

## Ramsar Case Monitoring Update – IESS.21.011

### Background

Environmental Standards Scotland (ESS) published its Ramsar Case Summary Report dated on 6 September 2022. This report presented the following:

- ESS had considered a perceived gap that Scottish law and policy could theoretically allow for a large-scale deletion of Ramsar areas, in contravention of Ramsar convention requirements. Scotland currently uses a two-tier protection system, with some Ramsar features given European Site protections (which are more compatible with Ramsar convention requirements) and others given Site of Special Scientific Interest (SSSI) protections (which are weaker than European Site protections). This is out-of-step with the rest of the UK, where all Ramsar sites are given European site protections
- the Scottish Government ('the SG') told ESS that it proposed to address this as part of developing their 30x30 proposals and indicated any necessary provisions to achieve this could be included in the upcoming Natural Environment Bill in year three of parliament (before June 2024). The SG commissioned NatureScot to deliver the 30x30 Framework, and provided ESS with indicative timeframes of a draft 30x30 Framework being released in October 2022 and final version (after consultation) in March 2023
- owing to existing checks and balances, and the SG's assurances that Ramsar protections would be reviewed as part of the 30x30 Framework and Natural Environment Bill, ESS decided to close the case with monitoring. At the time, it was anticipated that greater clarity would be provided in the coming year

### Summary of progress

The delivery of 30x30 has been delayed beyond the timescales the SG previously indicated to ESS. The draft 30x30 Framework was published on 14 August 2023. A consultation was launched on 7 September 2023<sup>1</sup> which sought public feedback on

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<sup>1</sup> <https://consult.gov.scot/environment-forestry/tackling-the-nature-emergency/>

Scotland's Strategic Framework for Biodiversity. The documents associated with the Strategic Framework for Biodiversity (including the draft 30x30 Framework) did not include any proposed revisions to Ramsar site protections.

### **Request for information and the SG's response**

In September 2023, ESS sought an update from the SG, noting that little visible progress in revising Ramsar protections had been made. The SG indicated its response would be delayed due to outstanding legal advice. In November 2023, the SG explained that:

- the 30x30 Framework document did not discuss Ramsar protection provisions due to the high-level nature of this work
- the proposed reforms to protected areas (including Ramsar) were not sufficiently developed to allow for public discussion of the proposals in the September 2023 consultation
- a package of protected areas reform proposals (including Ramsar) was being developed for public consultation early in 2024

During a meeting in early January 2024, the SG explained to ESS that it is considering policy and legislative options to resolve the issue raised within the representation. In an email follow-up dated 29 January 2024, the SG could not confirm the timeframes for the public consultation and implementation.

### **Next steps**

ESS welcomes the SG's intention to strengthen Ramsar site protections and remove the apparent out-of-step nature of the current system. However, there has been no visible progress in the 16 months following our Case Summary Report and SG presently cannot provide a timetable for resolution. Therefore, ESS considers that further action is needed beyond monitoring the SG's progress. ESS will re-open the case and consider the options available to secure the SG's commitment to resolve the outstanding issues by a specified deadline.

**12/02/2024**