



Towards a Wellbeing and Sustainable (Scotland) Bill

Draft Recommendations

The following is a list of 16 draft recommendations for the future Wellbeing and Sustainable (Scotland) Bill, based on research commissioned by Scotland's International Development Alliance undertaken by Ishani Erasmus, Dr Graham Long and Zoe Russell.

1

Include in the stated 'Purpose of this Act':

- reference to domestic and global Policy Coherence for Sustainable Development (PCSD)
- transition to a wellbeing economy

2

Clear and rigorous definitions of the key concepts of sustainable development (SD), policy coherence and wellbeing, should be set out in a Wellbeing and Sustainable Development (WSD) Bill.

SD could be defined as follows:

'Sustainable development can be defined as the development of human societies in ways which do not threaten planetary boundaries, and which equitably supports the capability of present and future generations across the world to meet their needs.'

Key principles of SD should include:

1. the principle of respect for planetary boundaries, including through a precautionary approach
2. the principle of intra- and inter-generational equality and equity – to meet the needs of present generations without compromising the ability of future generations to meet their needs
3. the principle of wellbeing instead of economic growth as the core societal objective
4. the principle of indivisibility and interdependence across public policy, requiring policy coherence in response
5. the principle of doing no harm internationally and good global citizenship
6. the principle of openness and transparency - availability of information on efforts to achieve sustainable development is vital to engagement and accountability
7. the principle of participation – to recognise that all of society has a role to play in working together to achieve sustainable development

3

In order to ensure that domestic and international policy coherence for sustainable development is understood and implemented as a core principle of SD, as listed under the definition of SD. It should be clearly defined in the Bill as follows:

- Policy coherence can be described as 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
 - maximizes 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.

4

Incorporate an explicit requirement for PCSD into the third public bodies duty under s.44 of the Climate Change (Scotland) Act 2009 (see below)

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Part 1 of the Community Empowerment (Scotland) Act 2015 should be amended to ensure that national outcomes support sustainable development including domestic and international PCSD, and that their determination is more participatory and scrutinisable, as follows:

- amend 1(4) and 2(4) to include reference to SD in addition to socio-economic inequalities (e.g. as below), or include a separate clause to that effect immediately before it.
- "In determining the national outcomes, the Scottish Ministers must demonstrate how they have taken into consideration their potential contribution to sustainable development, including domestic and international policy coherence, and the reduction of inequalities of outcome which result from socio-economic disadvantage."
- amend 1(5) to enhance the public participation requirements for the determination of national outcomes; in particular the clause should be amended to require 'participation' rather than 'consultation'.
- amend 1(8) to increase the period of the parliamentary consultation, as was promised by the Scottish Government in 2018 [ref Official Report - Derek Mackay in Chamber debate]; similarly amend 2(10).
- amend 3(1) and (2) by inserting after 'achieved' words to effect of 'and are internally consistent and have supported domestic and international policy coherence for sustainable development'.

6

A requirement for a framework for the implementation / delivery of national outcomes should be added to Part 1 of the Community Empowerment Act.

7

The WSD Bill should strengthen the existing duty in the Climate Change (Scotland) Act 2009 for public bodies to mainstream sustainable development. This could be done, for example, by amending:

- the title of s.44 by adding 'and sustainable development' at the end.
- 44(1)(c) by adding at the end 'and most likely to support Scottish and international policy coherence for sustainable development'
- 44(3) by inserting 'and sustainable development' at the end; (4) by inserting 'and sustainable development' between 'climate change' and 'duties'; similarly amending 44(5), (6) and (9).
- The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 by inserting 'and sustainable development' between 'climate change' and 'duties'.

8

It may be possible to further amend section 44 of the Climate Change (Scotland) Act 2009 by adding a new clause which serves to resolve existing conflicts in public bodies' statutory duties. For example a clause after 44(1) stating that "where the implementation of any other statutory duty appears to conflict with 44(1)(c), a resolution must be sought with regard to policy coherence for sustainable development as defined in the Wellbeing and Sustainable Development (Scotland) Act 202X".

9

The WSD Bill should include a definition of wellbeing as 'having the capability to meet one's human needs'. Life satisfaction could be added to this definition as well, as it does, to some extent, reflect peoples' capability to meet their needs.

10

A wellbeing economy should therefore be defined as one in which public policy is focused on equitably ensuring that all people in Scotland have the capability to meet their human needs without having a detrimental effect on the capability of people outwith Scotland, and in the future, to meet their human needs, while seeking to minimize and reverse the risk of breaching planetary boundaries.

11

The Bill should also contain a requirement for the transition to a wellbeing economy to prioritise sustainable consumption and production (SCP). Principles for SCP should 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
- decent and sustainable livelihoods

12

The framework identified in Recommendation 6 should contain an indicator, an index, or a dashboard of indicators that will provide an assessment of wellbeing, rather than growth, driving public policy towards supporting people's capacity to meet their needs

13

As the much-disputed phrase 'sustainable economic growth' appears in existing legislation, it may be useful to include a definition in the WSD Bill. From the point of view of sustainable development, this would mean:

- growth which did not threaten ecological integrity or social equity at a global level;
- growth in some sectors, especially pro-ecological, pro-social sectors, those which support a transition to a wellbeing economy, etc., with a corresponding phase-out of industries which are detrimental to social-ecological wellbeing;
- growth in some geographical areas, where it is necessary to support fundamental human needs;
- an increase in pro-SD business models - some examples include:
 - where businesses have a social purpose
 - where ownership is equitable
 - businesses which provide decent livelihoods rather than seeking to maximize and increase monetary profit year-on-year.
 - businesses which increase the resilience of local economies by maintaining the flow of money within them, rather than leaching it out to headquarters elsewhere; increase business diversity; serve local needs, etc.

14

In the formulation of the WSD bill increasing the accountability of the private sector, especially in relation to interactions with the public bodies, enabling the latter to prioritise those who can demonstrate positive contributions to wellbeing and SD.

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The office of the proposed Future Generations Commissioner for Scotland should be placed on a statutory footing by the WSD Bill, and be renamed 'Sustainable Development & Future Generations Commissioner'.

16

SD duties must be supported to ensure they are understood by duty-bearers and can be successfully implemented.

The Commissioner should be given statutory duties and powers, and allocated sufficient resource to:

- help to build the capacity of public bodies to implement their duty under s.44(1)(c) of the Climate Change (Scotland) Act 2009, including through the development and provision of tools, training, impact assessment methods, etc.;
- monitor the implementation of that duty through scrutiny and investigative powers;
- assess national outcomes for domestic and international PCSD;
- carry out research and provide advice to the Scottish Government;
- develop mechanisms to support public participation in scrutiny and decision-making for wellbeing, sustainable development and domestic and international PCSD