

River Rights:

Guardians for the Hogsmill

A curated dinner
3 July 2024
Stanley Picker Gallery



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1/ River Rights – An Introduction

“The laws we have are not rising to the threats we face. Legal structures that treat rivers and nature as objects for human exploitation are enabling today’s crises. A Rights of Nature approach offers transformative change at a time where it could not be needed more.”

– **Monti Aguirre**,
Latin America Coordinator at
International Rivers (2020)

A revolutionary concept has emerged in environmental law and conservation in recent years: the Rights of Rivers.

This new approach represents a shift in how we perceive and interact with our natural environment, moving away from viewing rivers as mere resources to recognising them as living entities with inherent rights.

The **Universal Declaration of River Rights** (UDRR) encapsulates this new paradigm. It asserts that **all rivers are living entities entitled to legal standing in courts of law**. The UDRR outlines seven fundamental rights that should be afforded to all rivers:

1. The right to flow.
2. The right to perform essential functions within their ecosystems.
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.
6. The right to regeneration and restoration.
7. The right to maintain lateral and longitudinal connectivity.

The rights aim to ensure not only the health of rivers but also **all ecosystems and beings that depend on them**.

Countries like New Zealand, Colombia, and Bangladesh have already granted specific rivers legal personhood, recognising their right to exist, flourish, and be protected.

Recognising river rights will set a new paradigm for urban rivers like the Hogsmill in Kingston upon Thames. The Hogsmill faces challenges from pollution, development pressures, and altered flow regimes. Acknowledging its rights to flow naturally, remain free from pollution, and maintain its biodiversity could provide a **solid framework for its protection, restoration, and preservation**.

Implementing River Rights involves not just legal recognition but also practical actions. The UDRR calls for **appointing legal guardians** to represent and assess rivers' interests, assessing rivers' best interests in all relevant decisions, and adequate funding for

Want to know more?



Universal
Declaration
of River Rights
(UDRR)

river protection and restoration. It also urges a reconsideration of human-made constructions, highlighting the need to preserve the free flow of the rivers.

As individuals, we can support River Rights by advocating for their legal recognition, participating in river conservation efforts, and making lifestyle choices that reduce our impact on river ecosystems. The concept of River Rights allows us to embrace new possibilities for protecting these vital water ecosystems, ensuring their health and vitality for generations to come.

The Rights of Rivers movement reminds us that rivers are not just resources to be exploited but living systems worthy of respect and protection. As we face growing environmental challenges, this new way of addressing our view of nature offers a promising path towards more sustainable and harmonious relationships with non-humans and the natural world.

2/ The State of the Hogsmill

The Hogsmill River, a unique chalk stream urban river, holds significant ecological and social importance in its area. It supports diverse wildlife while providing recreational opportunities for local communities.

However, it faces numerous threats from pollution that degrade water quality, disrupt aquatic habitats, and heighten flood risks, prompting the urgent need for active conservation efforts to safeguard natural habitats and future sustainability.

Recent data from The Rivers Trust reveals a substantial increase in sewage pollution impacting the River Thames and the Hogsmill River:

Sewage Pollution

While sewage spill durations in the Hogsmill River decreased to 71 hours in 2022, they surged to 144 hours in 2023, underscoring the escalating negative influence of anthropogenic activities on these aquatic ecosystems.

Sediment Pollution

Sediment pollution arises from agricultural runoff, urban drainage, and construction activities, which depose

sediments and pollutants into the riverbed. This sediment accumulation adversely affects water quality and disrupts aquatic ecosystems by reducing the riverbed depth. Over time, these alterations can exacerbate flood risks due to diminished water flow capacity.

Plastic Pollution

Littering and improper waste management result in the accumulation of plastic and other packaging materials in the river. These materials are slow to degrade and can break down into microplastics, which pose significant threats to wildlife and ecosystems.

Chemical Contaminants

Industrial discharges and road runoff introduce various chemicals into the river, including heavy metals, oils, and other toxic substances. These pollutants can have long-term detrimental effects on the environment and biological health.

Nutrient Pollution

Excessive nutrients from agricultural runoff and sewage spills can lead to eutrophication, where nutrient overloading causes algal blooms that consume oxygen in the water, breaking the ecosystem and thwarting fish and other aquatic life.

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3/ River Rights Case Studies

For far too long, humanity has viewed nature solely as a resource to be exploited, leading to catastrophic consequences such as mass extinctions, ecosystem collapse, and climate change.

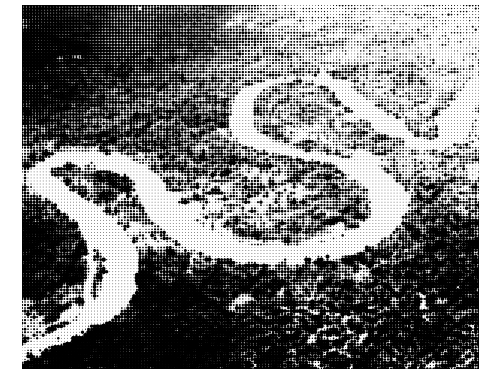
The concept of granting legal rights to rivers, exemplified by the phrase “***I am the river, the river is me,***” represents a revolutionary approach. It pioneers a new paradigm where nature is no longer merely a tool for human benefit but is legally recognised as a living entity with inherent rights.



New Zealand's Maori people revere the Whanganui River. 15 March, 2017. (BBC/Getty Images)

New Zealand

In 2017, the Whanganui River in New Zealand became the first river globally to be recognised as a legal person. This historic decision concluded the Maori, the indigenous Polynesian people of New Zealand, and their 160-year struggle to secure legal protection for the river. The landmark status of the Whanganui River has inspired and influenced global movements.



Aerial view of the Atrato River on 13 September, 2011. (Flickr/Andrés Ángel Gómez)

Colombia

The Atrato River in Colombia's Chocó department has been facing for many years severe pollution from mining, logging, and deforestation, prompting a humanitarian crisis in 2014. In November 2016 the Atrato case was brought to the Colombian Constitutional Court as an “*acción de tutela*” (action for protection of constitutional rights). The ruling emphasised state responsibility for mandating cleanup efforts and acknowledged the river's importance to Afro-Colombian and indigenous communities.



Hindu devotees at the confluence of the rivers Ganges and Yamuna, in Allahabad, India, on 22 March, 2005. (AP Photo/Rajesh Kumar Singh)

India

In March 2017, the Uttarakhand High Court granted the rivers Ganges and Yamuna legal personhood. Despite the reverence for the Ganges, India suffers from severe pollution, with over 1500 million litres of raw sewage and 500 million litres of industrial waste discharged daily by hundreds of polluting industries along its banks. Although later overruled by India's Supreme Court, this case established a significant legal precedent regarding environmental rights and responsibilities.

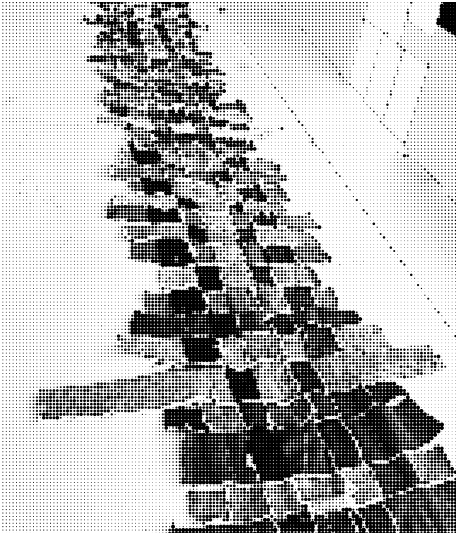
Bangladesh

In August 2019, Bangladesh's Supreme Court upheld a landmark decision declaring the Turag River and all rivers in the country as "living entities" with legal rights akin to "legal persons." The National River Conservation Commission was appointed as their guardian to ensure the protection, conservation, and prevention of pollution and encroachment, enforcing these rights against both private and government entities.

4/ The Hogsmill Communities

The Hogsmill River's health depends on the collective efforts of its diverse local communities.

From university groups to conservation charities, these organisations play crucial roles in protecting and restoring the river. By joining or supporting these efforts as **active guardians of the Hogsmill** the preservation of the river will be ensured for generations to come.



Tablecloth (by Sylvia Liu and Yuyuan Huang) symbolising the Hogsmill River for the curated dinner 'River Rights: Guardian of the Hogsmill.'

KU Biodiversity

A group within Kingston University committed to enhance biodiversity in and around its campus.
biodiversity@kingston.ac.uk

South East Rivers Trust

A charity of conservation experts who restore, renaturalise and reconnect rivers to inspire lifelong stewardship for rivers by getting people of all ages to experience, enjoy and understand rivers.
volunteering@southeastriverstrust.org
0845 092 0110

Citizen Zoo

A social enterprise committed to rewilding and conservation, rebuilding natural habitats to a more whole state and bringing people out into the great outdoors.
www.citizenzoo.org/contact-us

The Save Our Lands & River (SOLAR) Campaign

Formed to mount opposition to Thames Water's TDRA (Teddington Direct River Abstraction) scheme, on behalf of residents living in the proposed area.
saveourlandsandriver.org.uk/join-us

Hogsmill Community Garden

A community space dedicated to creating more outdoor areas for growing local produce, offering opportunities to enhance health and learn practical environmental skills.
Kingston upon Thames, KT1 2RH
facebook.com/hogsmillcommunitygarden

Friends of Berrylands Nature Reserve

A local community group managing Berrylands Nature Reserve as a natural green space offering an ideal environment for discovering a variety of local wildlife species.
Surbiton KT5 9EE
berrylandsnr@gmail.com

5/ Advocate for River Rights

River Rights: Guardians for the Hogsmill

aim is to trigger collective action. As Guardians of the Hogsmill, you are now part of a growing movement to protect and preserve this vital natural resource. Consider this curated dinner as the beginning of advocating for the Hogsmill's rights. Collaborate with fellow Guardians, engage with local organizations, and explore legal avenues to strengthen the river's protection.

Together, we can work towards establishing legal rights for the Hogsmill, making a significant impact in safeguarding the unique Hogsmill chalk stream for future generations.

Fight to protect the Hogsmill's Right!

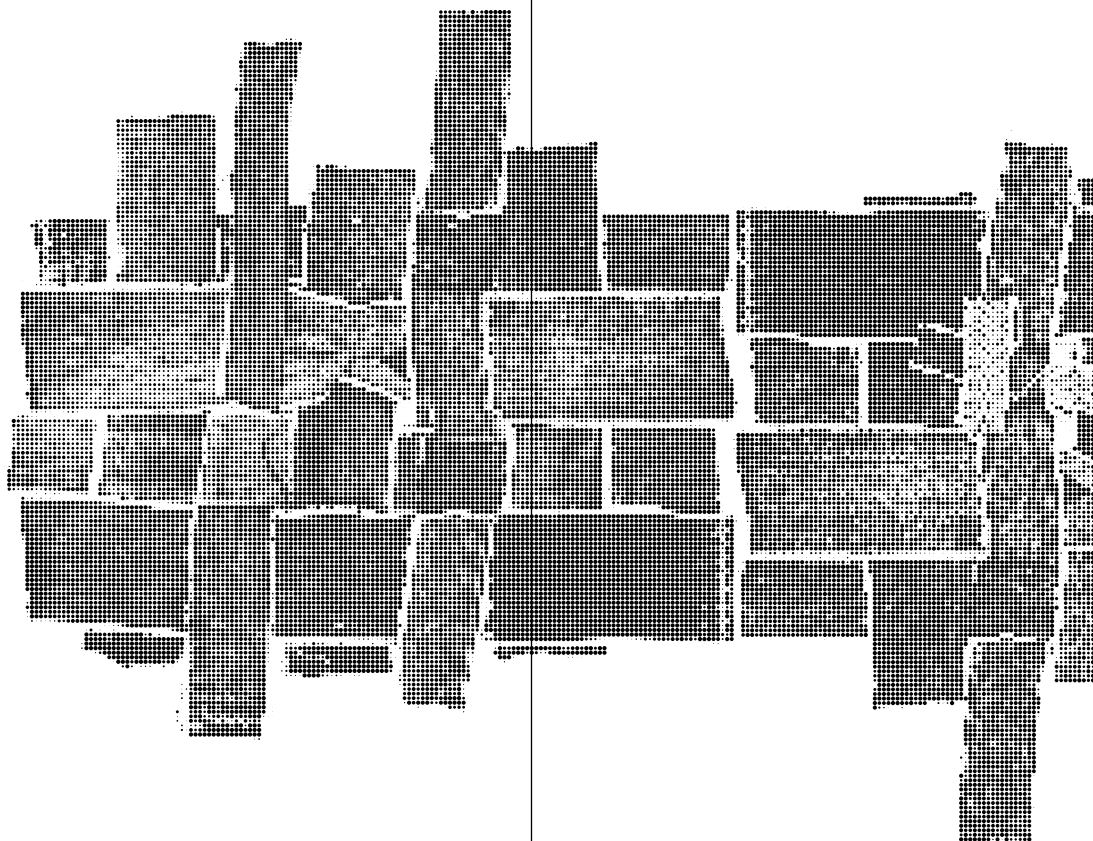
Be the Hogsmill's eyes and ears. If you see pollution or harm to the river, call **0800 80 70 60** to report it to the **Environment Agency**.



Report an environmental incident

Curators from
MA Curating
Contemporary
Design, Kingston
University in
partnership
with the Design
Museum, London

Wendy Chen
Yuyuan Huang
Oliwia Kochanowicz
Sylvia Liu
Karina H Miriklis
Marçal Prats
Eliza Priede
Heesun Ryu
Qingyun Wang
Teoh Wen Xin
Hong Kuan Wong
Skylar Zhao



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