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Briefing: Future Generations Bill in Wales

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Summary

- 1. The Future Generations Bill is published by the Welsh Government on Monday 7th July 2014; Committee scrutiny July, 2014 - March, 2015. Royal Assent Spring 2015.**
- 2. Following the 2012 Rio+20 Conference, the Bill seeks to build a sustainable future for Wales. It places an obligation on Government departments and agencies across Wales to integrate social and environmental wellbeing, ensuring the 3 pillars of sustainable development - social, economic and environmental - are given equal priority in strategic decision making.**
- 3. This Bill is an unusual example of a legislative framework within which public bodies are to carry out their functions and exercise their powers and duties. The framework will require the integration of social, economic and environmental activities to achieve environmental and social well-being. This is a different and new approach, as it imposes principles not just legal obligations. It provides an example for improving environmental governance which others can follow, both within the UK and elsewhere.**
- 4. This is an opportunity to promote the Labour Party as a leader in this field, but only if the Bill delivers on its potential. WWF-UK and WWF Cymru will work to help ensure the Bill promotes sustainable development as a means of delivering long term economic and social progress in Wales while respecting environmental limits.**
- 5. This briefing sets out areas which should be strengthened, including the need for principles which:**
 - encapsulate good governance, especially of natural resources;**
 - recognise environmental limits, thereby acknowledging the need for Wales to reduce its global environmental footprint;**
 - acknowledge and address impacts beyond Wales, particularly the impacts in developing countries; and**
 - set out effective scrutiny and oversight functions.**

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1. Details on architecture of the Bill

Goals: the proposal is to legislate for six long term goals that are aimed at improving social and environmental wellbeing, the outcomes of sustainable development, achievable by 2050. These are:

- Wales is prosperous and innovative;
- Wales is a more equal nation;
- Wales uses a fair share of natural resources;
- People in Wales are healthier;
- Communities across Wales are safer, cohesive and resilient;
- People in Wales participate in our shared culture, with a thriving Welsh language.

These goals are subject to change, in particular the ‘Wales uses a fair share of natural resources’. The Bill is likely to require Ministers to produce indicators of progress on these goals within a year of the legislation passing.

Duty: the plan is for a duty on all public bodies such as ‘the body must maximise its contribution to these goals’.

Principles: the Government also intends to legislate for six governance principles. These will outline how organisations should go about delivery and decision making in future. These are:

- **Long term** - to address the wellbeing of future generations and the longer term impact of their actions;
- **Preventative** - to tackle problems at source rather than the consequences at a later date;
- **Collaborative** - work together and recognise the different roles that each can play;
- **Citizen-centred/engagement** - recognise the importance of involving people in decisions that affect them;
- **Evidence-based** - set objectives and actions that are based on, and supported by, evidence of the wider, long term impacts on economic, social and environmental wellbeing of Wales;
- **Integrated** - recognise the interrelationship between the goals so as to ensure the long term economic, social and environmental wellbeing is recognised.

Scope: the Bill is intended to capture all *strategic* decisions, but not every single operational decision. The Welsh Government has however stated its intention to include budgeting and procurement within the scope. This is important and helps meet the criticism, from the Audit Office report of 2010 *Embedding SD in decision making*, that the Government does not make SD a consideration in financial decisions and conditions of grant or other aid.

Definition of sustainable development: most likely using the Brundtland Report definition: “Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Commissioner for Future Generations: will be established. The general duty of the Commissioner is to promote the sustainable development principle, in particular to—

- (i) seek to safeguard the ability of future generations to meet their needs, and
- (ii) encourage public bodies to take greater account of the long-term impact of the things that they do.

The role is advisory; the Commissioner sets up an Advisory Panel, reports to Welsh Government and advises on reporting obligations for achieving the FG goals.

2. WWF Position on the Bill

WWF supports the concept of the legislation and welcomes the intention of the Welsh Government that the Bill would be ground breaking and would ensure Wales meets its obligations under the new development framework being established by the UN. Here is an opportunity, as the Government has acknowledged, to embed a truly sustainable approach which respects environmental limits and protects future generations with a strong legislative framework that is at least equal to, if not stronger than, other progressive environmental jurisdictions such as Sweden's Environmental Code. It should position Wales as an exemplar for other countries and devolved administrations, within and outside the UK, to follow.

Although the inclusion of a general purpose clause linking environmental and social well-being to the Brundtland definition is welcome, a simple and clear legislative approach, with the Bill establishing the pursuit of sustainable development as a primary concern and establishing the need to live within environmental limits, would be preferable. The term 'environmental well-being' requires legal definition to avoid being confusing for decision makers. In our view, this should reference living within ecological limits, making a link to the balanced use of natural resources.

The framework of the Bill, using goals and principles, is somewhat complex but we welcome the attempt to specify outcomes as well as processes, and the intention for a strong auditing and reporting function through a Commissioner for Future Generations.

However, we have specific concerns about the current direction of the Bill. First, there is an imbalance creeping in, with greater weight given to social and economic goals at the expense of the environment. In view of the challenges ahead, living within planetary boundaries is essential to the best long term decisions, and recognises the constraints set out in the earlier Government's vision of a sustainable Wales '*One Wales One Planet*' 2009, in the 2011 Programme for Government, and more recently in the White Paper for the Environment Bill.

The latter has this definition:

*"Sustainable management means the collective actions (including non-action) required for managing the maintenance, enhancement and **use of natural resources in a way, or at a rate, which will enable the people and communities of Wales to provide for their social, economic and environmental well-being, while maintaining the life-support systems of nature. In doing so, ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations**".*

WWF wants to see the Bill enshrine 'living within environmental or ecological limits', which include goals that ensure:

- We have healthy functioning ecosystems in Wales which provide the services on which we rely, such as water and clean air;
- We are not damaging the global or planetary systems on which we depend, such as the climate system;
- We reduce harmful impacts to global ecosystems by making sure Wales' use of natural resources is both fair and responsible.

Currently the proposed goals do not sufficiently focus on the health and resilience of the environment, which underpins a healthy and economically sustainable society. This is a fundamental weakness which the Alliance has made clear makes the Bill as proposed inadequate and at odds with the true concept of sustainable development.

Another key issue is the need for coherence across the Bill. The processes for implementation and reporting will make a considerable difference to the effectiveness of the Bill. The Minister's own

Reference group advised on the need for improvements in governance to ensure environmental limits have a more prominent and consistent role in decision making.

To be linked more effectively to the fundamentals of SD, the principles should be those setting out good governance and recognising the importance of applying the precautionary principle, which are necessary to ensure environmental limits are not breached.

The independence and powers of the Commissioner need to be sufficient to ensure real changes can be made and the scrutiny function for the Auditor General in Wales needs to be clearly set out.

3. Brief history of the proposal

Under the Government of Wales Act, 2006 the Welsh Government has a legal duty in regard to sustainable development. It states that: *Welsh Ministers must make a scheme ("the sustainable development scheme") setting out how they propose to promote sustainable development.* Two other key duties apply – annual reporting of the scheme and a full report for each Assembly term.

In 2009 *One Wales: One Planet, a Sustainable Development Scheme for Wales*, set out the Welsh Government's vision of a sustainable Wales. The *Programme for Government 2011 – 2016: To become a 'one planet nation'*, reinforces sustainable development as the core principle in defining the best development path for Wales. It commits to ensure that all Government's policies and programmes reflect this principle.

This Bill builds on the earlier commitments by requiring wellbeing to be at the heart of the operations and functions of the relevant public bodies in Wales.

4. Alliance for Sustainable Development

In 2011, WWF Cymru convened the third sector Alliance for Sustainable Development with the aim of agreeing, and then advocating in favour of, the desired outcomes from the Bill. The Alliance represents a broad swathe of the Welsh third sector, including many network bodies such as Wales Council for Voluntary Action, Wales Environment Link and the International Development Hub.

The Alliance agreed some key requirements of effective legislation and drafted some clauses. These include a substantive duty on the public agencies, a definition and principles of sustainable development, and some key powers for the Commissioner for Future Generations.

For more information, please contact:

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