

National Assembly for Wales
Environment and Sustainability Committee
WFG 16
Well-being of Future Generations (Wales) Bill
Response from Cynnal Cymru – Sustain Wales

Cynnal Cymru – Sustain Wales
Response to the
Environment and Sustainability Committee's consultation
for a Well-being of Future Generations (Wales) Bill

Background

In April 2012, Cynnal Cymru – Sustain Wales won a major tender from the Welsh Government, to assist in the development of, and engagement around, a new proposed Sustainable Development Bill. Since the contract inception, Cynnal has been helping the Welsh Government in many ways: on the Welsh Government's behalf, we run the Climate Change Commission for Wales. In a similar vein, we run the Sustainable Development Charter and we service the office of the Commissioner for Sustainable Futures. We set up and administered the launch of the Wales We Want national conversation and run both the web site and the further development of the National Conversation.

With regard to the Bill, we have provided the Secretariat for the Reference and Advisory Group together with its various sub committees as well as disseminating the output emerging from the Group.

Commentary

The Bill now sits with the Senedd. We welcome the wish of the Environment and Sustainability Committee to further improve and hone the Bill under Scrutiny.

No country in the world has put into place such a relevant and important piece of legislation to safeguard present and future generations. For this, the Welsh Government is to be congratulated that there is such a Bill. We welcome that the Bill as presented remains a framework, a process whereby it demands of those affected by it, that all decisions be made, looking through the prism of sustainable development, with the vision of achieving a sustainable Wales. That must not be lost: our belief, therefore, is that, throughout the scrutiny process, the framework process must be maintained, indeed strengthened.

There is a possible implication with regard to how the naming of the Bill is perceived: the Bill states ““ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account”. This is to be praised but there is a risk that, unless the Bill makes clear that it is to take action now, for current generations as well, some may put off taking the necessary action in face of current priorities. “Future generations” might convince some that action *now* can be delayed. Clearly, it cannot and no doubt the Scrutiny process will make that plain.

The inclusion of a series of goals is welcomed, as this in part reflects the major changes taking place under the aegis of the United Nations as it moves from the Millennium Development Goals (MDGs) to the Sustainable Development Goals (SDGs). SDGs offer the way for world nations to reflect, and work towards, outcomes that better portray the actions necessary to address the many challenges facing the world currently, not least inequality, climate change, poverty, deprivation, environmental degradation and failures in education, employment, training together with a host of others. As an

aside, the new Bill has in it 6 goals to be achieved: those working on the UN SDGs have presented 17 – and that is the rub when considering the new Bill here in Wales, but more of that below.

Critique

As stated, we welcome the intention of the Welsh Government that the new Bill proposes. Setting a core, or central, organising principle, for sustainable development for the public sector in Wales is essential and to be supported. However, we have a concern that there is no clear definition of sustainable development on the front of the Bill. It is evident that people, in general, are themselves not certain regarding what this is but also, if we do not specify what we are aiming towards, how will we know if and when we get there? An additional point is that, if the Sustainable Development definition is not firmly stated, it would be much easier for this to be watered down under a different legislature. The Welsh Government already has a good definition at its fingertips, that contained within the excellent “One Wales, One Planet” report. We suggest that this be used as the overriding lodestone, the overall Vision that drives and guides the whole Bill. This we suggest will in turn help to ensure all see that this Bill is indeed an over-arching Bill, an umbrella for all other legislation governing Wales. Without this change, the Bill can be criticised as being weak, not least by using phrases such as “seeking .. to ensure sustainable development”. The duty needs to be made clear and strengthened. “Seeking” is simply not strong enough.

In terms of the placing of this Bill within the Wales hierarchy of would-be and existing legislation, it is clear that a Bill covering sustainable development must be at the apex of any other legislation. For sustainable development to be at the core of government thinking and decision making, all other legislation must be subservient to that. This needs to be better stressed in the Bill before us or it runs the risk of being in a silo, of not being given the priority it needs to be. For example, there are several elements of legislation going through the system currently, including a new Planning Bill and a new Environment Bill: whatever the issues in and around both Bills, both should be “governed” by the Future Generations Bill. This needs to be made clear in the new Bill and in subsequent implementation.

The essence of the Bill, what it aims to achieve, has been presented in six goals as stated above. Regarding the proposed goals, as already mentioned, we welcome that these exist, but question if these are as they should be. We fear that there are gaps and, in turn, weaknesses which together will weaken the Bill both in terms of its impact and of its coherence. In addition, the goals are not consistent in how they are framed. There is a risk of ambiguity and an ability for the goals set to be seen as being achieved when, for many of us, they may not have been. At the heart of this, is that, of the six well-being goals, three are comparative. For example, Goal Three states “A healthier Wales” but the question is Healthier than what?... with no base line available, a slight improvement in overall health could suggest success in this goal. Even where the goal is not comparative, such as where Goal One appears to be more specific : “A prosperous Wales” – it needs backing up by what is meant by “prosperous”. The description attached makes no reference to the type of economy, and indeed type of employment, we wish to support. The Welsh Government commitment to so-called “green” growth needs to be highlighted here, supported as it is by the excellent CBI report on such growth.

An overall review of all the Goals by the Scrutiny process is strongly recommended by Cynnal Cymru – Sustain Wales to develop a less comparative approach or, if to be comparative, being clear as with what baseline this is being compared. We encourage the focus to be on less ambiguity. A goal should

be a goal, especially given the scale and the challenge faced by the public service bodies affected by the Bill.

We are concerned that areas vital to a sustainable community have not been included, or are stated insufficiently. The primary issue is of scope: we recognise and laud that this remains a framework Bill, but it misses much from that framework: it does not cover all public sector roles and responsibilities. Most importantly here, procurement, vital to a sustainable economy, is not addressed. Nor, added to this, is budget setting. Together, these would have the greatest effect on a sustainable economy for Wales and thus must be included, especially given that public sector procurement has such a vital role in the Wales economy. Not having this in the Bill suggests it is missing a vital element of helping to create a sustainable Wales.

Cynnal Cymru – Sustain Wales, although focussed clearly on Wales, fully recognises the vital role of Wales in a wider world: this Bill does not sufficiently recognise this. The lack of a global dimension weakens the Bill and will damage its status in the wider world. If we are, through this Bill, to make a real difference and become an exemplar on the world stage, this must be addressed. Climate Change has a poor profile in the Bill. In *The Wales We Want* conversations, Climate Change is seen as a crucial priority. The Bill, both to reflect Wales' community wishes *and* a global priority, must be a key priority in the Bill. Targets for relevant and challenging reductions in emissions of the gases that contribute to global warming must be stressed. We recognise that this is not a Bill for detail – it is a framework – but without a framework for Climate Change, it is a lesser Bill.

The issue of governance of the implementation process is, we fear, weak and liable to potential changes in emphasis by a future Welsh government. Of specific concern is that of the new Commissioner. The Bill has presented that this is a role appointed by, and answerable to, the Welsh Government: we feel that this should be answerable to the Senedd, not least by so doing, it is then seen to avoid the risk of interference, and improve transparency. The Bill identifies a range of posts to support the Commissioner. We must declare an interest here in that we have undertaken a similar role for the existing Commissioner for Sustainable Futures but feel, strongly, that this Office should be a separate body, fully funded by the government to ensure that, not only is it independent, but it is seen to be independent. There is precedent akin to how the Office of the Auditor General is funded and governed. We are also unsure if the proposed budget will be enough for the Commissioner to undertake all the proposed roles, not least the investigative element of what s/he will be undertaking. This element, in turn, needs to be strengthened with the “critical friend” element being brought more to the fore. If not, the risk is that no real change will be evidenced, not least if and when the Commissioner offer criticism to the Welsh government itself.

Finally, the Bill, quite clearly, is focussed on the public sector. Sadly, some elements of the quasi-public sector, such as housing associations and both further and higher education, no longer feature in the Bill as presented. We regret that, not least as the three elements are vital if we are to achieve a sustainable Wales.

In that context, and with again a declaration of interest, we recognise the role played by the Sustainable Development Charter as being a vehicle in which those not affected by the Bill, such as the private and voluntary sectors, are able to commit to making sustainable development a core activity for what they do and how they do it. This aids the work of the Welsh Government to help us all move towards a sustainable Wales.

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