

Proposed Wellbeing and Sustainable Development (Scotland) Bill

Introduction

A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

The consultation runs from 14 December 2022 to 24 March 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).
(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Global Justice Now (Scotland)

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

[REDACTED]

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

Fully supportive

Please explain the reasons for your response.

The Bill could trigger a step change that ensures sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland.

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

Global Justice Now is an international social justice organisation that understands that, in order for greater equality to be achieved internationally, and for climate change to be tackled in a fair and just way particularly for people living in the global south who have been impacted first and worst, we need to make fundamental changes to how our societies are run, and how we share resources. One of the myths that we need to debunk as a society is the belief in perpetual economic growth as something that will eventually benefit all people as well as the planet.

Scotland has made some progress towards recognising the importance of having sustainable development as an aim for public policy. It has also made some progress towards recognising alternative measures to GDP to understand Scotland's economic development. However, too often the implicit or explicit aim of Scottish policy-making has been economic growth, without a recognition that this might lead as a by-product to unsustainable development and a loss of wellbeing for people and communities. The World Health Organisation has described this focus on GDP as a "pathological obsession" with an "inappropriate measure of progress that perversely rewards profit-generating activities which harm people and destroy ecosystems, undermining what we really value." (The WHO Council on the Economics of Health for All, Valuing Health for All: Rethinking and building a whole of-society approach (March 2022): <https://bit.ly/42rfLV4>)

This bill is important because it is an attempt to refocus all Scottish public policy on matters as diverse as transport, trade, the environment and public health, towards the aim of sustainable development and the wellbeing of current and future generations. As such, the bill presents an opportunity for Scotland to become a genuine leader in sustainable development and in embedding wellbeing as a goal in policymaking. Through policy coherence, as well as accountability through the proposed wellbeing and sustainable development commissioner, the bill will help lawmakers to see all policy through the lens of sustainable development. As such, it should help us achieve our climate change targets, tackle domestic inequality, and become better global citizens.

Global Justice Now has campaigned on trade justice issues for many years. Recent campaigns against large trade deals like TTIP, CETA and a US-UK trade deals have focussed on the impact trade deals have on public policy domestically. Whilst trade deals might have chapters on sustainability and environmental protection, the thrust of a trade deal is on economic growth and the cutting of red tape for corporations.

Trade deals like TTIP threatened our public services, and progressive legislation on climate change, workers' rights, animal welfare, even cosmetics. Encroaching into public policy spaces, these deals have the power to change legislation without proper democratic process.

New trade deals after Brexit may lead to the UK government putting forward bills to change aspects of Scottish public policy whose main drivers are not sustainable development and the wellbeing of people and communities. A recent debate on the Australia and New Zealand trade bill showed how controversial this process might become. It will be difficult for the Scottish legislature to challenge these bills, but with a strong wellbeing and sustainable development law in place, Scotland will have a clear framework to argue against new policies being introduced if they will lead to unsustainable development, and a Commissioner who can speak out about the inconsistency of any new trade-deal related policies that don't have sustainable development at their heart. An overarching framework supporting sustainable development and wellbeing in Scottish policy making, might also help the Scottish government argue against aspects of a trade deal that would be bad for the environment, people and communities in Scotland during the negotiation process of a trade deal.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

We believe that legislation is the only way that the Bill's aims could be achieved effectively. Sustainable development and wellbeing can only become the drivers of public policy, if they are given teeth.

We need to define sustainable development carefully for use across Scottish public policy – and this can only be done through legislation. Equally, the role of the commissioner will be essential to policy coherence towards sustainable development. Creating this statutory role, and granting the commissioner legal powers, can only be done through legislation.

Too often, environmental and sustainable development policies lack the teeth to be effective. If we are serious about putting sustainable development and wellbeing at the heart of Scottish policy making, then this law is necessary.

Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?

Fully supportive

Please explain the reasons for your response, including any views on what the definition should include.

Clear and rigorous definitions of the key concepts of sustainable development, policy coherence for sustainable development, wellbeing and the wellbeing economy, should be set out in this Bill. The inclusion of a definition of 'sustainable development' in this legislation is particularly important, because there are already a large number of references to sustainable development in existing legislation and yet there is a lack of clarity and consistency as to the actual meaning of the term.

As Scotland's International Development Alliance have argued, a clear definition will provide clarity and support accountability. Following Scotland's International Development Alliance we propose the following definition for sustainable development: "Sustainable Development can be defined as the development of human societies in ways which do not threaten planetary boundaries, and which equitably support the capability of present and future generations across the world to meet their needs."

Defining policy coherence for sustainable development in order to ensure that domestic and international policy coherence for sustainable development is understood and implemented as a core principle of sustainable development, as listed under the definition of sustainable development, we also propose it should be clearly defined, in the Bill as follows:

Policy coherence is the consistency of public policy, whereby:

- no policy undermines any other policy
- where policy conflicts occur, the root cause of the conflict should be identified and efforts made to resolve it in a manner which: minimizes trade-offs and maximises synergies.

Policy coherence for sustainable development must:

- support ecological integrity and social equity within Scotland, and elsewhere in the world support the self-defined sustainable development of other countries.

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

Fully supportive

Please explain the reasons for your response, including any views on what the definition should include.

As with our argument as to why it is important to define the term 'sustainable development', it is equally important to have a statutory definition of 'wellbeing'. It gives clarity, particularly for those who are responsible for ensuring any public sector duty for wellbeing is carried out.

Given that the term 'wellbeing economy' features in the current Programme for Government, the Bill presents an important opportunity to define and give substance to this idea – so that it means, explicitly, growth that does not transgress planetary boundaries, and that supports equitable distribution of benefits. Building on work done by the OECD, we suggest that a legal definition of wellbeing that supports public policy decision making should include the principles of equity and long-termism. Therefore,

- Collective wellbeing is the extent to which people are able to realise the social, economic, environmental and democratic outcomes that they seek.
- National wellbeing is the level of collective wellbeing, the inequalities in collective wellbeing between different groups, both domestically and globally, and the conditions for the collective wellbeing of future generations.

Wellbeing should also stretch beyond people, communities and the environment in Scotland to include the wellbeing of the planet as a whole, and of people internationally. People's wellbeing in Scotland should not be to the detriment of people and the environment around the globe. Indeed the climate emergency we face has happened in part because we haven't recognised the damage we are doing to places and people a long distance geographically from us.

The Bill could contain a requirement for the transition to a wellbeing economy to prioritise sustainable consumption and production (SCP). Principles include:

- transition to an economy of sufficiency as well as efficiency;
- reduction of material consumption and all types of wastes;
- reduction of the detrimental impacts on ecology and humans in Scotland and elsewhere;
- adherence to the polluter pays, proximity and precautionary principles;
- the equitable distribution of benefits and disbenefits of the economy;

Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?

- decent and sustainable livelihoods.

We also fully support the need for citizen engagement in determining what 'wellbeing' means to them – i.e. that the government engages citizens in a conversation about what their needs are and how we measure the extent to which they are met. This engagement must be broad and include diverse voices, particularly those more marginalised in society who are likely to have less wellbeing currently and are probably more aware of what is needed to achieve genuine wellbeing.

That's why we want to see new and strengthened duties on Scottish Ministers to do the following:

- engage with a broad and diverse range of people and communities from across Scotland to determine the shared social, economic, environmental and democratic outcomes that constitute national wellbeing. This review of national outcomes should continue to be held carried out by Scottish Ministers at least every 5 years.
- report annually to the Scottish Parliament on the progress towards National Wellbeing with reference to both national statistics and the lived experience of the people of Scotland.
- enhance the public participation requirements for the determination of national outcomes; in particular, clauses around engagement should be amended to require 'participation' rather than 'consultation'.

Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?

Fully supportive

Please explain the reasons for your response, including any views on what the key functions of the proposed Commissioner should be (see pages 19 to 20 of the consultation document), what model of governance could be adopted (see page 22 to 23), and whether the Commissioner could play a role in strengthening existing duties or legislation.

We believe that the creation of a Commissioner for sustainable development and wellbeing would be pivotal to the successful implementation of the sustainable development and wellbeing bill. Their role would be to monitor implementation of the Bill, including the statutory duties, with a legal requirement for the commissioner to be both independent of government, and adequately resourced to support public bodies to deliver their duties within the bill.

It is clear from the example that the Welsh Commissioner for Future Generations has set, that an independent voice for sustainable development and wellbeing; that monitors the progress of the implementation of the bill; helps bring about a culture change amongst public bodies towards sustainable development and wellbeing as the main driver for policy; and speaks out about the challenges we face and the important changes that are needed, would be key to achieving the policy coherence for sustainable development that we are aiming at.

The commissioner would have an eye towards long-termism. Whilst it is inevitable that parliamentarians and governments are sometimes quite short-termist in their thinking, a commissioner independent of government would be able to have the long-term view and flag up policies that, while seeming to have a short-term benefit, would incur a long-term cost.

We are also keen for the commissioner to also have a responsibility for a global outlook for sustainable development and wellbeing. The interests of future generations and those of the global south are currently not well represented in Scottish democratic processes. The commissioner's role would be to give a voice to both current and future generations, living both here and elsewhere in the world in the democratic processes of Scotland.

Q6. What, in your view, should the title of the proposed Commissioner be?

Please explain the reasons for your response.

'Commissioner for Future Generations' is a title that has resonance with many people because so many of us have family – children and grandchildren – that we care deeply for and want to protect their wellbeing in the future. That title also has seemed to work well for people in Wales. However, the title doesn't help people consider the wellbeing of the planet, or of people globally, who are currently facing environmental and social degradation as an impact of economic growth in the global north. For that

Q6. What, in your view, should the title of the proposed Commissioner be?

Please explain the reasons for your response.

reason we would prefer 'Scottish commissioner for sustainable development and the wellbeing of future generations'.

Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?

Fully supportive

Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.

We consider it is important for there to be a duty on public bodies to promote sustainable development and wellbeing in policy development and implementation. It is clear that current duties are not sufficiently clear and coherent to enable effective action on the environmental and social challenges that are impacting the wellbeing of current and future generations.

Current duties on public bodies that come from the Climate Change (Scotland) Act 2009 are not clear that the duty must be to promote sustainable development as well as tackle climate change. There has been a tendency for a narrow focus just on tackling climate change without an understanding of how this in fact might have a negative impact on sustainable development and wellbeing if it is also promoting economic development.

The main purpose of the bill is not to add a lot of extra duties on public bodies, but to strengthen, clarify and streamline existing duties around sustainable development, wellbeing and the national outcomes, many of which are currently falling short on delivery. The new Commissioner could play an important role, working with local authorities to enable the culture change necessary, and provide the tools to help this public duty to be fulfilled effectively.

Financial Implications

Q8. Any new law can have a financial impact which would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?

a significant reduction in costs

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

In order to be successful, this bill will need to be resourced. In particular the new role of the Commissioner's office will need to be well resourced in order to be effective. It is likely that the office of a Future Generations Commissioner would demand a budget that is equivalent to that of the Children and Young People's Commissioner for Scotland.

However, without a focus on sustainable development and the wellbeing of communities in public policy, the Scottish government will face increasing costs. Inequality is rising in the UK, and this brings with it greater costs for the health service for example, and in tackling crime which has been documented to rise as societies become more unequal. The climate emergency and the nature emergency we face also needs to be tackled effectively. Arguably this bill, by looking at sustainable development rather than a narrow focus on climate change in a way that could lead to unsustainable development, is much more holistic in its approach and will genuinely save money by its preventative approach, rather than pushing greater costs onto public services now and for future generations.

Equalities

Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

No Response

Sustainability

Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

No Response

General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

No Response