

**Briefing Note**

**Rights of the River Medway and its tributaries Motion**

Preamble

Our freshwater environments and waterways are facing numerous pressures from pollution, climate change, land management practices, development and amenity use.

It is clear that our environmental laws and regulations are failing to prevent the destruction of nature, often simply regulating the rate of destruction. At the same time there is an emerging global movement of governments recognising the Rights of Nature and in particular the rights of rivers.

Rights of Nature is a way of re-thinking our relationship with nature - from one of dominance to one of interdependency requiring a respectful, holistic and empathic approach. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy. The idea of nature having rights is not new. Nature has rights. What is new is how we can intervene using a rights of nature lens to protect nature and to give the river a voice as a single entity, from source to sea.

We have extended rights to corporations globally – a company which is a wholly fictional entity has gained legal rights and is recognised as a legal entity distinct from its individual decision makers. If we can define a corporation as having the rights of personhood, then we can imagine a River having these personhood rights.

The Universal Declaration of River Rights establishes that all rivers shall possess, at minimum, the following fundamental rights:

- 1) The right to flow,
- 2) The right perform essential functions within the river's ecosystem,
- 3) The right to be free from pollution,
- 4) The right to feed and be fed by sustainable aquifers,
- 5) The right to native biodiversity, and
- 6) The right to regeneration and restoration.

We believe there is an opportunity to develop a River Medway Charter over the next 2 years which establishes the rights listed above

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 'Rights of Rivers' and through which the health and wellbeing of the River Medway and its tributaries can be addressed.

3. This Council will work with the other councils along the Medway catchment to explore with local communities and relevant stakeholders the implementation of Rights of Rivers along the River Medway and its tributaries. This will involve working towards the production of a 'Declaration on the Rights of the River Medway and its tributaries' by relevant stakeholders for possible endorsement by the Council within 2 years.

### Briefing

Rights of Rivers is a growing environmental and legal concept that grants legal rights and 'personhood' to rivers and tributaries. For example, New Zealand and Ecuador have already recognised legal rights for specific rivers. The idea is to challenge the traditional view of rivers as property and put value on the benefits we take for granted. The preamble to the motion sets out the minimum rights to be possessed by rivers according to the Universal Declaration of the Rights of Rivers (UDRR). The UDRR also suggests that these rights are possessed not only by a river itself but rather by the whole river basin, calling for guardians to act on behalf of river rights.

The first two parts of the motion are within the gift of Council to act upon, point 3 is a Cabinet Function.