



ACTION  JUSTICE

**Freshwater Pollution
Legal Action
Guide**

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Action4Justice:

Freshwater Pollution Legal Action Guide (2026)

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Summary

Legal action can be used as a last resort against freshwater pollution, or as a strategic, preventative and proactive tactic. Legal rules about standing and who can bring a claim against whom vary widely across the globe, but many legal principles are fundamental and based in international law. The protection of freshwater from pollution requires engaging with a wide range of laws, public authorities, industries, citizens, and communities. In general terms, citizens and NGOs can bring claims either against regulators for failing to regulate, or against polluters for polluting. Often the first step is to complain to the regulator and try to get them to take the necessary action. Campaigns to prevent freshwater pollution and address its systemic causes can be bolstered by strategic litigation. Where individuals have suffered nuisance or health concerns due to freshwater pollution, a civil, tort, or human rights claim may be appropriate. In jurisdictions with broad laws allowing anyone to sue the government to protect the environment, for example under the right to a healthy environment, it is less necessary to show harm to residents. In jurisdictions with narrow standing rules for public interest constitutional or civil claims, strategic cases can be brought via judicial review to challenge government decisions, policies, actions, and inactions. This guide provides examples of legal challenges to address freshwater pollution from many different angles, and was designed to support NGOs, campaigners, citizens, communities, activists, and lawyers around the world in the collective pursuit of clean and plentiful water.¹

Introduction

Freshwater is vital for life on Earth. It satisfies the basic human need for drinking water, provides a habitat for fish and other aquatic life, supports biodiversity, and is crucial for human hygiene, health and recreation. Rivers and lakes have enormous economic, social and environmental significance, with freshwater also a cornerstone of natural biodiversity. The United Nations Sustainable Development Goals, in [SDG6](#), recognise the importance of freshwater by aiming to ensure the availability and sustainable management of water and sanitation for all.

¹ The A4J Freshwater Pollution Legal Action Guide was authored and prepared by: Maya Pardo (Action4Justice), Will Ferris (Clyde&Co), Clare Hatcher (Clyde&Co), Josie Argyle (Action4Justice), Richard Lord K.C. (Action4Justice). We would also like to thank the following persons for their contributions in reviewing and providing feedback: Emilia Britain, Hoi Mok, Smita Raman (King's College London Environmental Law Clinic)

Freshwater is found in rivers, lakes, ponds, canals, groundwater, glaciers, snowpacks and in complex ecosystems such as páramos of the northern Andean regions². All are important sources of water for both humans and the biosphere.

Despite its importance, freshwater is under threat. The UN Environment Program ([UNEP](#)) has estimated that six billion people will face water scarcity by 2050 due to climate change, pollution and increasingly unsustainable consumption and production. Lack of clean freshwater is also a key factor in problems such as conflicts, refugee and displacement crises, and food shortages.

This guide sets out legal responses to one of these threats to freshwater; pollution. Globally, water scarcity is caused not only by droughts and over abstraction, but also by the progressive deterioration of water quality, which reduces the amount of water available that is safe to use.³

Why Take Legal Action?

Founded by lawyers who wanted to do more for communities, Action4Justice is a charity committed to legal action for social justice and has created this legal guide to assist campaigners, activists, communities, and lawyers seeking to address freshwater pollution around the world. This guide first considers the causes and solutions of freshwater pollution, and explores how legal action can help bring about those solutions. Where effective governance (such as strong policies, regulations, and enforcement) fails to protect freshwater, legal action may be appropriate. Oftentimes, litigation (or the threat of litigation) can make your campaigning more effective.

Legal action to protect the environment is most effective when combined with a campaign, which maximises public pressure on polluters and authorities. When taking legal action as part of your campaign, reach out to civil society organisations and the press in order to maximise media attention and work together with valuable partners who can help amplify your efforts.

Political campaigning tactics can also include:

- a. Forming a local community group or action group.
- b. Using citizen science to test water quality.
- c. Creating petitions and mobilising people to sign petitions that demonstrate public support for your cause.

² <https://www.ceh.ac.uk/our-science/projects/paraguas>

³ FAO UN, IWMI, 'Water pollution from agriculture: a global review; Executive summary' <<https://openknowledge.fao.org/handle/20.500.14283/i7754en>>

- d. Writing to elected representatives, such as members of parliament, councillors, mayors, governors, ministers.
- e. Arranging to visit your elected representative to explain your concerns and the solutions you would like them to implement.
- f. Holding protests outside buildings relevant to the key decision makers, such as government buildings, or in other strategic locations, such as a corporate headquarters.
- g. Responding to government consultations on environmental policies and regulations.
- h. Objecting to planning and permit applications for major developments (such as Factory Farms or Mines) that will cause pollution.
- i. Submitting complaints to water regulators about the pollution.
- j. Submitting freedom of information requests to water regulators to uncover and expose the causes of pollution and also regulatory failures to stop and address the pollution.
- k. Partnering with Civil Society Organisations and celebrities to raise awareness about the issues and the campaign.

Legal action may be just one part of a wider campaign, but it may turn out to be the most effective part, because with legal action you can ask a judge to order changes to happen. For that reason, it often makes sense to design your campaign with the eventual legal action in mind.

Causes of Water Pollution and Solutions

Before deciding whether to take legal action as part of your campaign to improve water quality, it is useful to consider the actual causes of freshwater pollution and what solutions exist. The main causes of water pollution are agriculture, human settlements, and industries.⁴ Solutions include reducing, or mitigating, the pollution, and remediating, or restorative, measures to clean the water. Mitigating and remedial measures include:

- a. Preventing agricultural runoff of fertilizers and pesticides by limiting use;⁵

⁴ FAO UN, IWMI, 'Water pollution from agriculture: a global review; Executive summary' <<https://openknowledge.fao.org/handle/20.500.14283/i7754en>>

⁵ FAO UN, IWMI, 'Water pollution from agriculture: a global review; Executive summary' <<https://openknowledge.fao.org/handle/20.500.14283/i7754en>>

- b. Upgrading wastewater treatment to stop pollution at source;⁶
- c. Restoring natural ecosystems like wetlands, also known as biological remediation ('bioremediation');^{7 8}
- d. Actively cleaning up water bodies for example by sediment removal, chemical treatment, phytoremediation (using plants).⁹

Legal, Political, and Economic Strategies for improving water quality

Strong policies, economic incentives, regulations, enforcement, and rights-based legal frameworks, provide not only for better protection of freshwater, but also give leverage to campaigners to pressure authorities to enforce regulations and policies. Rights based legal frameworks like human rights, the right to a healthy environment, and rights of nature can also help fill the gaps where regulations are not enforced or not strong enough, as lawsuits can be brought against the authorities for failing to protect a river's rights or the rights of citizens to have a healthy environment and clean water. International quasi-legal forums and complaints mechanisms can also be useful to put pressure on governments. Preventive applications for declarations of breach and injunctions to suspend polluting activities pending environmental impact assessments and child impact assessments can be more immediately impactful as well as cheaper and quicker than trying to use the law to stop and clean up pollution after the fact.

What this guide does not cover

Recent decades have seen an increase in legal frameworks that improve water governance and water rights including: the right to a healthy environment, rights of nature, and laws against ecocide. However, this guide will not address campaigning or advocacy for stronger policies or law reform. Instead, this guide focuses on the use of legal action as part of a wider campaign strategy to hold authorities accountable and improve freshwater.

This guide does not deal with other important and related issues such as the right to water; the general management and governance of freshwater, as addressed in the multifaceted [Water Action Agenda](#) adopted at the [2023 UN Water Conference](#); or issues with dams and other hydroelectric projects which may directly or indirectly affect rivers and lakes. It does not deal with the ocean

⁶ UNEP, 'Restoring India's Holiest River'

<<https://www.unep.org/news-and-stories/story/restoring-indias-holiest-river#:~:text=of%20more%20than%20US%244%20billion,litres%20of%20wastewater%20every%20day>>

⁷ UNEP, 'Restoring India's Holiest River'

<<https://www.unep.org/news-and-stories/story/restoring-indias-holiest-river#:~:text=of%20more%20than%20US%244%20billion,litres%20of%20wastewater%20every%20day>>

⁸ 'Top 10 Methods for Restoring Polluted Freshwater Bodies'

<<https://worldwaterforum7.org/top-10-methods-for-restoring-polluted-freshwater-bodies/>>

⁹ 'Top 10 Methods for Restoring Polluted Freshwater Bodies'

<<https://worldwaterforum7.org/top-10-methods-for-restoring-polluted-freshwater-bodies/>>

or coastal areas, although these face many issues similar to those concerning freshwater, so this guide may still be useful for dealing with coastal areas.

Types of Freshwater Pollution and Effective Legal Challenges

Examples of legal challenges organised by type of water pollution addressed

Agricultural Pollution

In high-income countries and many emerging economies, agriculture is the main source of water degradation as it causes eutrophication. Eutrophication happens when nitrogen and phosphorus, commonly from fertiliser runoff, enter water, which leads to algal blooms, murky water, and a lack of oxygen to support life in freshwater.¹⁰ The expansion and intensification of agricultural systems, in particular with regard to increasing production of animal feed and livestock, have led not only to land clearing, but also to the unsustainable overuse and misuse of agrochemicals such as nitrogen and phosphorous fertilisers and pesticides, and drugs such as antibiotics used to accelerate growth of livestock. These have increased the pollution loads in freshwater. Livestock production accounts for 70% of all agricultural land and 30% of the land surface of the planet. The livestock sector is one of the top three contributors to the most serious environmental problems, including water-quality degradation, at every scale from local to global.¹¹

Agricultural runoff is the excess water from farms that carries pollutants from industrial agriculture such as pesticides, fertilisers, phosphate, nitrogen, ammonia (air emissions) chemicals, waste and soil into water sources. It can have negative impacts on the environment and health.

These include:

- a. Polluting surface water with harmful substances that affect aquatic life and drinking water supplies, leading to algal blooms and dead zones.
- b. Degrading groundwater that many people and animals depend on for clean drinking water
- c. Damaging wetland habitats that are vital for certain plants and wildlife.

¹⁰ 'Eutrophication' Britannica. <<https://www.britannica.com/science/eutrophication>>

¹¹ FAO UN, IWMI, 'Water pollution from agriculture: a global review; Executive summary' <<https://openknowledge.fao.org/handle/20.500.14283/i7754en>>

Examples

1. In Galicia, Spain, the proliferation of over 300 intensive animal farms in the region since 2011, led to severe odours and water contamination, making life “unviable” for citizens. Seven citizens, alongside NGOs ClientEarth and Friends of the Earth Spain, brought a case against the authorities. They argued that residents faced serious health risks as pollution levels rose in the local reservoir and had to endure unbearable odours that left them unwilling to open their windows in the summer. The lawsuit drew on scientific evidence revealing the presence of antibiotic-resistant superbugs in the water – listed by the World Health Organisation (WHO) as one of the top ten threats to humanity – and “an extremely high level of nitrates”, a risk factor for several cancers, as well as non-Hodgkins lymphoma and methemoglobinemia.¹²

In the 2025 landmark decision, the High Court of Galicia ordered the authorities to restore the environment, stating:

“Human rights and environmental protection are interdependent. A sustainable environment is necessary for the full enjoyment of human rights, including the rights to life, to an adequate standard of living, to drinking water and sanitation, to housing, to participation in cultural life and to development.

“Residents of the village of As Conchas who live in the affected area are found to be in a serious situation concerning their enjoyment of daily life. This includes the presence of foul odours, the risk of aerosol exposure, contamination of private wells to levels that render them unusable, loss of property value, and a severe potential health risk... the court finds that they are undeniably experiencing ongoing moral harm.”

The court recognised that allowing years of environmental pollution, including, water, air and environmental pollution caused by more than 300 intensive livestock facilities can amount to a violation of fundamental rights.

¹² <https://iclg.com/news/22832-landmark-judgment-handed-down-in-spanish-livestock-pollution-case>

Specifically, the High Court of Justice of Galicia ruled that administrative inaction violated:

- The right to life and prohibition on degrading treatment (Articles 15 of the Spanish Constitution and 2 and 3 of the ECHR);
- The right to private and family life (Articles 18 of the Spanish Constitution and 8 of the ECHR);
- The right to property (Article 33.1 of the Spanish Constitution and Article 1 of Protocol 1 of the ECHR);
- The right to enjoy a healthy environment (Art 45 Spanish Constitution)

The court ordered both remedial action to clean up the pollution and compensation to be paid to claimants.

2. In the UK, the Environment Agency prosecuted a North Devon company that caused a pollution incident leading to a devastating fish kill on the River Mole near South Molton. The company was fined £2,000 and ordered to pay £9,836 in costs. An employee negligently spread digestate on a field when rain was forecast, and the digestate washed into the river, killing approximately 15,600 fish. The company and employee pleaded guilty to causing the discharge.¹³
3. In the UK, the Herefordshire Council, a local government body, created a new policy that required industrial livestock units to demonstrate that the waste produced would be managed in a way that would not pollute rivers and protected nature areas. This was done because the River Wye catchment had very poor water quality due to the enormous number of factory chicken farms in the region. The National Farmers Union (NFU) brought a legal challenge against the policy, which failed. The high court held in *NFU v Herefordshire Council* [2025] EWHC 536 that chicken manure can be considered a toxic waste, and that the local planning authorities are not obliged to assume that environmental regulations (in this case, the 'Farming Rules for Water') will effectively protect the environment, when the evidence shows otherwise. This was an example of using regional policy tools to prevent future pollution.
4. In the UK in 2024, River Action (an NGO) brought a legal complaint against the Environment Agency due to the pollution of the River Wye

¹³

<https://www.gov.uk/government/news/north-devon-company-fined-for-pollution-that-devastated-fish-population>

with agricultural runoff. The Complaint notes that phosphorus pollution from the explosion of intensive poultry units has damaged the river's ability to support unique plant and animal life by causing large algal blooming events.¹⁴

5. Legal challenges against intensive animal farm developments can be used preventatively to stop factory farming pollution from taking hold. This is much less expensive than trying to clean up pollution after it's started, or trying to stop a pollution development after it's been built. For example, in the UK, Communities Against Factory Farming (CAFF) successfully overturned three approval decisions for intensive chicken farms 2025-26.¹⁵ Two cases settled ahead of any hearing, with the councils agreeing to consent to have their decisions overturned by the high court. In one case, the applicant (the developer) planned to build an intensive chicken farm next to an existing intensive dairy farm. CAFF argued that the Environmental Impact Assessment screening unlawfully overlooked *cumulative* odour, pollution, nuisance, and water-abstraction impacts when assessed alongside the neighbouring intensive dairy unit.¹⁶

Mining Pollution

Freshwater pollution caused by mining activities can take many forms and occur at various stages in the mining process. Most commonly, pollution can occur when mining and storing polluting metals, such as lead, gold, and silver. Mining activities may also cause pollution via secondary processes which take place after the initial process of mining. This could include the extraction of minerals from ore using chemicals such as mercury or acids, or via the failure of storage methods such as dams and waste heaps. Chemicals and toxic minerals can spill into rivers and streams and, in turn, this can cause contamination of water used for human consumption, washing, agriculture and fishing. This may subsequently cause problems for communities who may experience serious health issues and even death.

¹⁴ [Source](#)

¹⁵

<https://www.leighday.co.uk/news/press-releases/2025-news/plans-for-giant-intensive-poultry-unit-in-norfolk-overturned/>;

<https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/99181-poultry-farm-approval-to-be-reversed-after-council-concedes-over-judicial-review-threat>

¹⁶

<https://www.localgovernmentlawyer.co.uk/planning/401-planning-news/99181-poultry-farm-approval-to-be-reversed-after-council-concedes-over-judicial-review-threat>

Examples

1. In the landmark Colombian Constitutional Court case *Sentencia T06/25* (mercury pollution from mining in Amazonian Indigenous territories), a group of 30 indigenous peoples brought a constitutional claim ('tutela action') to address the mercury pollution from illegal gold mining.¹⁷ According to a 2024 report, illegal mining activity exists in 29 of Colombia's 32 departments. Mercury, commonly used to separate precious metals from worthless sediments, had been detected in these regions in natural environments. The claimants argued not only that the mercury pollution was poisoning the water and contaminating fish, a food source, but also that the pollution in the indigenous territory negatively impacted the traditional medicine cycle, food sovereignty, and cultural identity.

The court found that many fundamental rights had been violated by the mercury pollution, including:

- a. The right to a healthy environment;
- b. The right to self-determination of Indigenous Peoples and administrative due process;
- c. The right to health of indigenous communities;
- d. The right to food security and indigenous food systems;
- e. The right to water;

The court also found breaches of :

- a. Environmental protection laws for the Amazonian region;
- b. The precautionary principle in environmental law;
- c. Breaches of due diligence and due process laws.

This case demonstrates how domestic and international laws protecting the environment and fundamental human rights can be used together to compel the courts to order the state to make changes. The International Court of Justice (ICJ) also confirmed the linkage between environmental law and human rights in international law in its 2025 advisory opinion on the obligations of states in respect of climate change, concluding 'under international law, the human right to a clean, healthy and sustainable environment is essential for the enjoyment of other human rights.'¹⁸

The Colombian Constitutional Court made several declarations and orders to various regional and national government agencies designed to remedy the damage caused by mining pollution and prevent it in future. It declared that the identity, health, survival, and food security of the

¹⁷ <https://www.corteconstitucional.gov.co/relatoria/2025/t-106-25.htm>

¹⁸Para 393 <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

Yuruparí Affinity People was at risk. The court ordered the creation of a dialogue group with different entities and communities to discuss environmental and mining issues, along with the following orders:

- a. Implementation of a comprehensive health care strategy (order no 22b).
 - b. Suspension of new gold mine licenses (order no 6).
 - c. Promotion of legislative actions for environmental conservation and remediation in the amazon (order no 26).
 - d. Conduct a baseline study on water pollution in the macro-territory (order no 7).
 - e. Design a programme to decontaminate water sources (order no 8).
 - f. Create a training programme to investigate environmental crimes (order no 11).
 - g. Create an opportunity for intercultural and interinstitutional dialogue on identity and territory (order no 13).
2. In Zambia, an acid spill from a mine left the local water yellow and unfit for consumption.¹⁹ In 2015, a group of 1826 Zambian villagers filed a lawsuit against Vedanta Resources in the UK court over water pollution caused by its subsidiary's copper mining operations (Konkola Copper Mines). They claimed that the water pollution from the Nchanga Copper Mine damaged their lands and livelihoods. On 19 January 2021, the parties agreed to settle the claims without Vedanta's admission of liability and the case is now closed.²⁰

Oil Pollution

Oil pollution is often caused by the spillage of oil from extraction and transportation processes into surrounding lakes, rivers and streams. This can occur directly or indirectly for various reasons including negligence in maintenance, industrial accidents and criminal damage, all of which can cause freshwater pollution and have devastating effects on the natural environment and human health.

¹⁹

<https://www.business-humanrights.org/en/latest-news/i-drank-the-water-and-ate-the-fish-we-all-did-the-acid-has-damaged-me-permanently/>

²⁰

<https://www.business-humanrights.org/en/latest-news/vedanta-resources-lawsuit-re-water-contamination-zambia/>

Examples

1. In the Nigerian case of *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd. and Others* (2005), the Niger Delta Iwherekan community brought a case against the government for failing to stop pollution from Shell. Among other things, the court found that flaring of gas in the course of oil production caused acid rain which in turn acidified the community's lakes and streams and damaged vegetation. The judge found that gas flaring was in breach of the citizen's right to a healthy environment and ordered steps be taken to stop the gas flaring immediately, but made no award of damages or costs.²¹
2. The more recent and large-scale litigation against Shell for pollution of water and waterways in Nigeria is addressed in more detail below under [Claims Against Polluters in Foreign Jurisdictions](#).²²
3. Over three decades of oil drilling in the Ecuadorian Amazon, Chevron dumped more than 16 billion gallons of toxic wastewater, and millions of litres of oil, into the rainforest, leaving local people suffering a wave of cancers, miscarriages, and birth defects. Despite numerous litigation efforts over 30 years, no redress has yet been obtained. The case began in 1993 when a human rights lawyer filed a class action suit against Texaco in New York on behalf of the affected people in Ecuador, *Aguinda v Texaco*. The American court ruled that the case should be tried in Ecuador. The Ecuadorian Supreme Court found in favour of the indigenous people in 2011 and ordered Chevron (who had bought Texaco) to pay USD 9.5 billion in damages, however US courts blocked the claimants from collecting the payment. Chevron i) refused to pay, ii) took a number of actions against the lawyer representing the indigenous people and brought what was widely perceived as a SLAPP (Strategic Litigation Against Public Participation) suit against him, and iii) brought arbitration proceedings against Ecuador under the US-Ecuadorian Bilateral Investment Treaty. US courts, the arbitration tribunal, and Dutch courts found in favour of Chevron, finding that the Ecuadorian judgment was procured by fraud and corruption.²³

²¹

<https://climatecasechart.com/non-us-case/gbemre-v-shell-petroleum-development-company-of-nigeria-ltd-et-al/>

²²

[https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/KB/2025/1539.html&query=\(title:\(+shell+\)\)+AND+\(nigeria\).](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/KB/2025/1539.html&query=(title:(+shell+))+AND+(nigeria).)

²³ <https://climatalk.org/2021/07/26/aguinda-vs-chevrontexaco/>; <https://chevrontoxico.com/>;
<https://www.linklaters.com/en-us/insights/blogs/arbitrationlinks/2020/december/lago-agrio-chevron/>;
<https://blogs.ubc.ca/olgakochkarevalast100/2019/11/19/the-aguinda-vs-chevron-texaco-case/>

Cases of this type are very unusual but illustrate some of the difficulties in holding corporations to account for water (or other) pollution.

Manufacturing Pollution

A major source of freshwater pollution is waste generated by factories and as a side-effect of manufacturing processes. Examples include:

- a. the direct dumping of chemicals into rivers,
- b. the discharge of chemicals and toxic substances into the ground, and
- c. the emission of dust and smoke which can settle on and pollute nearby bodies of water.

Such activities cause a range of harmful effects including the contamination of drinking water, health hazards and ecological damage to the surrounding area.

Example

1. In the Nepalese case of *Suray Prasad Sharma Dhungel v. Godavari Marble Industries and others* (1995) residents brought a case against a Marble company that was causing environmental degradation of the important Godawari forest area. The court ordered the government to enforce the Minerals Act 1985 and enact necessary legislation for the protection of air, water, sound and environment and to take action for the protection of the environment of Godawari area.²⁴

Waste Pollution: Landfills and Hazardous Chemical Discharge

Uncovered landfill sites may lead to contaminated runoff after rainfall, thus polluting surrounding lakes and rivers.²⁵ Rivers and lakes may also be used either accidentally or deliberately as places to inappropriately or illegally dispose of waste. Chemicals from waste storage can seep into water stored underground in rocks and other geological features, which comes to the surface through natural springs or man-made wells.²⁶

Groundwater pollution is commonly the result of landfill waste or discharge of hazardous material but can also be caused by cumulative small pollution events. Contaminated groundwater can cause hazards to public health through

²⁴

<https://www.globalhealthrights.org/wp-content/uploads/2013/08/SC-1995-Suray-Prasad-Sharma-Dhungel-v.-Godavari-Marble-Industries.pdf>

²⁵ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9399006/>

²⁶

<https://timesofindia.indiatimes.com/city/bhopal/potential-for-contamination-of-land-water-cpcb-report-on-adampur-in-sc/articleshow/123149831.cms>

poisoning or by spreading disease. The UN estimates that only 27% of industrial wastewater worldwide is safely treated.²⁷

Examples

1. In the New Jersey, USA case of *Ayers v. Jackson Tp.* 106 N.J. 557 (1987), the plaintiffs (claimants) successfully sued for damages because their well water had been contaminated by a landfill.²⁸
2. In the Indian Case of *Indian Council for Enviro Legal Action v. Union of India* (1996) industrial chemical companies had contaminated rivers and wells, severely affecting the lives of villagers. The Supreme Court upheld the polluter pays principle and the principle of absolute liability, finding the chemical companies liable, although there was delayed compliance with the judgement.²⁹
3. In the New Hampshire USA case of *United States v. Ottati & Goss, Inc., 630 F. Supp. 1361* (D.N.H. 1985), a town brought a civil case against a company that stored and disposed of used hazardous waste, without a permit. The defendant was found liable under the Clean Water Act 1972.

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Microplastics

The ubiquitous presence of tiny particles of plastic or “microplastics” in freshwater, caused by the breakdown of pre-existing plastic waste, is another major issue in water pollution. Microplastics have been recorded as heavily polluting the UK’s waterways.³¹

Examples

1. The Plastic Pollution Coalition (‘PPC’) has brought cases against manufacturers of plastic products in California for violating stormwater permitting requirements under the Clean Water Act 1972. There are 3,000 manufacturers of plastics in California, so strategic legal action against a few can have a huge impact where other manufacturers then take action to clean up their own operations. Under the federal Clean Water Act, any industrial facility must meet the stormwater pollution management requirements of the state in which it is operating. Through

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https://www.unwater.org/sites/default/files/2024-08/SDG6_Indicator_Report_631_Progress-on-Waste-water-Treatment_2024_EN_0.pdf pxii

²⁸ <https://law.justia.com/cases/new-jersey/supreme-court/1987/106-n-j-557-1.html>

²⁹

https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_0c1ba190efbb422a84c9cfa8f5fa62e3.pdf

³⁰ <https://law.justia.com/cases/federal/district-courts/FSupp/630/1361/2312473/>

³¹ https://www.greenpeace.org.uk/wp-content/uploads/2024/07/plastics_v08.pdf

this process, state water boards ensure that factories are not dumping pollutants into public waterways.

In one case, an investigation by PPC found that Pentair, a manufacturer of various plastic products, discharged polluted stormwater into San Francisco Bay more than 45 times since 2009. In another case, PPC sued Agricultural Bag, a manufacturer of woven plastic textile bags, for failing to control plastic nurdles (small beads) and other plastic debris on its property, and for not monitoring and reporting its stormwater discharges. The company settled.³²

Sewage Pollution

Domestic wastewater comes from residential settlements. According to a UN report, globally, in 2022 42% of household (domestic) wastewater was not safely treated before discharge, leading to an estimated 113 billion m³ of household wastewater being released to the environment with inadequate or no treatment. Much of the fraction of household wastewater that was not safely treated was attributable to households lacking adequate blackwater and greywater collection systems, such as sewer connections or septic tanks (45 per cent).³³

Pollution of freshwater may also occur due to contamination by human sewage in the absence of proper sanitation facilities, or a failure to provide effective and sufficient sewage treatment and disposal infrastructure. These problems are often increased by development, urbanisation and population growth. The interaction of untreated sewage with freshwater can cause chemical imbalances in water bodies, carry bacteria and viruses that can harm humans and wildlife, and render water sources unusable for drinking water, aquaculture, agriculture and recreation.

In the UK, years of underinvestment into sewage infrastructure and insufficient oversight following privatisation of water companies has led to a crisis of untreated wastewater, with official data showing that water companies released untreated sewage into the country's waterways for more than 3.6 million hours in 2024.³⁴

Examples

1. In 1999 in the Philippines, residents of Manila Bay filed a successful complaint against their local government regarding the sewage

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<https://www.theguardian.com/vital-signs/2015/mar/27/microbead-california-pollution-nurdle-law-plastic>

³³ <https://www.unwater.org/publications/progress-wastewater-treatment-2024-update>

³⁴ <https://commonslibrary.parliament.uk/research-briefings/cbp-10027/>

pollution of the local water. Pollution levels exceeded the legal limit, and the complainants requested the introduction of adequate sewage systems, the monitoring of polluters and the education of the local population in good hygiene practices.³⁵

2. In the UK, the Environment Agency brought a criminal prosecution against a Water company, which was fined £90 million in 2021. Southern Water had committed 51 criminal offences showing a 'shocking and wholesale disregard for the environment, for the precious and delicate ecosystems along the North Kent and Solent coastlines, for human health, and for the fisheries and other legitimate businesses that depend on the vitality of the coastal waters.' Southern Water deliberately presented a misleading picture of compliance to the Environment Agency, hindering proper regulation of the company.³⁶

³⁵ <https://reports.manilawater.com/2019/special-reports/waste-water-issues>

³⁶ <https://www.gov.uk/government/news/record-90m-fine-for-southern-water-following-ea-prosecution>

Gathering Evidence of Freshwater Pollution

Gathering and presenting evidence of pollution is crucial for most environmental claims. In most environmental law actions, it is the claimant (likely to be the affected person/community) who has the “burden of proof”. This means, as the affected community taking legal action against the defendant (likely to be the polluter), it will be down to you to gather, organise and present the evidence required to prove your case.

In order to take legal action, you will need evidence of freshwater pollution that is admissible in court. Some types of legal action will not rely on direct evidence of freshwater pollution, but instead on general principles of common knowledge, or scientific reports. For example, in a judicial review against a government’s failure to implement a law, the evidence may be instead a report by an expert. In a judicial review against a planning decision, the aim is to prevent pollution before it happens, so water samples are likely unnecessary. Sometimes water monitoring evidence showing poor water quality may be publicly available that you can use.

What Evidence Do I Need to Bring a Claim?

Your evidence will have to meet particular standards to be accepted by the court and may be required to prove:

- a. the *nature* of the pollution,
- b. the *extent* of the pollution,
- c. the *cause* of the pollution,
- d. the *impact* of the pollution on those making the claim. This may include damage to their land, property, health or finances, and/or the ecological impact of the pollution on the freshwater itself and the environment it supports and comprises a part of.

For general information on evidence, see the section on “[How Can I Prove My Case](#)” in the A4J Going to Court Guide.

How to Gather Evidence of Freshwater Pollution

The pollution of a freshwater source may be obvious even to the most untrained eye. However, without properly collected and presented evidence it is likely to be impossible to prove in a court that the pollution exists. Whilst it can be costly, it may be necessary to engage outside experts and scientists in this stage of any legal action. Even if your community does not have the financial means to engage an expert to gather water samples, you can still gather water samples as this will be better than having no evidence at all. In some cases, the information you require may already be held by the government, if a water agency carries out regular quality testing, for example.

A lot of evidence may also be available online. One option is to use Bellingcat's Digital Toolkit, a guide for Open Source Verification and Investigation Tools and Methods.³⁷ You can also hire a Bellingcat-trained investigator to find the evidence for you. You can post on Bellingcat's Discord platform to find an investigator.

The Environmental Law Alliance Worldwide has published a "[Guide to Collecting Environmental Samples](#)", to provide information and guidance to individuals and communities who want or need to scientifically collect their own water samples. For a comprehensive overview see Module 2, "[Water Sampling for Communities](#)". The summary below provides practical guidance on what factors must be considered when collecting appropriate samples:

- a. Samples must be taken before and after pollution events.
- b. The necessary equipment for collection, handling, storage and transport of the samples must be identified and obtained.
- c. The appropriate sampling procedure for both the water source and the type of pollution must be selected and carried out. This should include, where appropriate, a written and/or video record of the sampling process as proof of how, when and where it was carried out.
- d. Accurate and systematic labelling of the samples that have been collected must be ensured.
- e. A system of record keeping must be prepared and implemented that can prove what was collected, when it was collected and then who was responsible for it at all times up until it is handed to the court as evidence.
- f. Samples must be handled, stored and transported in a way that ensures the samples are not contaminated or changed in any way.

³⁷

- g. A laboratory that can carry out the necessary analysis and provide scientific and reliable results must be identified and used for the testing and analysis of the samples.

Obtaining information

Remember, successful legal action tackling pollution may depend on obtaining relevant information from the state or from the polluters themselves. These bodies may be very reluctant to disclose such information. Once legal action has begun it may also be possible to have a court force a defendant (and/or a claimant) to present otherwise private and confidential information to the public, in a process known as disclosure.

Methods to obtain information could include requests made under freedom of information (FOI) laws, reporting under environmental information regulations (EIR) or the scrutiny of company reports that are public. Information obtained from public bodies through freedom of information requests can often serve as evidence to support a legal challenge. While public bodies may not hold all the information you need about how and why a freshwater body has become so polluted, the information they hold may still be useful because it will be readily accepted as evidence by a judge.

Submitting freedom of information requests is also an important campaigning tactic. You may discover information that you can send to the press revealing regulatory failures or pollution, which you can then use to press for stronger environmental protection and enforcement.

There is often a specific wording that you need to use when sending an information request, so be sure to cite your country's laws on freedom of environmental information when submitting the request.³⁸ Information requests can be made to environmental or water agencies, local governments, or water companies where fulfilling a public function. Some agencies also hold a lot of information on their website publicly.

Examples of information you may wish to request:

- a. Water quality monitoring data (for example within a specific region over a 3-year period.)
- b. Statistics on how many rivers are polluted, or what types of pollution are present and the levels of pollution.
- c. Information on permit compliance (for example how many permit breaches have nearby industries committed)
- d. Reports on the implementation of environmental policies.
- e. Information on populations of protected species.

³⁸ https://en.wikipedia.org/wiki/Freedom_of_information_laws_by_country

- f. What enforcement actions have been taken by regulatory agencies.
- g. How many times untreated sewage has been dumped into the water.

If the authorities refuse to provide information, it is possible to appeal this decision with legal action (judicial review). See Action4Justice's guide on "[access to information](#)" for more information rights.

Planning your Legal Action

This guide is intended to provide practical legal solutions to real life problems; in each case it is necessary to consider:

- a. *Gathering evidence* to prove your case;
- b. The best *type* of legal action that can be taken;
- c. Your *approach* to taking legal action.
- d. What outcome you are seeking and what legal remedy may be available to achieve it

The best type of legal action, and then the approach that is taken, will depend on the exact circumstances of each case.

Prevention

For example, if you want to stop plans for a new mine or factory farm because of the pollution it will cause, you will want to engage in the planning and environmental permitting law processes and be reliant on environmental and planning law.

Systemic Failures

If you are trying to address a systemic failure by the government to prevent freshwater pollution, you may want to consider a negligence or constitutional claim against the regulator for failure to implement policies and regulations, or a failure to protect human rights, the public interest, or the right to a healthy environment.

Major pollution events

If you want to address a major pollution event, a criminal prosecution may be the strongest legal action. In many countries, civil and criminal actions are combined. You may also consider a claim against the polluter for the damage you have suffered.

Targeting the Polluter

It is frequently more effective and easier to bring a claim against a public body, but you can also bring a civil claim against a polluter directly, such as for

negligence, nuisance, or breaches of regulations. You can apply for an injunction to stop the pollution or for compensation in the form of damages.

Stopping Polluting Projects Before They Begin

Planning Law and Permitting Regimes typically have a public consultation requirement; you can sign up for alerts from government permitting websites to be alerted when large projects are seeking a permit before they have been built. Industrial installations like factory farms, mines, oil drilling, or power plants will normally be published in local newspapers as well, as a legal requirement. As soon as you hear about a large project likely to cause significant pollution, you can begin the process of opposing it, or challenging aspects of the development. By beginning early with grassroots organising and submitting comprehensive objection letters, you can effectively stop pollution before it begins.

Preventative applications for declarations of breach of environmental law, and injunctions to suspend polluting activities pending environmental impact assessments and child impact assessments, are more immediately impactful than other types of legal cases that are brought after the pollution has started. They are also much cheaper and quicker ways of addressing issues before they start.

Grassroots organising tips:

- a. Prepare a leaflet with a sample objection letter letting people know about the project and how to object. In the UK for example, local councils allow you to object on their websites by filling out a form, and also accept objections by email.
- b. Drop off leaflets in surrounding towns.
- c. Reach out to NGOs that may be interested in objecting to the development on environmental or public health grounds.
- d. Create a Facebook or other type of social media group and put the QR code for the group on the leaflet, so that people can easily join your action group and stay in contact.
- e. Knock on doors of people most likely to be affected and politely explain that you are opposing the project and wanted to make sure they knew about it, asking them to submit objections.
- f. Organise a meeting with other interested residents to discuss your strategy.

- g. Write to your local, regional, and national government representatives. These could include mayors, local councillors, ministers, or members of parliament.

Large projects typically require both planning permission and an environmental permit. Find out who the decision maker is: is it the regional planning authority, or a minister or secretary of state? Write letters to that person or department expressing your dissatisfaction with the scheme and concerns about pollution.

Example

1. In the UK, campaigners around the village of Methwold organised against a massive “mega factory” farm for both intensively farmed pigs and chickens, successfully leading to the application’s rejection by the local authority. Over 12,000 objections were lodged, alongside objections from numerous NGOs. The factory farm application was rejected on environmental grounds, including concerns about ammonia emissions on nearby legally protected habitats, and the lack of a greenhouse gas emissions assessment, which was required under the Environmental Impact Assessment regulations and case law (*Finch v Surrey County Council* [2024] UKSC 20).³⁹

Approaches to Legal Action

The importance of the approach that is taken to legal action is often underestimated but is crucial for a successful outcome. Think outside the box— for example, you might find about an industry that is causing water pollution, but decide that the most effective legal strategy is to sue them for causing public health concerns due to drinking water contamination, rather than focusing on environmental impacts. Always remember that stopping water pollution using legal action may be possible using laws designed primarily for a different purpose.

Often using new and innovative approaches to protecting people and the environment will be the most successful as these methods can mobilise public support around an issue or approach a problem in a new way that courts will be sympathetic to. The rest of this guide will consider a number of these types of legal action and set out examples of when and how they have been used successfully.

Combined Legal Action

Many industrial operations which cause water pollution also simultaneously cause pollution or contamination of the land and air. Therefore, when

³⁹ <https://www.bbc.co.uk/news/articles/cy057502048o>

considering how to take action to stop a particular activity that is polluting water, the problem of water pollution should not be considered in isolation from the other issues caused by the same activity or company which may provide a basis for legal action. By challenging a source of water pollution from different angles, it may both demonstrate the severity of the issue to the relevant legal authority and give an applicant multiple chances of success.

Using Laws that protect water indirectly

Laws protecting wildlife

Most countries have laws that protect specific species of wild animals or certain habitat areas. If certain species or habitats are threatened by the pollution, laws protecting those species or habitats can be utilised. As wild animals and habitats are frequently dependent on freshwater too, you can argue that the freshwater needs to be cleaned up or protected for the sake of the wild animals or habitats. This is an example of indirect legal protection.

For example, if you are trying to stop the pollution of a river, do not just look at laws regarding pollution but also laws that ensure the protection of other aspects of the environment that might be impacted by pollution.

Laws protecting drinking water or bathing areas

If water that is affected by pollution is used for certain protected purposes, such as bathing or drinking or the body of water is protected for ceremonial or religious purposes, it may be possible to demand a remedy by demonstrating that the pollution is preventing people from using the water for its protected purpose.

Laws protecting children

The UN Committee on the Rights of the Child makes recommendations on any issue relating to children to which it believes the State parties should devote more attention. Recognising that the extent and magnitude of the triple planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally, General Comment 26 recommends a child rights-based approach, recognises children's right to a healthy environment, and requires States to immediately ensure access to safe and sufficient water and sanitation and healthy aquatic ecosystems to prevent the spread of waterborne illnesses among children (GC 26, para 65(b)).

Remedies and Results

When contemplating or taking legal action it is important to consider what remedy or result you want or may be entitled to. Depending on the circumstances and the type of legal claim this might include criminal fines or penalties for polluters, orders to stop the pollution, orders to remove or reduce

the pollution, and monetary compensation for damage. Remember, your approach to taking legal action may determine what sort of remedy or result might be on offer so always plan your action with this in mind.

Holding the Authorities Accountable

Often, we think of an environmental lawsuit as a big claim in court against a huge company that has caused environmental damage. However the reality is more complex— much of the time a lack of political will, systemic failures to create strong policies, poorly designed regulations, and unenforced regulations, are as much to blame for pollution as the polluters. It is often more prudent to target a public authority than a polluter, simply because public authorities are more easily held accountable due to the presence of vast systems of public and environmental law. In many instances, only a public authority has the power to stop and clean up pollution.

The Role of Public Bodies in Addressing Freshwater Pollution

There is no universal definition of a public body, but the term is generally contrasted with private companies and businesses. They include governments and ministries, as well as local government and all sorts of public councils, authorities, committees, and regulators. Sometimes services of a public nature are carried out by private companies, such as utility companies, and in these cases, the law treats private companies as public bodies. Public law can be used to challenge actions or inactions of public bodies, including their acts, policies, plans or indeed lack of these.

It is the responsibility of public bodies, or government authorities, to carry out the work of the government, and public law regulates the lawfulness of the behaviours of public bodies. If a public body is failing to carry out its responsibilities or to meet the required standards, it may be possible to use public law to hold them to account.

Policies, acts and decisions of public bodies are often susceptible to legal challenge, but rules around what types of policies, laws, and decisions can be challenged vary widely. For example, in the UK, public bodies normally can only be challenged if their actions are unlawful, completely irrational or completely unreasonable. If the challenge is successful, the policy, decision, or action, may be overturned or nullified by the court.

Consider which public bodies you can target with legal action. Ministerial bodies and government officials responsible for overseeing, preventing or regulating elements of freshwater pollution may include the following.

Government Agencies

Government Agencies are public or governmental bodies with duties and powers set out by environmental laws. There are usually various departments which are responsible for protecting and improving the different aspects of the environment, including water sources.

Frequent problems with regulators

Sometimes there are many different environmental agencies, and these can be disjointed and ineffective. For example, in the UK, there are currently many different regulators with overlapping responsibilities, such as one for protecting

wildlife habitats from pollution, another for setting rules related to agricultural pollution, another responsible for regulating sewage pollution, another responsible for water monitoring, and yet another for economic water oversight. Meanwhile, decisions on whether to approve a polluting development are made at the local level, while policy and laws are set at the national level.

Engaging with agencies

Sometimes, the department responsible for regulating pollution from factories or agriculture is not the same regulator responsible for monitoring water, so it is frequently necessary to engage with and take legal action against more than one public body. Also consider both local and national authorities and how you might engage with both. Before taking legal action, it is always important to engage with public authorities by submitting freedom of information requests and complaints, bringing the issues to their attention and giving them an opportunity to resolve the issues. Courts frequently require that a claimant show they have tried to resolve the issue before taking legal action, so complaints mechanisms also provide a paper trail of evidence to show a judge.

Environmental, Water Agencies and Local Government

Water agencies are responsible for regulating the provision of freshwater for human use and the treatment of wastewater. Governance and management of water can often be fragmented, with overlapping jurisdictions between regional or local bodies and national bodies.

Local governments may be responsible for the distribution of freshwater for domestic or agricultural use. They may also have the authority to make planning decisions regarding industrial developments (such as factories).

Examples

- a. In Brazil, the National Water Resources Management System comprises of multiple levels of government, including The National Council on Water Resources, The National Water Agency, The State and Federal district Councils on Water Resources, River Basin Committees, the Water Agencies, and other organs of Federal and State power (Art. 33, Law No. 9433 - Brazilian National Water Resources). River Basin Committees of basins who territory includes indigenous lands must include representatives from both the National

Indian Foundation and the indigenous communities living or having an interest in the basin. (Art. 39).⁴⁰

- b. In the UK, the Department for Environment, Food and Rural Affairs handles issues such as farming, land use, and policy, while the Environment Agency is responsible for licensing, permits, enforcement, and water quality monitoring. Natural England is responsible for protecting biodiversity and protected species and habitats. Ofwat is responsible for the economic regulation of the privatised sewage industry. With so many different bodies responsible for separate aspects of the entire system of environmental regulation, policy, and enforcement, it can mean that problems fall through the cracks, or public bodies disclaim responsibility easily. For that reason, the government has decided to abolish Ofwat and create a new regulator that will take responsibility of water functions across Ofwat, Environment Agency, Natural England and Drinking Water Inspectorate.⁴¹

Complicating things still further, planning decisions are made at the level of local government by local authorities, or District Council Planning Committees. It is their job, in consultation with the other agencies and the public, to assess the water impacts of potentially harmful developments, such as industrial animal farms, data centres, or large housing developments, and decide whether to grant permission. If granted, it is also the responsibility of the local authority to ensure that developers are required to carry out and implement certain planning conditions that will safeguard water resources.

Consumer Protection Agencies

In certain countries, consumer protection agencies may monitor and enforce compliance with consumer protection laws, including competition laws where water is provided by public companies, to ensure available freshwater is not polluted.

⁴⁰ Law No. 9433 - Brazilian National Water Resources Policy
<https://braziliannr.com/brazilian-environmental-legislation/law-no-9433-brazilian-national-water-resources-policy/>

⁴¹
<https://www.gov.uk/government/news/ofwat-to-be-abolished-in-biggest-overhaul-of-water-since-privatisation>

Examples

1. In Peru, the Consumer Protection Agency of Peru (Indecopi) operates to protect and defend the rights of consumers against companies under the Peruvian Consumer Protection and Defence Code. It has brought action against the oil company Repsol over an oil spill that impacted two protected biodiversity areas: the Ancon Reserved Zone and the Pescadores Islets.⁴²

Water Companies

In some countries, private companies (rather than public utilities) are responsible for the water supply. In these situations, it is common for laws to exist that make a public regulator or water agency responsible for making sure that the water companies provide consumers with good quality water at a fair price. In practice, privatisation of water has led to numerous complaints that private water companies have focused more on making profits than on provision of a good service.

Example

1. The UK has adopted this approach, and the Government privatised the water industry in 1989. It is regulated under the Water Act 1989 by an economic regulator, OFWAT. Shareholders in some of the UK's largest water companies took out tens of billions of pounds but failed to invest, with firms then raising household bills to fund future spending.⁴³ Much criticism has been levelled at the water companies, many owned by foreign shareholders, for failure to invest to the extent necessary to cope with sewage and agricultural run-off. Ofwat is now planned to be abolished and replaced by a larger regulator to oversee more aspects of water management.⁴⁴

International Agencies

International bodies, such as the UN Environment Programme, the World Health Organisation or the UN High Commissioner for Human Rights, provide international oversight over aspects of freshwater pollution. While principles set out by the UN are not directly enforceable in domestic law, the UN sets the agenda for international law, which is then frequently solidified by treaties and

⁴² [Source](#)

⁴³ <https://www.bbc.co.uk/news/articles/cw4478wnjdp0>

⁴⁴

<https://www.gov.uk/government/news/ofwat-to-be-abolished-in-biggest-overhaul-of-water-since-privatisation>

later implemented into domestic law. Citing international legal principles and treaties can often help make your arguments stronger.

Example

1. You can submit a complaint through the UN Special Procedures, asking the UN Special Rapporteur to make communications to try to stop the human rights abuses through political pressure. For example, the representative in South America of the Office of the UN High Commissioner for Human Rights can alert the governments of South American countries and the media where there is insufficient action taken in response to complaints.⁴⁵
2. In States that have ratified the Optional Protocol to the UN Convention on the Rights of the child, children may be able to file a submission arguing that their rights have been violated and the Committee may transmit the submission to the State requesting urgent measures to address the issue (Article 5). This could be relevant where drinking water is contaminated, for example, and the child's right to healthy environment is breached.⁴⁶

Laws to use against Freshwater Pollution

Constitutional Law

Constitutional law sets out the principles by which a state is governed and the relationship between the various branches of government. It is often set out in a constitution or charter which defines the roles and powers of government and the basic rights of people. Many modern constitutions include the right to a clean and healthy environment, and therefore states may be obliged to tackle freshwater pollution on this basis. This type of law overlaps closely with Human Rights law.

⁴⁵ <https://www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications>

⁴⁶

<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications>

Examples

1. In Colombia, the Public Court in the Department of Cesar ordered a series of local governmental bodies to protect the entire basin of the Guatapurí River, from its source to its mouth, in response to a tutela (constitutional injunction) filed by citizens of Valleparar.⁴⁷
2. Also in Colombia, in 2016 the Constitutional Court held that the public authorities had failed to prevent the pollution of the Atrato river. Mining activities and accompanying pollution were held to have violated the constitutional rights of local people and communities to, amongst other things, water and a healthy environment.⁴⁸

Environmental Law

Environmental laws protect the environment and how humans interact with the environment. They can cover pollution, as well as protecting natural resources such as forests, water and wildlife. They include the body of laws which protect living things (including humans) from the harm that human activity can cause either directly or to the habitats on which living things depend. Environmental law is often a system of checks and balances, seeking to regulate the harms caused by industries in a way that allows for some protection of the environment. It is often regulatory in nature, meaning it may set pollution limits or prohibit polluting activity without necessary permits, licences or corresponding mitigation measures. Individuals may therefore challenge the behaviour of polluters for their failure to comply with environmental law. Alternatively, they may challenge the granting of a licence/ permit to a polluter on the basis that it was granted wrongfully due to a procedural or substantive error.

Example

1. In China, from January 2012 to February 2013, the Taixing Jinhui Chemical Company, and six other polluting chemical factories dumped nearly 26,000 tons of acid by-product into the Rutai Canal and the Gumagan River, causing severe ecological damage. The Supreme People's Court (SPC) stated in its decision that companies producing hazardous chemicals had to take due care in the management of those products and their by-products to avoid pollution. This included ensuring that the production, sales, transportation and storage of the chemicals complied with relevant environmental laws and did not create significant risks to the environment.⁴⁹

⁴⁷ [Source](#)

⁴⁸ [Source](#)

⁴⁹ Taizhou Environmental Protection Federation vs. Taixing Jinhui Chemical Co., Ltd. (2016)
<https://leap.unep.org/en/countries/cn/national-case-law/taizhou-environmental-protection-federation-vs-taixing-jinhui>

Fundamental Principles of Environmental Law

There are a few fundamental principles which underpin environmental laws around the world. It is useful to understand these when considering how to hold polluters and authorities accountable, although these principles are not laws you can directly rely on.

The Precautionary Principle in Environmental Law

The precautionary principle is a fundamental principle of public international law. It is an environmental law which essentially says that, if something might cause irreversible damage, even if you don't have scientific certainty that it will definitely cause irreversible damage, then you should err on the side of caution and protect the environment. The concept is stated in the principle 15 UN Rio Declaration 1992, which says:

"In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."⁵⁰

To what extent you can rely on the precautionary principle in domestic law depends on its implementation and whether it has been implemented into domestic law.

The 'Polluter Pays' principle in Environmental Law

The Polluter Pays principle in Environmental law is found in principle 16 of the Rio Declaration 1992, and says that polluters should in principle bear the cost of pollution. Both the polluter pays and the precautionary principle are widely found in international and domestic law.

Example

1. The case of *Vellore Citizens Welfare Forum v. Union of India* (1996) concerned pollution from tanneries that was contaminating freshwater and soil. The court referenced the precautionary principle, stating that the government had an obligation to prevent environmental degradation, and that the onus of proof is on the industrialist to show that his action is environmentally benign. The court also referenced the polluter pays principle, and interpreted it to mean that the industry had to bear the cost of cleaning up the pollution, in addition to compensating victims.⁵¹

⁵⁰

https://www.unpopulation.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf

⁵¹ <https://www.ielrc.org/content/e9607.pdf>

National or municipal laws

These laws regulate public bodies or semi-private water companies responsible for providing clean water for domestic consumption. These laws will set certain water quality standards for public bodies to maintain, as well as the responsibilities they have towards citizens and consumers.

Environmental Impact Assessment

An environmental impact assessment (EIA) is a critical aspect of environmental law which requires that the harms are assessed before industrial developments are carried out. There is no universal requirement on what an EIA requires, but public bodies are often required to carry out and review environmental impact assessments before approving projects by polluting industries.

EIA typically requires an analysis of the consequences of any plan, policy, program or decision on the environment. These assessments should play a key factor in deciding whether any potentially polluting actions should be allowed to take place and, if so, what mitigation measures must be taken to prevent harm. The assessments are fundamental to ensuring compliance with the precautionary principle and polluter pays principles. Public law will determine the factors public environmental bodies have to consider when issuing and reviewing assessments, and therefore the conditions for either permitting or refusing to allow pollution to take place.

General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, of the UN Convention on the Rights of the Child (UNCRC), advises that child impact assessments should also be undertaken and can be done as part of an environmental impact assessment,

Whether child rights impact assessments are included within the framework of an environmental or integrated impact assessment, or carried out as a standalone assessment, they should incorporate a special regard for the differential impact of environmental decisions on children, in particular young children and other groups of children most at risk, as measured against all relevant rights under the Convention, including short-, medium- and long-term, combined and irreversible impacts, interactive and cumulative impacts and impacts in the different stages of childhood. For example, States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions.

In reality, the environmental impact assessments or environmental statements submitted by developers are usually produced by consultants for the purpose of serving corporate interests rather than objectively written. It is a good strategy to scrutinise any EIA and identify environmental concerns or gaps, and

raise these to the authorities before the project is started. If you are aware of a plan for a development, you can try to challenge the environmental impact assessment by saying that it is not sufficiently comprehensive, or inaccurate. This may not always work, but it is a low cost method of trying to prevent environmental harm. You can also engage your own experts to counter the developer's reports.

Examples

1. The organisations Natural Justice, the Centre for Strategic Litigation, the Centre for Food and Adequate Living Rights Limited, and the Africa Institute for Energy Governance brought a claim against the governments of Uganda and Tanzania and the Secretary General of the East African Community (EAC) at the East African Court of Justice in 2020. The Applicants argued that the construction of the East African Crude Oil Pipeline contravenes various treaties and law, including the treaty of the East African Community, the African Charter on Human and People's Rights, and the Paris Climate accords. The Applicants also allege that the project proponents, including Total Energies and the states of Tanzania and Uganda did not conduct effective and meaningful public participation and consultation, or human rights and climate impact assessments before commencing the project.⁵² In 2025, the EACJ dismissed the case, saying the case was filed outside the required period.⁵³
2. Although not directly related to freshwater, the requirement to provide a climate change impact assessment as part of the EIA is useful when opposing any type of large development likely to cause water pollution. In the UK case of *Finch v Surrey County Council* (2024), the Supreme Court ruled that a decision to grant planning permission to a company drilling oil wells was unlawful, because the company had not provided an assessment of Scope 3 greenhouse gas emissions (end-use emissions) as part of its Environmental Impact Assessment.⁵⁴ The same argument about assessing the impacts of a product later on its supply chain have been put forward against factory farms, which are indirectly responsible for significant water pollution, as manure from industrial animal farms when spread on fields contributes to water eutrophication.

⁵² [Source](#)

⁵³

<https://www.stopeacop.net/our-news/eacj-dismisses-eacop-case-but-that-doesnt-change-the-truth-about-the-controversial-eacop-pipeline>

⁵⁴ <https://supremecourt.uk/cases/uksc-2022-0064>

Children's Rights Impact Assessments

General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, of the UN Convention on the Rights of the Child (UNCRC), mandates child impact assessments under para 75:

All proposed environment-related legislation, policies, projects, regulations, budgets and decisions, and those already in force, require vigorous children's rights impact assessments, in accordance with article 3 (1) of the Convention. States should require the assessment, both before and after implementation, of the possible direct and indirect impact on the environment and climate, including the transboundary, cumulative, and both production and consumption effects, on the enjoyment of children's rights.

Given the long term and cumulative harmful impacts of many developments, the impact on children is relevant to almost any environmental related decision. GC 26 is relevant in countries that have adopted the UNCRC and are monist countries, and can be cited in dualist countries as well.

Human Rights Law

Human rights law is the law that addresses the fundamental rights and freedoms of individuals. Human rights are protected by international and national law. Every person is entitled to their human rights simply because they are a human being, regardless of age, ethnicity or religion. Under human rights law, the right to private and family life is often intertwined with environmental justice. Additionally, many countries around the world are increasingly protecting the right to a healthy environment. Both the right to a healthy environment, and the right to private and family life, can be used by citizens to demand the protection and restoration of freshwater. When using the more traditional right to private and family life, one must identify harms to citizens, whether through the lack of clean drinking water, odours, pollution, or drinking water contamination. This is contrasted with laws and regulations that protect freshwater for its own sake.

The right to private and family life

The right to private and family life is protected in international law by the International Covenant on Civil and Political Rights (ICCPR), Article 17.⁵⁵ The ICCPR is an international treaty signed by 117 states.⁵⁶ There are numerous other international and domestic law instruments which implement human rights law on a national level. The European Court of Human Rights has found

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<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁵⁶ <https://indicators.ohchr.org/>

that Article 8, the right to private and family life, means that, although there is a balance to be struck between allowing and encouraging economic activity and negative environmental impacts on the other side, citizens have the right not to suffer from unbearable nuisance caused by environmental harms, such as odours and pollution (*Lopez Ostra v Spain* 1994).⁵⁷

The right to life and the right to water

The right to life is another fundamental human right which has been used in claims regarding freshwater pollution where there have been serious risks to health. Access to safe drinking water is also protected under international human rights law.

Example

1. In the South African case of *Federation for Sustainable Environment and Others v Minister of Water Affairs and Others* (2012), the court required the government to temporarily supply potable water following the contamination of the water supply by a mine.⁵⁸ The court ordered the respondents to engage actively with the community to ensure safe drinking water to be restored.

The claim was brought under several constitutional laws and regulations, including:

- a. The right to a healthy environment (s152(1)(d) of the Constitution);⁵⁹
- b. The right to water and the obligation of the state to achieve this right. (s27(1)(b) and (2) of the Constitution);⁶⁰
- c. The obligation on the national government to support municipal governments to exercise their powers and perform their functions. (s154(1) of the Constitution);⁶¹
- d. The obligation of the state to take measures towards ensuring that all people have adequate housing. (s26(2) of the Constitution);⁶²

⁵⁷ https://www.echr.coe.int/documents/d/echr/FS_Environment_ENG

⁵⁸

<https://www.globalhealthrights.org/wp-content/uploads/2018/02/Federation-for-Sustainable-Environment-and-Others-v-Minister-of-Water-Affairs-and-Others-2012.pdf>

⁵⁹ <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>

⁶⁰ <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>

⁶¹ <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>

⁶² <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf>

- e. The right of access to basic water supply and basic sanitation and the obligation on water services institutions to provide measures to realise these rights (s3 of the Water Services Act 108, 1997);⁶³
- f. A regulation which stated that no consumer should be without full supply of water for more than seven days in a full year (Regulation 3b of the Regulations relating to compulsory national standards and measures to conserve water).⁶⁴

The court found that all the above laws had been breached. This case demonstrates how the fundamental principles of the right to a healthy environment and right to water are strengthened by both obligations on the state to realise these rights and the environmental laws and regulations that are designed to implement them.

2. In the Indian case of *Subhash Kumar v. State of Bihar and others* (1991), a petitioner (a person who seeks a legal remedy) brought legal action against two iron and steel companies, arguing that these companies had polluted the Bokaro River through the release of industrial slurry. The petitioner argued that the dumping of this waste into the river posed health risks to the public, and that the State Pollution Control Board had failed to take appropriate measures to prevent such pollution. The Court accepted that the right to life enshrined in Article 21 of the Indian Constitution included a right to enjoy pollution-free water. The court also held that there were constitutional remedies for instances of freshwater pollution. However, the petitioner was unsuccessful as the court found that, on the facts, the Board had taken efficient steps to prevent the waste discharge and that the petitioner had brought their claim out of a personal grudge rather than in the public interest.⁶⁵

Bringing a claim

If considering a legal challenge under human rights law, the first step is to bring a legal challenge domestically. For example, in the UK the right to private and family life is protected under the Human Rights Act 1998, and you can bring a case against a public body for failing to protect your right to private and family life. Before bringing a human rights case, you will need to complain to the authorities about how the environmental pollution is breaching your human rights. If you lose your case against the public authorities in your home country, your lawyer can advise if you have a chance of winning and should appeal to a

⁶³ https://www.gov.za/sites/default/files/gcis_document/201409/a108-97.pdf

⁶⁴ <https://cer.org.za/wp-content/uploads/2011/10/Regulations-relating-to-compulsory-national-standards-and-measures-to-conserve-water.pdf>

⁶⁵ [Subhash Kumar v State of Bihar](#)

higher human rights court. Regional human rights bodies offer another layer of protection of human rights beyond domestic law, although the number of cases in which you can make a reference to a higher human rights court is very limited.

In monist systems, international law obligations are automatically incorporated into domestic law and can be enforced directly before national law. There is no requirement to exhaust local remedies. So the UN Convention on the Rights of a Child (UNCRC), for example, can be invoked immediately before the courts in monist systems and can and should be cited as indirectly applicable (e.g. as a tool for interpretation) in dualist systems. Dualist systems do not recognise international law as supreme, and international law must be transposed into national law in order to have effect.

Regional Human Rights Bodies

If your home state is subject to jurisdiction by a regional human rights judicial body, CSOs and individuals can bring a claim against the state to a judicial or quasi-judicial human rights body. There are three regional human rights judicial bodies around the world.

These are:

- a. The European Court of Human Rights (jurisdiction over 46 countries),
- b. The Inter-American Court of Human Rights (jurisdiction in 20 countries in Latin America),
- c. The African Commission on Human and Peoples' Rights (oversees 54 countries), and the African Court on Human and Peoples' Rights (accepted jurisdiction in 8 countries, although the commission can refer a case to the court in regard to 34 countries).

Example

1. In the European Court of Human Rights case of *Dubetska and Others v Ukraine* (2011), a coal mine had been operating for 12 years and had caused flooding, groundwater pollution, and that people living nearby were exposed to a higher risk of cancer. The court found that Article 8 (the right to private and family life) had been breached by the state for failing to remedy the situation.⁶⁶

⁶⁶ [https://hudoc.echr.coe.int/eng-press#%22itemid%22:\[%22003-3432369-3856767%22\]}](https://hudoc.echr.coe.int/eng-press#%22itemid%22:[%22003-3432369-3856767%22]})

The right to a healthy environment

The right to a healthy environment is another human right that is present in hundreds of countries around the world, and is a right that makes it easier for citizens to bring a claim against the government for failing to protect the environment.

Not all countries have the right to a healthy environment enshrined in law, however it is increasingly recognised as an international legal principle. The International Court of Justice, in its 2025 Advisory Opinion on the Obligations of States in respect to Climate Change, recognised that the right to a clean, healthy and sustainable environment is a precondition to the exercise of many other human rights. The Court recognised that the right to a healthy environment results from the interdependence of human rights and environmental protection, and is inherent in the enjoyment of human rights.⁶⁷

Examples

1. In July 2020, the Kenyan Environmental Court awarded the equivalent of USD 13 million in compensation for damage to the environment and health of a community blighted by deadly lead poisoning. The court in Mombasa awarded the compensation to residents of Owino Uhuru settlement for deaths and health impacts caused by lead poisoning from an adjacent smelter for recycling batteries. The ruling declared that the community's rights to a healthy environment, highest attainable standard of health, clean and safe water, and life had been contravened, and ordered the Kenyan government and two companies to pay compensation.⁶⁸

Background:

In 2007, the Metal Refinery (EPZ) opened a smelting plant, which recycled used lead-acid batteries in Owino Uhuru. Complaints emerged from the local community following the opening of the plant, alleging that the company was poisoning the environment as a result of poor waste management. Claimants allege that an increasing number of people had been affected by diverse health and environmental impacts, including deaths from lead poisoning and respiratory diseases, since the opening of the plant. Soil tests showed that lead levels increased almost tenfold between 2008 and 2009, when the plant became operational. The smelter ceased operations in 2014, following community pressure and campaigning by the CJGEA.

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https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2025/20250723_18913_decision.pdf paragraph 393

⁶⁸ [Source](#)

Outcome:

The community was awarded \$12 million in compensation in 2020, but in 2023 the Court of Appeal overturned the decision. The case is ongoing.⁶⁹

2. Under the African Charter on Human and Peoples' Rights, two NGOs successfully argued before the African Commission on Human and Peoples' Rights that the Nigerian government was in breach of the right to health (Article 16) and right to a general satisfactory environment favourable to development (Article 24) caused by the government's failure to prevent pollution and ecological degradation.⁷⁰ The Supreme Court of Nigeria has also confirmed that section 33 of the Nigerian Constitution, guaranteeing the right to life, implicitly includes and constitutes a fundamental right to a clean and healthy environment for all. The Court further explicitly affirmed the domestic enforceability of the environmental right in Article 24 of the African Charter on Human and Peoples' Rights as it had been brought into national law by the African Charter Act, Cap. A9 LFN 2004. This case shows that in some cases, it is possible to argue that the right to a healthy environment is implied by other laws, such as the right to life. It also shows the importance of implementing international laws and treaties into domestic law in order for those laws to be able to be used by claimants.⁷¹

Rights of Nature

In some States around the world, nature itself is considered to possess fundamental legal rights. The idea was introduced to the legal world by an American law professor in 1972, in the landmark article "Should trees have standing?" by Christopher Stone, and has made its way into legal systems around the world since. Rights of Nature as a legal framework aims to move towards a system where nature is valued and protected for its own sake and not simply for the value it provides to humans. This has led in some countries to legal personhood being granted to elements of nature, such as rivers, for example in New Zealand. This allows individuals and organisations to bring legal action on behalf of that river in a similar way to how others might bring claims on behalf of children or companies. Recognising the rights of nature is especially common in Latin America, where Ecuador has included the rights of

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<https://www.business-humanrights.org/en/latest-news/metal-refinery-epz-lawsuit-re-lead-pollution-in-kenya/>

⁷⁰ [SERAC et al. v. Nigeria](#); and [Gbemre v. Shell Petroleum Development Company of Nigeria Ltd. And Others](#)

⁷¹ [Centre for Oil Pollution Watch \(COPW\) Vs NNPC \(2018\) Supreme Court of Nigeria](#)

nature as part of the constitution since 2008.⁷² In Ecuador, the Constitutional Court to date has found that rights exist for forests, mangroves, beaches, and a wild monkey in captivity.

Examples

1. The 2017 Atrato River Case in Colombia recognised the right of the Atrato River, the first time legal personhood was granted to a natural entity in Colombia.

As the largest river in Colombia the Atrato River runs for 650km. It is the largest freshwater source in the country and its banks are home to ancestral lands of various Indigenous, Afro-descendent and other minority communities. It runs through a poor and geographically isolated area impacted by internal armed conflict, drug trafficking and intensive illegal gold mining resulting in significant rates of mercury and cyanide contamination. After years of mobilising, a coalition of Indigenous and Afro-descendent communities filed an action for the protection of constitutional rights (*tutela* action) in relation to the illegal mining. The action filed on behalf of several community and NGO stakeholders against a few dozen public bodies and ministries. After the lower courts found the case inadmissible, the Constitution Court found in favour of the claimants, finding the government had breached the communities fundamental rights, including rights to life, health, water, food security, healthy environment, culture and territory of ethnic communities. Additionally, the court found that the river itself was a subject of rights, recognising the legal personhood of the Atrato River, its basin and tributaries, with rights of protection, conservation, maintenance and restorations by the state and ethnic communities.

The Court ordered a legal guardianship model to be set up for the river, as well as a decontamination plan, a joint action plan to stop illegal mining, toxicological studies, and monitoring and compliance plans.

In it's reasoning the Court explained:

'In other words: nature and the environment are a cross-cutting element of the Colombian constitutional order. Its importance lies, of course, in attention to the human beings that inhabit it and the need to have a healthy environment to live a dignified life in decent conditions; but also in relation to the other living organisms with whom the planet is shared, which are understood to be worthy of protection in themselves. It is about being aware of the interdependence that connects us to all living beings on earth; that is, recognizing ourselves as integral parts of the

⁷² [Source](#)

global ecosystem-- the biosphere --, rather than from normative categories of domination, simple exploitation, or utility.^{73 74}

Sadly, illegal mining continues today and the river is still heavily polluted, despite the guardianship of communities, who are reported as feeling 'powerless' to clean up the river.⁷⁵

2. In the UK in 2025, the Lewes District Council approved a charter titled, 'Rights of Rivers: a charter for the River Ouse.' Although the charter has no direct legal effect, it is an example of using local policies to reframe environmental issues around rights of nature, emphasising the intrinsic value of nature. The Charter recognises eight fundamental rights arising from the river's very existence
 - a. The right to exist in its natural state: Recognising and reflecting that the River Ouse like all rivers is essential for ensuring life, including human life within the Ouse catchment and bioregion whilst recognising the modification of the river where it is necessary to protect existing critical infrastructure and or communities.
 - b. The right to flow: Flows must follow natural flow patterns and be sufficient in quantity to maintain the ecosystem health of the entire river system.
 - c. The right to perform essential natural functions within the river catchment: These include maintaining horizontal and longitudinal connectivity, flooding, moving and depositing sediment, recharging groundwater, providing adequate habitat for native flora and fauna, processing nutrients; being water.
 - d. The right to feed and be fed from sustainable aquifers: ensuring that clean, healthy aquifers provide sustainable ecosystem services in the context of how climate change is affecting these processes.
 - e. The right to be free from pollution: Taking a holistic view to include diffuse and point sources including but not limited to

⁷³ [Source](#)

⁷⁴ 'Rights of Nature Case Study: Atrato River' Anima Mundi Law Initiative <http://files.harmonywithnatureun.org/uploads/upload1132.pdf>; Atrato River Decision T-622/16 of November 10, 2016 - judgment https://www.climatecasechart.com/documents/atrato-river-decision-t-622-16-of-november-10-2016-judgment_8646?q=Galicia+Spain+Intensive+Livestock+Case

⁷⁵

<https://www.france24.com/en/live-news/20240918-in-colombia-a-river-s-rights-swept-away-by-mining-and-conflict>

damaging levels of sewage discharge, industrial waste, litter, antibiotics, agricultural run-off from pesticides, manure and fertilisers; and accelerated soil erosion from human activities, recognising that our changing climate can exacerbate all of these issues.

- f. The right to native biodiversity: recognising and responding to the severe decline in native biodiversity over the last fifty years and the threats that invasive non-native species represent for local biodiversity.
- g. The right to regeneration and restoration: that a shared vision which identifies and develops best practice river and nature restoration and regeneration across the River Ouse Catchment is progressed in partnership with all relevant stakeholders.
- h. The right to an active and influential voice: to have the interests of the River Ouse appropriately and in so far as is possible, impartially represented and considered in the determination of matters that directly affect it. To lobby the Government to create the legal frameworks that can ensure consistent representation for all rivers.

Public Trust

Public trust is a legal concept that understands natural resources, including rivers, to be public assets. This means that they are in fact owned by the nation as a whole, and are run and regulated by the state and public authorities for the benefit of the nation. In legal terminology, this means they are held in a “public trust”, and the public authorities are legally required to ensure the nation is able to enjoy the benefit of the public assets now and in the future. It is unlikely that a country’s legal system will explicitly say that such a public trust exists in relation to nature, although the concept bears similarities to both rights of nature and the right to a healthy environment. There is often a significant overlap between public trust claims and broader claims brought to uphold constitutional protections for the environment.

Example

1. In Uganda, claimants filed an application on behalf of four Ugandan minors to the High Court of Uganda for the court to declare that the government was violating its public trust duty by failing to prevent

present and future harms to the national environment. They argued that Article 237 of the Ugandan Constitution makes the Ugandan government a public trustee of Uganda's natural resources, and that Articles 39 and 237 require the government to preserve those resources from degradation for present and future generations. The High Court ordered the parties to undertake mediation but has taken no further action since October 2017.⁷⁶

Tort Law

Almost every legal system in the world includes a similar principle that if you do something wrong that causes damage to someone then you should have to pay for that damage to be made right. In legal terminology, a tort is the wrongful act that causes injury or damage to a person or property and which therefore gives rise to legal liability. Tort law is a way of understanding the rules around what sort of wrongful activity can and should lead to a legal liability to pay damages. Examples include negligence, nuisance and trespass.

The legal liability established in tort law allows the person who has suffered the injury or damage to make a legal claim to have compensation paid to them to correct that injury or damage. One basic example of tort law in practice is if someone is recklessly driving and injures someone by crashing into them. Tort law would allow for the injured person to get compensation from the person who had been recklessly driving the car for causing their injury. More widely, tort law allows people to sue and recover compensation from other people, even if there is no contract between them.

Examples

1. In July 2020, the Kenyan Environmental Court in July 2020 awarded the equivalent of USD 13 million to residents of Owino Uhuru in compensation for damage to their environment and health caused by lead poisoning from an adjacent smelter for recycling batteries.⁷⁷
2. In Thailand, village residents successfully brought a claim of negligence against government officials following exposure to pollution caused by a privately owned landfill.⁷⁸

⁷⁶ [Mbabazi and Others v. The Attorney General and National Environmental Management Authority](#)

⁷⁷ [Source](#)

⁷⁸ [Source](#)

3. In Chile, a lawsuit was filed by an individual residing 300 metres from the facilities of a mining company. One of the grounds of the lawsuit was impact on the health of the claimant and his family.⁷⁹
4. In Brazil, a collection of organisations brought a public civil action (ACP) for urgent provisional relief against Coplemi Mineracao Ltd for their Guabia Mine Project which threatens nearby environmental reserves including the Jacui River Delta and livelihoods of local farmers.⁸⁰
5. In 2015, Ogale and Nille communities in Nigeria brought a claim against the oil company Shell in the English High Court for compensation to remedy the damage that had been caused by extensive oil pollution in the Niger Delta which had affected their environment and livelihoods. You can read more about this case in the section on [Claims Against Polluters in Foreign Jurisdictions](#) below.

Class Action

Torts (i.e. the wrongful actions that cause damage to people that deserve compensation) sometimes happen to individual people but often happen to many people at once. This is especially true in instances of pollution that affect a wide area or a commonly used water source. In these situations, the legal principle of class action allows people to come together to bring the same or a similar claim for compensation against those responsible for the wrongful action, rather than each person bringing their claims on their own. This helps people for whom bringing an individual claim might be too expensive. Class actions are common in the US and Australia and in environmental claims. The claimants are usually represented by a single legal team.

Example

1. In October 2020, a class action lawsuit was brought against Anglo American South Africa Ltd in the Gauteng Division of the South African High Court. The action was filed on behalf of thousands of children and women who are believed to be suffering from lead poisoning. The applicants argued that Anglo American had assumed a duty of care towards residents, especially in regard to protection against lead exposure. The purpose of the class action was to secure compensation for victims of lead poisoning, including the cost of an effective medical monitoring system for blood lead levels among the community and the cost of clean-up and remediation.⁸¹

⁷⁹ [Source](#)

⁸⁰ [Arayara Association of Education and Culture vs. Copelmi Mineração Ltda. and FEPAM](#)

⁸¹ [Source](#)

Public International Law: Legal Challenges Between States

Public international environmental law is a vast and complex topic. It is generally of little use to citizens, communities or NGOs as it regulates the legal relationships between different states. It is included here for completeness and because past cases have been brought by governments to prevent pollution generated in one country from negatively affecting the freshwater found in another.

The International Court of Justice (ICJ) is the principal judicial body of the United Nations. Where water pollution is caused by an issue that transcends state boundaries, a state may be inclined to bring a lawsuit against another state to the ICJ. This type of legal action is not easily accessible to citizens, as one would need to have considerable government influence in order to persuade a state to sue another state, and there are international politics involved. However, there are instances of it being used to address pollution. The primary legal instrument governing relationships between states are bilateral and multilateral treaties. Where two states have signed a treaty agreement, if one state has breached that agreement, the other state can bring legal action or initiate arbitration proceedings.

Example

1. In 2010 the International Court of Justice handed down a judgement in a claim brought by Argentina against Uruguay. Argentina argued that the construction of pulp mills on the banks of the river that separates the two nations, the River Uruguay, was likely to cause pollution and therefore significant transboundary damage to Argentina. This case was brought under the treaty signed by the two States in 1975 that established the procedures by which they would manage the river.⁸² Argentina lost the case, as the ICJ found that there was not enough evidence.

Criminal Law

Criminal law relates to crime, such as conduct perceived as threatening, harmful, or otherwise endangering the property, health, or safety of people. In some countries criminal and civil proceedings, such as those explained above and below, can be combined. Typically, environmental crimes are prosecuted by the state, but some jurisdictions allow victims to prosecute crimes directly.

⁸² [Pulp Mills on the River Uruguay \(Argentina v. Uruguay\)](#)

Example

1. In Argentina, the Federal Court of Criminal Cassation convicted Jorge Elías Mocarbel for the crime of pollution of water, soil and environment in general, in a way that is hazardous to health and through the use of hazardous waste. The Public Prosecutor's Office relied on expert reports from the Argentine Federal Police and reports from the province's Environment Secretariat.⁸³
2. In the UK, although typically the state is responsible for prosecuting environmental crimes, it is also possible to bring a private prosecution as an NGO. Fish Legal, an NGO, brought a private prosecution against a water company for alleged diesel pollution of the River Test, relying on section 6 of the Prosecution of Offences Act 1985.⁸⁴

Ecocide

Fourteen countries and the European Union have laws criminalising ecocide—crimes against the environment.⁸⁵ One widely used official definition of ecocide, proposed by the Independent Expert Panel as an amendment to the Rome Statute of the International Criminal Court, is 'unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.'⁸⁶

Example

1. In a 2025 decision handed down by the Indian Supreme Court concerning tanneries pollution in the Vellore district, the Supreme Court likened the tanneries pollution to ecocide, highlighting that the pollution can be thought of as a grave environmental crime. India produces 13% of the world's leather, and the River Palar, a source of drinking water for 30 towns and 50 villages, once celebrated in literature, poetry, and music, has now become unfit for drinking water or agricultural purposes due to effluent discharges and dumping of solid wastes from tanning industries along the riverbank. Vast amounts of chemicals are used in the leather making industry, which end up in the river. The earlier Vellore tanneries case in 1996 referenced the precautionary principle and the polluter pays

⁸³ [Source](#)

⁸⁴ [Source](#)

⁸⁵ They are: Vietnam, Uzbekistan, France, Russia, Kazakhstan, Russia, Kyrgyz Republic, Georgia, Tajikistan, Belarus, Ukraine, Moldova, Armenia, Chile, Belgium, and the EU. <https://ecocidelaw.com/existing-ecocide-laws/>

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[https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+\(1\).pdf](https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+(1).pdf)

principle, with the court ordering compensation and remediation. Unfortunately, the tanneries pollution has remained a problem, and the court again ordered a range of compensation and remediation steps to be taken.

The court stated, 'The environmental damage occurring in Vellore District could even be categorized as ecocide, underscoring the urgency of addressing and halting such activities' [at 92]. The court also confirmed that the right to a healthy environment is contained in the right to life and recognised that the right to clean drinking water is a fundamental right [at 64].⁸⁷

This case demonstrates how environmental rights and broader environmental legal principles such as ecocide aid the courts in addressing non-compliance with environmental laws and regulations.

Contract Law

In some countries, the water companies responsible for providing water to customers may be considered to have entered into a contract with the individuals and communities they supply. Where these companies are also responsible for causing or failing to prevent water pollution in rivers and lakes, it may be possible for individuals to bring a claim for breach of contract. Such claims are rare and difficult to pursue and so therefore an example will not be provided with this guide.

How to Initiate Public Action against Freshwater Pollution

Often it will not be necessary to bring a legal claim through the courts to resolve a freshwater pollution issue. In some cases, presenting the issue clearly along with the necessary evidence to the relevant public body (backed up with the threat of litigation) will be enough to make that public body perform their role and take public action, including by taking the necessary steps to ensure the pollution is ended and its effects cleaned up.

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https://api.sci.gov.in/supremecourt/2010/22028/22028_2010_14_1501_58901_Judgement_30-Jan-2025.pdf

Targeting the Polluter or the Government

In many jurisdictions, there are more possibilities for legal action against a public body than a private company. It's a good idea to explore the different types of claims you could bring and then evaluate which is likely to be most effective or most successful. As you gather information and evidence, read this guide, and speak to legal professionals, think about the possible legal actions before deciding which to take.

When considering legal action to try to stop or prevent water pollution, obtain compensation for those impacted, or force the authorities or polluters to clean up water, you will need to decide between a claim against a private company (the polluter) or a public body (such as a regulator or government). Public bodies (such as government bodies) have various obligations to regulate polluters. In some cases, you will not need to go so far as bringing a legal case against a public body. If you prepare all the evidence and make a strong case, the public body may be persuaded or forced to take action even without being ordered to by a judge.

On the other hand, private companies often have more money and do not have the altruistic motives of a public body, who have an interest in protecting the environment for citizens. When bringing a claim directly against a private company, the company may have enormous resources to defend the claim or hold it up in court. However, don't let this discourage you.

Applications to Environmental Regulators

One of the first steps campaigners against freshwater pollution can take to address their problems is to request that the applicable regulator or public body take action on their behalf against the polluting entity. This requires the applicant to identify the relevant body and applicable rules, ask the public body to apply its rules and, if necessary, take action to ensure compliance with them. Where public bodies then fail to take the necessary and effective action, a claim may be brought against the relevant regulator to force it to perform its duties.

For example, a company may have a permit to operate which prohibits them from certain types of pollution. The public body responsible for the permit can require the company to comply with their permit. If the company fails to comply, the regulator can take enforcement action against them or even shut them down.

While many regulators are reluctant to act due to lack of political will, funding constraints, or even corruption, this is still a critical first step in any freshwater

pollution case. If the regulator refuses to take action, you may even be able to bring a case against the public body, such as a judicial review, on the grounds that the regulator is not fulfilling its role as regulator.

On the whole it is better to get authorities to take action against pollution because they have the resources and the expertise and it means the person who complained to them is not liable for costs. But sometimes if the authorities cannot or will not take action, individuals or communities may do so. As with all legal actions there are risks and potential costs as well as opportunities.

Examples

The following are examples of victims of pollution applying to public bodies to take action:

1. Indigenous communities living around Chile's Atacama salt flat asked authorities to suspend lithium miner SQM's operating permits or sharply reduce its operations until it submitted an environmental compliance plan acceptable to regulators. The request was made following the miner's overuse of water resources, including freshwater sources, in the desert. Partly in response to concerns raised by indigenous groups, in 2023 the Chilean government announced a plan to nationalise the country's lithium mining industry along with a pledge to protect biodiversity and share mining benefits with indigenous and surrounding communities.⁸⁸
2. Villagers in Thailand made repeated complaints to authorities due to pollution caused by a landfill. The Pollution Control Department found evidence of groundwater contamination in local wells, but this did not prevent the operation of the landfill or permission to open a second landfill. Village residents subsequently brought a claim in negligence against the authorities and were successful.⁸⁹
3. Complaints made to the Gujarat Pollution Control Board led to the shut-down of a factory in Boriya Khurad village, after it was found the factory discharged chemicals and other toxic substances into the groundwater and wells. However, further legal action was required to obtain compensation and assess the extent of the environmental damage.⁹⁰

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<https://www.business-humanrights.org/en/latest-news/chile-court-upholds-complaint-from-indigenous-communities-against-sqm-over-water-usage-rights-linked-to-lithium-mining/>

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<https://arnika.org/en/news/thai-court-rules-in-record-speed-that-authorities-neglected-their-duty-to-protect-the-environment>

⁹⁰ [Solanki Jaswantsinh Kalusinh v District Collector and Ors](#)

4. In the UK, a letter of complaint was submitted to the Office of Environmental Protection regarding the UK Environment Agency's failure to properly assess the environmental impacts of agricultural pollution on protected nature conservation sites. The complaint also alleged that the UK government may have broken environmental law by watering down critical regulations on nitrogen pollution in England's rivers. The Office of Environmental Protection agreed with the complaint and agreed to take action to monitor compliance by the UK government and its agencies with their legal obligations.⁹¹

Applications for Increased Environmental Protection

Some countries have laws which provide increased environmental protection for areas designated as being of special interest, national parks, or of public use. Individuals and communities may therefore apply to a relevant public body to have a river or lake specially designated or classified as, for example, national parks, Sites of Special Scientific Interest (UK), public bathing areas, or nature conservation sites.

Example

1. In the UK, areas of water that are designated as "Bathing Water" are protected by special safeguards against pollution to protect the health of bathers. Individuals may apply to the Environment Agency to have sections of rivers and lakes designated as bathing water to ensure greater scrutiny by public authorities of any pollution entering the water.⁹²

⁹¹ [Source](#)

⁹² [Source](#)

Using the Law to Force Public Action

Where governments and public bodies are unwilling or unable to carry out the necessary action to uphold the law, it may be necessary to use the law to force them to take the action they are required to under law. In countries that allow Citizen Suits, NGOs can directly sue private companies for failing to follow environmental law, effectively taking the place of a regulator and lessening the problem of lack of enforcement.

Frequently regulators are 'captured' by the industries they are supposed to regulate, and rather than regulating those industries in the interest of the public and the environment, they instead function to enable bad behaviour by industry. As a result, environmental legal action may revolve around bringing a case against a regulator for failing to regulate or trying to put legal pressure on the regulator to force it to enforce existing law. Below is a selection of methods by which this could be possible.

Constitutional Claims Against National Governments

National Constitutions often contain provisions that place duties on governments and public bodies to protect the environment, including duties to prevent water pollution. They also may grant rights to clean drinking water, the right to a healthy environment, or even rights to nature. They may also recognise human rights and property rights. These provisions provide an opportunity for those affected by freshwater pollution to bring claims against their governments and public bodies for their failure to comply with their constitutional responsibilities and failure to protect citizen's rights. See the sections on [Public Law](#) and [The right to a healthy environment](#).

Example

1. The Ugandan case of *Mbabazi and Others v. The Attorney General and National Environmental Management Authority* makes use of the public trust doctrine (under Article 237 of the constitution) and the right to a healthy environment (Article 39 of the constitution) in seeking the court to compel the government to take action on climate change. The claimants brought the claim on behalf of four children. The claimants allege that the government, as a public trustee of the nation's environment and natural resources, is required to preserve the environment from degradation for both present and future generations, and to protect citizen's right to a healthy environment. Given that climate

change has led to extreme weather events that have caused deaths, homelessness, and civil unrest, the claimants argued that the government is in breach of its constitutional duty. The claimants are asking for the court to 1) make a declaration that the government is in breach of its constitutional duty, and 2) provide injunctive relief, by ordering the government to account accurately for greenhouse gas emissions nationwide and create a plan to mitigate those emissions. The case has been ongoing since 2012.⁹³

2. In the Indian case of *Subhash Kumar v. State of Bihar and others* (1991), a claim was brought against the State Pollution Control Board (SPCB) in India, alleging that the SPCB had failed to take appropriate measures to prevent pollution of the Bokaro River due to factories dumping waste in the river. The Supreme Court found that the right to life under Article 21 of the Indian Constitution includes the right to enjoy pollution free water, and a citizen has a right to constitutional remedies under Article 32. However, in this case the petition was unsuccessful as it was found effective steps had been taken to prevent pollution of the river. The Court did not discuss the threshold for “effective steps” as it also found the petition was not made in the public interest due to the petitioner’s private financial interests.⁹⁴
3. In the Indian case of *M.C. Mehta v. Kamal Nath and Ors* (2000), a claim was brought against the Minister of Forest and Environment for his involvement in leasing ecologically fragile riverbed land to a motel group to which he had financial ties. The Supreme Court held that the ‘public trust doctrine’ applies in India and therefore certain common properties like rivers and forests are held by the government in trusteeship for the general public. The doctrine has been noted to increase the effectiveness of India’s Environmental Impact Assessment Laws and makes it a duty of the state to protect ecological resources. In this instance, the motel group was required to pay compensation, build a boundary wall and restrict discharge into the river, and the Pollution Control Board was directed to inspect regularly.⁹⁵

Legal Action Against States in Regional and International Courts

Around the world there are several regional and international courts that have jurisdiction over more than one country, which may be used as a last resort

⁹³ [Mbabazi and Others v. The Attorney General and National Environmental Management Authority](#)

⁹⁴ [Subhash Kumar v State of Bihar](#)

⁹⁵ [M.C.Mehta v Kamal Nath and Ors](#)

where domestic legal challenges have failed. In some courts, NGOs and individuals have standing to bring a case directly against a state. In others, where NGOs do not have standing to bring a case against a state directly to the court, they may have the opportunity to bring a complaint to another regional or international public body known as a commission. Below is a selection of regional courts.

Europe

For example, in the EU NGOs generally cannot bring a case directly before the European Court of Justice (ECJ), however they can submit a complaint to the European Commission about infringements of EU Law. The Commission has the power to bring a case directly before the ECJ, as do member states.

At the European Court of Human Rights (ECtHR), which covers a wider number of countries than the EU, individuals can bring a human rights claim against a state, for example, in the ECtHR case of *Verein KlimaSeniorinnen v Switzerland* (2024), a group of seniors successfully brought a case against Switzerland for failing to take measures to address climate change and protect citizens from harms caused by climate change.⁹⁶

Latin America

In Latin America, NGOs can bring a petition to the Inter-American Commission on Human Rights (IACHR), who can investigate. The Commission or the State in question has the competence to refer the case to the Inter-American Court of Human Rights (IACtHR).⁹⁷

Africa

The African Commission functions similarly to the European Commission and the Inter-American Commission on Human Rights in that NGOs and individuals can file a complaint and the commission can investigate or refer the matter to the African Court on Human and People's Rights. Individuals and certain NGOs can also access the court directly in claims against a few African countries, who have agreed to allow NGOs and citizens direct access to the African Court.⁹⁸

East Africa

Unlike most other regional courts, standing rules at the East African Court of Justice (EACJ) are broad. NGOs and individuals have direct access before the EACJ and are not required to exhaust domestic remedies or to be directly

⁹⁶ https://hudoc.echr.coe.int/eng#_Toc162522388

⁹⁷ <https://utrechtlawreview.org/articles/10.36633/ulr.672>

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<https://www.mediadefence.org/wp-content/uploads/2020/06/West-Africa-Regional-Mechanisms-Manual.pdf> p35

connected to the issues, as long as they are a resident of one of the six member states of the East African Community.⁹⁹

West Africa

The Community Court of Justice of the Economic Community of West African States (ECOWAS) accepts claims from individuals in human rights cases, as well as NGOs representing communities.

Example

1. The organisations Natural Justice, the Centre for Strategic Litigation, the Centre for Food and Adequate Living Rights Limited, and the Africa Institute for Energy Governance brought a claim against the governments of Uganda and Tanzania and the Secretary General of the East African Community (EAC) at the East African Court of Justice. The Applicants argued that the construction of the East African Crude Oil Pipeline contravenes various treaties and law, including the treaty of the East African Community, the African Charter on Human and People's Rights, and the Paris Climate accords. The Applicants also allege that the project proponents, including Total Energies and the states of Tanzania and Uganda did not conduct effective and meaningful public participation and consultation or human rights and climate impact assessments before commencing the project.¹⁰⁰

Civil Claims Against Public Bodies

A civil claim in environmental cases is a legal action brought in a civil court usually by a private individual, group, or NGO, seeking a remedy for harm caused by environmental damage. The basis for the claim may be either a tort or a statute.

Common tort claims in environmental cases include:

- a. Failure to take reasonable care to prevent environmental harm, amounting to negligence
- b. Strict liability for the escape of hazardous materials (Also known as *Rylands v Fletcher* in common law countries)
- c. Causing a nuisance.

⁹⁹ https://lawyersofafrica.org/wp-content/uploads/RFK_EACJ_Report-English_Digital-.pdf p11

¹⁰⁰ [Source](#)

The doctrine of nuisance usually refers to disputes between neighbours, but if a business is causing water pollution that impacts an individual's property and their right to enjoy their property, this may constitute a nuisance.

There are different types of nuisance claims. Private nuisance is something that affects an individual, while public nuisance affects a large community. Private nuisance is a concept that protects the rights of land users or land owners. In common law jurisdictions, there are complexities to consider as to whether a statutory regime ousts common law jurisdiction in a nuisance claim, as discussed in the UK Supreme Court case of *Manchester Ship Canal v United Utilities No 2* [2024] UKSC 22.¹⁰¹ Common law refers to judge-made case law precedent, and nuisance is a common law concept. However, there are also statutes (laws) that cover activities which are or may be a nuisance at common law. It can be difficult to navigate this complexity, but the statutory regime may preclude a nuisance action.

Many environmental statutes give individuals a right to sue for damages or injunctions (e.g. water pollution laws, hazardous waste laws), while some countries allow broad standing to NGOs to enforce environmental law. National laws often place duties on the public and on public bodies to protect the environment. These laws place duties of care on public bodies to ensure water supply and quality, and provide an opportunity for those affected by freshwater pollution to bring claims against local government and regulatory bodies as well as other organisations such as semi-private water companies.

A claim against a national or local authority or agency is typically less costly than a claim against a polluter. To learn more about claims directly against polluters, see below: [Direct Legal Action Against Freshwater Polluters](#). A claim against a public body may be appropriate where:

- a. Public bodies fail to protect residents from pollution;
- b. Efforts to get public bodies to take regulatory enforcement action against polluters have failed.
- c. A human rights claim is not viable because human rights are not sufficiently protected, or it will be difficult to show a high enough level of harm to the victim to prove a breach of human rights;
- d. There is no opportunity to bring a judicial review of a decision;

At that point, it may be worth exploring a claim against the public body for breaching their duty of care to citizens, breaching regulations, or for negligence.

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[https://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKSC/2024/22.html&query=\(title:\(+Manchester+\)\)+AND+\(title:\(+Ship+\)\)+AND+\(title:\(+Canal+\)\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKSC/2024/22.html&query=(title:(+Manchester+))+AND+(title:(+Ship+))+AND+(title:(+Canal+)))

Access to Environmental Justice

For example, in South Africa any person or NGO has legal standing to bring a case to enforce environmental laws in the public interest or in the interest of protecting the environment, under the National Environmental Management Act 1998 (NEMA), section 32. This is contrasted with the UK, which does not provide this level of access to environmental justice, but does allow for statutory nuisance claims to be brought by aggrieved persons under the Environmental Protection Act 1990, section 82. Smoke, fumes, dust, and smells can all amount to a nuisance.

Example

1. In Thailand, a landfill site was causing odours, pollution, and water contamination, and the government ignored the complaints of residents for four years. Official bodies monitored the water and found that it was contaminated with both heavy metals and volatile organic compounds. With this evidence available, the residents filed a lawsuit against the government for negligence. The judge found that the government officials had neglected their duties concerning the pollution caused by the landfill, since there was a law giving the public bodies the power to revoke the permit, suspend the landfill operations and resolve the problems. Despite having this power, they had not taken action, so the judge found that the public body was negligent. The court ordered the authorities to take immediate action on the environmental damage.¹⁰²
2. In Carolina, South Africa, after a rainstorm flooded the town with acid mine drainage, high concentrations of acid, manganese, sulphates and further contaminants left the town without clean water for seven to eight months. After a series of protests by local people, the Federation for Environmental Sustainability, in collaboration with the local Silobela Residents' Association and Human Rights Lawyers, filed an application in the Gauteng High Court, Pretoria, against the local municipality for failing to supply clean water to residents. A subsequent ruling provided that the local District Municipality was required to provide residents with clean water and that a satisfactory daily water supply was required to be provided within 72 hours. The local municipality was further tasked with preparing a detailed plan, explaining how it would provide local residents

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<https://arnika.org/en/news/thai-court-rules-in-record-speed-that-authorities-neglected-their-duty-to-protect-the-environment>

with clean water. While the time limit was reversed on appeal by the local municipality, the requirement to provide clean water remained.¹⁰³

3. In the case of *Urgenda Foundation v. State of the Netherlands* (2019), a Dutch environmental group, the Urgenda Foundation, and 900 Dutch citizens sued the Dutch government to require it to do more to prevent global climate change. The court in the Hague ordered the Dutch state to limit GHG emissions to 25% below 1990 levels by 2020, finding the government's existing pledge to reduce emissions by 17% insufficient to meet the state's fair contribution toward the UN goal of keeping global temperature increases within two degrees Celsius of pre-industrial conditions. The court concluded that the state has a duty to take climate change mitigation measures due to the "severity of the consequences of climate change and the great risk of climate change occurring." In reaching this conclusion, the court cited (without directly applying) Article 21 of the Dutch Constitution; EU emissions reduction targets; principles under the European Convention on Human Rights; the "no harm" principle of international law; the doctrine of hazardous negligence; the principle of fairness, the precautionary principle, and the sustainability principle embodied in the UN Framework Convention on Climate Change; and the principle of a high protection level, the precautionary principle, and the prevention principle embodied in the European climate policy. The court did not specify how the government should meet the reduction mandate, but offered several suggestions, including emissions trading or tax measures. This is the first decision by any court in the world ordering states to limit greenhouse gas emissions for reasons other than statutory mandates. The Dutch government submitted 29 grounds of appeal. Urgenda submitted a cross-appeal, contesting the court's decision that Urgenda cannot directly invoke Articles 2 & 8 of the European Convention on Human Rights (ECHR) in these proceedings. On Oct 9, 2018, the Hague Court of Appeal upheld the District Court's ruling, concluding that by failing to reduce greenhouse gas emissions by at least 25% by end-2020, the Dutch government is acting unlawfully in contravention of its duty of care under Articles 2 and 8 of the ECHR. The court recognised Urgenda's claim under Article 2 of the ECHR, which protects a right to life, and Article 8 of the ECHR, which protects the right to private life, family life, home, and correspondence. The court determined that the Dutch government has an obligation under the ECHR to protect these rights from the real threat of climate change. The court rejected the government's argument that the lower court decision constitutes "an order to create legislation" or violation of trias politica and the role of courts under the Dutch

¹⁰³ [Source](#)

constitution. In response to these appeals, the court affirmed its obligation to apply provisions with direct effect of treaties to which the Netherlands is party, including Articles 2 and 8 of the ECHR. Further, the court found nothing in Article 193 of the Treaty on the Functioning of the European Union that prohibits a member state from taking more ambitious climate action than the E.U. as a whole, nor that adaptation measures can compensate for the government's duty of care to mitigate greenhouse gas emissions, nor that the global nature of the problem excuses the Dutch government from action. The Dutch government appealed the decision, and the Netherlands' Supreme Court heard the appeal on May 24, 2019. On September 13 the Advocate and Procurator General, independent judicial officers, issued a formal opinion recommending that the Supreme Court uphold the decision. On December 20, 2019, the Supreme Court of the Netherlands upheld the decision under Articles 2 and 8 of the ECHR.¹⁰⁴

Climate change of course impacts water resources, and this case demonstrates the use of a legal challenge as a preventative tactic by holding the government accountable for negligence in failing to protect citizens from anthropogenic climate change.

Judicial Review – Challenging Public Body Decisions

Judicial Review is a type of public law/civil claim in which you can ask a judge to review a decision, policy, action, or inaction of a public body. To bring a case, you will need to identify what the grounds of your challenge are. The grounds you can use for a judicial review are to argue that the public body's decision was:

- a. Illegal (*ultra vires*)
- b. Irrational or, in some countries, unreasonable
- c. Procedurally unfair (incorrect procedures followed when the decision was taken)
- d. Disproportionate to the situation (especially relevant in human rights claims where a balance between governance and human rights often requires considering whether the impacts of a decision will be proportionate.)

The primary outcome of an environmental judicial review is for a judge to order that a decision by an authority is overturned or 'quashed.' In planning cases for

¹⁰⁴ https://www.climatecasechart.com/document/urgenda-foundation-v-state-of-the-netherlands_3297

example, the primary reason to bring a judicial review is to ask the judge to overturn the approval. The public authority will then have the opportunity to retake the decision but will likely need to consider more information. In judicial review, judges do not award compensation for harm, and the focus is on assessing the legality and reasonableness of public bodies, rather than on harm suffered by citizens. Judicial review tends to be less expensive than a civil claim. In many jurisdictions, in order to preserve access to environmental justice, costs are capped for environmental public law claims. Judicial review isn't always possible however; in the UK, if Parliament passes an act, it is not possible to judicially review the decision, because Parliament has supremacy.¹⁰⁵ This is contrasted with the Supreme Court in the US, which has the power to overturn laws passed by congress.¹⁰⁶

Example

1. In England, an NGO brought a case against the Secretary of State for the Environment, arguing that the country's 10 River Basin Management Plans were unlawful because they did not create a plan that would adequately clean up rivers, which was required by the Water Framework Directive. The Court of Appeal ruled that all 10 River Basin Management plans in England are unlawful, upholding the Government's 2027 deadline to clean up all rivers under the Water Framework Directive (*SoS Environment v Pickering Fishery [2025] EWCA Civ 378*). This case shows how judicial review can be used to hold ministerial bodies accountable for their commitments.

Judicial Review of Planning Decisions

One way of stopping freshwater pollution is to stop the source before it begins, or to pressure the public authorities to put stringent measures in place before a development is built (although, lack of enforcement may mean that if companies are not held accountable, they will not bother to follow the promises they made about preventing pollution). Where polluting industries such as coal mining, oil drilling, or factory farming apply for planning permission and a permit you can challenge the approval decision via judicial review. The grounds of a challenge may be related to failings or gaps in the Environmental Impact Assessment, or the public consultation process. In jurisdictions with the right to a healthy environment, you can also challenge a planning decision to approve a harmful development on the grounds that it would breach your right to a healthy environment.

¹⁰⁵ <https://lawshun.com/article/can-a-court-overrule-a-british-law>

¹⁰⁶ <https://legalclarity.org/can-the-supreme-court-overturn-a-law-passed-by-congress/>

Example

1. In two English cases, *R. (Squire) v Shropshire Council* [2019] and *R (Caffyn) v Shropshire Council* [2025], individuals brought judicial reviews against a local council's decision to approve a factory farm for the failure to assess the impacts of manure when spread on 3rd party land or brought offsite. The impacts can include odours, dust, but also freshwater pollution (*Squire*). These cases not only stopped an individual factory farm, but helped develop case law so that it is easier to stop factory farms in future by requiring them to provide more comprehensive and thorough environmental impact assessments. The implications of the *Caffyn* judgement are that local planning authorities must:
 - a. Assess the cumulative impacts of having multiple intensive agricultural developments in one river catchment before granting permission for another.
 - b. Consider how livestock production units dispose of the waste from treatment facilities downstream, including from anaerobic digestion plants.

2. In the Kenyan case of *Save Lamu v. National Environmental Management Authority and Amu Power Co. Ltd.* (2019), a successful judicial review was brought to challenge the decision to approve a coal mine. The court found proper and meaningful public participation, a requirement in any major planning decision, was lacking. Applying the precautionary principle, the court also found that there had not been a sufficient assessment of the impacts on climate change.¹⁰⁷

3. In the South African case of *EarthLife Africa Johannesburg v. Minister of Environmental Affairs and Others*, the NGO Earthlife successfully argued that an approval for a coal mine was unlawful because the climate impacts had not been adequately assessed by the environmental impact assessment. In its judgement, the court relied on the right to a healthy environment and environmental impact assessment regulations, as well as international environmental law including the Paris Agreement and the precautionary principle as listed under Article 3(3) of the UN Framework Convention.¹⁰⁸

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<https://climatecasechart.com/non-us-case/save-lamu-et-al-v-national-environmental-management-authority-and-amu-power-co-ltd/>

¹⁰⁸

https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2017/20170306_Case-no.-6566216_judgment-1.pdf

This case demonstrates that, when challenging industries known to cause water pollution, such as coal mining, it can sometimes be more strategic to focus on climate impacts. Although not all jurisdictions implement international law directly, the case also shows that it can be useful to reference international legal commitments to strengthen your claim.

Direct Legal Action Against Freshwater Polluters

Public Interest Litigation and Citizen Suits

In many countries, including the US, China, and India, NGOs can sue companies directly for breaching environmental law, sometimes known as a Citizen Suit, or Public Interest Litigation. In this way, NGOs can take on the role of regulatory agencies to enforce environmental law. In India for example, where an NGO brings a constitutional claim against the government for failing to control environmental pollution, the judge can make orders directly to the private company responsible for the pollution to remedy the pollution and pay compensation.

Examples

1. In China, NGOs successfully brought a case against a mine for breaching environmental law and damaging the environment.¹⁰⁹
2. In the Indian case of *M.C. Mehta v. Union of India (UOI) and Ors.* (1996), a public interest case was brought to stop river pollution from tanneries.

Civil Claims Against Polluters

If an individual has been injured or made ill or their property damaged by a company's negligence or due to breach of environmental regulations that impose liability on a polluter, it is possible to bring a claim for compensation known as damages. See the sections on [Tort Law](#) and [Civil Claims Against Public Bodies](#) for more on civil law claims and how the law works in these types of claims.

In order to obtain this compensation it will be necessary to prove that the claimant has suffered, and that the polluter has caused the damage. You will need to prove a number of things including, for example:

¹⁰⁹ <https://thediplomat.com/2015/11/ngos-win-chinas-first-public-interest-environmental-lawsuit/>

- a. the source or cause of the pollution, in particular that the person against whom the action is brought has caused it or failed to prevent it;
- b. in some cases that there has been fault or negligence, although in other cases there may be strict or no-fault liability for damage caused to the environment; and
- c. loss or damage which has been caused by the pollution and which has been suffered by the person bringing the application.

Causation may be clear and easier to prove where there is physical damage caused by pollution. It may be more difficult to establish claims for damages resulting from indirect damage caused by polluting companies. Remember that you can request disclosure of evidence from the other side when you sue a company, and they may have the proof you need to show that they caused the pollution, or were at fault.

Sometimes charities or citizens can bring actions on behalf of others even if the individual or organisation bringing the claim has not suffered any direct damage. However, depending on the rules on standing in the jurisdiction, someone bringing proceedings in this way will be required to show that they have sufficient connection to the case or a special connection to those who have suffered the damage before they are allowed to do so. Some countries have wider rules on standing, allowing any person or NGO to bring cases to protect the environment regardless of whether or not they are personally impacted or have a special interest in the case.

Examples

1. In the People's Procuratorate of Xuzhou City, Jiangsu Province vs. Xuzhou Hongshun Paper Co., Ltd, the respondent paper company was held liable for the restoration costs and loss of ecological services resulting from their release of untreated wastewater into a river. The company had been caught and fined twice previously for the same activity. The court of appeal then upheld the original judgement and established that Hongshun Paper Co's fine was to be calculated according to the estimated cost of the original treatment of the pollution, but that Hongshun was liable for the damage caused by the loss of service functions caused by the water quality levels falling below acceptable irrigation standards. The fines paid by Hongshu did not offset or affect the company's civil liability.¹¹⁰
2. In July 2020, the Kenyan Environmental Court awarded the equivalent of USD 13 million in compensation for damage to the environment and health of a community blighted by deadly lead poisoning. The court in

¹¹⁰ [Taizhou Environmental Protection Association of Jiangsu Province v. Taixing Jinhui Chemical Company. et al.](#)

Mombasa awarded the compensation to residents of Owino Uhuru settlement for deaths and health impacts caused by lead poisoning from an adjacent smelter for recycling batteries. The ruling, delivered by a judge of the Land and Environment Court on 16 July 2020, declared that the community's rights to a healthy environment, highest attainable standards of health, clean and safe water, and life had been contravened, and ordered the Kenyan government and two companies to pay compensation. The court also ordered the Government and companies to clean up the soil, water and waste, failing which a further USD 7 million would be awarded to the Centre for Justice, Governance and Environmental Action to coordinate the environmental clean-up.¹¹¹

3. In Nepal in 1995, a citizen and NGOs brought a pollution case against a marble factory to the Supreme Court. The dust, minerals, smoke and sand emissions of the factory had polluted the Godawari forest and surrounding areas causing environmental degradation and endangering the life and health of residents. The court found that a clean and healthy environment was included in the constitutional right to life, that individuals have a legitimate right to be free from a polluted environment and that non-governmental organisations and individuals had standing before the Supreme Court regarding environmental protection issues. Ultimately, the Court found that no violation of a specific legal duty had been evidenced. However, directives were issued by the Supreme Court in the respondent's name for the government to enforce the Minerals Act 1985, enact relevant legislation for protection of the environment and to take action to protect the affected area.¹¹²

4. In 2018 the Nigerian Supreme ruled in the case of *Centre for Oil Pollution Watch (COPW) Vs the Nigerian National Petroleum Corporation (NNPC)*, deciding that the NGO did in fact have standing to bring a public interest environmental case. An NGO, COPW brought their claim directly against the polluting NNPC in May 2005 over an oil spill in ACHA Community of Abia State of Nigeria. The oil spillage was allegedly caused by the defendant's negligence in maintaining its pipeline, which in turn ruptured and polluted the surrounding streams and river of Ineh/Aku and the local community's major sources of fresh water. While the case has not yet been decided, the Supreme Court of Nigeria (SCN) held that COPW, as an NGO, did have standing to bring the claim as its action sought "the due performance of statutory functions or enforcement of statutory provisions or public laws, especially laws designed to protect human lives, public health and the environment". In the course of its preliminary judgement, the Supreme Court made significant strides in 'greening' the

¹¹¹ [Source](#)

¹¹² [Suray Prasad Sharma Dhungel v. Godavari Marble Industries and Others](#)

Nigerian Constitution, confirming the existence and enforceability of environmental human rights in Nigeria, including that section 33 of the Constitution which guarantees the Right to Life, implicitly includes and constitutes a fundamental right to a clean and healthy environment for all. The Court further explicitly affirmed the domestic enforceability of the environmental right in Article 24 of the African Charter on Human and Peoples' Rights as brought into national law by the African Charter Act, Cap. A9 LFN 2004¹¹³

Class Action Claims Against Polluters

Class actions have increased over the last few decades particularly for environmental claims and public health issues. One of the main challenges to bringing a class action claim is to be able to prove who has caused the damage. If this can't be established, then no award will be made. See the sections on [Tort Law](#) and [Class Actions](#) for further information on how class actions can operate.

Examples

1. In Thailand, in the Klity Creek region, a claim was brought by a group of indigenous people against the operators of a local lead factory which was disposing of wastewater and chemicals into the Creek. This has led to water contamination and the claimants to suffer from lead poisoning. The Court held that the defendants (the local lead factory) were to pay affected indigenous people damages and that, as indigenous peoples, they had a constitutional right to demand the restoration of the Klity Creek. The Court further ordered the defendants to undertake restoration.¹¹⁴
2. In 2020 a class action lawsuit was filed in the Johannesburg High Court against the South African subsidiary of the mining company Anglo American over its alleged failure to prevent widespread toxic lead pollution in the Zambian town of Kabwe. The case was brought by 13 representative claimants on behalf of a class of children, girls and women who have been or may become pregnant and who live in the Kabwe District of Zambia. The town hosted one of the world's biggest lead mines for many decades and scientists reported "alarming" levels of lead in people's blood. It is likely that more than 100,000 children and women of childbearing age in Kabwe are likely to have suffered lead

¹¹³ [Centre for Oil Pollution Watch \(COPW\) Vs NNPC \(2018\)](#)

¹¹⁴ [Source](#)

poisoning as a result of pollution. Lawyers for the claimants have argued that Anglo American's South African subsidiary is liable as it was responsible for the mine from 1925 to 1974 and that this was when the majority of the pollution was caused. Further, they argue that Anglo had "a duty of care to protect existing and future generations of residents of Kabwe". The purpose of the class action is to secure compensation for victims of lead poisoning, including the cost of an effective medical monitoring system for blood lead levels among the community and cost of clean-up and remediation. In 2022, the court ruled that four international organisations, including the UN Special Rapporteur on Toxins and Human Rights and the UN body concerned with the rights of people with disabilities, could join the proceedings and provide submissions in order to help the court.¹¹⁵

3. In 2014, five local residents of Lanzhou, China brought a case against the Lanzhou Water Company, claiming local water supplies and tap water were contaminated with Benzene, a cancer inducing drug. The levels of this chemical were 20 times above the national safety levels and had forced the city to turn off water supplies in one district and warn other residents not to drink the water. The five residents requested the court to order the respondent to pay for the costs of bottled water, health checks, pay compensation for duress caused, issue a public apology and publish water quality testing results. However, the court dismissed the case on the grounds that the litigants did not have standing to file pollution-related lawsuits as the law allowed "only agencies and organisations that are stipulated by the law" to file pollution-related lawsuits.¹¹⁶

Criminal Complaints Against Polluters

In some jurisdictions pollution of freshwater is a crime and therefore victims of pollution may bring criminal complaints against polluters (see the relevant entry in "What kinds of Law can be used to challenge Freshwater Pollution?"). As citizens cannot usually arrest or charge criminals themselves, in order to bring a criminal complaint the victims of pollution must alert and work with local police, public prosecutors and/or the public ombudsman to ensure the polluters are tried in court. As criminal convictions are in many cases more serious than civil penalties such as damages, successfully bringing a criminal case may require more evidence and take longer than a civil claim. Criminal cases also rely on the actions of the police and prosecutors, and so those who have

¹¹⁵ [Source](#)

¹¹⁶ [Source](#)

suffered from the pollution may lose the ability to guide and/or influence how the case proceeds.

In some cases, as set out above, it is possible for private citizens to bring criminal proceedings by way of private prosecution. However, it is often easiest to deal with water pollution by persuading regulators or prosecutors to take action on behalf of the state rather than by trying to bring a criminal action as an individual or community group.

Example

1. In this case criminal proceedings were brought against a businessman who was responsible for the contamination of water, soil and the environment more generally through his illegal pollution of rivers with hazardous waste. In this case the defendant, Jorge Elías Mocarbel, was convicted of polluting the El Salto stream of Aldea Brasileira. He was sentenced to 3 years' imprisonment, required to undertake a course on the protection of the environment and to carry out environmental community service for two years after his release. Mr Mocarbel's conviction relied on the cooperation of legal prosecutors and experts from the Federal Police and the Environmental Agency.¹¹⁷

Claims Against Polluters in Foreign Jurisdictions

There has been an emerging trend to apply to courts to sue the company that owns and controls the local company instead. This controlling, or parent, company may well be based in a different country and/or jurisdiction to the polluting company, which is known as the subsidiary company. When a local company that has caused damage has limited funds, it is unlikely to be worth pursuing a claim against it if it is not able to pay any compensation awarded. It may also be difficult or impossible to obtain justice in the courts where the harm occurred. Legal actions against a parent company are most advantageous to those who have suffered harm in situations where that parent company has substantial assets and operates in a jurisdiction where it is possible for a parent company to be held liable for the operations of its subsidiary company (which is not often the case). This route is likely to be challenging because in many jurisdictions a parent company is not liable for the activities of its subsidiary. In order to succeed a claimant will need to prove that the parent exercised supervision and control over the subsidiary's activity that has caused the damage.

¹¹⁷ [Source](#)

Examples

1. In the international English law case of the *Shell Lawsuit (Okapi v Shell)* Members of the Bille and Ogale communities in the Niger delta, which have a combined population of about 50,000, are suing Shell and a Nigerian-based subsidiary of the company, the Shell Petroleum Development Company of Nigeria. The two communities began the legal action in 2015, claiming they had suffered systemic and ongoing oil pollution for years due to the companies' operations in the African country, including the pollution of drinking water, and their waterways which they relied on for their lives and livelihoods. They are seeking compensation and asking for the companies to clean up damage caused by the spills. In order to bring the claim, the UK courts first needed to rule on whether or not the Nigerian communities could even bring the claim in the UK courts.

The claimants appealed all the way to the Supreme Court, which finally ruled in 2021 that, yes, the Nigerian communities could bring the claim in the UK. The claimants are bringing the claim in the UK as they feared they would not get justice in Nigeria. The Supreme Court's decision reaffirmed that a British parent company may in certain circumstances owe a duty of care, for purposes of liability in a suit for negligence, toward persons affected by the operations of its foreign subsidiary. The company continues to deny liability, blaming oil thieves who drill holes for causing the damage. In 2025, the UK High court confirmed that Shell could be sued for damage from pipeline spills caused by third parties, such as vandals, in efforts to steal oil, a process known as bunkering. The case will proceed to full trial in 2027.¹¹⁸

The companies are defending the claims, saying that the majority of spills are caused by the criminal acts of third parties or illegal oil refining, for which they are not liable.

2. In February 2023, more than 11,000 people from Nigeria's south-eastern oil-producing region of the Niger Delta filed claims against Shell in London, demanding that the fossil fuel giant clean up damage from decades of oil spills and pay compensation to affected residents. It followed individual claims from 2,335 people in Bille, a fishing community also in the Niger Delta, which were similarly submitted to the jurisdiction of the London High Court in 2015.¹¹⁹

¹¹⁸ <https://www.bailii.org/ew/cases/EWHC/KB/2025/1539.html>;

<https://www.business-humanrights.org/en/latest-news/shell-sued-by-nigerian-communities-over-oil-pollution/>

¹¹⁹ [Source](#)

3. In 2021, more than 2,500 Zambian villagers were to receive an undisclosed settlement from UK-based mining giant Vedanta Resources over their pollution claims. The claimants lived by the Nchanga Copper mine, owned by Konkola Copper Mines (KCM), a Vedanta subsidiary. In 2015, they alleged that toxic discharge from Nchanga had poisoned water sources and destroyed farmland. In its judgement, the UK Supreme Court had said the firm owed villagers a duty of care and that there was a risk they would not be able to achieve justice in the Zambian courts.¹²⁰

Soft Law International Complaints Mechanisms

Soft law refers to agreements and principles that are not legally binding, but which could be called 'quasi-legal'. The UN, the Bern Convention, and the OECD are all examples of bodies that offer a 'soft-law' complaints mechanism.

The advantages of pursuing a soft law remedy are that it:

- a. Costs very little to submit a claim or complaint and avoids litigation costs.
- b. Can generate publicity which supports your campaign for the issue you are trying to solve.
- c. Can lead to mediation between the parties and a remedy.

The main disadvantage is that:

- a. It is not legally enforceable.

OECD Complaint

The Organisation for Economic Co-operation and Development (OECD), an intergovernmental organisation founded to promote global trade and investment, has guidelines for Multinational Enterprises (MNEs) on Responsible Business Conduct, and also has a complaints mechanism. You can initiate a complaint against a business for causing water pollution by submitting a complaint to a National Contact Point (NCP).¹²¹ Each country that is a member of the OECD (the world's richest countries) has a NCP. Whether or not the pollution you are campaigning against is happening in an OECD country, you can bring the complaint to the NCP of an OECD country, as long as the

¹²⁰ [Source](#) and [Source](#)

¹²¹ <https://www.oecdwatch.org/how-to-file-a-complaint/>

business you are complaining about has a presence in that OECD country, or is registered there.

Since being updated in 2023, the OECD guidelines require supply chain due diligence to prevent environmental harm and human rights violations, which means that companies are responsible for preventing damage throughout their supply chain.

In practice however, NCPs are often not as strong willed as a claimant would hope, and the watchdog OECD Watch along with 130 NGOs have called on the OECD to strengthen NCPs, promote the use of binding law, to ensure better implementation and effectiveness of the guidelines.¹²²

Nevertheless, the OECD complaints mechanism is low cost, as there are no fees, other than paying a lawyer to help draft and navigate the complaint. This is contrasted with a legal claim where there is a risk of adverse costs if you lose (needing to pay the other side's legal fees). As a low cost complaints mechanism it can help individuals in non-OECD countries to hold companies registered in OECD countries accountable for the harm they have caused. The OECD complaints mechanism is best used in combination with a campaign.

However, since the NCP offers mediation, if there are parallel legal proceedings these may be put on hold. Additionally, some NCPs maintain that NGOs cannot continue to campaign against the defendant company while a complaint is ongoing. For this reason, it is important to research the NCP before bringing a complaint. Some companies may be registered in multiple countries, allowing a complainant to choose a country with a stronger NCP that is more likely to enforce the guidelines in line with how they should be enforced, (according to Civil Society Organisations and the OECD Watch), and allow campaigning to continue.

Example

1. A basin holding wastewater, a by-product of crude oil production, collapsed at the Badila oilfield in southern Chad, flooding the Nya Pende river with millions of litres of toxic wastewater, which was followed by an oil pipe leak. The spill left at least 50 residents with burns, skin lesions, and diarrhoea, brought children to hospital, and caused the death of livestock. The company responsible was a subsidiary of Glencore, Badila, and the oil field operator took no steps to remediate the harm. A UK corporate watchdog, Rights and Accountability in Development (RAID), brought an OECD claim in the UK against Glencore for the harm

¹²²

<https://www.oecdwatch.org/oecd-watch-and-130-ngos-call-for-meaningful-guidelines-implementation/>

caused to residents in Chad, 2 years after the spill, as residents had still received no remedy.¹²³ The claim was brought in England because Glencore UK is registered there, and the NCPs are only in OECD countries. The UK NCP found that Glencore had breached some of its obligations under the OECD guidelines, but did not hold it responsible for remedying the human rights impact of the toxic oil spill. The NCP will revisit the case in November 2025.¹²⁴

This case shows the lack of political will on the part of some NCP's to enforce the OECD guideline to their full extent, as the NCP failed to hold Glencore accountable for the requirement to remedy the harm, citing the fact that the company that caused the spill was a subsidiary and had an arm's length business relationship. It also shows that OECD claims can take years.

You can learn more about the complaints process and how to file an OECD claim on the OECD Watch website.¹²⁵

¹²³ <https://www.oecdwatch.org/complaint/raid-et-al-vs-glencore-uk/>

¹²⁴ <https://www.oecdwatch.org/complaint/raid-et-al-vs-glencore-uk/>

¹²⁵ <https://www.oecdwatch.org/how-to-file-a-complaint/>

Resources

Useful Environmental NGOs and Legal Charities

Name	Type	Country / Region Presence
Agua es Nuestro Derecho	Grassroots campaign (Spanish only)	Latin America (likely Peru/Ecuador)
AIDA – Interamerican Association for Environmental Defense	NGO	Offices in Mexico, Costa Rica, Colombia; Latin America focus
American Rivers	NGO	US-based; HQ Washington DC; nationwide work
Aryavart Foundation	NGO	India (Gujarat); litigation on industrial river pollution (Sabarmati)
CAFF	NGO/Legal Charity	UK
CIEL – Center for International Environmental Law	NGO / Legal Charity	HQ Washington DC & Geneva; global
ClientEarth	Legal Charity	HQ London; offices in Brussels, Warsaw, Berlin, Madrid, Beijing, LA
EarthRights International (ERI)	NGO	HQ Washington DC; offices in Peru & Thailand; global cases
ELAW – Environmental Law Alliance Worldwide	NGO / legal network	HQ Oregon, USA; partners in 80+ countries
Environmental Law Foundation (ELF)	Legal charity	UK-based
Fish Legal	Legal charity / NGO	UK-based
Goa Foundation	NGO	India (Goa); PILs incl. water/industrial pollution
Greenpeace International	NGO	HQ Amsterdam; offices in 55+ countries worldwide
International Rivers	NGO	HQ Oakland, CA; offices/partners in Brazil, India, Thailand, DRC
La Red Vida, Derecho al Agua	NGO Coalition	Latin America

Leigh Day	Law firm	UK (London, Manchester); global litigation (esp. extractives, pollution)
MODATIMA	NGO	Chile
Namati	NGO	HQ Washington DC; programmes in India, Kenya, Sierra Leone, Mozambique, Myanmar, US
Natural Justice – Lawyers for Communities and the Environment	NGO / Legal Charity	Africa (South Africa, Kenya, Senegal); regional legal empowerment
OHCHR – Office of the High Commissioner for Human Rights	UN body	HQ Geneva; field presences worldwide
People’s Science Institute	NGO	India (Dehradun, Uttarakhand); water quality, river ecology
Ríos Vivos Colombia	NGO / grassroots movement	Colombia (Ituango dam, Antioquia); links to intl. networks
Save Our Rivers UK	NGO / campaign	UK
Sierra Club	NGO	US-based; nationwide chapters
Vanashakti	NGO	India (Mumbai / Maharashtra); PILs for rivers & wetlands
Vindhyan Ecology & Natural History Foundation (Vindhya Bachao)	NGO	India (Uttar Pradesh, Vindhya region)
WASP – Windrush Against Sewage Pollution	Grassroots NGO / campaign	UK (Thames/Severn catchments)

Reports and Guides

- See Action4Justice's guide to using the law the [protect the environment](#) for a comprehensive overview covering many of the topics in this guide in more depth.
- King's College London Human Rights and Environmental Law Clinic Rivers Guide, [A Rights of Nature Toolkit: How to Protect Rivers in England and Wales](#)
- OHCHR – [Realising the Human Rights to Water and Sanitation](#)
- Namati - [Surface Water Pollution Resource](#) (India)
- Sierra Club <https://www.sierraclub.org/articles/2022/08/protect-boundary-waters-wilderness-sulfide-mining-0>
- Greenpeace International – ([report](#) on industrial pollution of water)