

What environmental data do we need?

Indicators of sustainability – “beyond GDP”
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Osborns's Law:

*„Only the constants change,
variables never”.*

(Osborn törvénye:

„Csak az állandók változnak, a változók soha”.)

(Murphy's Laws and other reasons why
things go wrong)

Content:

1. Right to a healthy environment - constitutional right.
Environmental data - data of public interest.
2. What is a „healthy” environment?
3. FGO's plan: long-term investigation.

Right to a healthy environment = constitutional right.(1/1.)

Our Constitution protects not only the environment, but a „healthy environment“:

Act XX of 1949 on the Constitution of the Republic of Hungary:

Article 18:

„The Republic of Hungary recognizes and shall implement the individual's right to a healthy environment“.

This fundamental right has been protected in Hungary since 1989, the peaceful political transition to a constitutional state.

Data of public interest (1/2.)

This provision can be interpreted together with Article 61 on the freedom of public interest data/information:

Article 61.

„(1) In the Republic of Hungary everyone has the right to freely express his opinion, and furthermore to access and distribute information of public interest”.

The Act LXIII of 1992 on the Protection of Personal Data and Public Access to Data of Public Interest gives content to this fundamental right.

Data of public interest (1/3.)

Act LXIII of 1992 on the Protection of Personal Data and the Disclosure of Information of Public Interest:

2.§ 4. 'data of public interest' shall mean any information or knowledge, not falling under the definition of personal data, processed by an organ or person performing a state or local government function or other public function determined by a rule of law, or any information or knowledge pertaining to the activities thereof, recorded in any way or any form, irrespective of the manner it is processed and its independent or collected character;

Data of public interest (1/4.)

Chapter III.: PUBLIC ACCESS TO DATA OF PUBLIC INTEREST

Article 19

- (1) The organ or person (hereinafter referred to collectively as 'organ') performing state or local government function, or other public function determined by a rule of law shall promote and ensure the accurate and prompt information of the general public concerning matters within its sphere of tasks, in particular concerning the state and local government budgets and their implementation, the management of state and local government assets, the utilisation of public funds and contracts involving the same, as well as concerning the granting of special or exclusive rights to market operators, private organisations and private persons.
- (2) The organs laid down in paragraph (1) shall regularly electronically or otherwise publish or in case of a claim aimed at this enable access to the most important data pertaining to their activities, in particular to their powers, competence, structure, professional activities including the evaluation of the effectiveness thereof, the categories of data possessed by them, the rules of law governing their operation, and to their management according to the provisions of Article 20. A rule of law may determine the way of the information and the scope of the related data.

Data of public interest (1/5.)

Aarhus Convention, Article 5.:

COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION

1. Each Party shall ensure that:

(a) *Public authorities possess and update environmental information which is relevant to their functions;*

(b) *Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;*

(c) *In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.*

2. Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible, ...

3. Each Party shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks. Information accessible in this form should include:

(a) *Reports on the state of the environment, as referred to in paragraph 4 below;*

(b) *Texts of legislation on or relating to the environment;*

(c) *As appropriate, policies, plans and programmes on or relating to the environment, and environmental agreements; and*

(d) *Other information, to the extent that the availability of such information in this form would facilitate the application of national law implementing this Convention, provided that such information is already available in electronic form.*

...

9. Each Party shall take steps to establish progressively, taking into account international processes where appropriate, a coherent, nationwide system of pollution inventories or registers on a structured, computerized and publicly accessible database compiled through standardized reporting. Such a system may include inputs, releases and transfers of a specified range of substances and products, including water, energy and resource use, from a specified range of activities to environmental media and to on-site and offsite treatment and disposal sites.

2. What is a „healthy” environment?

Need for

- completing the notion of ED with data (indicators) of public health, mortality, etc.,
- enriching the definition of „environment” (by social and natural sciences,

New (?) interpretation of morality (including real responsibility for the future generations).

New balance between human rights and human duties.

The crisis of white culture.

3. The legal and practical investigation planned by the FGO

Growing social demand today in Hungary for the transparency of the budget and public expenses.

FGO is planning a legal and practical investigation on environmental data/information.

FGO's plan: long-term investigation of data(bases) and indicators, recommendation for legislation and best practices.

Why FGO? Authorisation:

The Parliamentary Commissioner for Future Generations

- may call on the competent authority to take measures relating to the protection of the environment,
- may issue general recommendations in his sphere of tasks or recommendations for certain organs, institutions, authorities or persons in individual cases,
- shall express an opinion on the drafts of statutory instruments and other governmental motions connected with his tasks, and may make a proposal for legislation in his sphere of tasks.

The legal and practical investigation planned by the FGO (3/2)

Long-term examination:

- „law in books” and „law in action” (implementation and enforcement).
- Separate (ministerial) legislation on environmental databases (air, water, waste storage, ambrosia ...).

One important (and the only) precedent - the Environmental Management and Law Association analysis (2005):

information/data on environment and health are collected at least by three administrative sectors separately:

- Internal affairs (disaster protection)
- Public health (hazardous material)
- Environment (hazardous waste).

Their common characteristics: huge bureaucracy, overlappings, extreme demand for autonomy, no internal need for cooperation.

In our examination we will focus on:

- Principle of integration;
- Supplying of data, userfriendly data;
- Harmonizing and integrating of databases, data collections;

The legal and practical investigation the FGO plans (3/3)

Other complementary reasons:

- Moral (responsibility): to show to future generations what we did to nature: what the present status is, what we received and how we leave that for them;
- economical: the Hungarian Budget Act allocates billions of Forints to environmental projects every year, but these decisions, plans are doubtful without exact, correct data.