

DECEMBER 2025

HUMAN RIGHTS AND THE TRANSBOUNDARY ENVIRONMENT ON THE ISLAND OF IRELAND

Briefing for the UN Special Rapporteur on the human right to
a healthy environment



**Friends of
the Earth**
Northern Ireland

EJNI
ENVIRONMENTAL JUSTICE
NETWORK IRELAND

1. Introduction

*"Despite political arrangements, there are no borders in nature, and what happens in the environment of one jurisdiction unavoidably impacts the other. The only way to preserve the environmental integrity of both Northern Ireland and Ireland is through a coherent system of environmental management."*¹

The island of Ireland is one single biogeographic unit.² Pollution and environmental damage caused on one side of the border will impact the environment on the other side of the border. **This means that breaches of environmental rights in Northern Ireland will have important transboundary implications for the human right to a healthy environment for citizens living across the whole island of Ireland - and vice versa. It also means that citizens trying to assert their procedural rights to environmental justice will be impacted by procedural deficits in both jurisdictions.** This submission has been prepared by [Environmental Justice Network Ireland](#) and [Friends of the Earth Northern Ireland](#) in response to the OHCHR [call for input](#) for the UN Special Rapporteur on the human right to a healthy environment ahead of an official visit to Ireland in February 2026. It sets out the political and legal underpinnings of environmental rights that transcend the border on the island of Ireland. It also considers urgent transboundary issues which have implications for environmental rights and the protection of environmental defenders. Finally, we make a series of recommendations for how some of these issues could be overcome. There is a significant body of research which has developed in this area, and this is referenced throughout the document with signposting to additional detail or resources where relevant.³

2. Context

The environment on the island of Ireland is one of the most degraded in the world. Almost all indicators demonstrate that nature is in crisis, and that this crisis transcends the political border on the island. Northern Ireland ranks 12th worst globally for biodiversity loss – making it one of the most nature-depleted places in the world and Ireland is only marginally ahead at 13th.⁴ Condition of designated areas of natural and international significance is poor and declining in both jurisdictions.⁵ In addition, the island of Ireland has the lowest proportional tree coverage of any significant territory in Europe. Ireland has just 11.6% cover, and Northern Ireland's levels are even lower at 8% – both well below the EU average of 38%. Only about 2% of the island's total area is native woodland. In many rivers and lakes water quality has been assessed as poor and declining,⁶ with polluting emissions from intensive agriculture and sewage proving to be problems that neither government has been willing or able to resolve.⁷ Illegal dumping, both within jurisdictional boundaries and across the border, has created massive deposits of toxic and unrecorded waste which will contaminate the land as well as surface and ground waters for generations.⁸ In both jurisdictions, there is a significant gap between ambition and legal commitments on meeting

¹ Alison Hough BL, speaking to an Oireachtas committee on the Implementation of the Good Friday Agreement in 2019 upon the publication of *Brexit, the Good Friday/Belfast Agreement and the Environment: Issues arising and possible solutions*, available [here](#).

² Ciara Brennan et al., 'Linking the Irish Environment: Final Report' (Environmental Justice Network Ireland Research Report, June 2023), available [here](#).

³ Thanks to Alison Hough, Laura Neal, Orla Kelleher and Caitlin McIlhennon for input to this document. Please direct any questions to corresponding author Dr Ciara Brennan, admin@ejni.net.

⁴ Nina Schönberg and Paul Armstrong, 'Nature Recovery Networks for Northern Ireland- More, Bigger, Better and More Connected Spaces for nature and people' (2023), available [here](#).

⁵ Office of Environmental Protection, 'Review of implementation of laws for terrestrial and freshwater protected sites in Northern Ireland' (2025), available [here](#).

⁶ Despite initiatives to improve water quality, in 2021 less than one third of Northern Ireland's rivers had good ecological status, representing no improvement since 2015. In the case of lakes, only 14 per cent were classified as having good ecological status in 2021 (down from around 24 per cent in 2015), see Northern Ireland Audit Office, *Water Quality in Northern Ireland's Rivers and Lakes* (2024), available [here](#). In Ireland, just over half (52 per cent) of surface waters are in satisfactory ecological condition, which is a deterioration from the previous assessment for 2016-2021, where 54 per cent of surface waterbodies met their water quality objectives, see Environmental Protection Agency, *Water Quality in Ireland 2019-2024* (2025), available [here](#).

⁷ See e.g. research from Desmog available [here](#) and Office of Environmental Protection, *Drivers and pressures affecting nature in Northern Ireland* (2024), available [here](#).

⁸ See, e.g. news reports on discovery of illegal dumps from the [Belfast Telegraph](#) and [Irish Times](#).

climate targets on the one hand, and progress towards meeting these commitments on the other.⁹ Access to environmental justice, public participation in environmental decision-making and access to environmental information have also been problematic in both jurisdictions and in a transboundary context. Environmental governance in both jurisdictions has been the subject of significant criticism, in particular Northern Ireland's persistent failure to undertake urgently needed governance reform.¹⁰ Finally, cooperation to respond to these myriad environmental challenges remains underdeveloped.¹¹

Both Ireland and the UK (i.e. Northern Ireland) are signatories to many international environmental and human rights agreements, and both have well-established human rights and environmental legal frameworks (albeit with notable gaps) which have been in operation for decades. In both jurisdictions, development of environmental law has been driven largely by the requirement to implement EU environmental law. This means that there are common underpinning requirements and standards across a wide range of environmental issues that remain (for the time being) despite the UK's 2016 decision to leave the EU.¹² There are also a range of transboundary legal obligations on both jurisdictions to manage shared resources and limit or prevent transboundary pollution.¹³ However, both Ireland and the UK have a long history of non-compliance with these extensive international and EU legal requirements.¹⁴

Neither Ireland nor Northern Ireland have a constitutionally protected standalone right to a minimum quality of environment. However, there has been debate in recent years in Ireland about the merits of amending the Irish Constitution to include a constitutional right to a healthy environment, as well as discussions about what 'rights of nature' might look like across the island of Ireland.¹⁵ **While neither Northern Ireland or Ireland currently have expressly articulated environmental rights enshrined in law, they are both signatories of the ECHR and a range of other international treaties which means that environmental rights do exist across the island.** In addition, the prevalence of rights in the 1998 Agreement and the impact of the post-Brexit regulatory arrangements establishes a new and evolving landscape of environmental rights – the legal implications of which are still being tested.

The **1998 Agreement** (sometimes referred to as the 'Belfast' or 'Good Friday' Agreement) is a political deal which ended 30 years of violent conflict in Northern Ireland and led to the establishment of the devolved government and arrangements for cooperation across the island and between the UK and

⁹ See, e.g. latest EPA projections for Ireland, available [here](#) and EJNI's response to the recent consultation on Northern Ireland's Draft Climate Action Plan 2023 – 2027, available [here](#).

¹⁰ Ciara Brennan, Ray Purdy and Peter Hjerp, 'Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform' (2017) Northern Ireland Legal Quarterly 68(2) 123-157, available [here](#).

¹¹ Ciara Brennan et al., 'Linking the Irish Environment: Final Report' (Environmental Justice Network Ireland Research Report, June 2023), available [here](#).

¹² An EJNI explainer for these developments commissioned by IEN and NIEL is available [here](#).

¹³ Both jurisdictions have ratified the majority of the nine 'core' UN human rights treaties (the UK have not ratified two) and the majority of environmental multilateral agreements (MEAs). However, both jurisdictions have few explicit implementing measures for such agreements where not required under EU law, and both have been found in breach of a variety of international law obligations. The ECHR is the only Human Rights Agreement (HRA) explicitly incorporated into domestic law in both jurisdictions, via the Human Rights Act 1998 (UK/Northern Ireland) & ECHR Act 2003 (Ireland).

¹⁴ For example, Ireland failed to designate habitats as required under the EU Habitats Directive, or set site objectives, and has been subject to [infringement proceedings](#) in this regard, in addition to specific infringements for peatland and water quality issues. Ireland has been found in breach of the Environmental Impact Assessment Directive multiple times by the CJEU for failure to apply the directive to a range of industries or to respect public participation or access to justice provisions of the directive, Case [C50/09](#) (2011) ECLI:EU:C:2011:109 ; Case [C 215/06](#) (2008) ECLI:EU:C:2008:380. By the time Brexit arrived, there were multiple ongoing infraction proceedings underway against the UK because of serious breaches of EU environmental law in Northern Ireland – including complaints regarding enforcement of environmental law in general and a specific complaint regarding the failure to protect Lough Neagh. These complaints – which had the potential to lead to infraction proceedings against the UK as a whole – were quietly discontinued in the post-Brexit era, without any of the issues being resolved, as discussed in more detail [here](#).

¹⁵ The need for a human right to a healthy environment and rights of nature were endorsed by the Citizens' Assembly on Biodiversity Loss in Ireland in 2023. For discussions around a 'rights of nature' approach on the island of Ireland see, EJNI's [submission](#) to the 2023 Citizens' Assembly. For discussion of constitutionalising environmental rights see this [recent report](#) commissioned by Community Law and Mediation's Centre for Environmental Justice.

Ireland regarding governance of Northern Ireland. Ensuring the 1998 Agreement and the peace it brought to Northern Ireland are protected has shaped the post-Brexit governance arrangements which have emerged after years of intractable negotiations in the wake of the UK's decision to leave the European Union, and these new arrangements have important environmental and human rights implications for citizens on both sides of the border in Ireland.¹⁶ Recent analysis for the Northern Ireland Human Rights Commission¹⁷ concluded that the Rights, Safeguards and Equality of Opportunity (RSE) section of the 1998 Agreement protects a broad suite of procedural and substantive environmental rights, and other human rights that can protect the environment, beyond those expressly mentioned.¹⁸ **Brexit has had a significant impact on the structures and laws designed to deliver environmental protection in Northern Ireland - mainly because the environment is an area of law which has been heavily influenced by the need to comply with EU environmental rules and standards. Environmental rights and safeguards are therefore a category of rights particularly vulnerable to potential reduction, or 'diminution' as post-Brexit governing arrangements** (set out in the 'Windsor Framework') replace those that followed from EU membership.¹⁹ Post-Brexit diminution of environmental rights and safeguards across a range of areas are likely to fall within the scope of Article 2 of the Windsor Framework which is tethered to the 1998 Agreement's RSE section and these diminutions can therefore be challenged in order to uphold the environmental rights of individuals in Northern Ireland and, in some instances, on the island of Ireland. Concerns about diminution of environmental rights have been heightened as the reality of post-Brexit regulatory divergence (differences in laws, standards, and implementation—risks creating regulatory gaps, enforcement issues, funding loss, economic imbalance, conservation problems, cross-border cooperation difficulties, and transboundary pollution) between Northern Ireland and Ireland becomes clear.²⁰

3. Urgent transboundary environmental human rights issues on the island of Ireland

Transboundary pollution and failure to protect important habitats and species: The proliferation of intensive agriculture and its effects on our shared environment is something that impacts the entire Ireland and has been the subject of both institutional reports and high-profile media attention in the last number of years in both jurisdictions.²¹ There are particular concerns regarding the intensification of agriculture as a source of potential transboundary pollution near the border.²² Lough Neagh, located in Northern Ireland but part of a major transboundary river basin is a totemic example of the impact of decades of neglect and weak regulation of polluting industries. The ecological degradation at Lough Neagh is even more shocking in light of its multiple national and international designations of ecological and scientific

¹⁶ A detailed exploration of the 1998 Agreement and the Environment, *'Brexit, the Good Friday/Belfast Agreement and the Environment: Issues arising and possible solutions'* was completed by Alison Hough in 2019 and includes an analysis of the rights-implications of the UK leaving the EU in light of the 1998 Agreement, available [here](#).

¹⁷ Ciara Brennan Mary Dobbs Alison Hough Orla Kelleher and Lisa Whitten, *The Environment, Human Rights and the Windsor Framework* (Northern Ireland Human Rights Commission, 2025), available [here](#).

¹⁸ *Dillon and others v Secretary of State for Northern Ireland* [2024] NICA 59, para 115.

¹⁹ Mary Dobbs et al, 'Non-diminution, dynamic alignment and cooperation: exploring the potential of the Protocol on Ireland/Northern Ireland to protect the environment' (2024), *Northern Ireland Legal Quarterly*, 75(3), 550-583, available [here](#).

²⁰ Ciara Brennan, Alison Hough and Lisa Claire Whitten (2025) 'Monitoring post-Brexit environmental divergence on the island of Ireland: The role of civil society' *Environmental Justice Network Ireland Research Report*, June 2025, available [here](#).

²¹ McSweeney, E., (2022) *'Northern Ireland turning Republic into a 'toilet' for excess manure pollution'* *The Guardian*, July 2022.; DAERA (2024) *Air pollution in Northern Ireland: 2024*, Belfast: DAERA; McVicar et al, *Air Pollution and Mortality on the Island of Ireland: Estimating Local All-Cause and Circulatory Mortality Burdens Associated with Fine Particulate Matter Pollution in Northern Ireland and the Republic of Ireland* (2023), available [here](#); DAERA (2024). *Lough Neagh Report*, (July 2024), available [here](#); EPA (2024) *Update on Pressures Impacting on Water Quality*, available [here](#); Central Statistics Office. (2024, October 11). *Ireland's UN SDGs - Goal 3 Good health and well-being 2024: Environment*, available [here](#). O'Carroll, C. (2025), *Hundreds of old landfills left in limbo despite risk of leaking toxic waste into waterways*. *The Journal*; EPA (2024). *Water quality in Ireland 2019-2024*, available [here](#).

²² Friends of the Earth NI have forthcoming research highlighting the extent of the intensification of agricultural industries in the proximity of the border and have previously undertaken research demonstrating the pollution caused by agricultural intensification in the UK, see <https://www.sustainweb.org/reports/apr24-stink-or-swim-briefing/>

significance which have clearly had little or no impact on ensuring its protection.²³ The environmental justice implications of the ecocide which has occurred at Lough Neagh have been discussed in detail in recent analysis,²⁴ and it is worth noting that many of the problems faced at Lough Neagh are also being experienced in other water bodies across the island.²⁵ Persistent and ongoing pollution of air, water and land to the extreme detriment of environmental quality across the island has clear implications for the environmental rights of current and future generations.

Illegal disposal of waste: The Mobuoy ‘superdump’, near Derry in Northern Ireland, is one of Europe’s largest illegal landfills.²⁶ The site covers about 46 hectares (over 100 acres) and it has been estimated that over a million tonnes of waste was illegally dumped there before it was shut down in 2013.²⁷ The boundaries of the Mobuoy site are within 5 metres of the River Faughan which provides drinking water to the City of Derry and is part of a transboundary river system. There are obvious potential human rights and health implications connected to the presence of this illegal dump for citizens living not just in its immediate vicinity, but within the much wider geographical area of the river and groundwater systems which have the potential to be impacted by pollution from the buried waste. These systems extend beyond the border. Since its closure in 2013, the site has been continuously monitored for any likely impacts to health and while a remediation plan for the site has been proposed, concerns exist that the political will and fiscal budget do not exist to bring it to fruition. The scale and complexity of the remediation plans, coupled with a distrust that government can actually deliver safe remediation in the absence of a full, transparent public inquiry²⁸ and independent advice have undermined the ability of the public and stakeholders to participate in decision-making around the dump in a meaningful way. The extent of transboundary consultation either with the public or stakeholders throughout this process also remains unclear. In 2025, civil society organisations and environmental campaigners established a ‘Community Inquiry’, designed to simulate the structure and credibility of a statutory inquiry, with the aim of establishing facts, documenting lived experience, identifying failings and recommending actions – while building public and political momentum for a formal public inquiry.²⁹ The intergenerational health impacts of buried waste and contaminated land and the rights-based concerns flowing from these impacts have been well established in multiple examples across the world and have formed the basis of many environmental justice campaigns.

Cross-border access to justice and public participation in environmental decision-making: Ongoing problems with access to justice in both jurisdictions are well-documented.³⁰ In a transboundary context, the Aarhus Convention effectively creates a right of cross-border public participation, access to information and justice, as its rights cannot be limited by reference to domicile, residence or nationality. However, different systems either side of the border on the island of Ireland for implementation of Aarhus

²³ Lough Neagh is, for example an Area of Special Scientific Interest (ASSI), a Special Protection Area (SPA) and a RAMSAR site.

²⁴ Bróna McNeill and Ciara Brennan, Lough Neagh: A Case study in Environmental Injustice (EJNI 2025), available [here](#).

²⁵ Ireland’s EPA has [warned](#) that other water bodies at risk of harmful algal blooms were identified as Lough Oughter South, Upper Lough Skeagh, Lough Sillan, Lough Ramor and Lough Gowna North – all in Co Cavan and Lough Egish and Lough Naglack in Co Monaghan – both of which are ‘border’ counties. Algal blooms have also been reported in Lough Corrib and Lough Derg in 2025, see news reports [here](#).

²⁶ Juneseo Hwang, The Political Economy of the Mobuoy Illegal Dump in Northern Ireland: A Green Criminology Perspective, *International Journal for Crime, Justice and Social Democracy*, 14(3) 2025 and Ciara Brennan, The Enforcement of Waste Law in Northern Ireland: Deterrence, Dumping and the Dynamics of Devolution, *Journal of Environmental Law*, Volume 28, Issue 3, November 2016, Pages 471–496, and Ray Purdy, and Peter Hjerp, ‘Political, Economic and Environmental Crisis in Northern Ireland: The True Cost of Environmental Governance Failures and Opportunities for Reform’, *NILQ*, 68.2 (2017).

²⁷ There are also allegations that some waste originated from across the border, where there have also been significant issues with large-scale illegal dumping. See news reports including <https://www.belfasttelegraph.co.uk/news/environment/dump-leaking-waste-into-derrys-drinking-water-even-worse-than-feared-experts-have-found/a678125756.html> and, e.g. <https://www.irishtimes.com/news/environment/a-most-revolting-case-of-illegal-waste-in-co-donegal-1.3175935>

²⁸ The issue is explored in Dean Blackwood, Ciara Brennan, Peter Doran, James Orr, Alison Hough, and Laura Neal, ‘The cross-cutting nature of a public inquiry into illegal waste disposal in Northern Ireland: A briefing for the NI Executive’ (2020) EJNI Briefing Paper, available [here](#).

²⁹ Submissions to the Community Inquiry can be made by email to mobuoyinquiry@caj.org.uk until the end of March 2026.

³⁰ See for example, Access to Justice under the Århus Convention and Irish Judicial Review: *Sweetman v An Bord Pleanála*, Ireland and the Attorney General [2007] IEHC 153, [2007] 2 ILRM 328, available [here](#); EJNI (2023) Access to cross-border justice on the island of Ireland, available [here](#); Ryall, Á. (2018). Enforcing the Environmental Impact Assessment Directive in Ireland: Evolution of the Standard of Judicial Review. *Transnational Environmental Law*, 7(3), 515–534; EJNI (2023) Access to information on emissions in a cross-border context on the island of Ireland post Brexit, available [here](#).

rights create obstacles for the public and environmental NGOs in exercising these rights because they have to develop capacity (i.e. learn the system/bureaucracy) in both jurisdictions, which takes time, energy and knowledge that the public or environmental organisations may lack. Deficiencies in implementing Aarhus rights either side of the border also diminishes the capacity of the public/environmental NGOs, who may only be afforded their full Aarhus rights after lengthy complaints procedures or litigation to rectify incorrect or inadequate implementation.³¹ There have been multiple examples of environmental decision-processes occurring on the island of Ireland where the public and stakeholders on the other side of the border have not been properly consulted.³² An important recent example led to the collapse of the public inquiry into the controversial Curraghinalt Gold Mine application in the Sperrin Mountains Co. Tyrone, an environmentally sensitive area, including the River Foyle and River Finn Special Areas of Conservation where the proposed mining poses risks to ecosystems and water quality in both Northern Ireland and Ireland.³³ On 15 January 2025, a public inquiry into the proposed mining was suspended due to the Northern Ireland Department for Infrastructure's failure to adequately notify the Irish Government and conduct meaningful transboundary consultation.³⁴ Failure to properly implement the Aarhus Convention on both sides of the border is impacting the procedural environmental rights of citizens across the island.

Failure to make adequate progress towards a just and fair transition: Both Ireland and Northern Ireland have adopted framework climate laws but neither jurisdiction is effectively implementing them in practice.³⁵ Although climate laws on both sides of the border establish a range of legal requirements and initiatives designed to deliver a just and fair transition,³⁶ Northern Ireland's severe lag-time on implementing its climate law risks a 'two-speed' transition on the island as well as jeopardising Ireland's ability to meet its own legally binding climate commitments. There may be potential for the justiciable human rights guarantee contained in Article 2 of the Windsor Framework to be applied in a just transition context in Northern Ireland.³⁷ There are additional concerns about the quality of public participation around climate plans and policies (as discussed above) both within jurisdictions and on a transboundary basis, this means plans are poorly scoped particularly for adverse impacts of the transition on marginalised populations. There are also, however, examples of good practice. Ireland has been a leader in innovative cross-societal climate dialogue, with the use of citizens assemblies forming a core part of a successful strategy to involve the public in climate action decision making. The Youth Climate Assembly stood out as a positive initiative to address intergenerational equity. The National Climate Conversations held annually in Ireland engage a variety of marginalised groups and business/public body stakeholders across society in conversations about the most appropriate approaches to climate action. Unfortunately, none of

³¹ Research by Alison Hough and Ciara Brennan highlighted the disparities and gaps between Aarhus rights in both jurisdictions in "[Finding Common Ground - All Island Synthesis Report](#)" (2021) with sub reports giving detailed coverage of the gaps in Aarhus rights and environmental protections Ireland and Northern Ireland.

³² See for example [this briefing](#) on Ireland's failure to undertake transboundary consultation on the production of its National Energy and Climate Plan - either in Ireland or Northern Ireland. Public participation in climate planning is required by the EU Governance Regulation (which incorporates at Article 10 the Strategic Environmental Assessment Directive) and the EU Climate Law but this was not complied with in the previous or most recent round of National Energy and Climate Plans (NECPs), in Ireland and many other EU member states. This led to complaints being filed from NGOs across the EU regarding compliance of the NECPs with the Governance Regulation and calling on the EU Commission to take action, including by [EJNI](#) in respect of Ireland. No action has been taken.

³³ Amy Strecker, V'cenza Cirefice, Alison Hough and Ciara Brennan, 'Transboundary environmental justice: Gold mining in the Sperrin Mountains' EJNI Research Report, April 2025, available [here](#).

³⁴ Ibid.

³⁵ There have already been efforts to water down the level of ambition in Ireland's second carbon budgeting programme by the Climate Change Advisory Council adopting a new understanding of 'climate neutrality,' which (if accepted) effectively allows it to grandfather its methane emissions. The approach has been strongly condemned by leading climate scientists and complementary research has argued that compliance with the judgment in *KlimaSeniorinnen v Switzerland* requires a form of fair share carbon budgeting. See [this report](#) and 'The implications of the European Court of Human Rights' climate rulings for climate litigation in Ireland: a new legal reality' in the Irish Planning and Environmental Law Journal 2025, (1), 3-21 and Jackson, Andrew; Kelleher, Orla: Quantifying Fair Share Carbon Budgets: The Margin of Appreciation in the ECtHR's *Klimaseniorinnen* Judgment Revisited, *VerfBlog*, 2025/7/18, available [here](#).

³⁶ See EJNI's recent mapping exercises for Just Transition [legal obligations](#) and [initiatives](#) on the island of Ireland. and

³⁷ Ibid.

these processes had a formal or legislative link to the Government policy making pipeline but could act as a model for processes in Northern Ireland or transboundary deliberative democracy initiatives.

4. Protection of environmental human rights defenders

There are no specific laws in either jurisdiction protecting environmental defenders from attack. The UK Government defines a Strategic Lawsuits Against Public Participation (SLAPP) as a 'legal action typically brought by corporations or individuals with the intention of harassing, intimidating and financially or psychologically exhausting opponents via improper use of the legal system'. However, 'SLAPP' type legal abuse seen in Ireland and Northern Ireland encompass a very broad range of activities such as administrative complaints procedures or unfounded complaints to professional bodies, or instigation of criminal investigations and professional body complaints against solicitors involved in pro-environment work. SLAPP suits pose a significant threat to environmental defenders, as they are often used to silence or intimidate individuals and organisations who speak out against environmentally harmful activities. In addition to well-established issues in Ireland,³⁸ SLAPPs are also significant problem in Northern Ireland.³⁹ There are no domestic anti-SLAPP measures in either jurisdiction, but in Ireland the EU Cross-Border Anti-SLAPP Directive [2024/1069\(EU\)](#) provides for protection from SLAPP where the case spans more than one jurisdiction, although the directive has been criticised as having unduly high thresholds and narrow scope. Further information on the challenges and barriers faced by NGOs seeking to defend and promote the environment in both jurisdictions can be seen in the EJNI submission to the EU consultation on the Civil Society Strategy.⁴⁰ There are also well-documented examples of problematic policing of environmental protests in both Ireland and Northern Ireland, with one example of the policing of campaigners protesting the proposed goldmine in the Sperrins mountains attracting significant criticism in a recently published report.⁴¹ Given the shared nature of environmental challenges and increasing recognition of the impacts of pollution across the border, the rights implications of policing practice in relation to environmental protests is relevant to citizens from across the island.⁴²

5. Recommendations

Multiple reports have made recommendations for mechanisms through which environmental human rights can be better protected on the island of Ireland. Signposting to these detailed analyses is included in footnotes below.

- 1. Development of all-island strategies to deal with shared environmental challenges and ensure better cooperation.** Among other initiatives, this could include greater utilisation of existing treaty bodies under the 1998 Agreement such as the North-South Ministerial Council, with meaningful public and civil society input and enhanced transparency and a joint legal/political agreement/commitment to protect the environment across the island.⁴³
- 2. Environmental governance reform:** Long overdue environmental governance reform in Northern Ireland must occur as a matter of urgency,⁴⁴ and explanations must now be provided by the Northern Ireland Executive and stakeholders representing vested interests for continued resistance to an

³⁸ See e.g. this 2023 [report](#) from Community Law and Mediation.

³⁹ Report of the UN Special Rapporteur on Environmental Defenders Michel Forst on the UK (2024), available [here](#) and House of Commons Research Briefing (2022) Strategic Lawsuits Against Public Participation available [here](#).

⁴⁰ Available [here](#).

⁴¹ Committee on the Administration of Justice (CAJ), Policing the Protectors: A Narrative Report of PSNI Policing of Environmental Protest in the Sperrins, (2024), available [here](#).

⁴² A group of civil society organisations have recently produced a 'know your rights' guide for protestors in response to these threats, available [here](#).

⁴³ See extensive recommendations in the summary of the 'Linking the Irish Environment' report, available [here](#).

⁴⁴ See recommendations in EJNI's submission to the most recent review of environmental governance for Northern Ireland, available [here](#).

independent Environmental Protection Agency which has been recommended by multiple independent reviews over the last 30 years.

- 3. The Northern Ireland government should hold a public inquiry into the illegal dump at Mobuoy.**⁴⁵ Support should be given to the civil society led community inquiry which will run in 2026.
- 4. There is an urgent need to address pollution from agriculture and sewage across the island.** Government buy in (from both sides of the border) for a [Citizens Assembly for Lough Neagh](#) may help progress towards difficult policy decisions which will need to be addressed and provide a model for other assemblies across the island to tackle local and regional issues. There is also an urgent need for politicians to '[step up for clean water](#)' to make sure concrete actions are taken to halt further decline in water quality on the island, and politicians should be urged to commit to Northern Ireland Environment Link's [pledge for clean water](#). This approach could be replicated across the island.
- 5. Urgent review of regressive legislation and proposed changes to costs rules:** in particular the Police, Crime, Sentencing and Courts Act 2022 and Public Order Act 2023 UK, and the Planning Act 2024, Ireland, for regression in human rights protection, to reverse the lowering of protection.
- 6. Proper implementation of the Aarhus Convention:** Legislative and policy measures to ensure proper implementation of the Aarhus Convention should be introduced. There must also be a more considered approach to future consultation exercises taking into account the rights of citizens in Northern Ireland to meaningful engagement with plans and policies that will clearly have a transboundary impact.
- 7. EU response to non-compliance:** The EU must better enforce public participation and impact assessment obligations at Member State level and introduce legislation close the access to justice gap in relation to EU institutional decisions.
- 8. International Agreements:** Both Ireland and the UK should accede to/ratify the Convention on the Law of the Non-Navigational Uses of International Watercourses New York, 21 May 1997 and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes Helsinki, 17 March 1992. The UK should ratify all of the 'core' UN Human Rights Treaties and the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction.
- 9. Supporting civil society and environmental NGOs:** Ireland and Northern Ireland should ensure that rules for recognition of civil societies are not excessively burdensome, particularly those operating in a cross-border context,⁴⁶ and that adequate State funding is provided for core operations and staff costs, often not available through project funds. Funding should be straightforward to apply for and also allow and encourage cross-border operation by for example, allowing direct payment to collaborating organisations and experts in the other jurisdictions regardless of which part of the island of Ireland they are based.
- 10. Protecting environmental defenders:** Introduction of media standards on human rights or a voluntary charter signed by media and politicians committing to uphold UN Human Rights values; development of Anti-SLAPP legislation applicable in domestic contexts with provisions broad enough to capture the multiplicity of forms SLAPP type actions can take, e.g. a legal mechanism for dismissing frivolous lawsuits that are intended to stifle public debate, expedited review of SLAPP suits to quickly dismiss meritless claims; shifting the costs of litigation to the plaintiff in cases where the lawsuit is deemed to be a SLAPP suit; and the award of damages and penalties to the defendant in SLAPP suits to compensate them for the harm caused by the lawsuit.

⁴⁵ Dean Blackwood, Ciara Brennan, Peter Doran, James Orr, Alison Hough, and Laura Neal, 'The cross-cutting nature of a public inquiry into illegal waste disposal in Northern Ireland: A briefing for the NI Executive' (2020) EJNI Briefing Paper, available [here](#).

⁴⁶ EJNI (2025) EU Civil Society Consultation Response, <https://ejni.net/wp-content/uploads/2025/09/EU-Civil-Society-Consultation-Response-08.09.25-v2.pdf>