

# Implementing environmental rights under the Global Biodiversity Framework: Progress in England

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This briefing is on behalf of Wildlife and Countryside Link ([Link](#)) and calls for an Environmental Rights Bill to deliver on the UK's international commitments under the Global Biodiversity Framework.

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## Introduction

State parties have an [obligation](#) under the Convention on Biological Diversity to halt biodiversity loss. At COP16 in October 2024, countries must show how they have made progress towards implementing the Kunming-Montreal Global Biodiversity Framework (GBF) [2030 Targets](#).

Many of the GBF targets relate to biodiversity conservation actions. However, there is a human element to flourishing, biodiverse nature. Local communities play an important role in conserving nature and using the land sustainably. Accordingly, the GBF recognises the contribution of these communities and sets out actions to safeguard their active participation in biodiversity protection and rights.

[Target 22](#) requires state parties to ensure full, equitable, inclusive and gender-responsive participation in decision-making and access to justice and information on biodiversity for all. The obligation extends to Indigenous Peoples and local communities, as well as groups such as women and children, persons with disabilities and environmental defenders.

Although the UK may not have Indigenous Peoples that are directly comparable with other countries, it has plenty of [rural rights holders](#) (such as small-scale food producers, fishers and pastoralists with traditional knowledge and practices) and a thriving network of environmental defenders. In recent years, the previous Government passed a raft of legislation to erode the rights of those seeking to protect the environment.

The UK has committed to delivering on the GBF targets. The newly elected Westminster Government has a unique opportunity to demonstrate real progress in protecting

environmental rights by clarifying the duties that public authorities and businesses owe to individuals and communities with the right to live in a biodiverse environment.

## Progress on Target 22

In England, the [public sector equality duty](#) (established by the Equality Act 2010) requires public authorities to give due regard to the need to eliminate discrimination, including on the basis of race, colour, nationality, ethnic or national origin, religion or belief, sex, and disability, when making decisions about how they provide services and implement policies.

### Progress towards substantive environmental rights

Basic human rights to [environmental conditions and quality](#) (e.g. clean air, a safe climate, safe water, healthy food, non-toxic environments and healthy biodiversity and ecosystems) are fundamentally connected to procedural environmental rights (the tools we rely on to protect the environment). The substantive right to a clean, healthy and sustainable environment is paramount, as all other rights are dependent on it (e.g., the right to life and the right to health cannot be realised in full without a healthy environment).

Over 150 countries recognise the right to a healthy environment and are taking steps to safeguard environmental rights. However, the UK is one of the few countries remaining that has yet to formally recognise a right to a healthy environment, as well as other important environmental rights, in its legal system. As one of the most nature-depleted countries in the world, the UK cannot afford to further delay recognising the legal right to a healthy environment.

Until environmental rights are enshrined in law and fully implemented, the UK will continue to fall behind its international counterparts and compromise its international commitments to halt biodiversity loss. The failure to enshrine environmental rights in law also risks deepening environmental discrimination, inequality and injustice for UK people and communities. These issues undermine the [vital role environmental defenders play in protecting the environment](#).

### Aarhus Convention rights

The UK is also required to comply with the procedural environmental rights under the [Aarhus Convention](#), which sets out the right to freely access environmental information, the right to full public participation in environmental decision-making, and the right to access to justice

through legal challenges where environmental violations occur. However, in 2009 the Aarhus Convention Compliance Committee found the UK in breach of its international obligations on the affordability of legal action. In 2024, the UK not only remains in non-compliance with this requirement – legislative changes have moved it further away from compliance.

Moreover, the [end of mission statement](#) of the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention, Mr Michel Forst, specifically highlighted increasingly severe crackdowns on environmental defenders in the UK, including prohibitions on the exercise of the right to peaceful protest. In particular, the implementation of new restrictions under the Police, Crime, Sentencing and Courts Act 2022 and Public Order Act 2023 has resulted in the excessive punishment of, and imposition of harsh bail conditions on, peaceful environmental defenders. Severe limitations also remain on access to justice where environmental violations occur, including prohibitive expenses and the variations to Aarhus cost caps. Link has outlined the issues with these restrictions in detail in its joint [ELUK 2024 statement](#) to the 28th meeting of the Working Group of the Parties to the Aarhus Convention and 16th Meeting of the Task Force on Access to Justice.

Aside from aspects of the public sector equality duty, there are no policies or provisions in UK law relating specifically to the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples, nor any other minority groups protected under UK equality and human rights law. If this is not addressed, the UK will fail to deliver progress on target 22 of the GBF, as well as failing to drive the necessary progress to achieve other GBF targets.

## Incorporating Target 22 through an Environmental Rights Bill

Link is calling on the Government to introduce an [Environmental Rights Bill](#). The Bill would formally recognise the legal right to a healthy environment and [strengthen](#) the duties of public authorities and decision-makers to avoid environmental harm. The Bill would also fully integrate Aarhus Convention rights of access to information about the environment, public participation in environmental decision-making, and access to justice into UK law, enabling the UK to make progress on target 22 and be compliant with its international commitments under the GBF.

An Environmental Rights Bill would empower the public to do more to directly challenge failures by decision-makers to uphold their environmental duties, access justice in the event

of environmental harm and set out vital protections for environmental defenders and their right to peacefully protest.

The Environmental Rights Bill doesn't address biodiversity loss head on. It seeks to introduce a legal bottom line for a right to a healthy environment and to empower citizens to exercise their rights to know, to participate and to challenge decisions with significant and irreversible impacts on water, land and air pollution. Ultimately, it will better equip individuals and communities to access and act to protect local green and blue spaces and through, for example, involvement in the development and promotion of nature friendly farming decision-making, to encourage the sustainable management and use of the land.

By giving more weight to biodiversity in decision-making, and more support to the people working to protect it, the Environmental Rights Bill will enable the Government to deliver on its international commitments to halt nature loss and pave the way to a better future with flourishing biodiversity for all people in the UK to enjoy.

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 84 organisations to use their joint voice for the protection of the natural world, animals and access to a healthy environment for all. Wildlife and Countryside Link is a registered charity number 1107460 and a company limited by guarantee registered in England and Wales number 3889519.

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**The following organisations have inputted into this briefing and support an Environmental Rights Bill to enable the UK Government to deliver on its international GBF commitments:**

Bat Conservation Trust

Chartered Institute of Ecology and Environmental Management

ClientEarth UK

Compassion in World Farming UK

Institute of Fisheries Management

Open Spaces Society

River Action  
RSPB  
Seal Research Trust