

Advocacy Manifesto asks 2026

Who we are

The Environmental Rights Centre for Scotland (ERCS) is an environmental law charity. We advocate for policy and law reform to improve environmental law and access to justice.

We aim to assist everyone, especially people who face the biggest barriers, to exercise their rights in environmental law and to protect the environment.

Read our full Advocacy Manifesto which sets out the reasons why these changes are needed.



Summary of manifesto asks

We call on all Scottish Parties to:

- **Enshrine our human right to a clean, healthy and sustainable environment in a Scottish Human Rights Act**, protecting both substantive and procedural elements, with effective enforcement mechanisms and routes to remedy if the right is infringed.
- **Address the sewage pollution from sewer overflows** by keeping pace with EU legislation for surface water quality and waste water, introducing 100% monitoring of all overflows and building green and blue sewer infrastructure.
- **Ensure access to justice is affordable and fair**, and addresses Scotland's long-standing breach of the UNECE Aarhus Convention.
- **Establish a dedicated Scottish Environment Court** to increase access to justice, address the fragmentation in routes to remedy and develop judicial expertise to improve effectiveness and efficiency.

An enforceable human right to a healthy environment

The **substantive element** of the right to a healthy environment has six interdependent features which need standalone protection:

- > Clean air
- > Safe climate
- > Safe and sufficient water
- > Healthy and sustainable food
- > Non-toxic environments
- > Healthy ecosystems and biodiversity

Guarantee the substantive element of the right to a healthy environment

- > Incorporate the six substantive features defined to the highest standards with a duty to comply.
- > Establish effective monitoring, regulatory and enforcement capabilities.
- > Ensure access to effective remedies against public bodies and private actors.

Our right to safe water – **clean up Scotland's sewage**

- > Make pollution visible by introducing 100% monitoring of all sewer overflows.
- > Stop routine pollution.
- > Hold polluters to account.
- > Build in resilience.

The **procedural element** of the right to a healthy environment has three features to promote environmental democracy. These are protected under the UNECE Aarhus Convention:

- > Access to information
- > Participation in decision-making
- > Access to justice

Guarantee the procedural element of the right to a healthy environment

- > Incorporate the procedural element of the right to a healthy environment with a duty to comply.

Deliver affordable access to justice

- > Meet all six recommendations to address breach of Article 9 of the Aarhus Convention.
- > Amend regulation 15 of the Civil Legal Aid Regulations.
- > Introduce qualified one-way costs shifting (QOCS) to replace the 'loser pays' rule.

Ensure fair access to justice

- > Introduce an equal right of appeal in the planning system.

Deliver full access to justice by establishing a dedicated **Scottish Environment Court**

- > An institutional purpose to promote access to justice.
- > Ability to appoint judges and experts.
- > Comprehensive environmental jurisdiction.
- > The powers to set rules and procedures.
- > Act as a one-stop shop.

Let's create a Scotland where everyone's right to live in a clean, healthy, and sustainable environment is respected, protected and fulfilled.