



Dr Valerie Wilms

Member of the German Bundestag

Berlin, 04.04.2014

**The theory and practice of the institutionalisation of sustainability at the
German Bundestag**

- Speech to be given on 24.04.2014 at the Hungarian parliament in Budapest -

Mr Szabò, colleagues from the Hungarian parliament, colleagues who have travelled from other national parliaments to be here, ladies and gentlemen,

Today's event is the first step towards cross-border cooperation in the spirit of the Rio Agenda. I would like to thank Mr Szabò and the Hungarian parliament for their readiness to launch this initiative.

I intend to explain to you how sustainability is institutionalised at the German Parliament, the Bundestag. I shall begin by giving you a short history of this process of institutionalisation.

As we all know, the states parties agreed at the United Nations conference in 1992 that national policymaking should no longer be pursued at the expense of future generations. They committed themselves to achieving consistency between environmental and development policy. Ecosystems were to be respected and developing countries allowed a necessary level of economic growth, in order to free people from poverty, hunger, illness and illiteracy.

In Germany, a Study Commission examined the realisation of these principles and, in 1998, it presented its "Concept of Sustainability". Later, an expert report commissioned by the Bundestag analysed the implementation of sustainability within Government and Parliament. A position was created at the Federal Chancellery and, in 2001, the Council for Sustainable Development was set up. Its 13 members, since

expanded to 15, were "public figures", i.e. business people, academics and representatives from environmental and development associations.

Following intense discussion, the first Sustainability Strategy was presented, with concrete objectives for 21 indicators to be achieved within specific timeframes.

In 2004, after further intensive debates within the Bundestag, the Parliamentary Advisory Council on Sustainable Development was established. I have been a member of this Council since 2009, acting as spokeswoman of the Green parliamentary group. It was also proposed that sustainability be addressed in all the different committees, with specific members of the committees being named as rapporteurs. Due to committee procedure, however, these rapporteurs would simply have been entitled to speak on the Sustainability Strategy, rather than being able to examine in general the sustainability of motions or bills. That is why we decided to create a separate institutional structure for sustainability, by creating a special body.

So how is the Parliamentary Advisory Council on Sustainable Development intended to work? And what impact does it have in practice?

(1) The decision establishing the Advisory Council

After every Bundestag election, sufficient members of parliament interested in re-establishing the Advisory Council in the new electoral term have to be found. So far, this has always been possible. It does mean, though, that the body would cease to exist if there was insufficient interest. After the last elections, there was a long delay. There was hardly anybody in the parliamentary groups who felt responsible for this topic and even less people who might have known how to word the decision re-establishing the Advisory Council. As the Council has developed over time, simply adopting the wording of the old decision would not have been sufficient.

And because the responsible people were no longer there, know-how on the procedures for establishing the Advisory Council was also missing. The only reason it actually worked this time was because we had already informally drafted a motion for the Council's re-establishment before the elections. In the end, this motion was accepted by all parliamentary groups without amendments and indeed without discussion.

Only once the motion for establishment has been adopted does the Advisory Council gain its powers, which I will talk about in a minute.

(2) The members

The number of members in the Parliamentary Advisory Council on Sustainable Development varies from one electoral term to the next. At present, there are 17 members. Every member is also active in at least one of the regular committees.

This has both advantages and disadvantages. Ideally, every committee ought to be represented by at least one member; this would give the Advisory Council the widest possible spectrum of expertise, since it takes an interdisciplinary approach. It does not have its own separate subject area. Instead, it deals with the Federal Government's sustainability policy, which involves all areas, and thus all the committees. The Advisory Council has the right to take the initiative in putting things on its own agenda, regardless of which committee has the lead responsibility. I will speak later about the substantive work itself and the topics covered.

The disadvantage is that, since the members of the Advisory Council are also involved in the work of the committees, the Council tends to take second place. In addition, there are currently so few support staff available in the parliamentary administration, the parliamentary groups and Members' offices that capacities are insufficient to deal with issues in depth. As I say, though, I shall speak about the issues themselves in a minute.

(3) The regular duties of the Advisory Council

The Council's duties are set out in the decision establishing it. In summary, its mandate includes the following:

Monitoring the Federal Government's Sustainability Strategy at national, European and international level.

This includes in particular:

Regularly monitoring at national level the National Sustainability Strategy, which is re-launched every four years. Since the Advisory Council works on the basis of consensus, intensive and lengthy coordination with all the parliamentary groups at the Bundestag is needed. The Federal Government takes the opinions of the Council very seriously. Discussions often take place on which indicators ought to be replaced by others and especially the fact that the goals for 2015 or 2020 should be extended for the period until 2030 or, if possible, until 2050. I will not go into the substantive discussions on this issue due to lack of time.

At **European level**, the main issue the Advisory Council deals with is the ESDS, the European Sustainable Development Strategy. Since 2009, however, not a great deal has happened with regard to the Strategy, though it was intended to have been comprehensively reviewed and adopted for the future in 2011. Cross-party support exists within the Council for the Federal Government's aim of ensuring that the strategy is updated and used as an overarching strategy for all future strategies. This would include the Europe 2020 strategy on growth and employment. "Greening the European Semester" is by no means sufficient. Here too, I am unable to go into detail due to lack of time. I should mention, however, that the European Commission and the Members of the European Parliament know very little about the ESDS and the options it presents.

At **international level**, the Advisory Council monitors the post-Rio process, particularly the drafting of the Sustainable Development Goals, or SDGs. I assume that you are all very familiar with this process, so I need only mention the fact that the Council is also involved in monitoring it, though only to a small extent. There are two reasons for this:

In formulating its position, the Federal Government regularly consults all relevant interest groups which are active at global level, as well as representatives from the regions (*Länder* and local authorities); the government does this well without parliamentary support. As a member of the smallest opposition party, this is something positive which I have to recognise.

The Advisory Council is currently in the process of re-organising itself after the long break due to the elections. We will not be able to formulate our position in time, since we work on the basis of consensus between all the parties represented in the Bundestag. It takes months to reach a position based on consensus.

But what all of us sitting here should try and achieve is the institutionalisation of sustainability in parliaments in all United Nations states parties. After all, global goals are positive in themselves, but they need institutions to implement them.

And now I should like to talk about another important task, which is fairly new – **monitoring how sustainability is evaluated in the framework of regulatory impact assessments**. It was the Advisory Council which originally called on the Federal Government to assess every bill and every regulation from the perspective of sus-

tainable development. From 2009 onwards, the ministries have been obliged to do so by means of the "Joint Rules of Procedure of the Federal Ministries".

Since this point, the Advisory Council has made sure that the ministries fulfil this duty. It has developed special procedures for evaluating this sustainability assessment in Parliament. If, for example, the bill or regulation does not give any information about the sustainability assessment, or the Council views the sustainability assessment as incomplete, it asks the lead committee to enquire at the relevant ministry in the framework of its deliberations. In the early days, the summoning of a state secretary sometimes created a stir in the responsible specialist committee. More recently, however, the opinions of the Council have tended not to attract much attention.

That is why we have now decided in the Advisory Council that every Committee will be obliged to react in writing to the opinions we issue. Of course, this is not sufficient. The Council will therefore deliberate during this electoral term on how sustainability assessment can be further developed, so that it becomes more of a substantive assessment. This is in effect equivalent to trying to square the circle. How are the opposition parliamentary groups to persuade the government parliamentary groups that they should judge their own draft law as lacking in terms of sustainability? In my opinion, the Council's consensus-based approach is in danger here. If we were to abandon this approach, however, a decision taken by the Council would not be worth any more than that of any of the committees asked for their opinion. This is the key issue in sustainability work. It provides plenty of scope for discussions. Perhaps this event will also generate ideas on how this "squaring of the circle" can be achieved. I look forward to this.

(4) The topics and positions

Finally, I would like to talk about the topics we deal with. The Advisory Council can intervene in the legislative process on issues connected with sustainable development at any point by providing expert opinions.

In addition, it can deliberate on topics which it views as important but which are not being discussed in the committees.

One brief example to illustrate this: as you know, Germany has committed itself to phasing out nuclear energy. At the same time, however, official export guarantees are still being provided on the basis of OECD criteria which allow support for the construction of nuclear power plants abroad. The Advisory Council thus decided, with

backing from all the parliamentary groups, that these official export guarantees should no longer be given for nuclear power plants. It addressed this resolution to the responsible Economics Minister. A binding decision by the German Bundestag would not have been possible.

Unusually, however, this was picked up by the media. They even quoted a draft letter from the Economics Minister, who reacted by revoking his draft and, after a great deal of consideration and a lengthy period of time, actually sent an answer to us in the Advisory Council.

What effect did the Advisory Council's resolution have? The minister seemed surprised that even the parliamentary groups supporting the government failed to provide arguments supporting his position at a meeting of the Council he had been invited to attend. In terms of substance, however, the resolution has not yet had any impacts.

But that is the usual way with work on the topic of sustainability. It often begins with small steps. Unless these small steps are made, they cannot be followed by further steps.

Thank you very much for your attention.