

Novel institutions relating to sustainable development in Hungary

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I. General context

- Preparation of the 1995 Act on the General Rules of the Protection of the Environment
 - Central role of environmental policy in mainstream government action
 - Innovative institutions relating to the environment
 - National Council on the Environment (in place)
 - Green ombudsman (omitted)
- While environment policy have mostly played a secondary role in government policy in most of the 1990s and 2000s, a strong intellectual movement has emerged to develop novel institutions safeguarding the introduction/implementation of sustainable development

- Two such institutions established in 2007-2008:
 - Parliamentary Commissioner for Future Generations
 - National Council on Sustainable Development
- No deliberate government policy behind either institutions

II. The Parliamentary Commissioner for Future Generations

II.1 History

- antecedents: early legislative steps in the 1990s
- adoption:
 - since 2001 repeated initiatives place by individual MPs without success
 - 2006/2007 multiparty consultations on the introduction of the ombudsman for future generations, strong support from the President of the Republic
 - Adoption in December 2007
 - Election of the ombudsman: summer 2008 (3 failed votings)

II.2 Powers

- In general: parliamentary commissioners (general, ethnic minorities, data protection, future generations)
 - elected by 2/3 of Parliament for 6 years
 - independent in his investigations and recommendations, annual report to Parliament
- The Parliamentary Commissioner for Future Generations
 - Why “future generations”?
 - Original concept: to include a wide range of rights (social, children’s, development plans) and powers to overview the action of a wide range of actors (including companies and private individuals)
 - What is adopted: a specific environmental ombudsman with no reference to future generations, powers mainly relate to state institutions (no overarching connection among generations)

- What does the Commissioner do?
 - Investigates the implementation of the constitutional right to a “healthy environment” in a general manner (policy making, legislation) and in specific cases (individual complaints)
 - What is *really* new?
 - Can intervene to suspend the execution of administrative decisions if the delay may lead to irreversible damage
 - Can call on any person or organisation to stop illegal polluting activities

II.3 Practice

- Formative months – hiring staff
- But: influx of complaints already in progress (NATO locator)
- High confidence and expectations

III. National Council on Sustainable Development

- Established by a resolution of the Parliament in May 2008 (weak statutory position)
- Consultative and advisory body of the Parliament on matters relating to sustainable development (mainly at planning and conceptual level)
- Purpose: to create a broad, multi-stakeholder consultative platform that is detached from central Government
- 4 meetings are planned annually

- Chair: Speaker of Parliament, 4 co-chairs delegated by: Government, Hungarian Academy of Sciences, parliamentary opposition and civil society
- Members (32) delegated by:
 - Parliamentary parties
 - Hungarian Academy of Sciences
 - Chambers of Commerce and Industry
 - Associations of local governments
 - Churches
 - Alliance of Technology and Science Associations
 - Hungarian Conference of Rectors
 - Social and public health NGOs
 - Ethnic minority NGOs
 - Environmental NGOs
 - Generational NGOs
 - Education and Culture NGOs
- Activity: secretariat established in October, no real activity as yet

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