

Citizen Participation and Public Petitions Committee
Wednesday 5 March 2025
4th Meeting, 2025 (Session 6)

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

Introduction

Petitioner Professor Louise Welsh and Jude Barber on behalf of The Empire Café

Petition summary 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, with the responsibility for upholding its river rights
- considering whether an alternative mechanism should be established to act for the rights of the river, its inhabitants (human and non-human), and society at large.

Webpage <https://petitions.parliament.scot/petitions/PE2131>

1. This is a new petition that was lodged on 13 December 2024.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 384 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioners, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take on this petition.

Clerks to the Committee
February 2025

Annexe A: Summary of petition

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

Petitioner

Professor Louise Welsh and Jude Barber on behalf of The Empire Café

Date Lodged

13 December 2024

Petition summary

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, with the responsibility for upholding its river rights
- considering whether an alternative mechanism should be established to act for the rights of the river, its inhabitants (human and non-human), and society at large.

Background information

The [Universal Declaration of River Rights \(UDRR, 2020\)](#) was first developed by [Earth Law Center in 2017](#), and provides a framework of six minimum rights that are possessed by rivers.

Our podcast, 'Who owns the Clyde?', centres around the unrealised potential of the Clyde due to fragmented ownership and inconsistent stewardship. Granting the Clyde legal personhood would enable ecological and common human interests to thrive.

International examples of granting legal personhood to rivers as a means of protecting natural habitats and the common good include:

- Whanganui River, New Zealand granted personhood in 2017
- Hundreds of Bangladesh's rivers were legally designated as living people in 2019
- 2021, Canada's Magpie River, called the Mutuhekau Shipu by the Innu First Nation, gained legal personhood.

We held three well-attended events joined by residents, Leader of the Glasgow City Council Susan Aitken, Councillor Graham Campbell, Paul Sweeney MSP, Councillor Holly Bruce, and former MSPs Sandra Whyte and Andy Wightman.

Annexe B: SPICe briefing on petition PE2131



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)

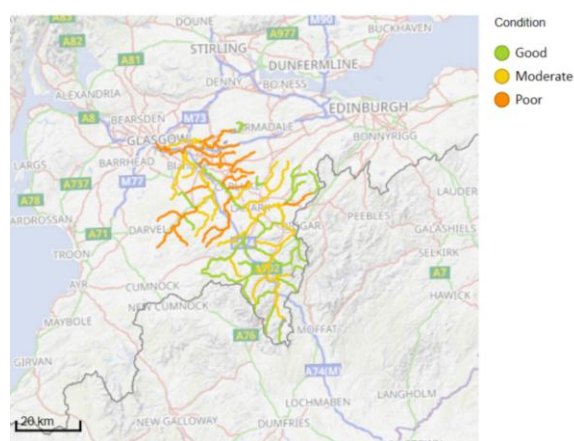
	Rivers (%)	Lochs (%)	Estuaries (%)	Coastal (%)	Groundwater (%)	Total
High/good	58.2	69.8	87.5	99.6	85.9	67.9
Below good	41.8	30.2	12.5	0.4	14.1	32.1

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.

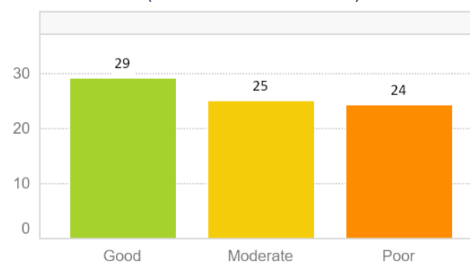
The [Scotland’s Environment website](#) summarises other key legislation related to the water environment, much of which was formerly underpinned by the EU Water Framework Directive and is now assimilated law.

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)



Alexa Morrison, Senior Researcher
6 February 2025

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Annexe C: Written submissions

Scottish Government written submission, 20 January 2025

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

The Scottish Government does not support the proposals in petition PE2131 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, with the responsibility for upholding its river rights
- considering whether an alternative mechanism should be established to act for the rights of the river, its inhabitants (human and non-human), and society at large.

The Scottish Government's understanding is that the Universal Declaration on the Rights of Rivers states that all rivers shall possess, at minimum, the following fundamental rights: (1) The right to flow, (2) The right to perform essential functions within its ecosystem (including flooding), (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. The Declaration calls for the appointment of one or more legal guardians that act solely on behalf of a river, and that rivers shall have their best interests, as determined by their legal guardians, assessed and taken into account by both government and private entities in all actions or decisions that concern such rivers. The Declaration states that all states shall implement these rights in full within a reasonable amount of time.

The Universal Declaration on the Rights of Rivers has no formal legal status. It is unclear whether "adoption" of the Declaration is intended by the petitioners to mean adoption of the principles of the Declaration as a matter of policy, or the implementation of legislation to embody the rights contained in the Declaration in Scots law.

We consider that, however this set of rights was implemented, there would be a need to balance these rights with the rights of existing natural persons (humans) and existing non-natural persons (public authorities, companies and other organisations). It is not clear to what degree the petitioners are considering that the rights they are proposing for rivers would be balanced with other people's rights. For example, it is not clear in what circumstances the right of a river to flood would be seen to take precedence over the rights and interests of communities and businesses that would be flooded.

The petition suggests the appointment of a Nature Director to act as a guardian of the River Clyde. Given the existing policy, legal and organisational provisions, set out below, it is our view that the additional value of such a post would be questionable and the additional costs not merited.

The final point of the petition calls for consideration of whether an alternative mechanism should be established to act for the rights of the river, its inhabitants (human and non-human), and society at large. Whilst not expressly framed in the language of rights, there are already well-developed policy mechanisms in place that balance the interests of nature, society and the economy.

There is already in place robust legislation with associated regulatory action to protect and improve Scotland's water environment. The Water Environment and Water Services (Scotland) Act 2003 ("the 2003 Act") transposed Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy ("the Water Framework Directive") into Scots law and in doing so established a legal framework for the protection, improvement and sustainable use of the water environment in Scotland. This includes the protection of inland surface waters, transitional waters, coastal waters and groundwater, as well as the promotion of sustainable water use based on a long-term protection of available water resources. The 2003 Act and secondary legislation made under it provide for an integrated approach to the protection of the water environment, including river basin management through the River Basin Management Planning process and the regulation of controlled activities for the purposes of the protection of the water environment. Scottish Ministers are responsible for developing the policy and regulatory framework to support the implementation of the Water Environment and Water Services (Scotland) Act 2003.

In addition to legislation specific to the water environment, our Fourth National Planning Framework (NPF4) is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. NPF4 was published and adopted in February 2023 following approval by the Scottish Parliament. It is part of the development plan, and so influences planning decisions across Scotland. NPF4 National Development 13 is a national, place-based Mission to make the Clyde an engine of economic success for Glasgow, the city region and Scotland. An ambitious redevelopment programme is being taken forward under Five Missions. This collective, cross-sector effort will bring forward assets and sites that are ready for redevelopment to sustain a range of uses. It will help to repurpose and reinvigorate brownfield land and support local living, improve quality of place, generate employment and support disadvantaged communities, as well as adapting the area to the impacts of climate change.

The Clyde Mission is focused on the River Clyde and the riverside from South Lanarkshire in the east to Inverclyde and Argyll and Bute in the west and focusing on an area up to around 500 metres from the river edge. NPF4 designates as national developments major proposals involving the river and land immediately next to it (up to around 500 metres from the river) along its length, and covering a wide range of development types including larger scale proposals for new residential, redeveloped brownfield land, and new reused or upgraded buildings, port and harbour facilities commercial and industrial developments, and new or upgraded sustainable travel and recreation routes and infrastructure.

The River Basin Management Plan (RBMP) is Scotland's framework for protecting and improving the water environment in the Scotland River Basin District (with separate provision for cross-border planning for the Solway Tweed River Basin

District and the Northumbria River Basin District). The RBMP takes an evidence-based approach, and where water bodies are classified as less than “good”, sets out a range of planned actions, which must be both proportionate and feasible, for public bodies, industry and land managers in Scotland. The RBMP summarises the state of the water environment; pressures affecting the quality of the water environment where it is in less than good condition; and actions to protect and improve the water environment. For example, where pressures from combined sewerage overflows are identified, this informs Scottish Water’s targeted programme of investment to improve the performance of the sewerage system to reduce the impact on the water environment. SEPA is responsible for preparing the RBMP which is then approved by the Scottish Ministers. The RBMP is required to be reviewed and updated every six years. SEPA has published a statement which sets out the steps it will take to engage stakeholders in reviewing and updating the RBMP for Scotland over the next three years. SEPA’s statement is available here: [SEPA | River Basin Management Planning in Scotland, Statement of Consultation Steps](#).

Actions through the River Basin Management process and the Scottish Government’s investments over the last 15-20 years have led to significant improvement in the overall status of Scotland’s water bodies including an overall marked improvement in the water quality of the Lower River Clyde. 85% of Scotland’s rivers is assessed by SEPA as having a ‘high’ or ‘good’ classification for water quality – up from 82% in 2014. Further feasible improvements in sewerage systems, actions on diffuse pollution and improvements to the wider catchment areas, will all contribute to protect the status of the natural environment of the River Clyde and tributaries such as the River Kelvin and White Cart Water.

In summary, the Scottish Government’s view is that granting one or more rivers legal personhood is not necessary and would have unpredictable results, particularly as it would be a novel development in Scots law. The objective to improve the freshwater environment is recognised as a valuable goal in its own right and one that is addressed by the current legislative and regulatory framework. It is unclear how, by itself, granting legal personhood to one or all of Scotland’s rivers would address the underlying complex causes of water quality issues, and could lead to an allocation of scarce financial resources in ways contradictory to either overall environmental or broader Government priorities. The current processes to identify budgetary priorities with Parliamentary scrutiny are an appropriate democratic process for these key decisions.

Environment and Forestry Directorate

Petitioners written submission, 19 February 2025

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

Many thanks to the Scottish Government for their consideration of this petition. We welcome the response from the Forestry and Environmental Directorate (F+ED). We also wish to thank the Petitions team at the Scottish Parliament for guiding us through the process this far.

We have prepared this statement in response to the concerns expressed by the F+ED in their response to the petition with the intention of clarifying our position and aims.

We recognise that there are strong and robust policies in place regarding river management and water quality as outlined in the response to the petition. We also fully appreciate the ambitions of NPF4 in relation to Scotland's planning landscape, particularly around ecological considerations. As petitioners, we fully support and applaud this approach to date. However, in relation to the River Clyde, we dispute how effective and enforceable these policies are at present, particularly in relation to river dynamics, governance and associated land. There are a range of reasons for this as follows:

- **Lack of governance and stewardship mechanisms specifically relating to the Clyde**

We expand on this below as it is a key consideration for the Committee in relation to this petition and any next steps.

- **Historical consequences of privatisation**

The fragmented and unknown ownership along the banks, breadth and length of the River Clyde, combined with a lack of accountability of major asset-holders, is restricting the river's potential.

- **Cultural significance and natural capital of the Clyde**

The potential of the Clyde's cultural significance and natural capital is not being fully realised to an extent that would befit their importance to Scotland's social, economic, and ecological ambitions.

- **The River Clyde is one of our nation's great assets**

For centuries the River Clyde was the lifeblood of Glasgow, but this is no longer the case. It is vital to reignite the river's status so that it might realise its social, economic, and ecological potential locally, nationally, and internationally.

There are insufficient governance and stewardship mechanisms in place to implement and safeguard the River Clyde and its potential. Whilst we understand that the River Clyde is central to Clyde Mission's broad remit and indeed sits at the centre of the Clyde corridor, the river itself is not represented as an entity.

We also understand that the River Basin Management Plan (RBMP) via SEPA is enhancing water quality nationwide, this does not actively address the wider socio-economic considerations around river dynamics and stewardship.

We see no active mechanisms or forums in place to ensure all actors with interests around the River Clyde address its significance. For example, private owners, some of whom hold and manage significant portions of the river in their portfolios, have no requirement to come forward with proposals beyond planning and statutory obligations. Neither do they have an obligation to sit within visible, public forums where they might be held publicly accountable. This means that sites and assets currently being left dormant or vacant and derelict are left unchecked in terms of how they are managed and sustained for the future.

The reframing of existing policy into the language of river rights would provide the opportunity to better protect the River Clyde and other rivers in Scotland. River rights should naturally be balanced with other critical factors affecting society such as inclusive growth, human activity, flood mitigation, and adaptation measures. This is one of the reasons why a Guardian of the River, and associated governance measures, are integral to river health and management whilst living in harmony with existing and new communities.

We recognise that the call for legal personhood of cultural and environmental assets is not yet established in Scotland. River rights are recognised in many places around the world and there are people and organisations in Scotland and the UK working in various ways to address this.

Our petition calls for the River Clyde to be given equal status to other entities that currently hold significant control over it. Limited companies have rights of legal personhood, councils have right of legal personhood, SEPA has the right of legal personhood, even the Scottish Government itself has the right of legal personhood. Yet, the River Clyde, with its intrinsic characteristics and critical role, does not. It currently has no representation in a court of law or someone (or body) to advocate specifically on its behalf.

At present, Scotland is not fully realising the potential of the environmental capital and cultural significance of the River Clyde. We recognise that the River Clyde is cited as a key national development focus for regeneration and economic growth within NPF4. It is heartening to see new directives and spatial strategies being developed for the Clyde Corridor via Clyde Mission. This petition advocates for the River itself and for structures and mechanisms to be put in place that recognise and champion its full potential and wider socio-economic benefit.

We are calling for the development of enhanced stewardship and governance models for the Clyde that go beyond the status quo to ensure holistic and sustainable outcomes for the river itself.

There are areas across Scotland that, due to their national significance and distinct characteristics, have guardianship in place of varying form. For example, the Loch Lomond and the Trossachs National Park.

We fully appreciate the complexity around river rights and granting of legal personhood. However, given the cultural significance and natural capital of the Clyde – and the potential it offers to inclusive, economic growth, community wealth building and prosperity – we ask that the Committee consider next steps and governance mechanisms that might be put in place to ensure that this national asset be better stewarded, represented, and protected to allow it to thrive for the benefit of all.

Let the Clyde flourish.