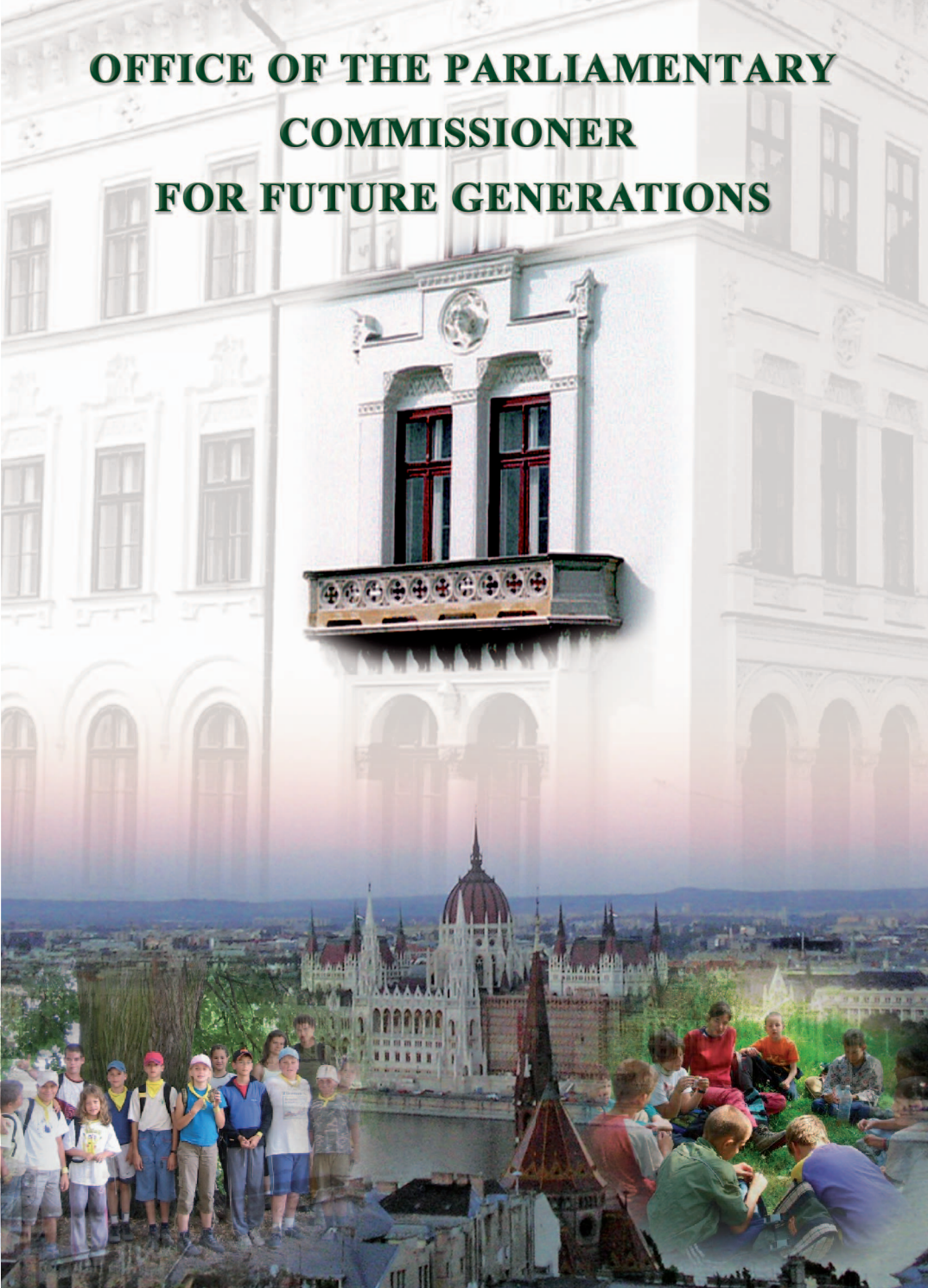


**OFFICE OF THE PARLIAMENTARY
COMMISSIONER
FOR FUTURE GENERATIONS**





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Introduction

The welfare of future generations is dependent on the decisions of today's generations in the most intricate manner. Peoples' attitude to natural and built environment today will determine the possibilities of the generations to come, be it access to natural resources for development purposes, the availability of clean air in our cities or just the simple enjoyment of natural landscapes. The eminent principle of intergenerational equity calls for the careful consideration of the needs of future generations when we make decisions with such long term effects. However, these long term interests are often overlooked for overriding short term benefits or for the lack of vision and political will. The institutional safeguarding of the needs of coming generations is therefore in the interest of all. This fact has been acknowledged by the Hungarian Parliament through the establishment, in 2007, of a Parliamentary Commissioner for Future Generations.

Above all, the Commissioner is an environmental ombudsman: his principal responsibility is to safeguard citizens' constitutional right to a healthy environment. In this capacity he investigates complaints relating to a broad range of environmental issues such as the degradation of urban green areas, noise pollution by aviation, licensing of individual industrial installations, etc. Secondly, as a guardian of future generations, he acts as a policy advocate for sustainability issues across all relevant fields of national or local legislation and public policy. This varies from the financing of environmental authorities, through the role of civil society in environmental decision-making to transport infrastructure development. Finally, the Commissioner aims to develop a strategic scientific research network through undertaking or promoting projects targeting the long term sustainability of human societies.



History

The adoption in November 2007 of the bill establishing the institution of the Commissioner — formally an amendment to the 1993 Act on the Parliamentary Commissioner for Civil Rights (the Ombudsman Act) — has been preceded by a decade of preparatory work. An early draft of the bill leading to the 1995 General Act on the Environment already foresaw an environmental ombudsman in the early 1990s. However, it was the relentless advocacy and lobbying in the past years of an environmental non-governmental organisation — Védegylet — that has paved the way for forging a unique multi-party coalition in Parliament in favour of the 2007 bill. The project has also enjoyed the pivotal political support of the President of the Republic, Mr. László Sólyom, a former member of Védegylet and an active promoter of the rights of future generations.

The amendment on the Parliamentary Commissioner for Future Generations came into force on 1 December 2007. Mr. Sándor Fülöp was elected as Commissioner on 26 May 2008 for a term of six years. Recruitment of the personnel of the Office of the Commissioner has been completed in December 2008.

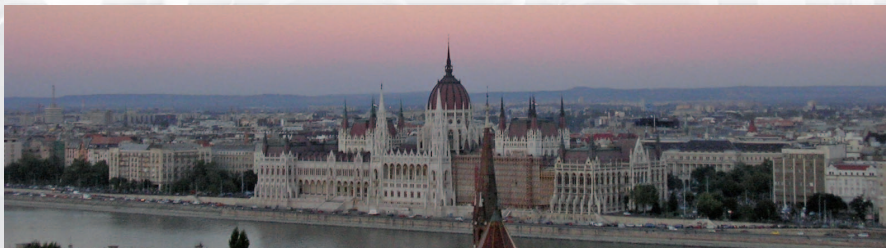


Powers and competences

The Commissioner for Future Generation — one of the four parliamentary ombudsmen of Hungary — is empowered to carry out investigations in relation to all issues that may affect citizens' constitutional right to a healthy environment. These do not only concern typical issues pertaining to air, water, waste, etc. but also all cases with a likely impact on the long term sustainability of the environment in the broadest sense. Thus the field of competence of the Commissioner also extends to the protection of world heritage sites, historic monuments, environmental health issues, energy and transport policy, greening of the public budget, etc. The very broad competences of the Commissioner can be broken down into the following activities: investigation, policy advocacy, strategy-making and research.

Investigation

The principal responsibility of the Commissioner is to carry out investigations and to make recommendations to authorities or companies on environmental matters. Any person may lodge a complaint with the Commissioner but investigations may equally be initiated *ex officio*. The Commissioner and his authorised staff members can enter any premises, may inspect any site or document or can interview any public official (subject to limited national security restrictions) or any private operator in the course of their fact finding. While, as a general rule, the Commissioner investigates administrative procedures that have already been completed, in exceptional cases — where the execution of an administrative decision is likely to cause irreversible damage to the environment — he may intervene in on-going procedures as well. Thus, he can seek the suspension of the decisions of authorities even before their administrative and/or judicial review has been completed. Similarly, the Commissioner may intervene in court procedures in environmental cases on behalf of any party engaged in litigation. When an “irregularity” is discovered by the Commissioner he may make general or particular recommendations to the authorities or any other person (typically: companies) brought under investigation. The authorities (companies) concerned must respond to the recommendations within the deadline set by the Commissioner. In addition to “soft” recommendations, the Commissioner may also initiate criminal procedures, seek the intervention of public prosecutors, directly sue polluters for the recovery of damages on behalf of the Government, etc.



Policy advocacy

Under the Ombudsman Act the Commissioner has to be consulted with regard to any legislative draft and policy initiative concerning the environment at all levels of Government (including matters of EU decision-making). He may also comment on the development and spatial plans and initiatives of local governments, he must be invited to public hearings relating to his activities, etc. The Commissioner may also call for the adoption or annulment of legislation (without the right of initiative) and seek constitutional review by the Constitutional Court of any legislative act in force. The Commissioner prepares an annual report to Parliament on, inter alia, the implementation of the right to a healthy environment.

Such a strong statutory status elevates the Commissioner to the position of a chief environmental public advocate. Through the above formal channels, his political contacts and the media the Commissioner can express his views on issues relating to the sustainability of the environment, the protection of cultural heritage or the possibilities of future generations without political or institutional constraints. To this effect the Commissioner regularly issues policy papers on topical environmental questions, such as smog alerts or the reform of the eco-tax system of Hungary. The Commissioner by providing “good offices” may also prove to be a mutually accepted interface for mediation in delicate environmental cases.



Strategy and research

Shaping today's decisions and choices that affect the long term sustainability of our societies should be driven by vision and research. In order to substantiate his policy recommendations or simply to stimulate debate over critical issues relating to future generations the Commissioner intends to undertake a number of targeted research activities focusing on cross-cutting issues of sustainability (e.g. climate change, local sustainability agendas, etc.). Some of the conclusions of these activities will be presented at the yearly Future Generations Talk, an annual international event organised around the topic of the representation of future generations. The Commissioner also lends support to non-governmental initiatives, especially to those in the field of environmental education and awareness-raising.





International relations

The establishment of an institution of the State whose principal task is to care for the needs and possibilities of future generations through legal and policy supervision and control carries a strong message. The Commissioner considers the dissemination of this message in the international community a priority. In view of his dual role as a guardian of future generations and as an environmental ombudsman the objectives of the international activities of the Commissioner are twofold. First is the promotion of the cause of the representation of future generations through publications and events such as the annual Future Generations Talk. Second, the Commissioner intends to act as a hub for environmental ombudsmen in the international arena, particularly by way of promoting the establishment of a formal network of ombudsmen (and similar institutions) active in the field of environment.

The Commissioner

Mr. Sándor Fülöp was elected to become Hungary's first Parliamentary Commissioner for Future Generations on 26 May 2008. Mr. Fülöp holds a degree in law from the Eötvös Loránd University of Sciences (1982) and a degree in psychology (1987). Between 1984 and 1991 he has worked as a public prosecutor at the Metropolitan and the National Chief Prosecutor's Office. Following a short period of private legal practice at the international law firm Ruttner and Partners (1993-1994) Mr. Fülöp acted, until his election as Commissioner, as the director of Hungary's principal non-profit environmental law firm: the Environmental Management and Law Association (EMLA). During his career at EMLA he has also held a number of international positions. He participated in the drafting of the 1998 UN ECE Convention on Access to Information, Access to Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention). Between 2002 and 2008 he was a member of the Compliance Committee of the Aarhus Convention. Mr. Fülöp has been a university lecturer on environmental law since 1997.





Office of the Commissioner

The Commissioner's activity is supported by an office comprising four units: Legal Department, Strategy and Science Department, Department for International Relations and Coordination Department. The Commissioner's Office has a 35 strong staff. The permanent legal team is composed of 20 staff lawyers covering a wide range of expertise in all major areas of environmental law and neighbouring policies such as transport, spatial planning, etc. The legal team is assisted by scientific experts on a number of relating policy areas such as public health, climate change, environmental technology or social sciences. The Office also employs external experts on a contractual basis.



Contacts

For further information please consult our website at www.jno.hu

or

Contact us at future@obh.hu

or

Office of the Parliamentary Commissioner for Future Generations

PO Box 40

Budapest

H-1387

Hungary

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