



Introduction

This report provides the wider policy context and background to biodiversity issues in Scotland, including the development of relevant law and policy at international, European, UK and Scottish levels. It reviews current developments – especially those arising in the run-up to the 15th Conference of Parties, in Kunming, China in 2021. It also accompanies the publication of LINK's report [Still Delivering the Goods](#).

Scotland's Wildlife

Biodiversity is defined as the variety of all forms of life, from genes to species, through to the broad scale of ecosystems. It is a scientific and legal term for the wildlife around us, or our natural world.

Scotland's biodiversity, or wildlife, is rich and diverse. In 2008, Scottish Environment LINK published *Delivering the Goods*¹ which described our wildlife thus: -

*"It includes iconic animals such as otter, red deer and red squirrel, trees such as juniper and Scots pine and birds such as capercaillie, corncrake, gannet, golden eagle and osprey. It also includes habitats and landscapes for which Scotland is famous throughout the world, including heather moorland, the Hebridean machair, rivers and lochs, the arctic-alpine plateaux of the Cairngorm Mountains, the oak forests of the West coast and the Caledonian pinewoods. Scotland's seas are particularly rich in biodiversity, including habitats such as sea lochs and cold-water corals and species including dolphins and whales. With the loss of natural habitats in the wider countryside, wildlife areas within towns and cities have become crucial to the survival of many increasingly rare species. For example, some urban brownfield sites support as many rare and endangered insects as do some ancient woodlands."*²

This richness is often lauded – it is used to promote our tourism industry, our food and drink products, our national identity. However, despite these positives, not all is well – our wildlife has suffered and declined considerably over the years and remains in danger.

The most recent, most comprehensive, and widely accepted description of Scotland's current wildlife resources is the *State of Nature 2019* report³. This showed that since recording began 49% of Scottish species have decreased, 28% have increased and that nature is changing rapidly, with 62% of species showing strong changes. Of the 6,413 species found in Scotland that have been assessed 11% have been classified as threatened with extinction from Scotland.

The *State of Nature* data show that the abundance and distribution of Scotland's species has on average declined over recent decades and most measures indicate this decline has continued in the most recent decade (see box 1). There has been no let-up in the net loss of nature in Scotland.

¹ <https://www.scotlink.org/publication/delivering-the-goods/>

² <https://www.scotlink.org/publication/delivering-the-goods/> (page 3)

³ https://scotlink.org/files/state-of-nature-Report-Scotland_.pdf



Box 1. Key findings from the State of Nature in Scotland 2019⁴

24% decline in average species' abundance. Our indicator of average species' abundance of 352 terrestrial and freshwater species has fallen by 24% since 1994. There has been very little change in the rate of decline in the last 10 years.

14% decline in average species' distribution. Our indicator of average species' distribution, covering 2,970 terrestrial and freshwater species over a broad range of taxonomic groups, has fallen by 14% since 1970, and is 2% lower than in 2005.

49% of species have decreased in abundance. Of the species showing either strong or moderate changes in numbers, 49% have decreased and 28% have increased. Likewise, more species have decreased in distribution (33%) than increased (20%) since 1970.

62% of species show strong changes. Our wildlife is undergoing rapid change, the proportion of species defined as showing strong changes in abundance, either increasing or decreasing, rose from 45% since 1994 to 62% over the last 10 years.

11% of species are threatened. Of the 6,413 species found in Scotland that have been assessed using Regional Red List criteria, 11% have been classified as threatened with extinction from Great Britain.

38% decline in the Scottish breeding seabird indicator between 1986 and 2016. However, the abundance indicators for fish species, both pelagic and demersal, show some signs of recovery from deep historic lows in the Celtic and North Seas.

These changes across recent decades must also be viewed in the context of longer-term historical declines. The *State of Nature* reports take 1970 as the earliest baseline year, as this is as far back as statistically comparable and systematic data are available. However, people have been shaping landscape and wildlife for millennia, and some of our key habitats, in particular native woodlands, underwent massive reductions long before that date. This historic context is important in framing more recent changes that we can accurately measure.

The *State of Nature 2019* report illustrates this (pages 18-19) noting several milestones for wild species such as the extinction in Scotland of the Eurasian Wolf (17th century), the Scottish (1813) and global (1844) extinction of the Great Auk, the killing in 1914 of the last native Scottish White-tailed Eagle, and the hunting of over 6,000 Fin Whales in Scottish waters between 1903 and 1928. These historic losses were followed by 20th century declines, often driven by the intensification of agriculture and other land use. Such intensification had a wide range of impacts on biodiversity - reduction in habitat diversity was important in the 1950s and 1960s, while reduction in habitat quality was probably more important in recent years⁵.

“We should preserve every scrap of biodiversity as priceless while we learn to use it and come to understand what it means to humanity.” Prof Edward O Wilson

⁴ *ibid*

⁵ <https://besjournals.onlinelibrary.wiley.com/doi/10.1046/j.1365-2664.2002.00695.x>





Why biodiversity is important

At the most basic level, biodiversity is important because we all depend on it for our existence. While, for some, wildlife is simply something watched on television, the reality is that the air we breathe, the water we drink and the food we eat all ultimately rely on biodiversity. Some examples are obvious: without plants there would be no oxygen and without bees to pollinate there would be no fruit or nuts. Others are less obvious – sand dunes and saltmarshes provide protection from coastal storms, while trees absorb air pollution in urban areas.

These “ecosystem services” delivered by biodiversity, such as crop pollination, water purification, flood protection and carbon sequestration, are vital to human well-being. If money is a measure, globally these services are worth an estimated US\$125-140trillion per year; that is, more than one and a half times the total global GDP⁶. This value of nature has been both confirmed, and underlined by the recent Dasgupta Review, commissioned by the UK’s Treasury⁷.

Biodiversity is also an essential part of the solution to climate change. Nature-based climate solutions can deliver at least 30 percent of the emissions reductions needed by 2030⁸. Protecting biodiversity plays a crucial part in achieving these emissions reductions. Globally, the destruction of forest ecosystems contributes 11% of all greenhouse gas emissions⁹. Trees and plants also store carbon in their tissue, making it even more necessary to protect them. Some ecosystems, such as peatlands and native woodland, are particularly good at storing carbon. Forests and wetland ecosystems also provide crucial buffers to extreme storms and flooding related to climate change – thus, they contribute to both mitigation and adaptation.

Biodiversity also provides or underpins multiple social and economic benefits. Again, at a basic level, our sea fisheries industry relies on harvesting from wild fish populations, that in turn depend on healthy marine ecosystems. On land, our farming, and wider food and drinks industries, including whisky, depend on soils and water as well as pollinators. It is also the basis for much of our tourism industry – no VisitScotland advert is complete without an upland view or a soaring eagle!

As well as these concrete benefits, biodiversity also provides many quality-of-life benefits. The wellbeing generated across society through close contact with nature, is perhaps more evident now, following Coronavirus lockdowns, than in living memory. From urban greenspace to mountain peaks, it provides places to enjoy, to relax in, to take healthy exercise in and to learn from. Its cultural and aesthetic qualities are also important – having inspired writers, poets, painters, and photographers¹⁰. Yet despite biodiversity's intrinsic value and its fundamental importance for humans, species and habitats are highly threatened by human activities and continues to be lost. This is estimated to reduce global GDP by 3% each year¹¹.

⁶ <https://www.oecd.org/environment/resources/biodiversity/Executive-Summary-and-Synthesis-Biodiversity-Finance-and-the-Economic-and-Business-Case-for-Action.pdf>

⁷ <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

⁸ <https://www.pnas.org/content/114/44/11645>

⁹ <https://www.conservation.org/stories/11-climate-change-facts-you-need-to-know>

¹⁰ For instance: <http://www.mairimcfadyen.scot/blog/2015/8/2/how-scotlands-environment-has-shaped-scotlands-culture>

¹¹ <https://www.eea.europa.eu/soer/2015/europe/biodiversity>





In short, therefore, biodiversity is an essential “public good”. LINK member bodies¹², and LINK itself¹³, were founded to protect and enhance this public good: “the advancement of environmental protection or improvement” is a recognised charitable purpose¹⁴. At world, European, UK and Scottish levels, governments have developed laws and policies to deliver this public good.

Biodiversity in law and policy: international

The protection of wildlife, in some forms, had been part of public policy and law for many years, but the first comprehensive, global agreement on biodiversity was made at the 1992 Rio Earth Summit. The Convention on Biological Diversity¹⁵ has now been ratified by 196 countries including, since 1994, by the UK.

In April 2002, the Parties to the Convention committed themselves “to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth”. This commitment is known as the 2010 Biodiversity Target; the European Union (EU) agreed an even stronger target; that is, to stop the decline by 2010. This target-led approach was further developed at the 10th Conference of the Parties (CoP), in October 2010, where a new strategic plan for 2011-2020 was adopted¹⁶, along with the “Aichi Biodiversity Targets” for 2020 (see annex 1).

These Aichi targets for 2020 were set in 2010 – when it was acknowledged the world had failed to meet the 2010 Biodiversity Target. Scotland, the UK, and the EU similarly failed to meet their respective targets, and all set new targets for 2020. As we approach the 2020 15th Biodiversity CoP in 2021, see below, it is already clear that the world, the EU, the UK, and Scotland have, once again, failed to meet their respective targets for 2020.

Biodiversity in law and policy: UK and Scotland

The first domestic implementation of the biodiversity process was the UK Biodiversity Action Plan (UKBAP)¹⁷, published in 1994. This described the UK's biological resources and committed the UK to a detailed plan for their protection. It originally comprised 391 Species Action Plans (SAPs), 45 Habitat Action Plans (HAPs), each with targeted actions and Lead Partners, and 162 Local Biodiversity Action Plans (LBAPs). The UKBAP was widely regarded as a significant step forward in biodiversity conservation in the UK, partly due to its helpful co-ordinating mechanisms and LBAP process, and particularly in relation to fewer charismatic species such as invertebrates.

While biodiversity was administratively devolved to the (then) Scottish Office and SNH, the UKBAP was a UK-wide document. After 1999, these matters became fully devolved and the (then) Scottish Executive, now Scottish Government, began a process of producing and implementing a specific Scottish approach. The Nature Conservation (Scotland) Act 2004¹⁸ gave every public body a duty “to *further the conservation of biodiversity*” and committed Scottish Ministers to prepare a Scottish Biodiversity Strategy and to report regularly to the Scottish Parliament on its implementation. The

¹² <https://www.scotlink.org/who-we-are/our-members-supporters/>

¹³ <https://www.scotlink.org/who-we-are/our-history/>

¹⁴ <https://www.legislation.gov.uk/asp/2005/10/contents> (s.7).

¹⁵ <https://www.cbd.int/convention/>

¹⁶ <https://www.cbd.int/sp/>

¹⁷ <https://data.jncc.gov.uk/data/cb0ef1c9-2325-4d17-9f87-a5c84fe400bd/UKBAP-BiodiversityActionPlan-1994.pdf>

¹⁸ http://www.opsi.gov.uk/legislation/scotland/acts2004/asp_20040006_en_1





first strategy, *Scotland's biodiversity – it's in your hands*, was published in 2004¹⁹ with five objectives (see table 1).

In 2013, this was complemented by the publication of *2020 Challenge for Scotland's Biodiversity*²⁰ (formally, under the 2004 Act, both this and 2004 document, read together, constitute the “Scottish Biodiversity Strategy”). The *2020 Challenge* was billed as Scotland's response to the Aichi Targets and the EU's (then) Biodiversity Strategy for 2020. It rightly noted that there was a need for a “step change” in efforts to halt the loss of biodiversity. It set out three aims and each of its seven chapters suggested a desired ‘outcome’ (see table 1).

In 2015, the two-part strategy was then further complemented with publication of *Scotland's biodiversity: a route map to 2020*²¹. This set out the priority work needed to meet the international Aichi Targets for biodiversity and improve the state of nature in Scotland. It did this by identifying six ‘Big Steps for Nature’ (see table 1). A suite of priority projects was set out to contribute to the delivery of each of these steps. These included a range of public policy measures such as “targeted support for sustainable land management practices” and “completing the suite of MPAs ... and delivering measures for their effective management”. These and other public policy interventions are those to which eNGOs have contributed evidence, expertise, and campaigning resource: see for example, the LINK Marine Campaign, included in [Still Delivering the Goods](#).

Many other projects listed in the Route Map were or are being delivered by eNGOs, or eNGOs in partnership with SNH (now NatureScot), National Park Authorities, or other Government agencies, local authorities, and/or local communities. Examples include: -

- Flow Country Peatland Restoration (led by RSPB Scotland, working with Forestry Scotland and The Highland Council).
- Developing the Peatland Code as a framework for investing in peatland restoration (led by the IUCN Peatland Programme; itself a partnership of eNGOs and Government bodies).
- Atlantic oakwood and hazelwood restoration (now led by the Alliance for Scotland's Rainforest).
- Removing black rats, and other remedial work, on the Shiant islands to improve success of breeding seabirds (led by RSPB Scotland).
- Saving Scotland's Red Squirrels Project (led by Scottish Wildlife Trust).

Although not formally part of the Scottish Biodiversity Strategy or the Route Map, the approach to public sector work on biodiversity conservation was further complemented in 2016 by the “Species Action Framework”²². This directed resources (especially those from SNH, now NatureScot) towards “strategically planned and targeted management action for just 32 species – with the aim of having a wider biodiversity benefit.” Many of the projects included in [Still Delivering the Goods](#), such as the Scottish Beaver Trial, were identified as of such strategic benefit.

¹⁹ <https://www.gov.scot/publications/scotlands-biodiversity---its-in-your-hands/>

²⁰ <https://www.gov.scot/publications/2020-challenge-scotlands-biodiversity-strategy-conservation-enhancement-biodiversity-scotland/>

²¹ <https://www.gov.scot/publications/scotlands-biodiversity-route-map-2020/>

²² <https://www.nature.scot/species-action-framework-handbook>





Table 1. Aims and objectives of the Scottish Government's strategic policy documents on biodiversity²³

The 5 objectives of <i>Scotland's biodiversity – it's in your hands</i> , the 2004 Scottish Biodiversity Strategy.	The 3 aims and 7 outcomes of the <i>2020 Challenge for Scotland's Biodiversity</i> (2013).	The 6 'Big Steps for Nature' from <i>Scotland's biodiversity: a route map to 2020</i> (2015).
<ol style="list-style-type: none"> Species and Habitats: To halt the loss of biodiversity and continue to reverse previous losses through targeted action for species and habitats. People: To increase awareness, understanding and enjoyment of biodiversity, and engage many more people in conservation and enhancement. Landscapes and Ecosystems: To restore and enhance biodiversity in all our urban, rural, and marine environments through better planning, design and practice. Integration and Co-ordination: To develop an effective management framework that ensures biodiversity is considered in all decision making. Knowledge: To ensure that the best new and existing knowledge on biodiversity is available to all policy makers and practitioners. 	<p>Aims to: -</p> <ol style="list-style-type: none"> protect and restore biodiversity on land and in our seas, and to support healthier ecosystems. connect people with the natural world, for their health and wellbeing and to involve them more in decisions about their environment. maximise the benefits for Scotland of a diverse natural environment and the services it provides, contributing to sustainable economic growth. <p>Seven outcomes: -</p> <ol style="list-style-type: none"> Scotland's ecosystems are restored to good ecological health so that they provide robust ecosystem services and build our natural capital. Natural resources contribute to stronger sustainable economic growth in Scotland, and we increase our natural capital to pass on to the next generation. Improved health and quality of life for the people of Scotland, through investment in the care of green space, nature and landscapes. The special value and international importance of Scotland's nature and geodiversity is assured, wildlife is faring well, and we have a highly effective network of protected places. Nature is faring well, and ecosystems are resilient as a result 	<ol style="list-style-type: none"> Ecosystem restoration– to reverse historical losses of habitats and ecosystems, to meet the Aichi target of restoring 15% of degraded ecosystems. Investment in natural capital– to ensure the benefits which nature provides are better understood and appreciated, leading to better management of our renewable and non-renewable natural assets. Quality greenspace for health and education benefits– to ensure that most people derive increased benefits from contact with nature where they live and work. Conserving wildlife in Scotland– to secure the future of priority habitats and species. Sustainable management of land and freshwater– to ensure that environmental, social, and economic elements are well balanced; and Sustainable management of marine and coastal ecosystems– to secure a healthy balance between environmental, social, and economic elements.

²³ <https://www.gov.scot/publications/scotlands-biodiversity---its-in-your-hands/>; <https://www.gov.scot/publications/2020-challenge-scotlands-biodiversity-strategy-conservation-enhancement-biodiversity-scotland/> and <https://www.gov.scot/publications/scotlands-biodiversity-route-map-2020/>





	<p>of sustainable land and water management.</p> <p>6. Scotland's marine and coastal environments are clean, healthy, safe, productive, and biologically diverse, meeting the long-term needs of people and nature.</p> <p>7. A framework of indicators that we can use to track progress.</p>	
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The strategic policy documents also set a framework for monitoring progress, and for reporting on that progress to Parliament and the public. Monitoring progress is carried out by reporting against a set of indicators²⁴. There are two groups of indicators:

- state indicators measure changes in biodiversity for species, habitats and ecosystems selected as typical of Scotland²⁵.
- engagement indicators monitor how Scotland's people interact with biodiversity through awareness, engagement, or activity²⁶.

The Nature Conservation (Scotland) Act 2004 requires the Scottish Government to report to Parliament, every three years, detailing progress on the implementation of the Scottish Biodiversity Strategy. The latest such report²⁷ (for 2017-2019) describes the strategy process, as well as the international context in some detail, but also highlights, in relation to actual biodiversity 'outcomes', that: -

"long-term data (1970-2016) show that the abundance and distribution of Scotland's species has on average declined over recent decades and most measures indicate this decline has continued in the most recent decade. Overall, there has been no reduction in the net loss of nature in Scotland." [In particular, it highlighted a]

- *"24% decline in average species' abundance" and*
- *"14% decline in average species' distribution."*

SNH (now NatureScot) has also begun the progress of reporting against the 'end of decade' 2020 Aichi targets. An interim report in 2016²⁸ suggested that of the 20 targets, Scotland was: -

- "On track to achieve target (if we continue on our current trajectory, we expect to achieve the target by 2020)" in six of the targets.
- There was "progress towards target but insufficient (unless we increase our efforts the target will not be met by its deadline)" in seven of the targets; and
- In 6 targets where the 'assessment [was] due in 2017".

A subsequent interim report in 2017²⁹, suggested that we were: -

²⁴ <https://www.nature.scot/scotlands-biodiversity-strategy-indicators>

²⁵ <https://www.nature.scot/state-indicators-all>

²⁶ <https://www.nature.scot/engagement-indicators>

²⁷ <https://www.gov.scot/binaries/content/documents/govscot/publications/progress-report/2020/06/scottish-biodiversity-strategy-report-parliament-2017-2019/documents/scottish-biodiversity-strategy-report-parliament-2017-2019/govscot%3Adocument/scottish-biodiversity-strategy-report-parliament-2017-2019.pdf>

²⁸ <https://www.nature.scot/sites/default/files/2018-05/Aichi%20Report%20Interim%202016.pdf>

²⁹ <https://www.nature.scot/sites/default/files/2018-05/Aichi%20Report%20Interim%202017.pdf>





- “On track to achieve target (if we continue on our current trajectory, we expect to achieve the target by 2020)” in seven of the targets.
- There was “progress towards target but insufficient (unless we increase our efforts the target will not be met by its deadline)” in twelve of the targets; and
- Against one target, we were “moving away from target (things are getting worse rather than better)”.

While 2019 interim report and the final report for 2020 are not available at time of writing, the latter will need to be produced and submitted to the 15th Biodiversity CoP in 2021. Some early indications can, however, be inferred from a Scientific Advisory Committee paper from September 2020³⁰. This summarises progress as “on track” in nine areas, and “insufficient information or progress” in 11 areas.

These various interim reports highlight several issues. First, overall progress remains insufficient and the “step change” called for by the 2013 strategy document is still required. Second, across all three interim reports, progress, where it has happened, has been in areas related to “process”. This contrasts with the “outcome” related targets – as also reflected in the quote above on species abundance and range from the Parliamentary report.

Equally, the vitally important targets related to resources, essential for delivering outcomes (A3 on incentives and E20 on financial resources generally) are both subject to insufficient progress. Indeed, in the 2017 report, “E20 Financial resources increased” was the area where “moving away from target (things are getting worse rather than better)” – and eNGOs remain concerned that its likely ‘promotion’ to “progress towards target but insufficient” is related to the inclusion of resources that, in practice, are unlikely to deliver biodiversity outcomes.

While targets are useful tools in public policy, it is clear from the 2010 and 2020 biodiversity targets that they are not always met. By contrast, while existence of legally binding targets for emissions reductions has driven considerable change – and while success may be mixed, the scale of delivery has surpassed that biodiversity. Thus, NGOs continue to argue for legally binding targets for biodiversity (or nature recovery)³¹. It is encouraging (see below) that the new EU Biodiversity Strategy commits to “legally binding EU nature restoration targets” being developed in 2021.

Finally, eNGOs have, over the years, expressed some concerns about the lack of independent scrutiny and the methods used to assess the data to reach these conclusions. For instance, at times, it has been felt that baselines have shifted – so that indicators that appear “steady” are considered satisfactory, when real progress would have been reversing declines that occurred before that period of stability.

³⁰ <https://www.nature.scot/sites/default/files/2020-09/SAC%20meeting%20-%202021%20September%202020%20-%20Aichi%202020%20Final%20report.pdf>

³¹ <https://www.scotlink.org/wp-content/uploads/2020/10/On-a-Path-to-Recovery-nature-targets-report-Oct-2020.pdf>





Biodiversity in law and policy: oversight and co-ordination structures

In the 2008, *Delivering the Goods* reported that the Scottish Biodiversity Strategy was: -

“produced in partnership with the Scottish Biodiversity Forum (SBF), a broad partnership of many different organisations and bodies across Scotland actively engaged in biodiversity conservation. The SBF is open to anyone, from individuals to large public bodies, from charities to businesses, from national government to LBAP partnerships. Since 2005 the SBF has been steered by the smaller Scottish Biodiversity Committee (SBC), which oversees the implementation of the SBS, evaluates the success of implementing the Strategy and reports at least annually to the SBF. The SBC also provides a mechanism for discussion and liaison with the UK biodiversity process.”

The 2015 Route Map also referred to the Scottish Biodiversity Committee: -

“This is the first version of the Route Map. We shall update it to report on progress and to set out further work that is underway or planned. We have governance structures in place, with the Scottish Biodiversity Committee, chaired by the Minister, providing leadership; and the Delivery and Monitoring Group driving delivery and monitoring progress.”

Since then, the structures that oversee and co-ordinate the implementation of the Scottish Biodiversity Strategy have undergone several reviews and changes. The Scottish Government “together with NatureScot have [now] established a Scottish Biodiversity Programme to oversee and coordinate all current and planned activity on biodiversity.”³² A “brief overview” of this programme was published by NatureScot in January 2020³³. Details of this new governance structure, and minutes of the Programme Board, do not seem to be published on Scottish Government or NatureScot websites³⁴. A SBS Co-ordination Group [part of the previous governance arrangements] paper from 18 September 2019 does, however, set out what was then proposed³⁵. This is consistent with the arrangements that are published – and compared to the approach reported by *Delivering the Goods* in 2008 and by the *Route Map* in 2015 show two significant changes: -

1. The Minister no longer chairs the high-level oversight/co-ordination group, which is now led by an official at Director level; and
2. The high-level oversight/co-ordination group now consists entirely of Scottish Government and NatureScot staff. Stakeholders (whether eNGOs, land managers or local authorities) are no longer members of that central body but form part of a separate “Reference Group”.

Clearly, there are benefits and disbenefits of these changes. Benefits of these changes might include more streamlined delivery and/or better mainstreaming within the Scottish Government (as the necessary negotiation between directorates can take place without an external ‘audience’). In contrast, this might appear reduce the role and importance of stakeholders, and the absence of a regular Ministerial presence could be inferred to suggest reduced political priority.

³² <https://www.gov.scot/policies/biodiversity/>

³³ <https://www.nature.scot/scottish-biodiversity-programme-overview>

³⁴ However, some reports of its deliberations emerge in SNH Board papers (e.g. <https://www.nature.scot/sites/default/files/2020-10/Board%20Papers%20-%2028%20October%202020%20-%202020-2030%20Biodiversity%20Process%20-%20Info%20Paper.pdf>

³⁵ <https://www.scotlink.org/wp-content/uploads/2019/09/1.-SBS-Meeting-Papers-Sept-19-1.pdf>





Some or all of these disbenefits may be addressed by a further evolution of the structures, currently under discussion, which include the creation of a “delivery group”. In parallel, the development of a Strategic Projects Alliance³⁶ is bringing together organisations engaged in developing and delivering major environmental/biodiversity projects at a strategic or landscape scale.

Biodiversity in law and policy: looking forward

The current iteration of the Scottish Biodiversity Strategy, as well as reports on progress, are focused on the 2020 Aichi targets, and the strategic framework set for biodiversity at the 10th CoP in 2010. It has been widely anticipated that the 15th CoP, originally scheduled for 2020 would review progress and establish a new framework and targets for 2030. This process has now been delayed by the Covid-19 pandemic. However, the 15th CoP, now planned for Kunming, China in 2021, will still focus on these issues and the Parties are likely to adopt a new a post-2020 global biodiversity framework as a stepping-stone towards the 2050 Vision of “Living in harmony with nature”.

Worldwide, despite variation and divergences in how progress is assessed, and reporting is undertaken, no country has met the 2020 Aichi targets in full. Some have achieved “good progress”, and many have struggled to achieve any or more than a few³⁷. Progress in Scotland and the UK has been described above - and falls in the “progress but far from sufficient” category. It is certainly far from being “world-leading” and any such ranking would, in any case, be based on a poor overall global performance.

This situation leads the UN’s Convention on Biological Diversity (CBD) secretariat to conclude in the latest Global Biodiversity Outlook (GBO5) that: -

“Despite the limited achievement globally of the Aichi Biodiversity Targets, this Outlook has documented important examples in which actions in support of the goals and targets of the Strategic Plan for Biodiversity 2011-2020 have generated successful outcomes. ... “On our current trajectory, biodiversity, and the services it provides, will continue to decline, jeopardizing the achievement of the Sustainable Development Goals.”³⁸

This outlook, however, also highlights the various “transitions” that are necessary to address matters. These are then reflected in the latest “updated zero draft” of a post-2020 framework³⁹, likely to form the basis of any agreement at Kunming. This new proposed framework has 20 action-oriented targets for 2030 which, if achieved, will contribute to 2030 Milestones and the outcome-oriented goals for 2050. Details have, at the time of writing, still to be negotiated and agreed, but the drafts suggest that these targets are likely to be far “SMARTer” than the Aichi targets, and underline the need for clearer decisive action.

Such an approach is already reflected in the new *EU biodiversity strategy for 2030: Bringing nature back into our lives*⁴⁰. This sets out the Commission’s proposals for action at EU level and has specific proposals for both nature protection and nature restoration (see box 2).

³⁶ This alliance is not formally part of the Scottish Biodiversity Programme, but its overlapping membership and objectives suggest that they are complementary.

³⁷ http://www.birdlife.org/sites/default/files/world_maps_in_powerpoint_progress_and_alignment_updated12_12_16_v2.pdf

³⁸ <https://www.cbd.int/gbo/gbo5/publication/gbo-5-en.pdf>

³⁹ <https://www.cbd.int/doc/c/3064/749a/0f65ac7f9def86707f4eaeafa/post2020-prep-02-01-en.pdf>

⁴⁰ https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/actions-being-taken-eu/eu-biodiversity-strategy-2030_en





Box 2. EU Biodiversity strategy, 2020 – key commitments/targets

1. Nature protection: key commitments by 2030
 - a. Legally protect a minimum of 30% of the EU's land area and 30% of the EU's sea area and integrate ecological corridors, as part of a true Trans-European Nature Network.
 - b. Strictly protect at least a third of the EU's protected areas, including all remaining EU primary and old-growth forests.
 - c. Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.
2. EU Nature Restoration Plan: key commitments by 2030
 - a. Legally binding EU nature restoration targets to be proposed in 2021, subject to an impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.
 - b. The decline in pollinators is reversed.
 - c. The risk and use of chemical pesticides are reduced by 50% and the use of more hazardous pesticides is reduced by 50%.
 - d. At least 10% of agricultural area is under high-diversity landscape features.
 - e. At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.
 - f. Three billion new trees are planted in the EU, in full respect of ecological principles.
 - g. Significant progress has been made in the remediation of contaminated soil sites.
 - h. At least 25,000 km of free-flowing rivers are restored.
 - i. There is a 50% reduction in the number of Red List species threatened by invasive alien species.
 - j. The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.
 - k. Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.
 - l. No chemical pesticides are used in sensitive areas such as EU urban green areas.
 - m. The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.
 - n. The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.

In Scotland, the Scottish Government is already preparing to respond to any agreement at the CBD CoP with the publication of a high-level Statement of Intent⁴¹ which includes a commitment to a new, refreshed Biodiversity Strategy. It promises: -

⁴¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/12/scottish-biodiversity-strategy-post-2020-statement-intent2/documents/scottish-biodiversity-strategy-post-2020-statement-intent/scottish-biodiversity-strategy-post-2020-statement-intent/govscot%3Adocument/scottish-biodiversity-strategy-post-2020-statement-intent.pdf>





- *We will publish a new, high-level, policy-focused strategy within a year of CoP15 which will take account of the new global biodiversity framework, goals, and targets and the emerging EU biodiversity strategy.*
- *The principles and associated projects in the 2020 Challenge and its route map will continue and be enhanced where appropriate, until they are replaced by a new Strategy and Delivery Plan.*
- *We will work closely with stakeholders and devise innovative solutions and partnerships which bring new voices to the debate, in developing our new strategy.*
- *Our new strategy will highlight the need to facilitate the creation of new, locally driven projects – such as Cairngorms Connect – which aim to improve ecological connectivity across Scotland.*

The Scottish Government has also on several occasions committed to “maintain or exceed” EU environmental standards after the UK’s exit from the EU. This policy has been warmly welcomed by eNGOs and has been further underpinned by the “keeping pace” provisions in Part 1 of the UK Withdrawal from the European Union (Continuity) (Scotland) Bill, as passed in December 2020. If these commitments are to be met, the new Scottish Biodiversity Strategy and supporting law and policy will need reflect the commitments and targets of the EU strategy.

The Statement of Intent’s commitment to “extend the area protected for nature in Scotland to at least 30% of our land area by 2030” already reflects part of the EU commitment 1.1. However, both on land and at sea there is need to ensure that such protected areas are well-managed. Other areas of the EU strategy that will need to be reflected include: -

- A Scottish contribution to a “true Trans-European Nature Network” (EU 1.1).
- Legally binding nature restoration targets (EU 2.1).
- Substantively reducing the negative impacts of fishing and extraction on our marine environment (EU 2.13)

In addition to the global and EU policy developments, the new Scottish Biodiversity Strategy will also need to take account of other contextual changes. The Scottish Government’s very welcome new net-zero by 2045 carbon target⁴², reflected in its Climate Change Plan update⁴³, further accentuates the importance and need for nature-based solutions, such as peatlands, native woodlands, and wetlands.

The Climate Change Plan update is also presented as part of the desired ‘green recovery’ after the Covid-19 pandemic. Our collective experiences during the pandemic, and the restrictions that have been necessary, has led to a greater appreciation of nature – and, often, a greater understanding and desire for its conservation and its benefits. The new strategy must capitalise on this appreciation as well as ensure that connection to and understanding of nature remain central to its objectives.

Finally, in recent developments that will frame biodiversity planning in 2021, the Scottish Government launched, in August 2020, the Edinburgh declaration⁴⁴. This outlines the concerns of subnational governments, cities and local authorities for biodiversity and includes calls for their roles to be recognised. This is welcome and it also includes: -

⁴² <https://www.legislation.gov.uk/asp/2019/15/enacted>

⁴³ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

⁴⁴ <https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>





*“We also note the vital role that indigenous peoples and local communities, women and youth, **non-governmental organisations**, and wider society, play in **decision making and in taking action** at subnational, city and local levels, and that there should be a fully collaborative approach to ensure active participation of these groups.”*

This recognition of eNGOs, as well as other stakeholders is very welcome and should be recognised in the new Scottish Biodiversity Strategy, as well as its developing implementation structures and funding arrangements.

Conclusion

This report has set out the context of, and explored the development of and possible future for, biodiversity law and policy in Scotland. It has been produced to accompany the launch of [Still Delivering the Goods](#), but also serve to inform LINK and its member bodies as they continue to advocate for improvements. As well as being campaigners for biodiversity, LINK’s members are also – as demonstrated in [Still Delivering the Goods](#) key to the delivery of biodiversity outcomes.

[Still Delivering the Goods](#), supported by this report, shows that there remains a need for a step change, a phrase first used in the *2020 Challenge for Scotland’s Biodiversity*, but **the 2021 Scottish Biodiversity Strategy must deliver a real and sustained step change**. The scale of the challenge faced by Scotland and the wider world to reverse biodiversity decline and restore it for future generations can only be achieved by working together: neither the public nor private sector can achieve this alone. **Environmental charities and civic society offer a key to success through their sustained action on the ground, working together at scale and over time.**

A report for Scottish Environment LINK
Lloyd Austin [@lloydaustin3](#)
February 2021





Aichi Biodiversity Targets.

These 20 targets for 2020, under 5 strategic goals, were agreed by the Parties to the CBD in 2010⁴⁵.

Strategic Goal A: Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society.

Target 1

By 2020, at the latest, people are aware of the values of biodiversity and the steps they can take to conserve and use it sustainably.

Target 2

By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes and are being incorporated into national accounting, as appropriate, and reporting systems.

Target 3

By 2020, at the latest, incentives, including subsidies, harmful to biodiversity are eliminated, phased out or reformed in order to minimize or avoid negative impacts, and positive incentives for the conservation and sustainable use of biodiversity are developed and applied, consistent and in harmony with the Convention and other relevant international obligations, taking into account national socio-economic conditions.

Target 4

By 2020, at the latest, Governments, business and stakeholders at all levels have taken steps to achieve or have implemented plans for sustainable production and consumption and have kept the impacts of use of natural resources well within safe ecological limits.

Strategic Goal B: Reduce the direct pressures on biodiversity and promote sustainable use

Target 5

By 2020, the rate of loss of all-natural habitats, including forests, is at least halved and where feasible brought close to zero, and degradation and fragmentation is significantly reduced.

Target 6

By 2020 all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches, so that overfishing is avoided, recovery plans and measures are in place for all depleted species, fisheries have no significant adverse impacts on threatened species and vulnerable ecosystems and the impacts of fisheries on stocks, species and ecosystems are within safe ecological limits.

Target 7

By 2020 areas under agriculture, aquaculture and forestry are managed sustainably, ensuring conservation of biodiversity.

Target 8

By 2020, pollution, including from excess nutrients, has been brought to levels that are not detrimental to ecosystem function and biodiversity.

Target 9

By 2020, invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment.

⁴⁵ <https://www.cbd.int/sp/targets/>



**Target 10**

By 2015, the multiple anthropogenic pressures on coral reefs, and other vulnerable ecosystems impacted by climate change or ocean acidification are minimized, to maintain their integrity and functioning.

Strategic Goal C: To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity.**Target 11**

By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

Target 12

By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.

Target 13

By 2020, the genetic diversity of cultivated plants and farmed and domesticated animals and of wild relatives, including other socio-economically as well as culturally valuable species, is maintained, and strategies have been developed and implemented for minimizing genetic erosion and safeguarding their genetic diversity.

Strategic Goal D: Enhance the benefits to all from biodiversity and ecosystem services**Target 14**

By 2020, ecosystems that provide essential services, including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, taking into account the needs of women, indigenous and local communities, and the poor and vulnerable.

Target 15

By 2020, ecosystem resilience and the contribution of biodiversity to carbon stocks has been enhanced, through conservation and restoration, including restoration of at least 15 per cent of degraded ecosystems, thereby contributing to climate change mitigation and adaptation and to combating desertification.

Target 16

By 2015, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization is in force and operational, consistent with national legislation.

Strategic Goal E: Enhance implementation through participatory planning, knowledge management and capacity building**Target 17**

By 2015 each Party has developed, adopted as a policy instrument, and has commenced implementing an effective, participatory, and updated national biodiversity strategy and action plan.

Target 18

By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their





customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.

Target 19

By 2020, knowledge, the science base and technologies relating to biodiversity, its values, functioning, status and trends, and the consequences of its loss, are improved, widely shared, and transferred, and applied.

Target 20

By 2020, at the latest, the mobilization of financial resources for effectively implementing the Strategic Plan for Biodiversity 2011-2020 from all sources, and in accordance with the consolidated and agreed process in the Strategy for Resource Mobilization, should increase substantially from the current levels. This target will be subject to changes contingent to resource needs assessments to be developed and reported by Parties.



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