

Describe the Well-being of Future Generations (Wales) Act 2015 and consider how it might aspire to improve the social and cultural well-being of Wales

This essay describes the Well-being of Future Generations (Wales) Act 2015 (the Act) and gives consideration to the ways that the Act may aspire to improving the social and cultural wellbeing of Wales.

The background to the Act is explored, and the main features of the Act and its impact on public policy in Wales is described. The Act as it applies only to Wales, and the statutory role of the Welsh Government and Welsh public bodies in sustainable development is considered, and the concept of sustainable communities and the role of the individual is also examined. The role of the Future Generations Commissioner is also described. The definition and historic context of sustainable development is described and its relevance to the aspirations of the Act appraised in terms of equity for current and future generations. Consideration is also given to the effectiveness of the Act and whether aspirations are realistic and therefore can be converted to enforceable and meaningful policies.

The Well-being of Future Generations (Wales) Act 2015 (the Act) became effective on 1st April 2016, bringing into Welsh legislation a unique law which requires the safeguarding of the well-being of yet to be born citizens of Wales (Davies, 2016). Although several countries, including Malta and Hungary, and a number of Canadian states and Australian territories have measures aimed at sustainable development, the Welsh Act is the first which imposes an explicit duty on public bodies towards future generations; the Act also defines Wales in terms of its' global responsibility (Davies, 2016). The Act can also be considered part of a strategic policy for overall improvement of Wales' residents well-being, as Wales is also the first country to require public bodies to undertake statutory Health Impact Assessments (HIA's) under the Public Health Wales Act, 2017, placing such assessments on an equal footing with Environmental Impact Assessments (EIA's) which are compulsory under EU law (Owen, 2017). St. Denny (2016) suggests that unique laws such as the Well-being of Future Generations (Wales) Act 2015 and the Public Health Wales Act 2017 demonstrates a "Dragonization" (p.1) of devolved legislation; that is laws which are distinct from those of the other UK nations. On its royal approval the United Nations' (UN) Director of the Division for Sustainable Development of the Department of Economic and Social Affairs stated:

The Wales future generations Act captures the spirit and essence of two decades of United Nations work in the area of sustainable development and serves as a model for other regions and countries. ‘One Wales, One Planet’, captures it all. We hope that what Wales is doing today the world will do tomorrow. Action, more than words, is the hope for our current and future generations (Welsh Government, 2015).

The reference by the UN Director to ‘One Wales, One Planet’ is to the Sustainable Development Plan of the Welsh Assembly Government (WAG: now the Welsh Government) which was published in 2009 and which laid the foundations for the development of the Well-being of Future Generations (Wales) Act 2015 (Welsh Government, 2009). ‘One Wales, One Planet’ was the WAG’s response to a statutory duty placed on the Welsh Government, by virtue of section 79 of the Government of Wales Act 2006, which stated that “Welsh Ministers must make a scheme, in the exercise of their functions, setting out how they propose to promote sustainable development” (Davies, 2016, p42.). The 2006 Act was legislation which founded the devolved administration of Wales, placing the statutory duty as a core responsibility in the exercise of the government’s functions which, in itself is distinctive, as this places Wales amongst some of the very few administrations on the planet with such a duty (Welsh Government, 2009).

In order to mould the Bill which would become the new Act, the Welsh Government undertook a series of nationwide consultations, described as ‘conversations’, over a period of a year entitled ‘The Wales we Want’ (Cynnal Cymru, 2015). This led to spin off ‘conversations’ such as ‘the Llanelli we Want’ and the ‘Carmarthenshire we Want’ which further informed the content of the Bill (Cynnal Cymru, 2015) which became the 2015 Act.

The terms well-being and sustainable development are core to the WFGA 2015 and therefore these will be explored.

The term well-being is highly subjective and there are numerous definitions of the concept (Dodge et al, 2012). ‘One Wales, One Planet’ (p.19) defines well-being as:

A positive physical, social and mental state; it is not just the absence of pain, discomfort and incapacity. It requires that basic needs are met, that individuals have a sense of purpose, that they feel able to achieve important personal goals and participate in society. It is enhanced by conditions that include supportive personal relationships, strong and inclusive communities, good health, financial and personal security, rewarding employment and a healthy and attractive environment.

The concept of wellbeing is closely linked with other abstract concepts such as happiness and quality of life (United Nations, 2018).

Similarly, there is no absolute definition of sustainability, which is itself an abstraction (Caradonna, 2014). The most widely accepted definition of the term sustainable development derives from the work of the 1987 United Nations Commission on Environment and Development and its influential report 'Our Common Future' (1987), commonly referred to as the Brundtland Report (Brundtland) after its president, G.H. Brundtland (Giddens and Sutton, 2018). Brundtland introduced the widely adopted vision of sustainable development; "development which meets the needs of the present without compromising the ability of future generations to meet their own needs" (Giddens and Sutton, 2018 p.61; Brundtland, 1987). Brundtland's model of sustainable development is based on three pillars, often represented as a portico; economic, environmental and social, covering areas of well-being, ecology and equity (Joenssen, 2015). A fourth pillar, culture, has been added to Brundtland's model to reflect the importance of cultural identities in social stability (Willard, 2010).

The Brundtland Commission advanced the agenda of the 1972 UN Conference on the Human Environment which advocated the "rights of the human family to a healthy and productive environment" (Brundtland, 1987, p6). The influence on the Brundtland definition has been significant in influencing national and international policy, specifically in the binary approach to equity between generations (intra-generational) and between current and future generations (inter-generational) whereby equity is an ethical abstraction symbolizing fairness (Summers and Smith, 2014).

Currently, under its Agenda 21 policy, the United Nations (UN, 2018) has developed seventeen sustainable development goals (SDG's), within which lie one hundred and sixty nine targets; target three relates to health and wellbeing which aims to reduce poverty and inequality in so called emerging economies, and to address. Although these targets have been criticized as rambling and ill conceived (Economist, 2015), they have been influential in moulding the contents of the Well-being of Future Generations Act 2015, although the Welsh Act has just seven goals, which are described below.

The Welsh Government (2016) states that the Well-being of Future Generations (Wales) Act 2015 (the Act) is about "improving the social, economic, environmental and cultural well-being of Wales".

The Act intends to address the need to ensure that current and future Welsh citizens have a decent quality of life, and to meet the challenges of an ageing population, areas of health inequality and economic inactivity and poverty (Wales Council for Voluntary Action, 2017).

In pursuit of these aims the Act establishes seven well-being goals; a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language and a globally responsible Wales (Welsh Government, 2016).

A principle of the Act is the requirement of public bodies in Wales to consider the long-term impact of their decision making, to collaborate better with each other, communities and individuals, and to work to prevent chronic problems such as poverty, health inequality and globally relevant environmental issues such as climate change (Future Generations Commissioner for Wales, 2018). There is an obligation on 44 named public bodies that are required to work together in order to meet the sustainable development principle (Welsh Government, 2016).

Several new bureaucratic structures are established under the Act; Public Service Boards and the post of the Future Generations Commissioner for Wales (Well-being of Future Generations (Wales) Act 2015).

In each local authority area, a Public Service Board (PSB) is established under the Act, superseding a voluntary equivalent (Welsh Government, 2018). Each PSB is required to follow the sustainable development principle to “assess the state of economic, social, environmental and cultural well-being in its area” (Welsh Government, 2018), clearly demonstrating the connection to the Brundtland principles. In addition, the PSB must “set objectives that are designed to maximise the PSB’s contribution to the well-being goals” (Welsh Government, 2018). These must be written into a ‘Wellbeing Plan’ which must be published, and a progress report published annually (Welsh Local Government Association, 2018). There are four statutory members on each PSB; the local authority, the Local Health Board, local Fire and Rescue Authority and Natural Resource Wales. In addition to the statutory membership, the PSB must invite a range of other stakeholders to participate, though their participation is not compulsory; Welsh Ministers, Chief Constables, the Police and Crime Commissioner, Probation and a body representing the voluntary sector. The PSB is also able to invite other relevant partners (Welsh Government, 2018).

The role of the Future Generations Commissioner (the Commissioner) is an interesting one, since the primary aim is not on the living, but on the yet to exist. The role description is “to be the guardian of future generation” (Future Generations Commissioner for Wales, 2018).

In addition to the primary role, the Commissioner’s role description also sets out a range of activities that falls within the remit of the post: these include being able to assist those public bodies specified in the Act to work towards achieving the well-being goals by encouraging them to take more account of the long-term impact of their day to day activities, advising PSB’s on preparation of the Well-being Plan, undertaking research, conducting reviews and making recommendations concerning on how public bodies are performing in their activities to meet the well-being objectives (Welsh Government, 2015).

The Commissioner must prepare and publish a Well-Being Report every five years to demonstrate the improvements that public bodies have made in pursuit of the statutory objective, and to make recommendations as to possible improvements (Welsh Government, 2015). The *de-facto* powers of the Commissioner, however, are limited.

The role of the Commissioner might be considered idealised because the focus is on the future; however, in 2017 the meaningfulness of this role came under scrutiny in the first test of the authority of the Office of Commissioner and of the sustainable development principles behind the Well-being of Future Generations (Wales) Act 2015 (Brooks, 2017). The Commissioner, Sophie Howe, questioned the consultation process of a number of development plans, including a proposal for an advanced semi-conductor technology centre in Newport which would inject £38 million into the Welsh economy (BBC, 2018), and the proposed M4 relief road near Newport (Meechan, 2017). The Chairman of the Confederation of British Industry (CBI), Mike Plaut stated that the role of the Commissioner and the Act itself requires reconsideration because the focus is on public bodies and does not take account of the needs of business (Meechan, 2017). Furthermore, the Commissioner has been accused of favouring the environmental pillar of the sustainable development principles over the economic, and therefore over jobs; a Brundtland principle is that there needs to be a healthy relationship between the social, economic and environmental, and cultural (Murphy, 2014). However, Brooks (2017) suggests that the distinction between the need for economic development and environmental and social concerns are not mutually exclusive, and the temptation to meddle in the Commissioners role, and in the principles of the Act should be resisted. The Commissioner

has responded that it would be expected that the Act would “be challenged by those working within the status quo” (Meechan, 2017).

The focus on improving the social and cultural wellbeing of Wales for the benefit of current and future generations is an example of concern for intra-generational and inter-generational equity (Willetts, 2010). Equity, when considering the context of sustainable development, is concerned with the concept of fairness and social justice; whether all humans have an inalienable right to a reasonable quality of life through having their basic needs met (Willetts, 2010). Summers and Smith (2014, p.718) describe four main elements in human well-being; “basic human needs, economic needs, environmental needs and subjective well-being”. Intragenerational equity in this perspective relates to a community view; a community being anything from a neighbourhood, village, town, city country or between nations (Willetts, 2010). Communities which are sustainable require the use of community capital; that is the built, social, natural and human resources; consequently, welfare policies aimed at health, education, crime prevention, the natural and built environment and international relations, support and relief are aimed at greater equity increasing resilience and sustainability and having a positive effect on the quality of life of its citizens (Callaghan and Cotton, 2007)

Weiss (2013, p8) proposed a widely accepted definition of intergenerational equity as one in which humans “hold the natural and cultural environment of the Earth in common, both with other members of the present generations, past and future”. In contemporary discourse on sustainable development there is an increasing emphasis on achieving intergenerational equity, and a greater understanding that life outcomes such as poverty and well-being, and poor education and health may be transmitted across the generations (Onuzo et al, 2013).

Some commentators, believe however, that sustainability as it is currently understood is not possible to achieve, due in part to the nature of natural entropy, and the scarcity and exhaustibility of resources (Vojnovic, 2009). Furthermore, although most people agree with the premise of sustainability such as the need to reduce use of plastics, to recycle, the conservation of energy resources, the natural environment and of animals, tackling global warming and so on, the majority are ‘shallow ecologists’, due to cultural attachment to consumerism and capitalism (Drengson, 2013). There is reliance on the belief that technological development and interventions of the markets in developing solutions such as electric cars, and wind and solar power will achieve sustainability (Emetumah, 2017).

However, there is some evidence that individuals are taking more responsibility, with for example Wales having one of the highest recycling rates in Europe (Welsh Government, 2017; Priestly, 2016).

Finally, although the Well-being of Future Generations (Wales) Act has been in force for two years, there are calls for public bodies to be more adventurous, ambitious and resourceful, and good intentions must be translated to action if the objectives of the Act are to be fulfilled (Dickins, 2018).

In conclusion therefore, the Well-being of Future Generations (Wales) Act 2015 is a unique law encompassing concepts of sustainable development and intergenerational equity. The Act established a sustainability objective and seven goals, requiring public bodies in Wales to take a long-term view of the impact of their activities, and to communicate more effectively. Public Service Boards were established to drive local implementation and a new office of Future Generations Commissioner was established and the Wales Audit Office given a role in monitoring and evaluating the achievements of public bodies under the Act. Whilst most people would endorse the principles behind the Act, there are several areas of resistance to the effectiveness of the Act, including the belief that technology will provide answers, but also that there may be conflict between economic needs and social needs, although some argue that these are not mutually exclusive.

Reference List:

Brooks (2017) 'Land of the Pulled Punches: A Response to the CBI'. Available at: <https://www.iwa.wales/click/2017/10/land-pulled-punch-response-cbi/> (Accessed 29th November 2018).

Brundtland, G. (1987) *Report of the World Commission on Environment and Development: Our Common Future*. United Nations: Available at: <http://www.un.documents.net/wced.ocf.htm> (Accessed 18th November 2018).

Caradonna, J.L. (2014) *Sustainability: A History*. Oxford: Oxford University Press.

Cynnal Cymru (2015) *The Wales we Want National Conversation*. Available at: <https://www.cynnalcymru/project/the-wales-we-want/> (Accessed 17th November 2018).

Dalile, B. (2017) *Environmental Ethics: Between Anthropocentrism and Ecocentrism*. Available at:

https://www.academia.edu/1476524/Environmental_Ethics_Between_Anthropocentrism_and_Ecocentrism (Accessed 28th November 2018).

Davies, H. (2016) 'The Well-being of Future Generations (Wales) Act 2015: Duties or Aspirations. *Environmental Law Review*, 18(1), pp. 41-56. Available at: DOI: 10.1177/1461452916631889. (Accessed 16th November 2018).

Dickins, S. (2018) 'What has the Future Generations Act done for Wales? *BBC*. 10th May. (Available at: <https://www.bbc.co.uk/news/uk-wales-440737725>. (Accessed 30th November 2018).

Dodge, R. et al. (2012) 'The Challenge of Defining Wellbeing. *International Journal of Wellbeing*, 2(3), pp. 222-235. DOI: 10.5502/ijw.v2i3.4 (Accessed 28th November 2018).

Drengson, A (2013) 'Some thought on the Deep Ecology Movement' *Deep Ecology*. Available at: <http://www.deepecology.org/deepecology.html> (Accessed 24th November 2018).

The Economist (2015) 'The 169 Commandments'. Available at: <https://www.economist.com/leaders/2015/03/26/the-169-commandments>. (Accessed 27th November 2018).

Emetumah, F. (2017) 'Modern Perspectives on Environmentalism: Ecocentrism and Technocentrism in the Nigerian Context'. *Asian Research Journal of Arts and Social Science*. Vol. 2(4) pp. 1-9: Available at: <https://www.researchgate.net/Faisal-Emetumah/publications/316156644> (Accessed 29th November 2018).

Future Generations Commissioner for Wales (2018) *Acting Today for a Better Tomorrow*. Available at: <http://www.futuregenerations.wales>. (Accessed 18th November 2018).

Giddens, A. and Sutton, P. (2018) *Essential Concepts in Sociology*. Cambridge. Polity Press.

Joensson, C. (2015) *Our Common Future: A critique of the Brundtland Report*: Available at: <https://www.studocu.com/eh-gb/document/murdoch-university/introduction-to-sustainable-development/essays/essay-our-common-future-a-critique-of-the-brundtland-report> (Accessed 28th November 2018).

Meechan, B (2017) 'CBI Wales Criticises Negative Future Generations Commission. *BBC*. 11 October. Available at: <https://www.bbc.co.uk/news/uk-wales.41558077>. (Accessed 30th November 2018).

Murphy, K. (2014) 'The Social Pillar of Sustainable Development: A Literature Review and Framework for Policy Analysis'. *ITB Journal*, Available at: DOI:10.21427/D7PX60. (Accessed 29th November 2018).

Onuzo, U. et al. (2013) 'Intergenerational Equity: Understanding the Linkages Between Parents and Children: A Systematic Review.' *UNICEF/London School of Economics and Political Sciences*. Available at: https://www.unicef.org/socialpolicy/files/LSE_Capstone_Intergenerational_Equity.pdf (Accessed 29th November 2018).

Owen, R. (2017) 'Wales is Leading the World With its New Public Health Law'. *The Independent*. 5th June. Available at: <https://www.independent.co.uk/life-style/health-and-families/wales-is-leading-the-world-with-itsnew-public-health-law-a7766836.html>. (Accessed 16th November 2018).

Portes, J. (2014) 'Intergenerational and Intragenerational Equity'. *National Institute of Economic Review*. Vol.227, Issue 1, February 6th, pp. F4-F11. Available at: DOI:10.117/002795011422700110 (Accessed 20th November 2018)

Priestly, S. (2016) *Household Recycling in the UK*. Available at: https://www.legco.gov.uk/general/english/library_household_recycling.pdf (Accessed 20th November 2018).

Public Health (Wales) Act (2017) (anaw 2). Available at: <http://www.legislation.gov.uk/anaw/2017/2/contents/enacted>. (Accessed 21st November 2018).

St. Denny, E. (2016) 'What does it mean for public policy to be made in Wales? *London School of Economics and Political Science* [blog]. October 19th. Available at: <http://www.blogs.lse.ac.uk/politicsandpolicy/what-does-it-mean-for-public-policy-to-be-made-in-wales/> (Accessed 18th November 2018).

Summers, J. and Smith, L. (2014) 'The Role of Social and Intergenerational Equity in Making Changes in Human Well-being Sustainable. *Ambio*. October. Vol. 43(6), pp.718-728. DOI:10.1007/s13280-013-0483-6. (Accessed 20th November 2018).

United Nations (2018) *International Day of Happiness: Measuring Well-being*. Available at: <http://www.research.un.org/en/happiness>. (Accessed 21st November 2018).

Vojnovic, I. (2009) 'Intergenerational and Intragenerational Equity Requirements for Sustainability. *Cambridge Core*. Vol.22, Issue 3, Autumn, pp.223-228.
DOI:10.1017/S0376892900010626 (Accessed 18th November 2018).

Wales Council for Voluntary Action (2017) *The Goals of the Well-being of Future Generations Act 2015*. Available at: <https://www.wcva.org.uk/media/5636168/the-goals-of-the-wellbeing-of-future-generation-act-2015.pdf> (Accessed 16th November 2018).

Weiss, E. (2013) 'Climate Change, Intergenerational Equity and International Law'. *Vermont Journal of Environmental Law*, Vol.9, Ch.6 pp.615-627. Available at: <http://www.vjel.vermontlaw.edu/files/2013/06/Climate-Change-Intergenerational-Equity-and-International-Law.pdf> (Accessed 24th November 2018).

Welsh Government (2014) *The Wales we Want by 2050: A Welsh Society's Commitment to a Better Quality of Life for Future Generations*. Available at: <https://gov.wales/docs/dsjlg/publications/140218-wales-we-want.pdf> (Accessed 20th November 2018).

Welsh Government (2015) 'What Wales is doing today the World will do tomorrow'-United Nations. Available at: <https://www.gov.wales/newsroom/environment-and-countryside/2015/150429-future-generations-act/?lang=en>. (Accessed 28th November 2018).

Welsh Government (2016) *Shared Purpose: Shared Future. Statutory Guidance on the Well-being of Future Generations Act 2015*. Available at: <https://www.gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf> (Accessed 20th November 2018).

Welsh Government (2016) *A Guide to the Well-being of Future Generations Act 2015*. Available at: <https://gov.wales/docs/dsjlg/publications/160401-wfg-read-en.pdf> (Accessed 14th November 2018).

Welsh Government (2018) *Public Service Boards*. Available at: <https://gov.wales/topics/improvingpublicservices/public-service-boards/?lang=en> (Accessed 27th November 2018).

Well-being of Future Generations (Wales) Act (2015) (anaw2). Available at: <https://legislation.gov.uk/anaw/2015/2/contents/enacted> (Accessed 17th November 2018).

Willetts, D. (2010) *The Pinch: How the Baby Boomers Took Their Children's Future-And Why They Should Give it Back*. London: Atlantic Books.