



The Knesset
The Israeli Parliament

Commission For Future Generations

“ as I came to a world planted with trees- I will
plant trees for my coming generations...”

(A saying by an old man to Choni Ha'meagel - the Talmud)

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About the Commission for Future Generations

The Commission for Future Generations has been established according to the Knesset Law, the statute regulating the internal proceedings of the parliament.

The Commission is an organ of the parliament acting under the same articles defining the operation of the Legal Chamber, the Parliamentary Committees, the Opposition, the Speaker and his deputies.

The law concerning the Commission started as a private bill initiated by Mr. Joseph Lapid, MK, presented to the parliament on October 2000. The law was enacted in March 2001.

The idea at the base of the law is the creation of an inner-parliamentary entity that has a comprehensive view of the legislative picture with regard to any potential negative effect on the needs and rights of future generations together with the means to prevent such legislation from taking place. The Commission has also received the authority to initiate bills that advance the interests of future generations.

Such an institution is needed to an even greater extent in a country that has to cope with serious issues concerning its very survival, issues which also influence legislation.

At the head of the Commission is a Commissioner, chosen by an ad-hoc parliamentary committee, and appointed by the Speaker of the parliament. The commissioner, Justice Shlomo Shoham, has specialized in the legislation process within the parliament, as the legal advisor of the Constitution, Law and Justice Committee.

Objective

To create a dimension of the future that would be included in the primary and secondary legislation of the State of Israel.

Scope

According to the Knesset Law, the Commission has authority in the following areas:

Environment

Natural resources

Science

Development

Education

Health

State Economy

Demography

Planning and Building

Quality of life

Technology

Law,

and any other matter that the Constitution, Law and Justice Committee determines to have a considerable influence on the future generations.

Functions

According to section 32 of The Knesset Law, the Commission's functions are:

1. To give opinions regarding bills brought before the parliamentary plenum that are of concern to future generations.
2. To give opinions regarding secondary legislation and regulations, brought by the government before the parliamentary committees that are of concern to future generations.
3. To provide the parliament, from time to time, with recommendations on any matter the Commissioner considers to be of importance for future generations.

4. To provide the members of the parliament with advice on matters that are of special interest regarding the future generations.

* The opinions and the recommendations given by the Commissioner must have an academic character, be detailed and include comparative research.

Methods of Action

Inner- Parliamentary Level

The Knesset Law defines the means given to the Commissioner in handling the drafts of bills and regulations:

Stage A:

The parliament secretariat must supply the Commission with every bill brought to vote in the Plenum. The different Committees must supply the Commissioner with all the legislation and secondary legislation (regulations) brought before them for approval.

Stage B:

The Commission must decide in which of the bills, statutes or regulations he chooses to intervene. He notifies the Speaker of his decision and the latter notifies the chairmen of those committees responsible for discussing the bill.

Notification concerning regulations is passed directly to the chairmen of the relevant committees.

Stage C:

The Commissioner must be invited to the Committee discussions, with reasonable advanced warning, to enable him to collect material and data and prepare an opinion.

Stage D:

A brief summary of the Commissioner's opinion is brought before the plenum as follows:

- * If the opinion was given before the first reading of the bill - within the explanatory notes attached to the bill.
- * If the opinion was given after the first reading - annexed to the Committee's recommendations submitted to the plenum for the second and third readings.

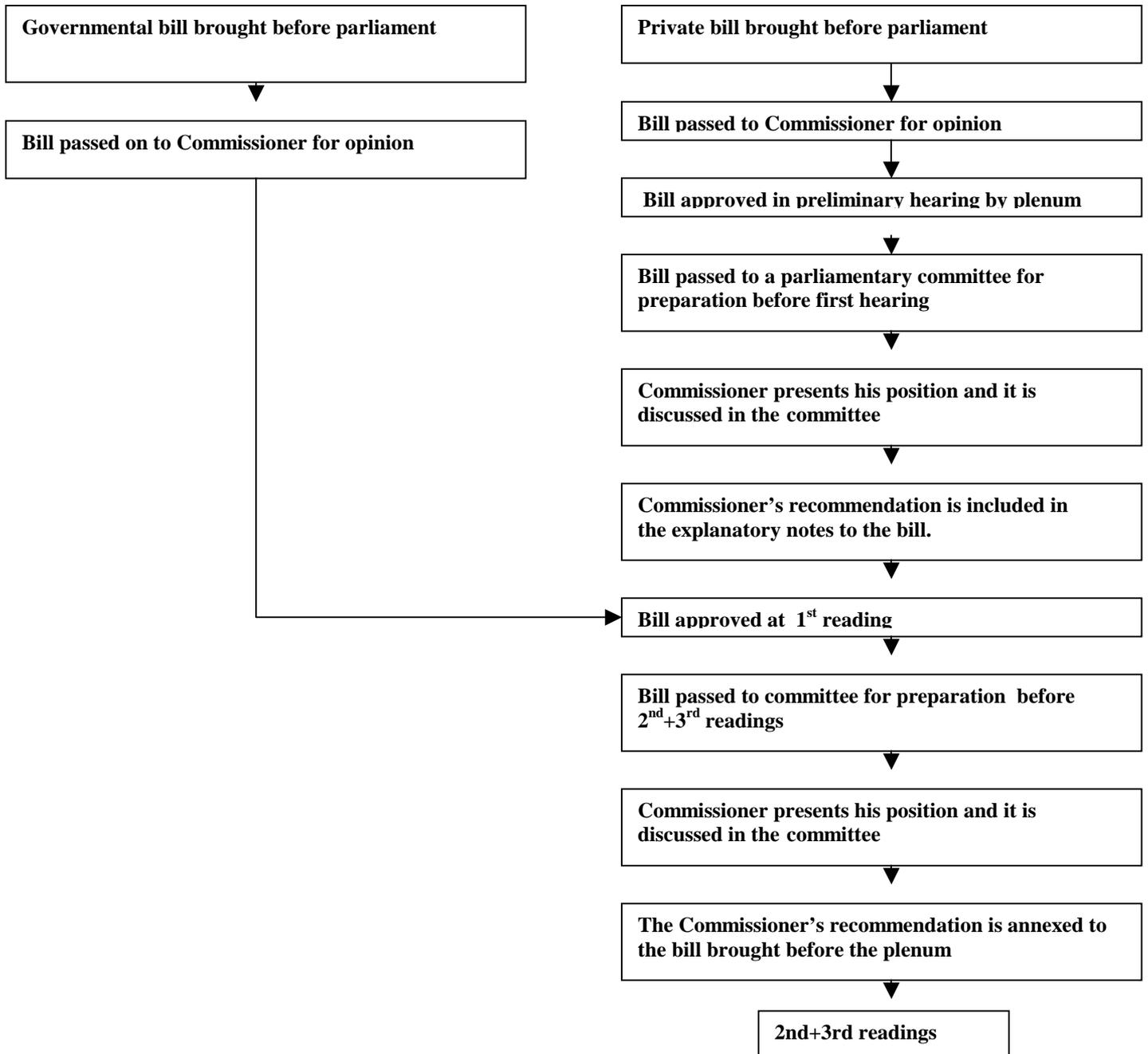
Stage E - reports:

The Commissioner may, from time to time and at his own discretion, prepare reports with recommendations on issues that have a special interest for future generations. These reports will be submitted to the specific committee authorized to discuss the issue.

The Commissioner must also submit an annual report to the Speaker. The report will be brought before the plenum and discussed by it.

At each legislative stage, there must be an in-house consultation at the Commission, regarding the intervention in the legislation process and its extent.

Flow chart – Commissioner's intervention in the legislation process



*During the discussion in the committee there is an option for the bills to be approved for second and third readings according to a prior agreement with the Commissioner regarding changes. In this case, an opinion need not be submitted.

Extra-Parliamentary Level

On an extra-parliamentary level, the Commissioner is entitled to demand any information that he considers relevant, within his mandate, from any institution or body that is subject to inspection by the State Comptroller.

This includes:

Government ministries

Local authorities

State institutions or enterprises

Any individual or institution that possesses, manages or supervises State property, not by contract.

Any enterprise, institution, foundation or body that is fully or partially managed by the State.

Any enterprise, institution, foundation or body, that is subject to the State Comptroller's inspection according to law, parliamentary decision or an agreement with the government.

Public Level

Establishment of a Public Council

The Commissioner will establish a public council consisting of scientists and intellectuals specializing in different areas and in future trends, as well as clergymen and other public figures. The council will realize the Commission's vision and the conducting of its policy and agenda, as well as seeking the most effective means of dealing with the different issues.

Establishment of Sub-Committees

The Commissioner will appoint sub-committees for each of the areas under the Commission's supervision; the committees will consist of members of the Public Council and other experts, operating on specific bills.

Increasing Public Awareness

As a derivative of the above mentioned roles, the Commissioner will seek to increase public awareness of the future dimension and its significance. This increase in awareness applies not only to the parliament, but also to individuals and senior personnel in the various sectors and disciplines. This will also improve organizational and personal skills throughout the system.

Highlights of the Commission's fields of activity

The Commissioner has taken upon himself to advance a few bills:

Quality of Life and Environment-

Restoration of the Environment - promoting sustainable development as a national environmental policy to be set up by the Government, while the relevant ministries create a plan for implementing the policy.

The Mediterranean Coast - Regulating the development, management and preservation of the area on both sides of the water line, taking into consideration its unique environmental and natural value to the public in the present and future generations.

Tunneling - examining tunneling as a substitute for roads, in order to preserve open areas.

Water - The Commissioner has taken upon himself the task of continuing the parliamentary supervision over government policy for handling the water problem faced by Israel. This policy is based on the conclusions of a Parliamentary Enquiry Committee.

Pollution of the sea from land sources - the Commissioner is examining methods of upgrading the enforcement of the existing law.

Air Pollution - The Commissioner has examined the environmental implication of the implementation of the Free-Trade Agreements within the Mediterranean-European partnership and has recommended calling upon the European Union to conduct an assessment. He also seeks to create legislation restricting the government from entering into such agreements before assessing influences on sustainability.

Planning and Building-

The Commissioner has proposed a suggestion on a reform in the mechanism of National Planning and Construction.

Science and Technology-

The Commissioner has supported the establishment of a National Council for Civil Research and Development, that will advise the government regarding the recommended national policy and strategy, taking into account future trends.

Economy

The commissioner was a member of a steering committee that set up a new mandatory Pension Law, in view of the pension funds deficit crisis that was a consequence of incorrect evaluations of future trends.

Appendix A

The Knesset Law
(amendment on the Commission for Future Generations)

UNOFFICIAL TRANSLATION

Appendix no. 2927a/MK

Knesset Law (Amendment no. 14), 2001

This bill was debated in the Knesset for the first reading on 21 November 2000, and was passed to the Constitution, Law and Justice Committee.

The bill is being presented – together with qualifications – for second and third readings on 12 March 2001.

Initiators: MK's Yosef Lapid, Victor Brailovsky, Eliezer Sandberg, Yehudit Naot, Avraham Poraz, Yosef Paritzky

Knesset Law (Amendment no. 14), 5761-2001

Addition to
Section 8

1. The following will be added to Knesset Law 1994¹, following clause 29:

Section 8: Knesset Commissioner for Future Generations

- | | |
|---|--|
| Definition | 30. In this Section, “particular relevance for future generations” refers to an issue which may have significant consequences for future generations, in the realms of the environment, natural resources, science, development, education, health, the economy, demography, planning and construction, quality of life, technology, justice and any matter which has been determined by the Knesset Constitution, Law and Justice Committee to have significant consequences for future generations. |
| Knesset Commissioner for Future Generations | 31. The Knesset will have a Commissioner which will present it with data and assessments of issues which have particular relevance for future generations. He will be called the Knesset Commissioner for Future Generations. |
| The role of the Knesset Commissioner for Future Generations | 32. The Knesset Commissioner for Future Generations: <ul style="list-style-type: none"> i) Will give his assessment of bills debated in the Knesset which he considers to have particular relevance for future generations; ii) Will give his assessment of secondary legislation brought for authorization of one of the Knesset Committees, or for consultation with one of the Knesset committees, which he considers to have special relevance for future generations; iii) Will present reports to the Knesset from time to time, at his discretion, with recommendations on issues with |

¹ Legal Code, 5754-1994, p. 140; 5761-2001, p. 114

- particular relevance for future generations;
- iv) Will advise MK's on issues with particular relevance for future generations;
- v) Will present to the Knesset, once a year, a report on his activities in accordance with this law.

Independence 33. In the performance of his duties, the Knesset Commissioner for Future Generations will be guided purely by professional considerations.

The status of the Knesset Commissioner for Future Generations 34.

- a) The Knesset Secretariat will pass to the Knesset Commissioner for Future Generations all bills tabled in the Knesset.
- b) The Knesset Committees will pass to the Knesset Commissioner for Future Generations all secondary legislation tabled for their approval or for consultation with them, excluding only those matters defined by law as confidential.
- c) The Knesset Commissioner for Future Generations will notify the Knesset Speaker periodically about laws and bills which he considers to have particular relevance to future generations; the Knesset Speaker will inform the chairmen of the Knesset committees responsible for the areas covered by the laws or bills.
- d) The Knesset Commissioner for Future Generations will notify the Knesset Committees regarding secondary legislation passed to him in accordance with sub-paragraph (b) in which he finds particular relevance for future generations.
- e) Knesset committee chairmen will invite the Knesset Commissioner for Future Generations to debates

- on bills or secondary legislation which he has declared to have particular relevance for future generations in accordance with sub paragraphs (c) and (d). The Committee chairmen will coordinate the timing of the debate with the Commissioner, allowing reasonable time – at his discretion and in accordance with the issue – for the collection of data and the preparation of an evaluation.
- f) Once the Commissioner has given his evaluation regarding a bill, a summary of this evaluation will be brought before the Knesset plenum as follows:
- 1) If the evaluation was given prior to the first reading of the bill – in the explanatory notes to the bill;
 - 2) If the evaluation was given after the first reading –in the appendix to the proposal by the Committee presented to the Knesset Plenum for the second and third readings.
- g) The Commissioner is permitted to participate in any debate of any Knesset Committee, at his discretion; If the debate is secret by law, the Commissioner will participate on the authorization of the Committee Chairman.
- h) A report in accordance with clause 32 (3) will be presented to the Committee responsible for the area of that issue, the Committee will discuss it and may present its conclusions and recommendations to the Knesset.
- i) An annual report in accordance with clause 32 (5) will be presented

to the Knesset Speaker and tabled in the Knesset; the Knesset will hold a debate on it.

Acquisition of information

35. a) The Knesset Commissioner for Future Generations may request from any organization or body being investigated as listed in clause 9 (1) – (6) of the State Comptroller Law, 1958 –5718 (consolidated text)², any information, document or report (hereafter – information) in the possession of that body and which is required by the Commissioner for the implementation of his tasks; the aforesaid body will give the Commissioner the requested information.
- b) If a Minister – whose Ministry is responsible for the area which includes the organization or body under investigation – considers that passing over the information in accordance with the instructions of sub clause (a) may put at risk the security of the State, the foreign relations of the State, or public safety, he is permitted to give instructions not to hand over that information; however if part of that information may be revealed without risk that part would be handed over to the Commissioner as aforementioned.
- c) Information in accordance with this clause will not be handed over if this is forbidden by any law.
- d) The instructions in this clause do not prejudice the obligation to transfer information to the Knesset and to its Committees in accordance with Basic Law: the Government³, and in accordance with Basic Law: the Knesset⁴.

Appointment of the Knesset Commissioner for Future Generations

36. The Knesset Commissioner for Future Generations will be appointed by the Knesset Speaker, with the authorization of the Knesset House Committee from among the candidates recommended by the Public Committee appointed in accordance with the instructions of Clause 38, in accordance with the procedure determined by this Law.

² Legal Code, 5718, p. 92

³ Legal Code, 5752, p. 214

⁴ Legal Code, 5718, p. 69

Qualifications

37. Any Israeli citizen and resident who fulfills the following criteria may serve as the Knesset Commissioner for Future Generations:
1. holds an academic degree in one of the areas listed in Clause 30;
 2. has at least five years' professional experience in one of the areas listed in Clause 30;
 3. over the two years previous to the presentation of his candidacy was not active in political life and was not a member of any political party; for this purpose, anyone who did not pay party dues and did not participate in the activities of any party institution will not be considered as a member of a party;
 4. has not been convicted of any charge which, by its essence, severity or circumstances, would make him unfit to serve as the Knesset Commissioner for Future Generations.
38. a) The Knesset Speaker will appoint a Public Committee which will examine the qualifications and suitability of candidates for the position of Knesset Commissioner for Future Generations and will recommend two or more of them to the Knesset, noting the number of committee members who supported the candidacy of each of them; the Committee may include its comments regarding each candidate; the names of the candidates recommended by the Committee will be published in "*Reshumot*".
- b) The Public Committee will have six members to be composed as follows:
- 1) Three members of the Knesset: The Chairman of the Knesset House Committee, who will serve as the Chairman of the Public Committee, The Chairman of the Knesset Science and Technology Committee, and the Chairman of the Knesset State Control Committee;
 - 2) Three faculty members from institutions of higher education, experts in various fields from among those listed in Clause 30, to be selected by the Knesset House Committee; for this purpose, "an institution of higher education" is an

institution recognized or having received a permit in accordance with the Council on Higher Education Law, 1958.⁵

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| The work of the Public Committee | 39. The Public Committee will determine the procedure for the presentation of candidates for the position of Knesset Commissioner for Future Generations as well as the procedures for the work of the committee and for examining candidates, with the stipulation that the decision to recommend a candidate to the Knesset Speaker for the position of Knesset Commissioner for Future Generations is passed by a majority of at least four members. |
| The timing of the election | 40. a) The appointment of the Knesset Commissioner for Future Generations will be made, if at all possible, not earlier than ninety days and not later than thirty days from the completion of the term in office of the serving Knesset Commissioner for Future Generations; if the position of the Commissioner is vacated before the end of his period in office, the appointment must be made within forty-five days from the day the position falls vacant. b) An announcement of the appointment of the Knesset Commissioner for Future Generations will be published in “ <i>Reshumot</i> ”. |
| Term of office | 41. The Knesset Commissioner for Future Generations will serve for five years from the day of his appointment; and the Knesset Speaker has the right to appoint him for a further term of office. |
| Restrictions on activity | 42. During the period following his term in office and during the following year, the Knesset Commissioner for Future Generations will not be active in political life or be a member of any political party; for this purpose, anyone who did not pay party dues and did not participate in the activities of any party institution will not be considered as a member of a party. |

⁵ Legal Code, 5718, p. 191.

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|------------------------------------|---|
| Budget | 43. The budget for the Knesset Commissioner for Future Generations will be established in a separate budgetary clause within the Knesset budget. |
| Conditions of employment and staff | <p>44. a) The Knesset House Committee will institute instructions regarding appropriate conditions of employment for the Knesset Commissioner for Future Generations and regarding a team of professional and administrative staff to be placed at his disposal.</p> <p>b) The Knesset Commissioner for Future Generations is permitted to get help from Knesset employees for the discharge of his duties, as needed.</p> |
| Completion of term in office | <p>45. The term of office of the Knesset Commissioner for Future Generations will end:</p> <ol style="list-style-type: none"> 1) at the end of the term of office; 2) with his death or resignation 3) with his removal from office. |
| Removal from office | <p>46. a) The Knesset speaker may, with the agreement of the Knesset House Committee, remove the Knesset Commissioner for Future Generations from office on one of the following conditions:</p> <ol style="list-style-type: none"> 1) he has committed an act inappropriate to his position; 2) he has become permanently unable to fulfill his duties; 3) he has been convicted of an offence, which by its essence, severity or circumstances, make him unfit to serve in the position of Knesset Commissioner for Future Generations. <p>b) The Knesset Speaker will not remove the Knesset Commissioner for Future Generations from office until the Commissioner has been given the opportunity to present his case to the Knesset Speaker and to the Knesset House Committee.</p> |
| Suspension | 47. a) The Knesset speaker, at the suggestion of the Knesset House Committee accepted by a majority of its members, will suspend the Knesset Commissioner for Future Generations |

if there are criminal processes against him as stated in Clause 46 (a) 3) until the end of the processes.

- b) The House Committee will not propose, nor will the Knesset Speaker authorize a suspension, until the Knesset Commissioner for Future Generations has been given the opportunity to present his claims to them.

Temporary
substitute

- 48. a) The Knesset Speaker will appoint a temporary substitute for the Knesset Commissioner for Future Generations from among the staff as aforementioned in Clause 44 a).
- b) If the position of the Knesset Commissioner for Future Generations has fallen vacant, and until a new Commissioner takes office, while the commissioner is out of the country, has been suspended or is temporarily unable to fulfill his duties, his substitute will fulfill his duties and use the authority given to him by this clause.

The
First
appoint-
ment

- 2. The Knesset Commissioner for Future Generations will first be appointed within six months from the day this law is enacted.

Explanations

With any legislative act there is the risk of unforeseen consequences, that is, although the legislator intends to achieve a certain objective, in fact there is some other consequence, possibly negative, which was not taken into account.

It is sometimes difficult to calculate the consequences of a particular legislative act in a few years time, and even more difficult to assess its effect over the next generation or two. This is particularly true in a dynamic society like ours, where fast technological developments accelerate change.

Furthermore, politicians sometimes tend to seek solutions to current problems of concern to their voters, in the hope that in the long run things will work out, and in any event will become the problem of another government or another Knesset.

On this background, the need arises to appoint an ombudsman to represent the as yet unborn generations before the legislative authorities, a “Commissioner of Future Generations”. He would be given the opportunity to examine any legislative act and to appear before the relevant Knesset Committee whenever there arises any suspicion of prejudice against future generations. This might be through ground or air pollution, harm to pension funds, the implications of genetic engineering or the consequences of a technological development.

A current example, even though unrelated to the legislative process, is the problem of the Millennium Bug, which might have been prevented if it had been examined years ago in relation to the future.

Appendix B

*Comparative Research**

The concept of future generations as well as inter-generational justice is one of the main topics on the world's agenda. Many countries, the U.N., the EU and other international organizations, as well as NGOs have committed to future generations in different treaties and statements.

The academic research in the area is, of course, also developing.

Examination of the situation in other countries shows that there is no model of an institution similar to that of the Israeli parliament, which is an "in-house" body, supervising and accompanying the parliament as a routine.

Most of the institutions are connected to the Executive Branch and NGOs. Their role is to advise, criticize and inspect, guide and examine the consequences of government decisions regarding the future generations, but they have no operative power.

However, the considerations of Sustainable Development and Sustainability are taken in account in almost every public debate or discussion in the Western world.

The United Nations and some of its related organizations, as well as other international organizations have set up special institutions to deal with the concern for the future generations and the commitment of the present generations towards the future ones. The U.N. has set up a **Commission for Sustainable Development**.

The term Sustainable Development, as well as the term **Sustainability**, both of which originated in the field of the environment, are widely assigned to entire areas of life, as an integrative unit dealing with social, economic and environmental issues, seeking to make sure that current development will also take into consideration its future existence.

INTERNATIONAL ORGANIZATIONS

THE UNITED NATIONS-

Has a **Commission on Sustainable Development** that examines the various activities in the world in this area and how U.N's decisions and reports are handled.

The Commission was established after the **Rio Convention for Environment and Development in 1992 (the Earth Summit)** that discussed environment protection versus social-economic development

The famous **Agenda 21** sets instructions to world governments regarding how to maintain Sustainable Development. This document as well as the Rio statement, are the source of environmental policies undertaken globally and locally all over the world.

According to the U.N reports, over 1000 NGOs have been acknowledged as participants in the Commission's work..

UNESCO-

In 1997, UNESCO accepted the **Declaration on the Responsibilities of the Present Generations towards Future Generations**, including peace and natural resources as a promised heritage (a copy of the Declaration is attached).

A Session of the European Council held in 1999 in Helsinki, called on the European Council to prepare a long-term action plan of strategy and policy in social, economic and ecological areas regarding sustainable development. The council has developed a sustainable development strategy for Europe as a whole.

GOVERNMENT INSTITUTIONS AND PARLIAMENTS

CANADA-

The Commission of the Environment and Sustainable Development assists the members of parliament to supervise the government's actions concerning sustainable development and environment, by supplying analyzed objective information. The Commissioner prepares an annual report regarding the areas in her authority and that she believes should be presented to the parliament. Her staff consists of 35 advisors specializing in the areas of environment, management, accountancy, economy, political sciences, biology, geology, law, town planning, engineering and public administration.

FINLAND-

The parliament requires the government to submit, on a regular basis, reports regarding the State's future over a 5-15 year period. Moreover, the parliament has appointed a **Committee for the Future**, consisting of 17 parliament members, whose task is to assess the government report and respond to it.

The parliament then discusses the Committee's report and decided whether to adopt it. The Committee also traces developments in the futurism research and assesses the influences of technological development on society.

The Finnish National Commission on Sustainable Development- promotes cooperation on this issue between the government, the private sector, non-governmental bodies, the scientific community, the education system and the media. The commission is headed by the Prime Minister and the Minister of Environmental Affairs. Other members of the Commission are the ministers of the following ministries: foreign affairs, social affairs, health, culture, treasury and agriculture. There are also representatives of different sectors of society: civil service, industry, professional unions, etc. The Commission functions through sub-committees and holds 3 sessions a year.

THE NETHERLANDS

The Scientific Council for Government Policy- examines the influences of the government's policy in the long term on issues of health, transportation, communications and education. The Council is subject to the Prime Minister and to the Minister of General Affairs. According to the law, the government ministries, as well as local authorities, must supply the council with any information demanded. Similar power is given to the Council concerning information from individuals and other institutions. The Council may consult directly with any entity from the public or the private sector and may establish sub-committees. The Council's reports are submitted to the government and are open to the public.

NORWAY

14 years ago an **independent group** was established, that was to report to the treasury minister regarding future implications of legislation. The group consisted of economists. 5 years ago a **Value Commission** was established, acting for a

similar purpose, appointed by the Prime Minister and consisting of public representatives.

GERMANY

There is a **Council for Sustainable Development** consisting of 17 members from various areas such as ecology, economics and other social areas. The committee advises the State Secretaries Committee, which is a governmental body, and the entire government. Its roles are to design a strategy on future issues, set objectives for government actions and take part in the public debate. The strategy must focus on three areas: environment, health and nutrition; climate and preservation of energy; transportation.

BELGIUM

The minister of transportation is also in charge of the issue of energy and sustainable development.

BRITAIN

In 1994 the prime minister appointed the **Government Panel on Sustainable Development, which** is supposed to advise the government regarding sustainable development strategies. It consists of professionals and deals with issues of economic development, protection of environmental development and identification of potential problems that may arise related to those issues. The panel prepares opinions and an annual report.

The Natural Resources Institute (NRI) at Greenwich University provides instruction, research and advisory services, supporting sustainable development. It consists of 120 professionals who work with the government, communities, enterprises and academic institutions. Its primary “client” is the International Development Ministry.

The government also publishes a report concerning sustainable development. The report contains descriptions of government activities, strategies and indexes regarding sustainable development, to provide a survey of government actions regarding this issue.

In each of the ministries in Britain there is an official in charge of sustainable development

SCOTLAND

The Executive Branch and local authorities act variously to promote sustainable development and concern for future generations.

U.S.A

President Clinton initiated the **President's Council on Sustainable Development** that advised him between the years 1993-1999 in the areas of health, environment, economy, nature preservation and more.

Other activities take place at State level.

SWEDEN

At the primary stages of the legislation, the **Commission of Inquiries**, consisting of politicians from different factions and interest groups and headed by a judge - checks the implications of the bill on the future, among other issues. The commission's recommendations are open to public comment.

JAMAICA

Jamaica Sustainable Development Networking Program has been established according to the Rio Summit Agenda 21. It mainly supplies information regarding the population and institutions in the country.

DOMINICAN REPUBLIC

The Sustainable Development Council promotes, initiates and assists social, economic and cultural projects to create sustainable development. It comprises representatives of the public and private sectors, NGOs and government representatives. It supervises national policy and advises the ministries of the treasury, industry and planning.

BARBADOS

The Minister of Environment, Energy and Natural Resources is in charge of sustainable development. **The National Commission on Sustainable Development** (NCSD) is appointed by the cabinet and headed by an academic figure. It advises the government and consists of 21 members from the private and governmental sectors and from NGOs.

* The research was prepared by the Knesset Research and Information Center.