

## Annex A6: Summary of Complementary Legislation

Examples of existing acts which could be particularly relevant to the WSD Bill are the Sustainable Procurement (Scotland) Act 2014 which contains a duty to consider the environmental, social and economic impacts in Scotland. Procurement was seen to be an important area by stakeholders. The WSD Bill might influence the current sustainable procurement duty to include global impacts and for procurement to be based on enhancing PCSD. The Climate Change (Scotland) Act 2019 contains a duty to mainstream sustainable development (see section X which covers the learning from existing duties).

- National Planning Framework 4 - To put planning at the heart of delivering green, inclusive and long-term sustainable development.<sup>1</sup>

Some of the outcomes of NP4 include improving the health and wellbeing of the people of Scotland, meeting climate targets and contributing positively to biodiversity.<sup>2</sup> It ought to be made a priority to ensure that (as framed in Wales) - efforts to improve outcomes in Scotland should consider whether such actions have a positive contribution globally. Stakeholders noted that NPF4 is about managing land over the long-term interest which is mirrored in the WFG Act in Wales.

- Circular Economy Bill - 'We will bring forward a Circular Economy Bill, later in this parliamentary session'. This bill is about reducing demand for raw materials and encouraging reuse, recycling and repair<sup>3</sup>
- The Good Food Nation (Scotland) Bill - currently at Stage 1 - remit of Rural Affairs, Islands and Natural Environment Committee. Requires Ministers and public bodies to create Good Food Nation Plans.

In response to the GFN consultation the Scottish Food Coalition (SFC) and the Scottish Human Rights Commission (SHRC) are calling for the Bill to enhance PCSD and consider the global nature of the food system and enshrine the right to food based on a human-rights approach.

The SHRC states issues related to food are dealt with in 'policy silos' and propose that framework legislation could help to address this, however the Bill as introduced will not currently achieve policies to take full account of all relevant issues<sup>4</sup>.

The SFC states:

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<https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/document/s/>

2 <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/pages/7/>

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<https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/document/s/>

4 ADD LINK to response

The Bill must enable Policy Coherence for Sustainable Development (PCSD), reading across the whole of government (agriculture, waste, fisheries, health, environment, climate change and biodiversity, social justice, social care, animal welfare, procurement, land reform, islands, planning, skills and training, community empowerment, transport, enterprise, trade, international development and tourism).

They propose that additional parliamentary committees should have input on the bill given its relevance to their remit: Health and Sport, Equalities, Human Rights and Civil Justice and Local Government and Communities Committees.

**Point of consideration:** It would likely be even more important for the WSD Bill to have cross-committee input.

It is suggested the GFN bill should act as a 'crosscutting' holistic approach as 'framework legislation'. This is also an option for the purpose of the WSD Bill.

The SFC and SHRC proposals for accountability and monitoring for the GFN bill align with those of the Scottish Food Commission around the need for an independent statutory body to ensure delivery. However, 'the draft Bill does not reflect that recommendation and, combined with the Bill's other weaknesses... it is not clear how bodies with duties under the proposed legislation can be held accountable'<sup>5</sup>.

**Point of consideration:** The debates around accountability and the need for a statutory body for the GFN could be used as an indication of current political priorities in Government. The GFN bill should be monitored as it progresses and there are likely to be productive alliances to be made with the SFC as a lobbying body. (see Section X)

The SHRC and SFC responses also point to the importance of global dimensions for the Bill.

*The Bill - and the national food plan it mandates - must take account of the extraterritorial impact of Scotland's food system.*

In summary their responses state:

- The wording of the bill refers only to national impacts - the impacts of food system are global
- Impact of our consumption here has impacts on people in other countries - this should be part of our approach to food
- Must consider impacts of our exports
- Issues with food require an international response as well as a national response
- The bill should align with the SDGs
- Transformation of the food system is needed to deliver the SDGs
- There should be high level targets aligned to the SDGs and the NPF - similar to Fuel Poverty (TDS) (Scotland) Act 2019 and Climate Change (ERT) (Scotland) Act - including measuring the environmental impact of food system including Scotland's global footprint

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<sup>5</sup> ADD link to response

**Point of consideration:** Could the WSD Bill act as a way to collate existing targets across existing and upcoming legislation that would create a holistic set of targets. Alternatively proposals for new targets may be needed.

- Human Rights

Analysis of the WFG Act in Wales shows that whilst there are ‘connections’ to human rights, the latter are not interchangeable with wellbeing. Wellbeing should not be seen as a substitute for human rights and the aims of human rights differ from those of the WFG Act. The Act’s goals are ‘ broad and aspirational’ whereas human rights are ‘more direct and specific’. Human rights often enable more ‘tangible’ objectives for policy and stronger accountability when given legal effect.<sup>6</sup> However the mechanisms for delivery of the WFG Act (e.g. planning and services) could be seen as mechanisms for implementing human rights at a local level.

Future consideration is needed of possible connections to human rights in the WSD Bill, which was a stakeholder perspective that we could not cover in our work for different reasons. One of the issues to consider is how the WSD Bill might influence decision making regarding the balance of the human rights of people in Scotland and those of future generations and people outside of Scotland. The SNP/Green government have committed to embedding a human rights approach within all international development work<sup>7</sup>.

The SHRC response to the GFN is a useful example of arguments that could be made for a human-rights approach to the WSD Bill. They argue any legislation introduced nationally should recognise commitments to international human rights obligations:

*Scotland’s National Taskforce on Human Rights Leadership has recommended that a number of international human rights be incorporated into national law, including the right to food, which the Scottish Government has committed to doing. Legislation passed now should therefore be drafted in recognition of the binding requirements of ICESCR and in anticipation of that incorporation.*

In assessing the legislation, the SHRC uses the PANEL principles. The first of these is ‘participation’ and they are calling for the GFN to include stronger participation mechanisms including consideration of the use of citizen’s assemblies at national and local levels.

**Point of consideration:** the call for strong participatory mechanisms in the GFN Bill is likely to mirror the call for similar mechanisms in the WSD Bill. (see Section X)

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<sup>6</sup> ADD REF

<sup>7</sup> ADD REF