



**Environment and Sustainability Committee**

**Inquiry on the General principles of the Well-being of Future Generations (Wales) Bill**

**Written submission by the World Future Council**

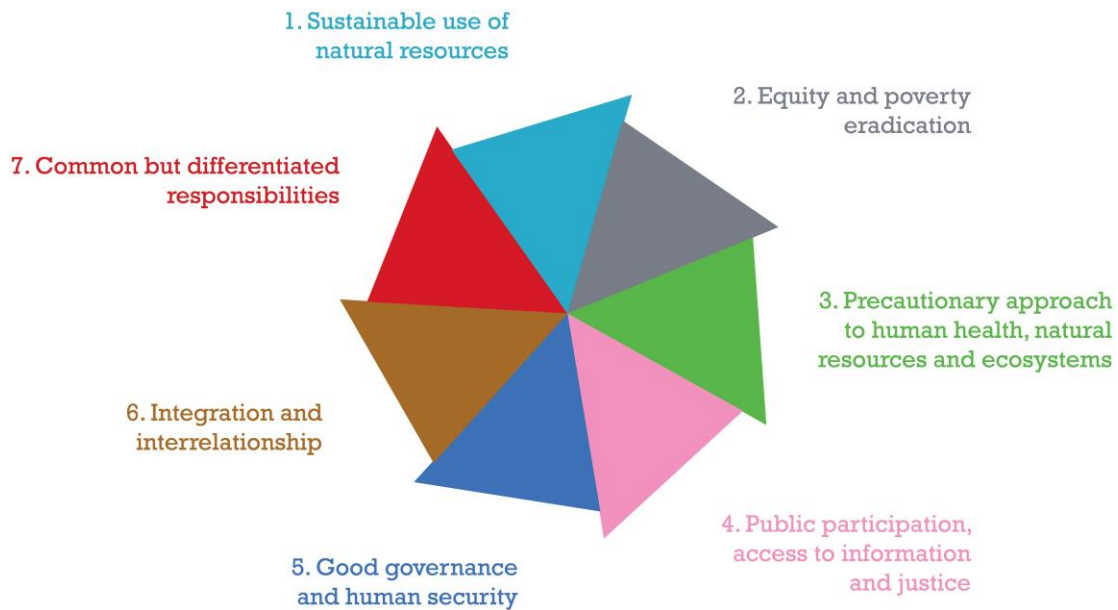
The World Future Council consists of 50 eminent global change-makers from governments, parliaments, civil society, academia, the arts and business. We work to pass on a healthy planet and just societies to our children and grandchildren with a focus on identifying and spreading effective, future-just policy solutions. The World Future Council was launched in 2007 by Jakob von Uexkull, Founder of the 'Alternative Nobel Prize'. It operates as an independent foundation under German law and finances its activities from donations.

**Achieving Future Justice**

1. Our vision of Future Justice is to change unsustainable trends and create fair conditions for future generations – starting today. Future Justice is about recognizing that the planet and people are interconnected. Current business models are driven by short term profit and stakeholder demands for immediate returns. This is additionally fuelled by a culture of bonuses and money-making at all costs – exacerbating wealth inequality as well as encouraging disregard for the environment and sustainable development. Future Justice is about adapting and changing policies to new scientific evidence, so that we can begin transforming our world. It is a path towards a more secure, just, equal and creative world.

**7 Principles for Future Just Law-making**

2. The World Future Council methodology for Future Just Lawmaking offers an innovative approach to policy analysis providing a coherent, participatory and comprehensive tool for best policy practice in sustainable development.
3. The 7 Principles are based on the 2002 International Law Association Delhi Declaration on Sustainable Development Law. They were adopted by the 192 states participating in the World Summit on Sustainable Development in 2002. The Future Just Lawmaking methodology aims to facilitate implementation of these principles. The 7 Principles reflect the interconnected nature of the challenges we face and help avoid unintended consequences and inconsistencies in our policy-making to address these challenges.
4. The methodology provides a practical tool to assist policymakers to design, amend or evaluate laws, supporting the work of national, regional and local government, international organisations, public policy institutions and civil society.



### **Principle 1: Sustainable use of natural resources.**

Our forests, minerals, oil, land and water are not limitless. Nor is the capacity of our world to absorb pollution. Overuse of natural resources and over-burdening of natural systems is becoming an increasing problem and will make life even more challenging for current and future generations.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law result in fair and sustainable use of natural resources?
- Will the law support easing of the global challenges facing all humanity, such as climate change, overfishing and biodiversity loss?
- Will the law mandate respect for nature and encourage citizens to act as its trustees?

### **Principle 2: Equity and poverty eradication**

While many people are overwhelmed with choice, billions still struggle to survive. Our economic system has tended to concentrate wealth while excluding the poor and vulnerable. Social and economic exclusion increases anxiety, wastes human potential and undermines communities. It hampers wellbeing even in rich societies and will result in instability and tension for future generations. This principle helps create societies in which people are treated with fairness and dignity.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law explicitly address poverty reduction and uphold human rights?
- Will the law improve social justice, gender equity and indigenous rights?
- Will the law acknowledge the needs of future generations, protecting opportunities for them?

### **Principle 3: Precautionary approach to human health, natural resources and ecosystems**

Humanity has already learned the consequences of unchecked pollution. Resources are wasted, ecosystems are damaged, people suffer and clean-up costs ensue. When a precautionary approach is adopted, the threat of serious irreversible harm is reduced, and technology and the economy are guided to respect human wellbeing and nature. The precautionary approach is a policy principle that saves money and saves lives.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law promote prevention and precaution in the face of scientific uncertainty?
- Will the law place the burden of proof on the economic operator to demonstrate product safety?
- Will the law give people a voice in setting an acceptable level of risk?

#### **Principle 4: Public participation, access to information and justice**

If policy makers don't talk or listen to their constituents, they are missing out on opportunities for public engagement. This means that people cannot hold their policymakers to account. Democracy and the rule of law are likely to suffer. Only with full information can people engage in responsible citizenship. Openness and transparency are fundamental to good governance. This principle is about enabling open, educated and engaged societies.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law provide procedures and opportunities for public consultation?
- Will the law mandate open access to information?
- Will the law uphold the right of appeal and the right to seek redress if citizens feel negatively impacted?

#### **Principle 5: Good governance and human security**

Armed violence and abuse of power undermine trust in institutions and authorities and promote corruption in society at large. The wasted opportunities for development and social justice from impunity, bribery and corruption are eroding secure living conditions. Respect for the rule of law, democratic principles and active post-conflict reconciliation increase people's sense of security. Stable and open democratic government means human potential can flourish.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law mandate specific institutions to implement and enforce the law?
- Will the law promote peaceful conflict resolution and reduce fear and want?
- Will the law prohibit corruption and abuse of power in its implementation?

#### **Principle 6: Integration and interrelationship**

Few problems, whether local, national or international, have simple direct causes. Poverty for example may be caused by environmental degradation, poor education, unfair economic systems, social inequalities, poor government, or more likely a combination of all these factors. Effective policies are those that consider and address all factors influencing the policy outcome, and are bold enough to cut across government departments to provide an integrated approach.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law integrate social justice, environmental protection and economic stability?
- Will the law reflect the environmental and social impacts of development?
- Will the law measurably improve environmental protection and social justice?

### **Principle 7: Common but differentiated responsibilities**

When addressing global challenges, it is clear that different societies, regions and communities are starting from different situations. While international policy-making has demonstrated the will to set common goals to address the biggest challenges, different nations should assume differing levels of responsibility for bringing the goals to life, depending on their capacities. The same may apply within nations: it is realistic to expect that wealthy partners can contribute more, especially if they profited from harmful activity.

*In order to evaluate whether this principle is being respected the following questions should be asked:*

- Will the law take into account historical inequalities when imposing obligations?
- Will the law reflect the local reality as regards technology, resources, values and traditions?
- Will the law minimise costs faced by the poorest and most vulnerable?

Further information on the 7 Principles is available here: <http://www.futurepolicy.org/6099.html>

### **Establishing a Future Generations Commissioner for Wales**

5. The Committee has considerable existing experience and evidence to draw upon. Several countries around the world have created Guardians or Commissioners for the long term, even to the point of giving them the mandate to engage in the legislative process. Information and elaboration on each of the former and current bodies, including the legislative mandate are available on our website, [www.futurejustice.org](http://www.futurejustice.org), with specific details on Hungary, New Zealand, Malta and Israel.
6. Of course each institution is different, dependent on national circumstances, socio-political systems and procedures etc. Wales will need to consider the functions and responsibilities according to existing systems and structures. With this caveat in mind, we have drawn up some key functions of the Commissioner. Given the breadth of relevant issues, reaching beyond just the environment, or sustainability, the Commissioner will need to work across disciplines and departments, encouraging others to work outside of typical silo approaches. The Commissioner will need to possess expertise in the fields of sustainable development, human rights, planning, bringing the understanding of diversity of cultures, and the heritage behind them. They will need to be guided in their work by the values of independence, transparency and public participation, fairness and objectivity, professionalism, accessibility and effectiveness.
7. Specific functions should include:  
  
To provide the leading authority and leadership to the Bill by advising the Welsh Government on long term policies and approaches of how to implement the Bill across Wales;

To provide views, recommendations and advice, with a view to supporting and coordinating commitments, actions and programmes by public bodies related to protecting the needs of future generations, implementing the Bill and meeting related indicators;

To participate in relevant forums, debates and legislative processes where relevant;

To identify, learn, assess and understand problems and future threats facing Wales and promote a long-term planning approach in policy and decision-making;

To identify and investigate gaps, weaknesses and impairment of intergenerational equity in existing legislation, activities and policies, and to make publicly available the reports of such investigations;

To provide guidance and support on implementing existing international commitments, working with the UK, Scottish Government and Northern Ireland Executive where relevant;

To build the capacity of public bodies and relevant institutions related to protecting the needs of future generations;

To collaborate and engage with public bodies, the private sector and civil society, developing partnerships where appropriate;

To investigate complaints and use judicial systems in order to safeguard the needs of future generations;

To promote and protect the realization of the right to a healthy environment of present and future generations and propose alternatives to decisions and actions that could endanger healthy environments and sustainability for future generations;

To engage with scientific bodies and academic institutions to promote research and technical exchange relevant to protecting the needs of future generations;

To promote public participation by encouraging public bodies to offer full and open engagement on key decisions, facilitating their involvement where possible with a particular emphasis on encouraging the participation of youth and vulnerable groups;

To develop and coordinate educational and informational programmes relevant to the Commissioner's mission, with a particular emphasis on educating youth and vulnerable groups;

To report annually to the Welsh Government on progress towards and challenges facing efforts to implement the Bill.

8. Based upon our ongoing research, the World Future Council has identified a number of defining characteristics, which help to ensure optimal impact and accountability of these institutions:
  - a) The Commissioner should be *independent*, and seen to be impartial and unbiased. The Commissioner should not hold any another post. The Commissioner's office should be legally independent.
  - b) The Commissioner's office should be *effective*; its decisions should be legally binding and it should be resourced to sufficiently carry out its duties.
  - c) The Commissioner's office should be *transparent*; it needs a clear and direct mandate and should report annually to the National Assembly for Wales on its work and findings, with the opportunity for Assembly Members and representatives from outside the Assembly to raise questions.
  - d) The Commissioner's office should be *legitimate* by democratic standards, (as is currently the case since the position is part of the proposed Bill). The individual should be selected and appointed by the National Assembly for Wales.
  - e) The Commissioner should have *access to information*; it needs extensive authority to request whatever files are deemed relevant.

- f) The Commissioner's office should be *accessible for integrative assessments*; it should allow for institutionalized and inclusive input and assessment, with full, open access from civil society.

### **Key Elements of the Parliamentary Commissioner for Future Generations in Hungary**

*"In order to ensure the protection of the fundamental right to healthy environment Parliament shall elect the Parliamentary Commissioner for Future Generations as special ombudsman."* Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights<sup>1</sup>

Established in 2008, the Commissioner performed three duties: complaints investigation, parliamentary advocacy and strategic development and research. Investigations were the core of the Commissioner's activities. The Commissioner possessed effective legal means with which to not only influence the conscience and goodwill of society and decision makers, but also to establish the potential for enforcing legal remedy in the case of decisions concerning the environment. In this sphere the Commissioner was able to conduct official investigations and probes into the received notices. In the case of the environment being endangered, actively, or by default, the Commissioner could order termination of all damaging practices. If the practices did not stop, the Commissioner could initiate authorial measures, take legal proceedings and could establish a summary offence or criminal information. The Commissioner could call upon authorities to carry out environmental measures, and where necessary, turn to the senior echelons of that authority. In order to complete his tasks, the Commissioner could request information and data on any questions related to the environment and its protection.

He could issue general recommendations. He could express an opinion on the drafts of statutory instruments and other governmental motions, on the long term plans and concepts of local governments and on the obligatory effect of international agreements. The Commissioner gave considerable time and attention to the matter of procedural rights, such as public access to and the quality of environmental information and the framework of and opportunities for genuine public participation. In this regard, he was a leading defender and enforcer of the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

For further information, please contact:

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