

8TH SCOTLAND – EUROPE INITIATIVE WORKSHOP ENVIRONMENT ROYAL SOCIETY OF EDINBURGH 23/11/23

The consensus from the discussion meeting was that environmental standards and environmental performance had further declined since the UK, and therefore Scotland, left the EU. We identified and discussed many reasons for this.

Political factors were at play as one of the reasons. Globally, there is a move towards diluting proposals for stronger environmental targets at national level, as evidenced by the inability to secure multilateral deals on key issues such as climate change temperature and emissions reduction targets and biodiversity actions, and in particular the phasing out of the extraction and use of hydrocarbons. The influence of the right wing governments being elected, the dictatorial attitudes of some national leaders, and lobby strength of the hydrocarbon sector being only willing to change slowly, are some of the driving forces.

At the UK level, political factors are also causing divergence of practice for replacing the environmental change and enforcement procedures of the EU through the European Court. Already there are new quasi-independent bodies in Scotland, Environmental Standards Scotland, and for England and Northern Ireland, Office of Environmental Protection, but none in Wales. Their powers, responsibilities and reporting lines are different, as is the extent to which the respective administrations are prepared to take cognisance of and act upon their recommendations. It is early days and with a potential change of government following next year's General Election a more positive attitude towards the environment and the enforcement of policies could change. The positive point is that all 4 devolved administrations through the new bodies are in dialogue and sharing practice. What is missing at this stage is the citizen having 'access to justice' in the absence of complaints and fines procedures.

The divergence of policies and resource allocations at the UK level also has played a part, given the trade offs to ensure that economic prosperity is not further reduced and the cost of living not deleteriously affected. Resources have been taken from governmental environmental bodies, programmes and funding mechanisms. Certainly, if the Agriculture and Rural Communities (Scotland) Bill, currently before the Scottish Parliament, is anything to go by those policies and associated funding streams that have had a negative effect on the environment are unlikely to significantly change. There was praise for the development and continuing evolution of Common Frameworks as a sensible way forward with tangible outcomes. The devil was in their inconsistent implementation between the devolved administrations and the political interference in their operations so that at times they were dysfunctional. The main problem, however, appears to lie with the Internal Market Act. Additionally, the Sewel Motions were all too often honoured in the breach. The role of NDPBs, with their statutory advisory roles to advise civic society as well as government, had been emasculated, although this is not a consequence of Brexit, but rather a demand for control by central government at UK and devolved administration levels.

One clear advance was the approval of Environmental Principles in legislation. Although they differ slightly within the UK, they are nevertheless an important basis for testing policy proposals and for use in Strategic Environmental Assessment, for example, if allowed to be used as intended.

What has also changed for negatively is the lack of an evidence base to track the changes with the UK withdrawal from the EEA as a consequence of Brexit. There is insufficient transparency of data and an increasing lack of comparability between the separate systems, despite the multi-partner State of the Nature reporting in recent years. More fundamentally there are insufficient in depth studies of the causes of change which are essential to inform changes in policy and the development

of positive mechanisms and incentives for removing the perverse factors. Citizen science also has an increasing role to play.

The role of International Agreements is clearly a benefit in the post Brexit era with many having important roles in setting standards, agreeing common actions and policing environmental malpractice, particularly in calling signatory government to account. They also have an important albeit, informal role, in facilitating collaboration between signatory states. Unfortunately, there remains malpractice. A particular instance is the fact that the UK government and the devolved administrations are all in breach of the provisions of the Aarhus Treaty, most especially in this regard public access to environmental information and access to justice in environmental matters.

The potential for networking at the more informal substate level, including devolved administrations and local government, is worthy of further development. The Edinburgh Declaration on the post 2020 Biodiversity Framework represents a way of operating, albeit it is not easy to align the many parties to the point of signing such a declaration.

Moving forward there are avenues to be pursued. There is a need to argue the case for sufficient resources of expertise and money to fund new approaches, and to think forward about the issues and the potential solutions. Courage is needed to remove previous arrangements where they have clearly been proven to have been wrong or failed. The 'talk early/talk often' mantra is vital. There should be continuing collaboration within the international protocols and conventions machinery and to learn lessons from within the UK about good practice and novel ideas and to revive our exchanges with colleagues throughout the EU. Finally, there is further opportunity for collaboration on the research front with the UK joining Horizon 2020 as an associate member.

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