

## **50 organisations and experts sound alarm over shrinking access to environmental justice**

The UK has a proud, long history of thriving civil society groups and organisations coming together to protect nature and the environment. One of the ways we have done this is through the legal system, by successfully holding public and private bodies to account for environmental harms. The primary mechanism by which the decisions and actions of public bodies have been scrutinised in the courts is through the process of judicial review (JR).

The UK is signatory to the UNECE Aarhus Convention – an international treaty that enables people, communities and organisations to access environmental justice when needed. In the UK, it works by limiting the costs a claimant must pay to a public body if they take an environmental judicial review to court and lose (so-called adverse costs). The cap, set at £5k for individuals and £10k for community groups and NGOs, is vital for enabling civil society and communities to make sure the government is acting lawfully.

In 2023, Foodrise challenged the government on the climate impact of the UK-Australia trade deal. The High Court granted the case Aarhus costs protection, but the government successfully appealed the judge's decision to grant the costs cap on the grounds the legislation being challenged was about tariffs rather than environmental issues - despite Foodrise bringing the case because of climate concerns. As a result, Foodrise lost their Aarhus cost cap.

While this is regrettable for Foodrise's specific case, the repercussion of this ruling is already being felt across the environmental movement. This is because the Aarhus Convention costs regime provides a crucial degree of certainty that enables organisations to plan, budget and bring cases of wide public importance, when there are harms to the environment. The ruling has narrowed the scope of what classifies as an environmental case in the eyes of the law and legal routes to environmental justice have been curbed.

Foodrise, with the support of our allies in the environmental sector, decided to appeal the Court of Appeal's judgment to the Supreme Court, which is hearing the appeal on 11 June 2026. We have taken this important step because accessing the legal system is a critical component of our work and the work of others on behalf of the needs and rights of wider society and nature.

We are deeply worried that the vibrant, active civil society necessary for defending nature will be minimised if Aarhus costs protection is limited. We are therefore looking to the Supreme Court to recognise the significance of this critical issue and ensure environmental justice is maintained by reversing the Court of Appeal's ruling.

Signed,

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Kate Norgrove, Executive Director of Conservation, Advocacy and Policy, WWF-UK

Chris Packham, Broadcaster & environmental campaigner

George Monbiot, Writer and environmental activist

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