governance failures are not just operational- they are deeply cultural. Fragmentation, anthropocentrism, and economic efficiency have shaped laws that treat rivers as resources, not living ecosystems. Systemic change demands a new legal and ethical relationship with nature.

Why Other Environmental Frameworks Fall Short of Proper Protection?

Alternative models proposed for environmental protection are:

- a) The Right to a Healthy Environment (“*RtHE*”) in the EU ^{liv}
- b) The Victorian Environmental Water Holder (“*VEWH*”) in Australia ^{lv}

Framework	RtHE	VEWH
Core Idea	Frames environmental harm as a human rights violation. Allows individuals to seek legal redress if environmental damage harms human well-being.	Regulates water allocations through conservation-focused entities that can trade and manage water rights for environmental benefits.
Key Weakness	Rivers are protected only when humans are harmed. Rivers remain voiceless in court. Relies heavily on political will and post-harm intervention.	Treat rivers as assets to manage, not living beings with rights. Mirrors existing English failures (EA, Ofwat): bureaucracy without transformative change. Vulnerable to underfunding, political shifts, and prioritising management over protection.
Why Legal Personhood Goes Further	Rivers are recognised as beings with enforceable rights. Legal standing empowers direct legal action for harm. Proactive protection, not just reactive enforcement. Focuses on river health and resilience, not just water resource administration. Builds deeper cultural respect and stewardship.	

Table 4 discusses two alternative frameworks and compares them to legal personhood

Where has Legal Personhood for Rivers Been Used?^{lvi}

Whanganui River – New Zealand

Legal Tool: *Te Awa Tupua (Whanganui River Claims Settlement) Act 2017*

Model: Legal personhood granted to the river, with dual guardianship: one appointed by the Crown, one by Māori iwi.

Impact: First case in the world where a river was recognised as a legal person with its rights. Culturally grounded in Māori cosmology, which views rivers as ancestors.

Key Lesson: Success depends on shared governance, cultural legitimacy, and embedding personhood into statute.

Atrato River – Colombia

Legal Tool: 2016 Constitutional Court Decision (T-622)

Model: Legal personhood with state obligation to restore and protect, implemented via community and government guardianship for Atrato River.

Impact: Groundbreaking use of constitutional rights of nature to protect biodiversity and community rights from illegal mining and pollution.

Key Lesson: Shows how legal personhood can be used to mandate ecological restoration and strengthen Indigenous community roles in governance.

Rights of Nature – Ecuador

Legal Tool: Ecuador's 2008 Constitution

Model: Nature recognised as a rights-bearing subject, enforceable in court. No need to prove human harm.

Impact: Enabled citizens and NGOs to successfully bring lawsuits on behalf of rivers, forests, and ecosystems. Led to a landmark ruling on the Vilcabamba River, issuing a series of remedial orders.

Key Lesson: Embedding rights law creates long-term environmental resilience but requires sustained political and judicial support, especially with conflicting rights like human rights.

Ganges & Yamuna Rivers – India

Legal Tool: 2017 Uttarakhand High Court ruling (later overturned)

Model: Declared rivers to be legal persons, citing religious and ecological significance.

Impact: Short-lived and reversed by a higher court citing unclear liability and implementation challenges.

Key Lesson: Symbolism alone is insufficient; personhood must be backed by legislative clarity, guardianship structures, and enforceable duties.

Table 5 details international examples of legal personhood for rivers: models, impacts, and key lessons

Law can encode ecocentric thinking and help catalyse the shift to regenerative systems, just as personhood helped dismantle slavery.^{lvii}

4. The Types of Seismic Shifts Needed

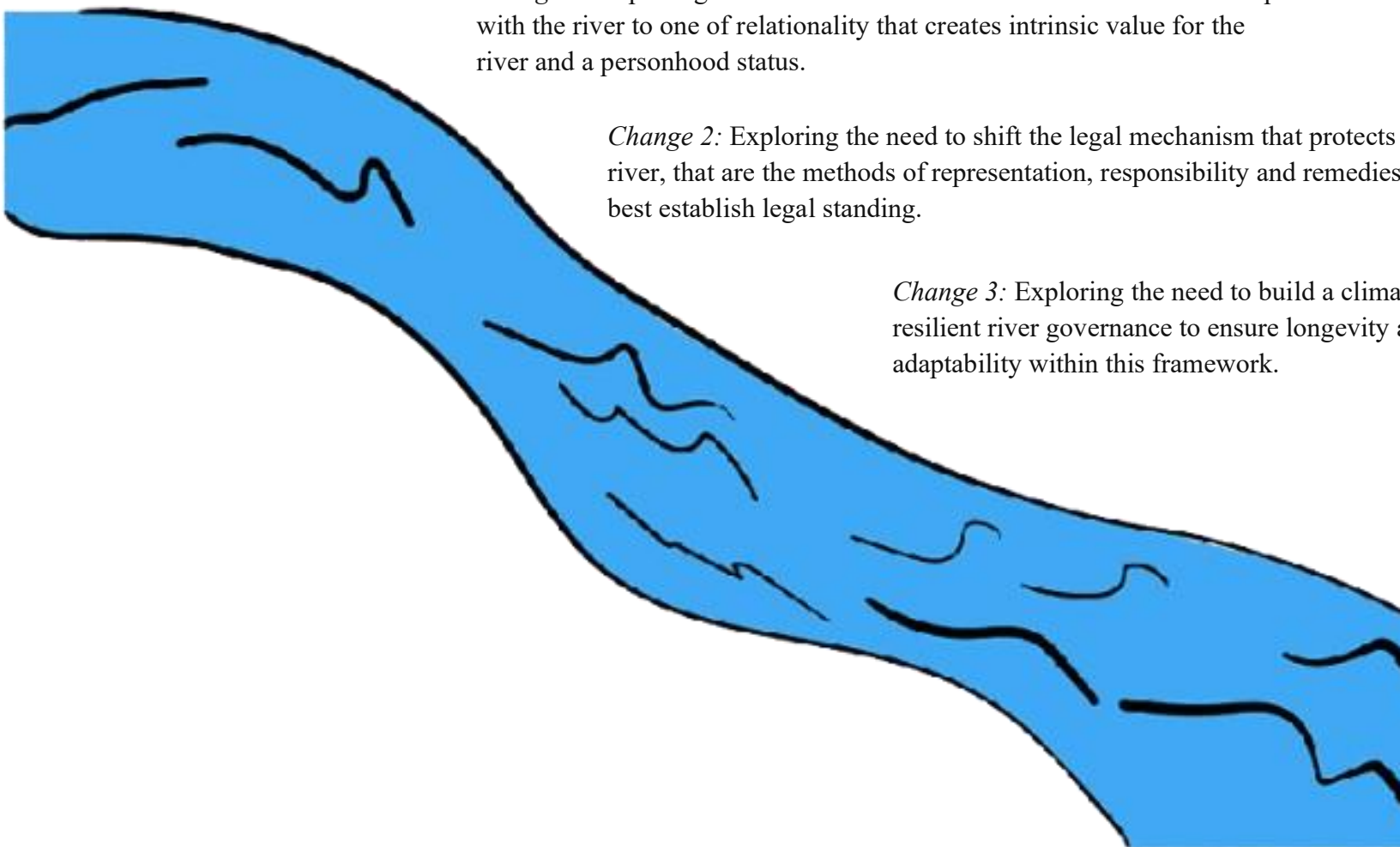
Currently, English law protects people and the economy but leaves nature without legal rights.

The flow of this chapter:

Change 1: Exploring the need to shift from a resource-based relationship with the river to one of relationality that creates intrinsic value for the river and a personhood status.

Change 2: Exploring the need to shift the legal mechanism that protects river, that are the methods of representation, responsibility and remedies best establish legal standing.

Change 3: Exploring the need to build a climate resilient river governance to ensure longevity and adaptability within this framework.



Change 1: Rethinking Rivers: From Resource to Relationship

Legal theory shift: Property → Rights Bearing Entity

What Is Relational Governance?

At its core, *relationality* means recognising how different elements of the natural world, including rivers, humans, and ecosystems, are deeply connected.^{lviii} Unlike the traditional legal model that treats rivers as property or infrastructure to be managed, relational governance sees rivers as living systems that sustain and are sustained by the communities around them.^{lix}

“Instead of focusing on what we want *from* the river, we can begin to ask: what do we want *for* the river, and how do we get there *with* the river?” - Dr Erin O'Donnell

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What Makes Relational Governance Different and How Personhood Operationalises It

Relational governance does not just change how we manage rivers, but it changes what rivers mean in the eyes of the law, with the river having permanent legal rights.

Traditional Resource Management	Relational Theory Principle	Personhood Operationalisation	Benefits
Sees rivers as infrastructure.	A river's health is inseparable from the health of the broader community and ecosystem.	The law formally recognises the river as a rights-bearing entity, not simply a commodity, but with interests that must be respected.	Integrating the river's rights and ecological duty into all legal and policy decisions (like human rights) shifts environmental protection from optional compliance, preventing companies from exploiting loopholes, as notably driven by this aim in Canada's granting of legal personhood to rivers. ^{lxi} This also ensures legal consistency across sectors.
Focuses on technical compliance (e.g. how much sewage was spilled).	Responsibility flows from relationships; hence, humans owe care to rivers as co-inhabitants of the Earth system.	Entities interacting with rivers would owe legal duties of ecological care, enforceable in court if breached, and their definition defined by case law.	

Measures success through narrow metrics like spill reduction or economic efficiency.	Ethical relationships require listening to and representing non-human voices.	Appointed guardians speak on behalf of the river in legal and policy processes, representing its relational interests, much like legal advocates for children or vulnerable adults.	This framework enables pre-emptive rights, stopping harm before it occurs and overcoming regulatory inertia through direct legal intervention based on the river's health, rather than requiring proof of prior human harm. Therefore, challenging risky projects before they start (as seen with Whanganui River guardians in New Zealand, by intervening in early planning). ^{lxii}
Treats environmental harm as a trade-off for development.	Law must shift from regulating isolated harms to sustaining healthy interdependent relationships.	Rivers gain legal standing to bring pre-emptive claims, hence protecting the web of ecological relationships before collapse occurs, not reacting after harm.	This centralised responsibility avoids fragmented regulation and ensures a legally obligated party acts proactively to prevent damage, mirroring the benefits of clear frameworks and deeper relationships seen in successful Special Guardianship Orders for children. ^{lxiii}

Table 5 compares the benefits of operationalising relational theory with legal personhood against the traditional resource management framework, highlighting the former's advantages.

Further Benefits of This System:

- *Future proofing against climate change (further discussed in Change 3).*
- *Improve public trust and civic engagement (discussed below).*

Growing English Movement: A Demand for a Relational, *Rights-Based* Framework of Governance

The rise in public frustration has materialised in: (i) protest such as the blue-clad who protested the inaction of regulators in London in November 2024^{lxiv} and (ii) judicial hearings such as River Action who took EA and Ofwat to court for its failure to enforce farming rules that led to the near dead status for River Wye.^{lxv}

Local Councils and Civil Society:

Community-led models are currently taking steps to embed river rights and relational thinking but lack national legal support. Nonetheless, they demonstrate the cultural groundwork for transformation that is already being laid through three main categories of work:

(1) Raising Awareness and Campaigning

River Action UK: This organisation focuses on raising public awareness of river pollution and chastising polluters, specifically agricultural runoff and sewage discharge. Their activities include:

- Public campaigns and calls to action (*e.g., telling Nando's to stop killing rivers*).^{lxvi}
- Influencing policy through engagement with the Water Commission.^{lxvii}

(2) Monitoring and Measuring

The Rivers Trust movement: This is a network of 65 local Rivers Trusts working to improve the health of rivers across the UK.^{lxviii} Their activities include:

- Implementing ecosystem-based river restoration projects.^{lxix}
- Engaging local communities in river protection.
- Conducting monitoring and data collection.^{lxx}

(3) Legal and Policy Work

Environmental Law Foundation (“ELF”): This organisation provides legal advice and support to communities and individuals facing environmental threats. In the context of river rights, they:

- Assisted Love Our Ouse in advancing the River Ouse Rights Charter.
- Engaged in strategic legal cases related to water pollution, such as the Manchester Ship Canal case and argued for stronger enforcement and recognition of environmental rights.^{lxxi}

Case Study: The River Ouse Charter

In 2025, Lewes District Council formally recognised the River Ouse Charter, making the River Ouse the first in England to receive local-level acknowledgement of its legal rights. The Charter, developed in collaboration with community groups and environmental organisations, outlines core rights such as the right to flow, to be pollution-free, and to regenerate.^{lxxii}

However, while this recognition is symbolically important, it highlights the limitations of relying solely on local initiatives.

Together with campaigns by organisations like River Action UK and Rights of Nature UK, this River Ouse Charter illustrates a tangible example of the growing alignment between legal scholarship, scientific expertise, and public campaigning around the need to recognise rivers as relational, rights-bearing entities. The tools and public appetite for reform already exist. What is needed now is political leadership to turn these cultural gains into national legal protections.

Change 2: Representation, Responsibility, and Remedies

Legal Theory Shift: Passive Regulation → Active Legal Duty

What Structural Reforms are Needed?

Legal Standing

Legal standing refers to the ability of the river to bring its grievances before a court and seek out relief.^{lxxiii} The benefit of this is a pre-emptive right to enforcement, improved harm measurement and an enforceable duty to ecological care (*as discussed above in relational theory*). The usage of legal standing can increase legal challenges on the river's behalf, build case law and set stronger environmental precedents.

River as a Rights-Bearing Entity + Appointing a Guardian to Act on Its Behalf = Legal Standing

Challenges to Implementation and Responses

Challenge 1: Liability for natural entities like flooding

Example: After Lake Erie was granted legal rights, farmers attempted to sue the river over natural flooding events.^{lxxiv}

Response 1: This attempt misunderstands legal personhood. Legal personhood gives the river rights and addresses harm caused by humans, not natural events. Guardians protect the river's health, but the river is not responsible for things like floods and cannot sue over them, as New Zealand's law clarifies.^{lxxv} Natural changes are not legal claims, just like companies are not sued for how the market changes.

Challenge 2: Guardian personal liability risk

Example: In India, the ruling granting rights to the Ganges and Yamuna Rivers collapsed partly because appointed guardians feared being held personally liable for damage associated with the rivers' behaviour.^{lxxvi}

Response 2: Liability should rest with the polluters or those who have infringed on the river's rights. Just as shareholders in corporations benefit from limited liability, clearly outlined rules could be extended to guardians (*these duties are explored in the Implementation Chapter*).

Challenge 3: Defining and measuring river health

Example: The UK's Bathing Water Status requires the government to monitor water quality to ensure it is healthy for human recreation. However, Coventry University's Centre for Agroecology and Water Resilience found that the current invertebrate biomonitoring methods "*cannot diagnose 21st-century pressures such as global heating, extreme events, microplastics, pharmaceuticals, and personal care*

products”, known as ‘highly harmful human-caused’ contaminants.^{lxxvii}

Response 3: A more comprehensive definition and measurement of river health can be achieved by expanding the Environment Agency’s existing framework, which currently assesses rivers across four categories: biology, water quality, physical modification, and hazardous substances.^{lxxviii} This baseline should be complemented with holistic, science-based indicators already used by NGOs, which account for emerging pressures such as climate change, microplastics, and pharmaceuticals. Drawing from international models like Ecuador’s “*life cycle*” approach, which evaluates a river’s long-term ecological function, can further strengthen this framework.^{lxxix} Integrating diverse ecological metrics and established monitoring expertise will help build a robust, future-proof system for protecting river health.

The Relief Provided Must Benefit the River

Legal personhood provides an opportunity to transform remedies from punitive financial penalties → restorative and collaborative models that focus on ecological repair.^{lxxx} The expansion of the remedies imposed by courts and their benefits is (*further discussed in the Implementation chapter under Enforcement Mechanism*):

1. **Restoration Orders:** directly address the harm caused rather than just imposing financial loss.
2. **Bonds and Water Restoration Fund:** ensures that penalties actively finance ecological health instead of solely relying on budgets from the government.
3. **Co-management and River Guardianship:** builds long-term resilience, community ownership, and education.

Case Study: Learning from Ecuador about Right to Restoration in Practice

Ecuador’s 2008 Constitution granted rights to nature, enabling ecosystems like the Vilcabamba River to bring legal claims against environmental harm. Although the **river won its case, enforcement of remedial action failed.**^{lxxxi} Since then, Ecuadorian courts have heard over thirty similar lawsuits, often with favourable outcomes, yet **implementation remains uneven due to weak political will.**

Key Lesson:

1. Strengthen enforcement by legally requiring polluters to fund or carry out restoration.
2. Enhance legal and financial accountability to deter harm and drive investment in cleaner technologies.
3. This approach leverages market mechanisms to promote sustainable practices and protect river ecosystems.

Why is restorative enforcement better than punishment?

Firstly, restorative enforcement fosters innovation by replacing adversarial "duelling experts" with collaborative problem-solving.^{lxxxii} By shifting away from a blame-centred, punitive model, collaboration enhances trust, expertise-sharing, and mutual responsibility.^{lxxxiii} However, if there is no shift in culture towards stewardship, then collaboration will fail.^{lxxxiv}

Secondly, restorative enforcement cultivates a culture of care, shifting from a cost-minimisation approach where fines are weighed against profit.^{lxxxv} By embedding an ecological duty into governance, it encourages proactive ecosystem maintenance over reactive liability mitigation. While companies may still minimise obligations, legal personhood safeguards allow guardians to escalate non-compliance to mandatory restoration orders and courts to demand actual ecological restoration, not just financial compensation.

Thirdly, restorative enforcement can be cheaper in the long term. By prioritising early intervention, ecological recovery, and the prevention of further degradation, collaborative models reduce the need for costly emergency infrastructure repairs, crisis management, and prolonged litigation. Hence, avoids the higher costs imposed on reactive measures, not just for ecosystems, but for public health, local economies, and government budgets.^{lxxxvi}

Key Policy Point: Legal personhood does not just allow rivers to defend themselves, it creates a system where enforcement itself becomes part of restoring our relationship with nature, making protection proactive, democratic, and future proof.

Change 3: Climate-Resilient River Governance

Legal Theory Shift: From Regulating the Rate of Harm → To Actively Supporting Recovery

What is climate resilience?

Climate resilience refers to an ecosystem's ability to recover from external disturbances and maintain long-term stability^{lxxxvii}. This approach reflects international best practice, such as Principle 4 of the IUCN World Declaration on the Environmental Rule of Law, which recognises resilience as a foundational principle of environmental governance.

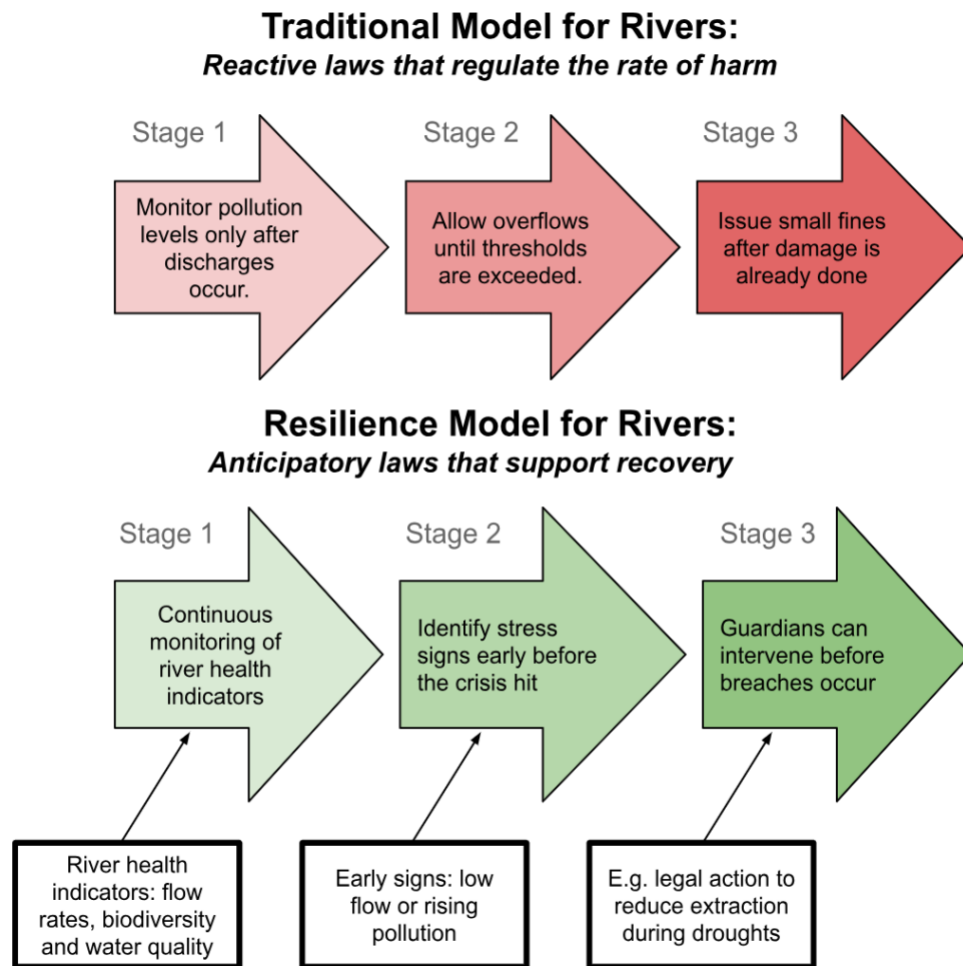


Figure 5 illustrates how the river resilience model addresses the issues in the current model

In climate resilience, governance should be based on broad principles like river health and early warning signs to ensure flexibility and adaptability. This mirrors company law, where a director's duty to act in the company's best interest evolves with market development and societal expectations.^{lxxxviii}

Climate resilience governance for a river is like caring for a child:

Stage 1: Instead of the authorities stepping in only *after* a child is seriously harmed, guardians ensure children's needs are met daily, anticipating risks before they escalate.

Stage 2: Instead of focusing on efficiency metrics like how many children were supervised, success is measured by wellbeing, with factors such as health and safety as noted by the Office for National Statistics Report 2018.^{lxxxix}

Stage 3: Instead of imposing small penalties for those responsible without restoring wellbeing, immediate action to repair harm and prevent recurrence (not just financial penalties).

Climate resilience for rivers requires broad principles of governance to enable proactive governance.

Embedding Climate Resilience into River Rights.

In 2016, Colombia's Constitutional Court recognised the Atrato River as a legal entity with rights. Crucially, the ruling required the government to co-develop a long-term restoration plan with Indigenous communities that shifted governance from reactive damage control to proactive ecological care.^{xc} Legal personhood must be paired with flexible, participatory, and adaptive management, or it risks becoming a symbolic victory without real environmental recovery.

England has acknowledged the need for some climate resilience with precedents such as:

Section 102 of the Environment Act 2021 introduces a proactive duty on public authorities to enhance biodiversity, creating legal expectations for forward-looking environmental action.^{xcj} However, it focuses narrowly on biodiversity, which is often a *symptom* of river health, not a primary measure. The personhood framework would build on this by prioritising direct ecological health indicators as reflected in the River Ouse Charter, such as protecting the river's right to flow for a climate-resilient ecosystem.^{xcii}

Key Policy Point: Legal personhood provides the foundation, but success demands a climate-resilient governance model: flexible, adaptive, and rooted in the river's ongoing health. Without it, rights risk becoming symbolic without real change.

True resilience means empowering rivers not just with laws, but with living, evolving protection.

5. Implementing Legal Personhood for Rivers in England

The Layers to This Chapter about Implementing Legal Personhood



1. The legal pathway to implementing legal personhood: A National Act

2. The rights recognised:

- a) Right to Flow**
- b) Right to be Free from Pollution**
- c) Right to Native Biodiversity**
- d) Right to Regeneration and Restoration**
- e) Right to Legal Standing**

3. The governance and guardianship structure: Local Green Chairs and National Guardian Councils

4. New enforcement mechanism for courts: Ecological Restoration Orders, Community-Led Conservation, Investment in Nature-Based Infrastructure and Ecological Bonds

What is the legal pathway to successfully implementing legal personhood?

Due to the lack of a written constitution like Ecuador, there are three possible legal pathways for implementing legal personhood for rivers in England: (i) legislative act, (ii) judicial precedent or (iii) local ordinance, such as bylaws.^{xciii}

England's river personhood movement has largely relied on local bylaws, which offer speed and flexibility. However, they are weak as bylaws can be easily overridden by national law, for example, the Frome bylaw.

Case Study: The Frome River Bylaws

Frome Town Council sought to recognise a section of River Frome and the Rodden Meadow with legal personhood through a local bylaw. The guardians were to be the town's council, and an NGO called Friends of the River Frome.^{xciv}

However, the bylaw was denied on the basis that it overlapped existing national legislation, in particular the Environment Act 2021.^{xcv}

This justification of an overlap with other environmental laws reflects a deeper confusion: environmental law today regulates the rate of harm, whereas legal personhood demands a regenerative and relational model that fundamentally reimagines rivers' legal status.^{xcvi}

Why Is a National Law Imperative?

1. **Rivers Are Borderless:** Rivers cross multiple council and regional boundaries. Without a unified national framework, polluters can exploit weaker protections in certain areas, a risk known as regulatory arbitrage.^{xcvii}
2. **Stability and Durability:** National legislation provides long-term protection, shielding river rights from short-term local political shifts, lobbying pressures, or changing economic priorities. It forces consistent policymaking at the highest level.^{xcviii}
3. **Clarity and Consistency:** A National Rivers Rights Act would clearly define the rights of rivers, the structure of guardianship, and how these new rights interact with existing environmental laws. It would harmonise fragmented frameworks into a coherent, enforceable system.

What rights should be recognised?

In 2017, the Earth Law Centre, a leading international environmental organisation, drafted a *Universal Declaration of River Rights*, drawing inspiration from the growing success of river rights initiatives in New Zealand and Colombia.^{xcix} Since its publication, this declaration has influenced numerous initiatives worldwide, such as the United States, Canada, and even the River Ouse Charter.^{c, ci, cii}

The *Declaration* outlines seven core rights for rivers. However, for the English context, this report recommends the adoption of four that will initiate a legal and cultural shift, alongside the right to legal standing. These core rights can serve as a starting point and may be gradually expanded based on context, need, and judicial interpretation. This reflects the bundle theory of legal personhood: personhood is flexible, not binary, and rights can expand over time.^{ciii}

This gradual approach will enable the law to shape society over time. For example, in New Zealand, the initially symbolic recognition of rights for the Whanganui River eventually led to concrete changes, such as mandatory court-ordered planning frameworks that now integrate the river's interests into all decision-making.^{civ} As scholars like Klaus Bosselmann and Mumta Ito argue, law is not merely a tool to regulate conduct; it actively shapes economic systems, cultural values, and governance priorities.

“Law does not merely reflect the values of a society- it also shapes them.” - Ronald Dworkin

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Right to Flow

The right to flow is essential for the river's health. A natural flow is defined as the right amount of water, moving at the right time, in the right way.^{cvi} If there is no consistent, natural flow, then a river cannot function as an ecosystem. This is because the flow determines the water quality by being able to dilute pollutants, transport sediments to prevent clogging and regulate temperature, which is important for the survival of species.^{cvi}

No flow = No river

Without a legally enforceable right to flow, water can be endlessly extracted for agriculture, industry, or urban supply, leaving rivers dry or dangerously low.

Example of overextraction: In England, the low flow conditions caused by overextraction contributed to serious ecological damage in the River Itchen, a chalk stream of international importance. Even though the water was "*managed*," the legal system did not prioritise the river's ecological needs.^{cvi}

A healthy flow is the key to climate resilience as it buffers against floods by absorbing heavy rainfall, drought by maintaining base water levels and temperature extremes through natural cooling processes.^{cix}

The impacts of climate change on rivers are unpredictable, therefore, the right to flow hardwires flexibility into river governance through adaptation in real time before irreversible harm.

An example in practice: the construction of a dam or water diversions would only be allowed if its operation mimicked natural flow patterns to support fish migration and other ecological processes.

Right to be Free from Pollution

In England, pollution is currently regulated through thresholds that treat it as an acceptable externality rather than a violation of the river's integrity. The right to be free from pollution would flip this narrative and establish *zero harm* as the baseline.

Though the idea of “*zero harm*” evokes an uncompromising standard, this right would recognise a river's natural ability to recover from minor, low-impact contaminants, such as biodegradable materials or naturally occurring sediments. However, this self-healing capacity is undermined by “*highly harmful human-caused*” contaminants like microplastics, pharmaceuticals or sewage discards.^{cx} The right to be free from pollution, therefore, allows guardians to bring legal claims demanding compliance with the river's right to remain free from these highly harmful contaminations in any quantity.

Moreover, rather than requiring harmed communities or guardians to prove ecological injury after the fact, industries and developers would be responsible for demonstrating, in advance, that their activities will not violate the river's right to be free from pollution. This shift would indirectly help resolve measurement challenges by incentivising *continuous, transparent environmental monitoring* by those proposing polluting activities.

Monitoring and Enforcement:

- Independent water quality testing would be carried out by local River Guardians or independent NGOs appointed by the Green Chair (*a concept discussed below*).
- Results would be publicly reported and made easily accessible to communities.
- If significant pollution is detected, immediate ecological restoration would be mandated, rather than delayed negotiations or fines (*explored under Ecological Restoration Orders*).

Why do these rights matter?

- Reduce public health risks from contaminated drinking and recreational waters.^{cxⁱ}
- Lower long-term public costs are associated with flood management, water treatment, and habitat restoration, as noted by UNDRR.^{cxⁱⁱ}
- Support England's climate resilience, carbon storage, and biodiversity conservation goals.

Anticipating objections: Industries might lobby that stricter pollution controls could hinder development. However, legal personhood frameworks promote a phased transition and support innovation and development in green technologies and sustainable land management. Rather than obstructing progress, the right would drive it, ensuring that economic activities evolve to align with ecological resilience and long-term national interests.

Right to Regenerate and Restore

While this right naturally overlaps with the right to be free from pollution, it crucially goes a step further: it not only protects rivers from further harm but imposes a positive legal duty to restore them once damage has occurred, instead of just managing existing damage.

A Shift Toward Regenerative Legal Culture

If the law encodes restoration as a normative duty, it will help steer English policy away from short-term economic optimisation toward a long-term ecocentric model that recognises humanity's dependence on healthy, functioning ecosystems.^{cxiii}

Evidence of Feasibility

There are already practical examples that demonstrate the viability of this approach:

- **The Sherbourne Valley project** in Coventry demonstrates how urban river restoration can enhance water quality, public health, and local biodiversity by re-naturalising straightened river channels.^{cxiv}
- **Blue-Green Infrastructure initiatives** across England have integrated natural features into urban planning, reduced flood risk, improved water filtration, and built climate resilience.^{cxv}

Moreover, the Environment Act 2021 introduces duties on water companies to produce Drainage and Sewerage Management Plans, encouraging integrated planning and providing opportunities to embed restoration goals alongside pollution control.^{cxvi} However, without a legally recognised right to regenerate, these remain discretionary initiatives rather than binding obligations.

Why Politicians Should Care

- **Cost Savings:** Early investment in river restoration reduces future spending on flood defences, water treatment, and disaster recovery. These findings were confirmed in the EA report on River Basin Management Plans.^{cxvii}
- **Public Support:** Citizens increasingly demand visible environmental improvement, not just targets and plans.
- **Business Opportunities:** Restoration industries are emerging economic sectors aligned with net-zero and green economy goals.

“The rights declaration has inspired others to get more involved in caring for the river,” Tony Booth from Friends of the River Cam

cxviii

Right to Maintain Biodiversity

The right to maintain biodiversity acknowledges the river not merely as a watercourse, but as the foundation of complex ecosystems vital to human and non-human life. Hence, the health of the river cannot be separated from the health of the species that depend on it, as stressed in a UN report which deemed biodiversity loss as an extential crisis.^{cxix}

While the Environment Act 2021 introduced some positive developments, including a statutory duty for public authorities to consider biodiversity and the requirement for “*biodiversity net gain*” in planning permissions.^{cxx} However, it remains fundamentally piecemeal and sectorally siloed. Biodiversity is treated as an administrative condition tied to isolated projects, rather than as a fundamental right that underpins the river’s role in sustaining entire ecosystems.^{cxxi}

Critically, the biodiversity duty under the Environment Act 2021:

- Applies only to public bodies, excluding private actors like developers, corporations, and even individual landowners who often have major impacts on river health.
- Frames biodiversity as an obligation for authorities to “*have regard*” to, rather than as a right of the ecosystem itself that demands active protection.
- Lacks a unified framework linking upstream, midstream, and downstream biodiversity impacts across entire catchments, creating regulatory fragmentation.

Recognising biodiversity as a right would close these gaps by:

- Creating a universal duty that is binding on both public and private actors to respect and protect the river’s living communities.
- Ensuring that biodiversity protection is not an optional trade-off during planning decisions, but a binding consideration in all actions affecting rivers.
- Enabling rivers, through their guardians, to bring legal challenges if their biodiversity is harmed, hence shifting enforcement from discretionary policy to enforceable duty.

The economic benefit of maintaining a healthy river would be increased tourism, fisheries and the introduction of environmentally friendly sectors. Therefore, the UK’s Natural Capital Committee report emphasises the need to integrate the welfare of nature into economic decision-making.^{cxxii}

Right to Legal Standing

The right to legal standing is the cornerstone of legal personhood for rivers. Without the ability to bring claims and defend their interests in court, any rights granted risk becoming purely symbolic rather than genuinely enforceable.^{cxxiii}

While the grant of legal personhood logically implies the capacity for legal action, it is critical to explicitly codify the river’s right to legal standing in national legislation. Clear articulation is essential at this early stage, especially in the English context, where public, political, and institutional understanding of river rights remains nascent.

Embedding an explicit right to legal standing would achieve two vital goals:

- **Remove Ambiguity:** Prevent confusion among courts, regulators, and the public about the river’s ability to act in law.
- **Drive Cultural Change:** Make the river’s legal status more visible and credible to policymakers, communities, and industries, reinforcing the shift toward a relational governance model.

In the next section, there is an explanation of two international countries that have provided legal standing through different guardianship models.

What is the governance and guardianship structure like?

Choosing the Right Model:

There are two differing international models for river guardianship:

Model	Description	Strengths	Weaknesses
Ecuadorian Model	Any citizen can bring legal action on behalf of the river.	Lowers threshold for enforcement; empowers communities.	Risk of misuse for non-environmental agendas; lack of clear accountability. ^{cxxiv}
New Zealand Model	Appointed two specific independent guardians (one government, one Indigenous) for the Whanganui River and was provided with funding of NZ\$30 million to support the river’s health. ^{cxxv}	Clear responsibility, balanced oversight, and strong cultural legitimacy.	Risk of guardians being overburdened; higher setup complexity. Unclear about how water use will be managed as the river does not give rights over its water itself. ^{cxxvi}

Table 6 compares the guardianship models of Ecuador and New Zealand to guide the selection of the most suitable approach

Recommended Approach:

England should draw inspiration from New Zealand’s guardianship model and adapt it to England’s unique legal and political environment. This new guardianship model should not simply add another layer of bureaucracy but provide an independent and accountable body focused solely on upholding river rights.

Therefore, following the consensus reached at the 2023 River Summit in the UK, legal standing should be reserved for dedicated guardians, rather than offering open public standing.^{cxxvii} This approach preserves the strength and seriousness of river rights by ensuring that claims are made with genuine expertise and commitment, rather than being diluted by unrelated or opportunistic cases.

Structure Proposal:

The power of guardianship could be devolved to local councils using a 'Green Chair' system that was a consensus of the Rights of River Summit 2023.^{cxxviii} Under this approach:

1. Local Level:

For each river, a 'Green Chair' would be created. This body would be composed of a dedicated representative from every council through which the river flows to “*tease out what the land’s intentions might be, and how she tries to speak through us*”.^{cxxix}

To ensure a diversity of perspectives and avoid regulatory capture, each representative should come from a different sector, such as an academic specialising in ecology or a community leader. By deliberately drawing from varied backgrounds, the Green Chair would allow the interests of the river to be interpreted and negotiated more holistically, rather than being narrowly defined by a single institutional lens, as noted as a success in New Zealand.^{cxxx}

Given the strong civilian engagement and public momentum behind the river rights movement in England (*as evidenced in the Chapter about the Types of Seismic Shifts*), it is unlikely that these Green Chairs would suffer from apathy or lack of qualified participation. On the contrary, the model taps into an existing groundswell of public interest, ensuring that river governance remains community-rooted, dynamic, and resilient.^{cxxxi}

These local guardians would coordinate through River Trusts and existing stewardship initiatives (like the Wessex Water Guardians project^{cxxxii}) to monitor, enforce, and proactively protect the river’s health.^{cxxxiii}

2. National Level:

A National Guardians Council made up of two guardians that include a government official and a citizens’ assembly, instead of indigenous tribe members as in New Zealand’s Te Pou Tupua, will sit above the local ‘Green Chairs’ to:

- *Oversee coordination* and provide the basis of general principles and standards to ensure rivers are treated similarly across the country to such as drawing up a list of reversible and irreversible harm.^{cxxxiv} This will allow for the well-being of the general rivers to be conceptualised and provide greater clarity to organisations interacting with the river.

- *Strategic guidance* by helping set national priorities for river protection through proactive measures such as participating in policy-making processes, influencing conservation strategies, and ensuring compliance with environmental regulations^{cxxxv}
- *Funding* either through i) government funding such as debt-for-nature swap whereby a portion of a nation's foreign debt is forgiven in exchange for local investments in environmental conservation, as done in El Salvador^{cxxxvi} or ii) private investment with green bonds that is especially favourable in England with increasing support for creating a 'market' for nature projects such as the Wyre Natural Flood Management project and positive results in the Anglican Water Green Bond 2023.^{cxxxvii, cxxxviii}
- *Intervene in major legal or policy cases* with specialist knowledge.

This structure accounts for England's tradition of local autonomy, especially for environmental governance, for example, the Local Nature Recovery Strategies under the Environment Act 2021.^{cxxxix} This section requires councils to develop local conservation plans that align with national biodiversity targets or develop mechanisms such as 'river stewardship' while including and engaging with local riparian landowners in sustainable solutions for the long term.

3. Existing organisations:

The national body would work alongside and not replace existing institutions such as EA and Ofwat.

There are already current frameworks to base this collaboration on. For example, Ofwat currently funds and supports important river protection projects, such as the CaSTCo project, which is currently the largest citizen science initiative for rivers in the UK.

CaSTCo (Catchment Systems Thinking Cooperative) is a partnership led by The Rivers Trust and United Utilities, funded by Ofwat, that trains local volunteers to monitor river health, collect water quality data, and build community-driven knowledge of river systems.^{cxl}

The success of projects like CaSTCo shows that valuable infrastructure and public participation mechanisms already exist. Therefore, the emergence of river guardians should not be seen as duplicating or replacing these efforts but leveraging and strengthening them.

It should be recognised that the strengths of institutions like EA and Ofwat lie primarily in technical monitoring, data collection, and setting regulatory standards. However, their role in bringing legal actions or enforcing rights directly has been limited.

The guardian system would address this gap and concerns of unequal bargaining power: by granting rivers the ability to bring cases forward independently through appointed guardians, it would complement the monitoring work done by existing organisations. Increased enforcement would also likely lead to greater investment in river monitoring and data programs, enhancing and not undermining initiatives like CaSTCo.

Duties of Representatives and Guardians:

The duties of guardians should include both procedural obligations (what they must do) and substantive values (how they must think):

Duties	Explanation
Fiduciary Duty to the River	Guardians must be legally bound to act in the best interests of the river and be legally defined as a duty of ecological care, prioritising restoration, balance, and future health over short-term interests.
Representation in Legal, Planning, and Policy Processes	Guardians on local and national levels should participate in consultations and legal reviews on any proposed development, extraction, or pollution activity affecting the river, as has been done in Canada with the Magpie River since 2022. ^{cxli}
Relational Representation	Guardians should be trained to recognise the intrinsic value of rivers, not merely their economic or utility value. This reflects Stone’s vision of guardians who understand nature’s rights as grounded in being, not in human use (<i>as explored in the Need for Seismic Shift</i>).
Qualifications and Independence	As specified in the New Zealand <i>Te Awa Tupua Act</i> (2017), guardians should be selected based on skills, experience, and local ecological knowledge. ^{cxlii} Broad, populist appointments may dilute the legal integrity of their role.

Table 7 outlines the duties that guardians should be assigned to ensure the river's best interests are protected

What are the changes in enforcement mechanisms in the court?

Granting rivers legal standing would allow courts to move beyond weak, reactive and punitive measures to restorative and preventative remedies that actively repair ecological harm.

Remedies would include:

**Ecological Restoration Orders and Water
Restoration Fund Contributions**

**Community-Led Conservation and Education
Initiatives**

Polluters must fund or carry out river clean-up projects. If direct restoration is not feasible, courts can order contributions to a Water Restoration Fund. The establishment of such a fund, as proposed by Baroness Bakewell of Hardington Mandeville and the Duke of Wellington in amendments to the Water (Special Measures) Bill, reflects a growing political and legal shift toward prioritising ecological repair over punitive blame.^{exliii} The specific amounts and categories of required restoration contributions could be established within the National Rivers Rights Act.

Oversight will be provided by local Green Chairs, and reporting will be provided to the national guardians.

Investment in Nature-Based Infrastructure

Courts can require polluters to invest directly in sustainable solutions like wetlands, reforestation, or floodplain restoration. This approach not only repairs harm but also increases the river’s long-term climate resilience, supporting future flood and drought adaptation.

Offenders could fund or participate in local conservation projects (like community service).

Given that most environmental offences are non-violent, restorative participation is a proportionate and constructive remedy. This is supported by the findings from Prison Reform Trust’s research, even if much of it focuses on women offenders, as the underlying principles of reparation, reintegration, and restoration are highly transferable.^{exliv}

This rebuilds relationships between polluters, communities, and the natural environment they have harmed.^{exlv}

Environmental Bonds

Frequent polluters must post a financial bond before resuming activities. Bonds are forfeited if damage occurs and are used for restoration. This mechanism shifts financial risk to polluters and creates strong economic incentives for compliance and prevention.^{exlvi}

Table 8 presents potential new remedies that could be introduced to enhance protection for the river

6. Conclusion

This report has argued that England's rivers are suffering not due to a lack of regulation, but because of the failure of a fragmented, reactive, and anthropocentric legal system that treats rivers as infrastructure rather than ecosystems. The current approach regulates the rate of harm, rather than preventing it, and reinforces a culture where pollution is tolerated as a cost of doing business.

Introducing legal personhood for rivers represents a necessary seismic shift. This concept is grounded in the relationality framework, which recognises that rivers are not isolated resources to be extracted from or engineered around, but dynamic, living systems in mutual relationship with human and non-human communities. Legal personhood operationalises this framework by providing rivers with enforceable rights.

As international examples like the Whanganui and Atrato Rivers show, this is not a utopian ideal but a credible, operational model for reimagining environmental governance. The growing domestic momentum is demonstrated by the recent approval of the River Charter for the River Ouse, which illustrates a shifting political and cultural appetite for legal frameworks that treat rivers as rights-bearing entities, not just regulatory subjects. While this Charter currently lacks legal force, it signals increasing public and institutional readiness to embrace a relational, *rights-based* model.

Hence, the implementation of a National Rivers Rights Act would provide the legal foundation needed to embed this shift with specific rights, including the right to flow, to be free from pollution, to regenerate, and to have legal standing. The Act would also establish guardianship structures at both local and national levels. Lastly, the Act reforms the current enforcement mechanism for the court by implementing more restorative and preventative remedies. All these together will ensure that England can build a system that protects rivers not just for us, but with us.

This proposal is not about symbolic reform. It is about creating a living legal architecture that reflects ecological realities, democratic values, and the urgent need to protect rivers as climate-critical allies. The tools exist. The public support is growing. What is now needed is political leadership to align law with life.

Endnotes:

Introduction

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