



PARLIAMENTARY COMMISSIONER
FOR FUTURE GENERATIONS

THE ROLE OF THE OMBUDSMAN OF FUTURE GENERATIONS IN FORMING WATER POLICIES

Excellencies,

Ladies and Gentlemen,

Dear Colleagues!

It is an honour and pleasure for me to have the opportunity to address this prestigious assembly, adding my comments to one of the main issues before us: the sustainable management of our waters. The Hungarian Office of the Ombudsman of Future Generations (JNO) has excessively dealt with water-related problems, among them the issue of the Danube river. We have had cases concerning shipping and also a general complaint from a group of citizens regarding the lack of balance in using the ecological services of the river.

Indeed, the conflicts concerning the Danube were triggered in the last two decades by several narrow, single-issue suggestions about the use of the river.

Water management engineers suggested to use it as a source of cheap and clean energy. The idea is great, but most of the plans proposed forgot about the other uses of the Danube, like drinking water, natural habitat and fishing – to name but a few.

Recently a new suggestion has emerged, in close connection with the Danube Euroregion Plan: let us use the Danube as a major transport route! After all, shipping is a cheap and environmentally friendly way of transporting goods and people. The implementation plans for this new proposal once again seemed to forget about the rest of the ecological services of the Danube. For instance, removal of pebble layers from the riverbed for the sake of more draft for large ships would negatively influence the filtering capacity of the river. The deeper river bed could affect the underground water level, therefore could harm some agricultural interests, too.

A water management or an energy administration authority may or may not conclude that the plan to create power plants on the plain, lower sections of the

Danube is a splendid idea. A transport authority might rightly think the same about shipping development plans.

Environmental, agricultural, and other administrative bodies might be much less content with certain aspect of such plans but they might not be in the position to voice their opposition once a political decision has been taken.

Individuals, local communities, environmental NGOs, professional bodies, will also soon realize eventual problems, if and when confronted with those plans, but they, too, might run into difficulties when they wish to give voice to their reservations or try to modify the proposals. Their difficulty still too often lies with the character of our regular administrative procedures. Everything may go in accordance with the relevant laws of the country - still, certain interests and rights might be seriously harmed or endangered. A narrow, one sector approach the modern sciences and administrative systems, often taken in the name of efficiency and speed, can easily lead to unjust situations where fundamental rights of the citizens are infringed.

Constitutional watchdog institutions are able to identify and remedy these system faults I just described. Sweden and other Nordic countries have invented such an institution centuries ago, it is called: "ombudsman". The historical role of the ombudsman is to make proposals to the authorities in situations when every law was obeyed, yet, serious harm happened to the rights of the citizens. This role requires a different methodology from that of the administrative bodies and authorities.

The Hungarian Parliament has accepted a modification of the Ombudsman Act in 2007 and established the novel "Office of the Ombudsman for Future Generations" with an almost unanimous vote. Multidisciplinary, holistic, problem oriented approach is encoded in our job description in the Act. We receive complaints and also perform the other historical ombudsman function, the parliamentary advocacy role with similar features. In our cases we consult all the interested authorities, relevant scientific and NGO organisations and local communities. Let us see how we proceeded when we received the complaints concerning the Danube river.

In order to gather a full picture about the ecological services of the river, last October we convened a conference for as many as 17 relevant scientific fields, dealing with different aspects of the socio-ecological system of the Danube valley in Hungary. We had lecturers and discussants from the fields of nature protection, drinking water, agriculture, tourism, nature and landscape protection etc., furthermore also energy and shipping. We have collected all the opinions and the materials of the experience exchanges of these scientists, together with the relevant literature and the results of some newly commissioned research, then finally drafted a very simple statement with the following three guidelines for the Government.

First: in every case, when important decisions are made concerning the fate and use of the river valley, representatives of all the concerned professions and stakeholders should be brought around the table. (Nothing really new, actually: it has been called earlier horizontal integration, mainstreaming sustainability, and public participation.)

Second: a decision to exploit one of the ecological services must not result in the harm to, or the loss of, other existing ecological services. If and when the limitation of certain uses of the river is envisaged, the concerned interests should find a compromise with only the necessary and proportional limitation of each others' strives.

Third: should a choice between mutually exclusive uses of the river system be unavoidable, the decision must always favour the maintenance of the renewable ecological service versus the non-renewable one.

I do hope that strategy and development concerning the Danube valley will prove sustainable in long run, if kept within these simple but not simplistic rules.

Your Excellencies, dear Colleagues,

We are truly honoured by the frequent mentioning of the institution of the Hungarian "Green Ombudsman" at national and international fora as a possible institutional solution for enhancing intergenerational justice. I will make every effort to further develop this political "Hungaricum" into a positive example and reference point for environmental governance solutions. We firmly believe that our inter-disciplinary approach and iterative networking methodology is best suited to clarify the controversies between our present short-sighted activities, respectively the fate and interest of future generations.

I thank you very much for your kind attention!

Gödöllő, March 25th, 2011.

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