

Report

**commissioned by the Committee on Education,
Research and Technology Assessment (18th
Committee) under section 56a of the Rules of
Procedure**

Technology assessment

Sustainability and parliaments –

Rio+20 progress review and outlook

Executive summary

At the United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, sustainability was proclaimed as the political ideal for the 21st century. In June 2012, at the UN Conference on Sustainable Development, representatives from 191 countries reaffirmed their commitment to the objectives of sustainable development. A start was made on the realisation of this ideal with the adoption of Agenda 21 in 1992 and the subsequent development of sustainability strategies. An earlier study conducted by the Office for Technology Assessment of the German Bundestag for the 1990s showed that institutions and procedures for the purpose of shaping sustainable development had been primarily initiated by the executive branch. Parliaments, by contrast, had been more inclined to watch from the sidelines.

In view of this finding and of the processes that can be expected to follow on from the Rio Earth Summit of 2012, the Committee on Education, Research and Technology Assessment commissioned the Office for Technology Assessment to implement a TA project on the role of legislatures in sustainability policies.

Political control and shaping of sustainable development in Germany

In 2002, the Federal Government adopted the National Sustainable Development Strategy. At the heart of this strategy are four guiding principles, namely fairness between generations, quality of life, social cohesion and global responsibility. Twenty-one indicator areas and the indicators and objectives assigned to each area serve to open up a longer-term strategic vision and to define requirements in each of the various policy areas. In addition, appropriate numerical indicators serve to monitor the implementation and continuing development of the sustainability strategy and measure its success. Progress in implementing the strategy has been documented in Federal Government reports as well as in reports from the Federal Statistical Office on specific indicators. These measures have served to maintain the development of the sustainability strategy.

Since the sustainability strategy was adopted,

various institutional and procedural innovations have been introduced with a view to making further progress towards the self-imposed sustainable-development targets. Many of the bodies and processes that have been created are governmental or attached to government authorities.

The implementation of the sustainability strategy is coordinated by the Federal Chancellery and directed by the State Secretaries' Committee for Sustainable Development under the chairmanship of the Head of the Federal Chancellery. Its members are the permanent state secretaries from each government department. In November 2010, a newly established Sustainable Development Division took up its duties in the Federal Chancellery.

The German Council for Sustainable Development, an advisory body to the Federal Government that currently comprises 15 representatives of civil society, lends a participatory dimension to the sustainability policy of the Federal Republic. The Council advises the Government on all matters pertaining to sustainable development; it has a brief to contribute actively to the development of the sustainability strategy and to foster sustainability dialogue within society.

Lastly, by introducing a sustainability impact assessment of legislative bills and draft regulations, the Federal Government has put German sustainability policy on firmer knowledge-based foundations. Under this mechanism, it has been incumbent on the competent ministries since 2009 to include in their compulsory impact assessment of proposed laws and regulations an examination of the impact of the proposed instrument on sustainability targets.

Sustainability policy in the Bundestag

In 2004, the Bundestag responded to the governmental institutionalisation process with an institutional innovation of its own. It created the Parliamentary Advisory Council on Sustainable Development (PBNE) for the purpose of bolstering the sustainability policy of Parliament by raising the profile of the sustainability principle in political decision-making processes. The PBNE has 22 members, who are delegated by the parliamentary groups on the basis of their percentage of seats in the Chamber. The Advisory Council acts by consensus wherever possible. It monitors and assesses the sustainability policy of the Federal Government, the

implementation of the sustainability strategy and, since 2010, the ministerial sustainability impact assessments. It is not, however, the lead body in any policy area – even the task of monitoring the sustainability strategy is formally entrusted to the Environment Committee. The PBNE, however, although it is not empowered to prepare drafts for political decisions, can participate in an advisory capacity in the discussion of bills and other proposals.

The PBNE gives the Bundestag a means of scrutinising government sustainability policy. The involvement of the PBNE in sustainability impact assessments also increases the significance of sustainability in the legislative process. The fact that its deliberations go beyond the parliamentary frame of reference is a contribution to better communication with the public on sustainability.

Although the PBNE gives Parliament enhanced opportunities to play a part in shaping Germany's sustainability policy, the question arises as to whether the available scope is sufficient to allow Bundestag bodies to engage more fully with sustainability issues. The human and financial resources of the PBNE, for example, are currently quite limited. Although it is supported by its own secretariat, it has neither its own team of research assistants nor the means to call in external academic expertise. Moreover, the existence of the PBNE as a parliamentary body is still not enshrined in the Rules of Procedure of the German Bundestag. This means that it has to be reappointed at the start of each legislative term, which can delay the resumption of its work after an election. Above all, however, previous practice has shown that the role of the PBNE in the institutional structure of the Bundestag is not yet sufficiently stable and that there is a need for better linkage between the PBNE and the work of the parliamentary groups and committees.

Sustainability policies of the Länder

The *Länder* have responsibilities and powers in significant areas of sustainability policy, such as spatial planning, transport, regional business support and education. In the environmental sphere, moreover, they are empowered to enact divergent legislation on matters such as soil protection, nature and landscape conservation and water management. The *Länder* have exercised these powers in various ways, as a result of which the sustainability policies of the *Länder* have divergent thematic priorities and

disparate institutional configurations.

At the present time, eight *Länder* have documented their sustainability efforts in the form of a strategy, and some have underpinned their strategy with indicators. Those *Länder* are Baden-Württemberg, Bavaria, Hesse, Lower Saxony, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia. Another five *Länder*, namely Brandenburg, Mecklenburg-Western Pomerania, North Rhine-Westphalia, Saxony and Saarland, are working on a strategy; some of them have already devoted a considerable period of time to these efforts. In Hamburg, there have only been expressions of political commitment to the development of such a strategy. In Berlin, disagreements between the Senate, the House of Representatives and the Agenda Forum have led to the abandonment of efforts to devise a strategy. Bremen has indicated that it has no plans to establish a sustainability strategy.

In most cases, the lead body in the field of sustainability policy is the Environment Ministry or the Senate or State Chancellery, but interdepartmental steering bodies comprising ministers or state secretaries have also been appointed. In some *Länder*, moreover, bodies with non-governmental members as well as advisory and stakeholder bodies have been established. In this way, consultative councils comprising members of the public, academics and business leaders support the work of various *Land* governments by pooling specialised knowledge and conveying the views of interested groups within society. In addition, these bodies perform an important function as social promoters and multipliers of sustainability policies.

A particular form of stakeholder organisation is provided by the sustainability conferences in Baden-Württemberg and Hesse, in which players from civil society are fully involved and play an equal part in shaping sustainability policy. These conferences are chaired by the Minister-President and are attended by representatives of the counties and municipalities, the churches, business, the academic world, non-governmental organisations and, in Hesse, members of the state parliament – the *Landtag* – from each political group. These bodies are intended to make society more keenly aware of the subject of sustainability.

In Baden-Württemberg, a sustainability impact assessment has been required for numerous

legislative proposals since 1 January 2011. Before a cabinet decision is taken on a bill, the results of the assessment must be communicated to a list of addressees that include the President (Speaker) of the *Landtag* and the offices of the parliamentary groups. The main findings of the sustainability impact assessment must be documented on the introductory page of the bill and in the explanatory memorandum. The lead ministry is required to review the act seven years after its entry into force to establish whether it has had the expected impact.

Role of the Landtage

On the whole, the involvement of state parliaments in sustainability policy still tends to be fairly minimal. Most of the work performed by the *Landtage* on the formulation of policies and strategies is done in response to initiatives launched by the executive. Similarly, there are too few *Landtag* members on the main bodies dealing with sustainability policy. The emphasis of parliamentary sustainability policy is mostly on overseeing the government. The parliaments, however, have not institutionalised this function in the hands of any specific body. What is more, oversight procedures, such as government reporting obligations on sustainability policy, have not been established in most of the *Länder*. Advisory and stakeholder bodies, moreover, are attached without exception to the *Land* governments. *Landtag* initiatives designed to reinforce the knowledge basis for the pursuit of a parliamentary sustainability policy are only to be found in rare cases, such as that of Saxony-Anhalt, at the present time.

Given the weakness of the parliamentary dimension of sustainability policy, consideration should be given to measures that might trigger more involvement of state parliaments in the field of sustainability policy.

One option would be the creation of an informal network with the PBNE of the Bundestag. In this framework, information could be exchanged on core issues of sustainable development and on prospects for the institutionalisation of sustainability policy in the *Landtage* in the hands of a specific body. With the aid of existing parliamentary structures and instruments, the *Landtage* could grapple more actively and more publicly with sustainability issues. Reporting obligations for the executive are one means to this end. There are also other parliamentary procedures that offer every parliament a way to

embrace the issue of sustainability, to formulate its own contributions and to discharge its duty of scrutiny. Measures and opportunities like those outlined above, however, depend on state parliaments developing a different understanding of their role as active promoters of sustainability and making full use of the means at their disposal.

Vertical integration of federal and Länder sustainability policies

Coordination of the sustainability policies pursued by the Federation and the *Länder* has hitherto been the preserve of executive institutions, such as the Federal/*Länder* working groups set up by the Conference of Environment Ministers or the working group on sustainability within the Federal Government's State Secretaries' Committee for Sustainable Development. Members of Parliament are not represented on those bodies.

The Federal/*Länder* working groups of the Conference of Environment Ministers comprise directors-general from the 16 *Land* ministries dealing with the environment and climate change and from the Federal Environment Ministry. There are eight such working groups, and several of them address issues relating to sustainability. The subject of sustainability comes under the sharpest focus in the Federal/*Länder* working group on climate, energy, mobility and sustainability, which has been active since 2008.

In 2008, representatives of the *Länder* first sat on the State Secretaries' Committee for Sustainable Development, which was appointed to coordinate the sustainability-related work of the Federal Government. It was in this framework that the decision was taken to appoint the joint working group on sustainability to develop proposals for further improvement of cooperation. In 2009, for example, it created the Alliance for Sustainable Procurement with a view to harnessing the purchasing power of public budgets to pursue sustainability objectives in the awarding of public contracts.

The conceptual and practical differences between federal and *Länder* sustainability policies, however, is a barrier to closer cooperation. The introduction of sustainability strategies in the *Länder* is a slow process. Similarly, diverse levels of progress have been achieved in developing structures and

procedures designed to give political shape to the quest for sustainable development. For this reason, the PBNE has recommended that the *Länder* establish the locus of their sustainability strategy in their state and senate chancelleries and appoint their own parliamentary advisory councils so as to create comparable organisational structures to those of the Federal Government and the Bundestag.

Because of the heterogeneity of the federal and *Länder* sustainability policies, the harmonisation of programmes and institutional arrangements poses a formidable challenge. Nevertheless, it has proved possible to cooperate in shaping at least a few selected elements of sustainability policy, for example through the standardised use by the *Länder* of the environmental indicators defined by the Conference of Environment Ministers. In the medium to long term, the federal and *Länder* indicators should be harmonised. If the working group on sustainability were established as a permanent body, this would improve the scope for exchanges on common challenges and best-practice models.

Parliaments and sustainability in other countries

The results of a written questionnaire revealed that many national parliaments had established specific working methods and/or bodies for dealing with complex long-term issues relating to more than one ministerial portfolio. Most parliaments, however, still rate their influence on sustainability policy and the oversight of executive sustainability policy as inadequate. There is a sense that the parliaments regard the challenge of sustainability as an institutional challenge too.

To portray these findings more clearly, we undertook a closer examination of processes for the institutionalisation of sustainability policies in eight countries where such policies are already far advanced, namely Belgium, Finland, France, the Netherlands, Poland, Sweden, the United Kingdom and Canada. This comparative examination highlighted considerable differences in the thematic emphasis of sustainability policy and its institutional pursuit.

Most of the countries under examination have introduced a strategy-based sustainability policy. Strategies were launched by Canada in 1995, Britain in 1999, Belgium in 2000, Sweden in 2002, France in 2003 and Finland in 2006. The Netherlands has no

strategy, and Poland's was declared invalid. In all of the countries in which a sustainability strategy has been adopted, indicators are used to monitor progress.

The sustainability policies of the countries under examination are characterised by differing thematic prioritisation. In some countries, for example, there has been an observable move away from the three-pillar model, in which social, economic and environmental concerns are addressed in a balanced manner. The Dutch sustainability policy focuses on environmental protection, Sweden places its greatest emphasis on climate change, and Poland prioritises its economic development.

The eight countries also differ in the ways in which they have enshrined the aim of sustainability in national law and in the steps they have taken to advance the development of their sustainability policies. In Belgium, France, Poland and Sweden, the principle of sustainable development is enshrined in the Constitution. The Dutch Constitution raises aspects of sustainability, environmental protection and the habitability of the country to the status of national aims. The Constitutions of Finland and Canada, on the other hand, contain no references to sustainability. The various sources that make up the constitutional framework of the United Kingdom do not set out any principles pertaining to sustainable development.

In some countries, the translation of the three-pillar model into practical policies has proved challenging. Analytical studies from countries such as France, the Netherlands and Finland describe the model as too vague to be translated into a political programme and specific recommendations. Many political and administrative players reportedly see no point in a sustainability strategy. The studies point to insufficient efforts to address the conflicts of aims that arise when sustainability policies incorporate social, economic and environmental dimensions. On the whole, measures of sustainability policy are found to be too superficial and focused on only one dimension of sustainability.

Governments have adopted various measures in response to such findings. First of all, they have seen the need to incorporate partial strategies into an integrated national strategy. In Canada, for instance, the unsuccessful system of sectoral strategies has been replaced by an integrated National Sustainable

Development Strategy. Similarly, in Belgium the third Federal Plan for Sustainable Development provides for the Federal Strategy and the Regional Strategies to be merged into a National Sustainable Development Strategy.

Secondly, sustainability should be more fully mainstreamed into government activity. Such mainstreaming measures are planned in the United Kingdom, for example, where the Environment Minister is to receive more powers to oversee and lead decision-making processes within the Government, and a ministerial steering group is to scrutinise compliance with commitments. In Sweden, the Ministry of Sustainable Development has been dissolved, and responsibilities for national, regional, European and global sustainability policies have been distributed among five ministries and the Prime Minister's Office.

Thirdly, attempts are being made to enhance the effectiveness of sustainability policies by making the strategies less complex. Finland, for example, has chosen to make its strategy as lean as possible, so that it no longer incorporates all objectives and measures and therefore makes sustainability policy clearer and more effective. In the Netherlands and Sweden, moreover, the focus of sustainability policy is increasingly being turned back towards the environmental dimension.

Fourthly, there are efforts to increase the impact of sustainability strategies through greater involvement of players from civil society. In France, the sustainability strategy has been rooted more firmly in society and in local communities through the extensive introduction of elements of public participation, the expansion of Agenda 21 projects and the institutionalisation of a body maintained by civil society, the National Committee for Sustainable Development and the Grenelle Environment Round Table. In the Netherlands, the limited success of existing programmes and budgetary restrictions have prompted a perceptible retreat from sustainability policy on the part of the state. Groups within society are now expected to assume responsibility for such measures and pay for them with the aid of incentive schemes.

The role of parliaments

Parliamentary participation in the sustainability policies of the countries under examination is generally quite limited. Although the Parliaments of Belgium, France, Finland, Canada, Poland and Sweden and the Northern Ireland Assembly are partly involved in the strategy process, and although the Polish and Canadian strategies were drawn up at the behest of Parliament, most of the legislatures play a reactive and passive role. As a rule, the parliaments discuss drafts and reports produced by the government. Active participation, such as drafting content or issuing a mandate for the development of a sustainability strategy, is generally very limited in scope and tends to be a one-off occurrence.

Nor do any of the examined parliaments influence the composition of the central sustainability bodies. In all eight countries, the members of sustainability councils are government appointees. The Finnish and French Parliaments do delegate Members to serve on major sustainability bodies, and the Belgian Parliament can engage the services of the Federal Council for Sustainable Development, a joint parliamentary and governmental advisory body. Apart from the Finnish and French Parliaments, then, legislatures are not systematically and regularly involved in the work of national sustainability bodies.

The main emphasis of parliamentary sustainability policy is on overseeing the government. To this end, the Parliaments of Belgium, Canada, Finland, France and the United Kingdom regularly receive reports on progress in the field of sustainability policy. The Dutch sustainability strategy also makes provision for such reports. Other opportunities to monitor executive sustainability policies arise in individual cases from the participation of Members of Parliament in the deliberations of bodies devoted to sustainability policy or from the remits of committees dealing with sustainability or of institutions attached to Parliament, such as the Canadian Commissioner of the Environment and Sustainable Development. All of the legislatures except the Polish Sejm have created bodies to monitor government activity in the fields of environment and sustainability policy. However, not all of these bodies deal regularly and intensively with sustainability. Effective monitoring and oversight of government activity is observable on the part of the Finnish Committee for the Future, the UK Environmental Audit Committee and the Standing Committee on Environment and Sustainable Development of the Canadian House of

Commons. These bodies ensure that the work of government is monitored in an informed and critical manner, for example by drawing up their own factual and audit reports or by serving as an independent institutionalised arm of Parliament with the task of overseeing the national government.

The French Parliament, through its membership of the National Committee for Sustainable Development and the Grenelle Environment Round Table, has direct access to relevant information and can influence government legislative proposals relating specifically to sustainability by means of specialised supervisory bodies and the rules of procedure of the National Assembly.

Interparliamentary associations

There are some 70 interparliamentary associations in the world, which vary chiefly in their geographical scope and thematic focus. Most of these associations tackle environmental and sustainability issues. They use diverse working methods and institutional structures for this purpose, seeking to develop knowledge and skills in this areas, to make them accessible and to feed them into national political processes.

It is noticeable, however, that the opportunities for interparliamentary networking are not being used to the full. The formulation of common positions, for example, does not always lead to a strategic communication addressed to national decision-makers and the public. Some of the numerous opportunities to make findings available and feed them into the national political process are often left untapped. In particular, too little use is still being made of the potential offered by the new media as a means of pooling the work of parliamentarians outside the framework of joint meetings and communicating it transparently to external addressees. This is compounded by the fact that reports from interparliamentary associations are often acknowledged in national parliaments without discussion and are seldom given the prominence attaching to a plenary debate. Consequently, the scope for forming interparliamentary networks, enlivening parliamentary debates, attracting public attention and initiating public discussion of sustainability issues is still being underexploited.

Parliaments and sustainability in the multi-tiered EU system

In 1999, the Treaty of Amsterdam proclaimed sustainable development to be an overarching objective of European Union policies, and it was reaffirmed as such in the Treaty of Lisbon in 2009. The participation of the European Parliament and national legislatures in the shaping of EU policies, including the sustainability policy, was progressively extended by the Single European Act of 1987 and by the Treaties of Maastricht (1993), Amsterdam (1999), Nice (2003) and Lisbon (2009).

The European Parliament is now largely on a par with the Council in the political process, and no legislation may be enacted without the consent of the European Parliament. This, however, applies only to instruments adopted in what is known as the ordinary legislative procedure. Many of the matters that fall under the heading of sustainability policy are governed by longer-term strategies, such as the European energy strategy. Proposals concerning such matters come from the European Commission and are negotiated among the Member States and adopted by the Council. In these processes the European Parliament only has the right to be consulted.

The enshrinement of rights for national parliaments in the European treaties began in the Maastricht Treaty of 1993 and developed more slowly than in the case of the European Parliament. Nevertheless, the legislatures of the Member States now possess extensive rights to receive information and powers of scrutiny in a system referred to as ‘multi-tiered parliamentarianism’. The European institutions are required, for example, to forward all consultation documents, legislative programmes and draft legislation from the European Commission direct to national parliaments. The arrangement known as the early-warning mechanism gives national parliaments both the right to contest initiatives from the Commission if they believe that the proposals infringe the principles of subsidiarity and proportionality and the right to bring retrospective subsidiarity actions before the European Court of Justice. Moreover, since 2006 the European Commission has been communicating all consultation documents and legislative drafts direct to national parliaments on the basis of the informal ‘political dialogue’ along with an invitation to comment on them. This exchange supplements the early-warning mechanism and subsidiarity impact assessments, since it involves the discussion of substantive political issues, covers strategic

documents such as green and white papers and affords an opportunity for involvement in the European Commission's consultation processes.

In addition, national parliaments have established partnership arrangements among themselves and with the European Parliament. Foremost among these are the Conference of Community and European Affairs Committees of Parliaments of the European Union and the many and varied forms of networking that are practised between the European Parliament and national legislatures.

The aforementioned structures and procedures provide national parliaments with numerous channels through which they can help to shape sustainable development in the multi-tiered European system. At the same time, sustainability issues could also serve to reinforce the public and representative functions of Parliament through high-profile debates in the Chamber and in committee. Whether and how these opportunities are taken depends in part on the capacities that are made available. In the field of sustainability policy, the exercise of the right to receive information, to scrutinise and to participate depends primarily on parliaments developing a keen awareness of their role as players in that field.

Special procedures in the realm of EU sustainability policy

Since 2005, political measures have been subject to regular impact assessment. One of the purposes of this assessment is to ensure that measures are compatible and consistent with sustainability principles. To this end, the environmental, economic and social effects of legislative proposals and other initiatives from the European Commission are analysed by means of an integrated audit procedure. This procedure involves the European Commission, the Council and the European Parliament. Both the European Parliament and the Council can subject the Commission's legislative impact assessments to critical examination. They are also empowered to conduct their own legislative impact assessments. To this end, the European Parliament can enlist internal expertise and external scientific knowledge. In practice, however, impact assessments have had scarcely any influence on decision-making by the Council and Parliament to date.

Although the basic conditions for legislative impact assessments have been improved considerably since

the procedure was introduced, a more systematic application is currently being restricted, partly by shortages of time and financial resources. Even in cases where a desire for major amendments to legislative proposals emerges during the parliamentary process, the European Parliament is currently unable to satisfy fully the need for new impact assessments.

Plans to develop existing structures and its own reform proposals show that the European Parliament does intend to further increase its influence on legislation through the legislative impact-assessment procedure. On the other hand, it has not yet pursued the option of creating a sustainability committee or comparable structure. This means that there is no specific parliamentary body monitoring the sustainability strategy of the European Commission and contributing decisively to the vertical coordination of the sustainability policy of the European Parliament with those of national parliaments.

Outlook for sustainability policy in the Bundestag

With the establishment of the Parliamentary Advisory Council on Sustainable Development (PBNE) and its subsequent work, the Bundestag has taken an important step towards the parliamentarisation of sustainability policy in Germany. The aims and working methods of the Advisory Council make it a remarkable institutional innovation, and in this respect it has been a global trailblazer.

In the following report, we discuss options for measures that could help to establish sustainable development more firmly as a guiding principle in political processes within the Bundestag.

Sustainability impact assessments and their parliamentary evaluation

In institutional terms, Germany's sustainability impact-assessment procedure is exemplary. No other country's parliament or even the European Parliament is involved in a comparable manner in the assessment process and in quality assurance. Nevertheless, the fact that the sustainability impact assessments presented to the Bundestag comprise only very briefly worded appraisals in a section of the covering note to a bill and, where appropriate, in the

explanatory memorandum too does not instil confidence. The methods, the data and their sources and the assumptions and conclusions that underlie ministerial impact assessments have never yet been made accessible to Members of Parliament or to the public.

Greater material and formal substance and transparency and easily accessible materials could help to lend more weight to the whole procedure of sustainability impact assessment as well as contributing to quality assurance. It would also enable parliamentary groups and committees to establish more clearly how lead ministries had arrived at their assessments and to evaluate their content more effectively. This could also enrich both the parliamentary and public discussion of sustainability objectives and long-term political consequences.

Better sustainability impact assessment would also create scope for further improvements in parliamentary evaluation of sustainability impact-assessment practice. If certain conditions were met, the PBNE could make a more robust appraisal of the processes and the knowledge basis of sustainability impact assessments. In addition, it could follow the example of the United Kingdom and the European Union, which subject their systems of impact assessment to review by their respective audit authorities. One way forward in the medium term would be to define the relationship between legislative and sustainability impact assessments more precisely in terms of content and procedure.

Another stepping stone to a more active parliamentary role in sustainability impact assessment would be for the Bundestag to conduct its own sustainability impact assessments of the initiatives tabled by its parliamentary groups or by the *Länder* in the Bundesrat to assess their implications for the pursuit of sustainability objectives. In individual cases a decision could also be taken to have the political consequences of a government proposal and its effects on the pursuit of sustainability objectives assessed if the PBNE considered the proposal inadequate or if proposals were to undergo major amendments. Another innovative step would be to conduct a consultation process in specific cases in connection with sustainability impact assessments on the part of the PBNE or a specialised committee. In the first instance, the requisite capacities could be made

available on a flexible basis. In addition, the practice of the European Parliament, which concludes framework contracts with research establishments for the *ad hoc* production of specialists' reports, could be tried out and possibly adopted.

Further institutional integration of the PBNE

The existence of the Parliamentary Advisory Council on Sustainable Development as a parliamentary body and its evaluation of sustainability impact assessments as a parliamentary procedure have not yet been established in the Rules of Procedure of the German Bundestag. The PBNE would be strengthened if its existence and its functions in evaluating sustainability impact assessments, advising Parliament and scrutinising the German and European sustainability strategies as well as its delivery of specialised opinions in other parliamentary processes were enshrined in the Bundestag Rules of Procedure. This would also create a more binding requirement for lead committees to discuss opinions delivered by the PBNE. If the powers of the PBNE were extended, it would be necessary to examine whether it had sufficient working capacity and resources to cover its wider remit.

Constitutional or statutory enshrinement of sustainability?

Article 20a of the Basic Law entrusts the state, in view of its responsibility towards future generations, with the tasks of protecting the natural foundations of life and protecting animals. This provision is often seen as covering key aspects of the sustainability principle. Generally, however, Article 20a tends to be regarded as an inadequate means of guaranteeing pursuit of the wide-ranging aims of sustainability. Moreover, there is considerable controversy as to whether its provisions give rise to legislative requirements and, if so, what those requirements are. In view of the evident uncertainty as to its consequences, the case has been presented in academic literature for a new Article 20b, which would enshrine the obligation of the state to take the requirements of the sustainability principle into account in all of its measures. This means that appropriate procedures and bodies would have to be established to ensure that the three pillars of sustainability were dovetailed together in politics and administration, both in principle and in practice.

Although it is a moot question whether this would upgrade sustainability policy, Parliament as the legislative would be free to examine the suitability of such a constitutional amendment.

Another option for reinforcing sustainability impact assessment as a procedure would be to enshrine it in a statute. Like the creation of a legal basis for the work of the National Regulatory Control Council, this would serve to underline the aim of sustainability and its binding character and strengthen its enforcers.

Examining the budget in the light of sustainability criteria

Budgetary law is regarded as the foremost prerogative of Parliament. The instrument of sustainability impact assessment, however, has not yet been used in the process of discussing and adopting the budget. The scope for oversight and constructive activity that derives from the power to approve the budget could be used to lend more force to sustainability criteria.

In selected cases, the Federal Government could be called upon to assess a particular project or budget item for its impact on sustainable development. Additional assessments based on particular indicators could be entrusted to the Budget Committee or commissioned. This principle could be taken further by means of a sustainability analysis of fiscal policy in the form of ‘generational accounts’.

Public- and stakeholder-focused procedures

Rule 70 of the Rules of Procedure of the German Bundestag provides for public hearings, which are an established way of involving the interested public in the discussion of topical and controversial issues or legislative proposals. Like the extended public committee deliberations under Rule 69a of the Bundestag Rules of Procedure, if they brought in representatives of popular initiatives and academic experts they would provide an opportunity for more intensive exchanges and closer cooperation with interested members of society on sustainability and other future-related issues. By establishing a continuous dialogue with non-governmental players in the field of sustainability in the heart of Parliament, the Bundestag could also foster civic commitment to sustainable development within German society. The use of these two types of meeting would also serve to underpin the public debate on sustainability. Another

way of raising the profile of the Bundestag in the sustainability debate would be to hold plenary debates at certain intervals on the state of German sustainability policy.

Public relations

Among the general public and politicians, the discussion of sustainability rarely reflects the true complexity of the subject. The media take a sceptical view of sustainability, regarding it as too unwieldy and difficult to communicate. Sustainability-related topics, such as innovation awards or climate change, are usually communicated to the public without any reference to the ideal of sustainability. Any attempt to give this ideal more prominence in the public relations of Parliament and its political groups would benefit from the development of a coherent communication strategy. Even without a devised strategy, however, a good start could be made by adopting a pragmatic approach in which opportunities are taken during guided tours of Parliament, youth parliaments, open days and even public events to draw attention to the complex challenges of sustainable development and the role of Parliament in addressing them.