

## PE2131: Grant Scottish rivers, including the River Clyde, the legal right to personhood

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to grant the River Clyde, and potentially other rivers in Scotland, the legal right to personhood by:

- Adopting the Universal Declaration on the Rights of Rivers;
- Appointing a Nature Director to act as a guardian of the River Clyde;
- Considering whether an alternative mechanism should be established to act for the rights of the river, its inhabitants, and society at large.

### Granting rights to rivers and ‘rights of nature’

Advocacy for granting legal personhood to rivers is part of the broader ‘rights to nature’ (‘RoN’) movement - which seeks new or advanced forms of legal recognition for the environment and ecosystems. [Arguments often made for granting legal personhood to natural entities, such as rivers](#), include that:

- Approaches to tackling [the global nature emergency](#) need to go beyond ‘business as usual’ and seek new approaches to reverse nature decline;
- It provides a mechanism to recognise the holistic, or intrinsic value of a natural entity or ecosystem as a whole, such as a river or forest;
- It provides a mechanism to strengthen indigenous or community stewardship of resources e.g. through guardianship;
- Legal personhood is used for other non-human entities e.g. companies.

The petitioner refers to [the Universal Declaration of River Rights](#) (coordinated by a group of environmental organisations) which urges policy-makers “to stand with a growing international movement to protect rivers, freshwater ecosystems, and all who depend upon them” by incorporating the Declaration into domestic laws. It states that all rivers are living entities, entitled to fundamental rights and to legal guardians.

The ‘rights of nature’ approach is an emerging area of conservation law and practice. There are a small but growing number of examples, such as the Whanganui river in New Zealand cited by the petitioner. [The river was granted legal personhood in 2017 via the Te Awa Tupua Act](#), with two guardians appointed, one from Government, and

one representing indigenous groups. [A 2024 peer-reviewed comparative review of fourteen rights of nature case studies analysed their design features](#) and set out in its conclusions that:

- RoN case studies have emerged where existing governance structures failed to protect natural environments;
- The design of RoN varies markedly. Historical, cultural and institutional circumstances shape the geographical entity, legal framework and status;
- The model of appointing ‘guardians’ can have important consequences, two RoN case studies were overturned due to uncertainty around liability.
- The most well-defined examples (in Australia, Oregon, and New Zealand) include guardians established as separate entities with defined liability, support from scientific advisors and committees of representatives.
- Further research is required to clearly define and measure necessary attributes for the effectiveness of RoN frameworks.

In the UK, the concept is being explored by stakeholders and local government in relation to the River Ouse in North Yorkshire. [Lewes District Council passed a motion in 2023 agreeing to develop a ‘rights charter’ for the river](#). The Council has [worked with the Environmental Law Foundation](#) to develop its approach, including holding a rights of rivers summit.

## **The state of rivers in Scotland and River Basin Management Planning**

[SEPA oversees a monitoring programme for rivers and other surface and groundwater bodies in Scotland](#). It uses data collected under themes including water quality, flows and levels, fish migration and presence of invasive non-native species, to classify the condition of those water bodies. These classifications inform [a River Basin Management Plan](#) (RBMP) which aims to protect and improve the water environment and sets out planned actions.

The RBMP is reviewed and updated every six years. Plans have been published in 2009, 2015 and 2021. The next RBMP is due in 2027. 2027 is a significant year for river basin management planning; the RBMP aims to ensure that 81% of all Scotland’s waterbodies achieve a ‘good’ or better classification by 2027 and continue to improve beyond that date.

The [State of Scotland’s Water Environment: Summary Report 2023](#) sets out that since 2008, the overall condition of Scotland’s water bodies has improved each year. The percentage of surface water bodies that were classed as good or better in 2008 was 61% and is now 65.6%. The table below shows the overall condition of water bodies: 58.2% of rivers were classified as ‘high’ or ‘good’, with 41.8% classified as ‘below good’ (i.e. moderate, poor or bad).

**Table 1: Overall condition of Scotland’s water environment (percentage)**

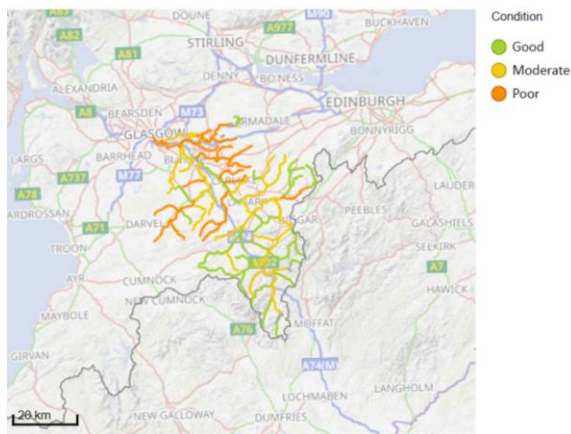
	Rivers (%)	Lochs (%)	Estuaries (%)	Coastal (%)	Groundwater (%)	Total
High/good	58.2	69.8	87.5	99.6	85.9	<b>67.9</b>
Below good	41.8	30.2	12.5	0.4	14.1	<b>32.1</b>

Despite an overall upward trend, [there are still significant problems affecting river water quality, physical condition, water resources, and the migration of wild fish](#). In December 2025, [a ‘Significant Water Management Issues’ report is expected to be published by SEPA for consultation](#) to inform the next round of river basin management planning, setting out the biggest challenges.

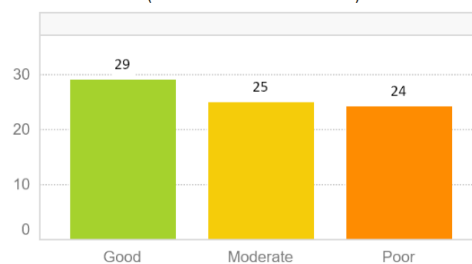
The [Scotland’s Environment website](#) summarises other key legislation related to the water environment, much of which was formerly underpinned by the EU Water Framework Directive and is now assimilated law.

### River Clyde catchment status

The River Clyde is Scotland’s third longest river. [It includes a busy urban catchment subject to a number of pressures](#) including wastewater disposal, manufacturing, recreation, navigation, water supply and agriculture. [SEPA’s water classification hub](#) shows the status of water bodies within the River Clyde catchment for 2023. Out of 78 bodies, 29 were in good overall condition (37%), 25 in moderate condition (32%) and 24 in poor condition (31%) – see chart and map below.



Status of surface waters (Assessed for: Overall status)



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6 February 2025

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Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP