

Summary of
Recommendations for
Policymakers



Scotland's International
Development Alliance

Towards a Wellbeing and Sustainable Development (Scotland) Bill

Based on research
carried out by:

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Introduction

The Scottish Government, through its commitment to bring forward a Wellbeing and Sustainable Development (Scotland) Bill¹ (WSD Bill), could trigger a step change that ensures global sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland.

As global challenges mount, the imperative to understand the connection between how our systems and decision-making impact poverty, inequality, the ecological crisis and the climate emergency, has never been more important. To realise more joined-up policymaking, policy development must consider not only the potential impacts in other policy areas, places and into the future, but also ensure that public policy is pro-ecological and pro-social. This would support the ability of people in Scotland, and elsewhere, to meet their needs now and in the future.

It is also important to clearly understand the problem that global sustainable development seeks to address. Namely, the detrimental effects of the policy of perpetual economic growth as measured by Gross Domestic Product (GDP) on human societies, i.e., unsustainable development.

This paper contains 14 recommendations for the Wellbeing and Sustainable Development (WSD) Bill, committed to in the Scottish Government's 2021-22 Programme for Government, A fairer, greener Scotland. The recommendations aim to support progress on sustainable development and build on existing legislation in five key respects:

- A. Establishing a clear definition of sustainable development (SD), and of policy coherence for sustainable development (PCSD) as a key component of it.**
- B. Strengthening Scotland's national outcomes, placing them at the service of delivering global SD through a 'policy-coherent' approach, while strengthening public and parliamentary consultation requirements, and improving reporting and scrutiny processes.**
- C. Ensuring that the numerous existing statutory SD duties on public bodies in Scotland are clear, have the requisite priority, and that duty-bearers can be provided with the support and capacity building they need.**
- D. Supporting the transition towards a wellbeing economy in Scotland that fosters sustainable development and wellbeing here and elsewhere.**
- E. Establishing a support and accountability structure with a Wellbeing and Sustainable Development Commissioner placed at its heart.**

These recommendations emerged from research commissioned by Scotland's International Development Alliance. This research included a review of Scottish, Welsh and international legislation and policy, and the views of a range of stakeholders. It focused on the interdependent principles of wellbeing, sustainable development and (domestic and international) policy coherence for sustainable development, which the Alliance advocates as key planks of a WSD Bill.

¹ [A Fairer, Greener Scotland: Programme for Government 2021-22](#), p9

A. Establishing a clear purpose and definitions

We suggest that the proposed WSD Bill should provide a framework which can support the implementation of SD, including by ensuring that public bodies are required and supported to achieve this, while transparently tracking the progress achieved. The Bill also presents an opportunity to ensure that domestic and international PCSD becomes an integral aspect of public policy to support a shift to a more sustainable pathway. A transition to a sustainable and fair economy - one focussed on the delivery of ecological integrity and social equity in support of long-term human wellbeing - is central to the delivery of sustainable development. Our recommendations support these key components being positioned as core to the Bill's purpose. We also recommend rigorous, clear definitions of concepts, as they are more likely to support accountability, enforcement and justiciability than vague ones.

Recommendation 1:

The proposed long title and/or purpose of the Act should refer to the key concepts of:

- sustainable development
- domestic and international policy coherence
- transition to a wellbeing economy in the service of sustainable development and the delivery of enhanced wellbeing in Scotland and globally.

Recommendation 2:

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

Recommendation 3:

Sustainable development should be defined in the Bill as follows: 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.

Key principles to elaborate this definition could be included underneath, including:

1. The principle of respect for planetary boundaries, including through preventative, precautionary, and regenerative approaches.
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 (human or social-ecological) wellbeing instead of economic growth as the core societal objective.
4. The principle of indivisibility and interdependence across public policy, requiring policy coherence for sustainable development in response.
5. The principle of doing no harm internationally and good global citizenship.
6. The principle of evidence-based policy-making.
7. The principle of openness and transparency - availability of information on efforts to achieve sustainable development is vital to engagement and accountability.
8. The principle of participation – to recognise that all of society has a role to play in working together to achieve sustainable development.

It might be that other principles reflecting Scotland's specific context - e.g., regarding language and culture - could also be included, as has been the case in Wales.

Recommendation 4:

To ensure that domestic and international policy coherence for sustainable development is understood and implemented as a core principle of sustainable development, it should be defined, clearly, 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
 - 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.

B. Strengthening Scotland's national outcomes for sustainable development

Through this Bill, Scotland can build on its relatively strong existing approach to embed enhanced measures of national progress, whilst strengthening the legal requirements on national outcomes.

Recommendation 5:

Part 1 of the Community Empowerment (Scotland) Act 2015 should be amended (or lifted entirely, amended and inserted into this new WSD Bill legislation), to ensure that national outcomes support sustainable development including domestic and international PCSD.

Recommendation 6:

National outcomes should be determined following meaningful, open and transparent public engagement, with this then followed by both comprehensive reporting on progress and enhanced public and parliamentary scrutiny.

Recommendation 7:

A requirement for Scottish Ministers to develop and maintain a framework for the implementation/delivery of national outcomes should be added to Part 1 of the Community Empowerment Act or alternatively, included as part of the WSD Bill. This framework should detail policy, spending and other measures, setting out how progress will be assessed.

C. Ensuring existing sustainable development duties work properly

Many Scottish Acts contain provision for sustainable development, conferring duties on various individuals or groups of public bodies. We offer recommendations on how a key piece of legislation – the Climate Change Act 2009 – could be amended to support public bodies in taking actions towards SD.

Recommendation 8:

The WSD Bill should strengthen the existing duty in the Climate Change (Scotland) Act 2009 for public bodies to mainstream sustainable development.

Recommendation 9:

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 transparent resolution must be sought with regard to policy coherence for sustainable development as defined in the Wellbeing and Sustainable Development (Scotland) Act 202X".

D. Supporting the transition towards a wellbeing economy in Scotland that fosters sustainable development and wellbeing

The Bill presents an important opportunity to define and give substance to the idea of a 'wellbeing economy' so that it means, explicitly, growth that does not transgress planetary boundaries, and that supports equitable distribution of benefits and disbenefits. Importantly, we believe that there can be "no national wellbeing without global wellbeing²" and therefore, wellbeing in Scotland must not be increased at the expense of people elsewhere in the world or future generations.

Recommendation 10:

The Bill should include a definition of a 'wellbeing economy' that creates human and ecological wellbeing within planetary boundaries. This should give focus to enabling all people in Scotland to meet their needs without having a detrimental impact on the ability of people in other countries, and future generations to meet theirs.

Recommendation 11:

The Bill should contain an indicator, an index, or a dashboard of indicators that provide a transparent and continuously updated assessment of Scotland's contribution to human and ecological wellbeing. This should become the key driver of public policy and, in so doing, support the displacement of economic growth as the dominant measure of national progress.

Recommendation 12:

The WSD Bill should ensure that public bodies are required to ensure their engagement with the private sector, including that their procurement procedure is fully consistent with the statutory duties and overarching ambitions of the Bill. This would include provisions to allow for public bodies' interactions with the private sector to be better scrutinised.

E. Establishing a support and accountability structure

We believe the Bill should be supported by a culture that positions and promotes reporting, and the scrutiny flowing from it, as facilitating continuous and progressive improvement. In addition to indicators and reporting, the Bill needs to develop a system of learning, support and constructive accountability around SD in Scotland, as part of its effort to establish and nurture this idea throughout Scottish public life.

Recommendation 13:

Public bodies must be fully supported to understand, and then successfully implement, the new sustainable development duties imposed on them by the WSD Bill, as well as to monitor, transparently, their usage, to ensure progress is both continuous and progressive and to encourage a culture of learning.

Recommendation 14:

The WSD Bill should create, and place in statute, a new 'Wellbeing and Sustainable Development Commissioner' 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 terms of the Bill.

² Ndivile Mokoena, Gender GC Southern Africa, Alliance Annual Conference

Conclusion

There is an opportunity to create a world-leading piece of legislation that puts policy coherence for sustainable development, and human and ecological wellbeing, at the forefront of government. This is necessary not only to respond to pressing national challenges and to meet the needs of citizens, today, within planetary boundaries, but to ensure that Scotland makes a positive contribution to people, globally, and enables future generations, both here and abroad, have their needs met.

Many of our recommendations may read as being about systems, processes and duties, however they also position this potentially ground-breaking legislation as a way to generate a culture of continuous improvement in Scotland. One that encourages, nurtures and supports conversations and joined-up thinking so that Scotland makes a progressively enhanced contribution to sustainable development, at home and abroad. This will bolster our credentials as a responsible global citizen, and back up our ambitions with actions.

About Scotland's International Development Alliance

Scotland's International Development Alliance (the Alliance) is the membership body in Scotland for everyone committed to creating a fairer world, free from poverty, injustice and environmental threats. Our membership brings together a diverse range of over 200 international NGOs, companies, universities, charitable trusts, public sector bodies and individuals that operate in over 100 countries.

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Full report can be found here

