

The functions of the Parliamentary Commissioner for future generations

Dr. Sandor Fulop PhD

National University of Public Services, Budapest, Hungary,

Department of Sustainable Development

(former Parliamentary Ombudsman for Future Generations in Hungary)

History of the ombudsman institution

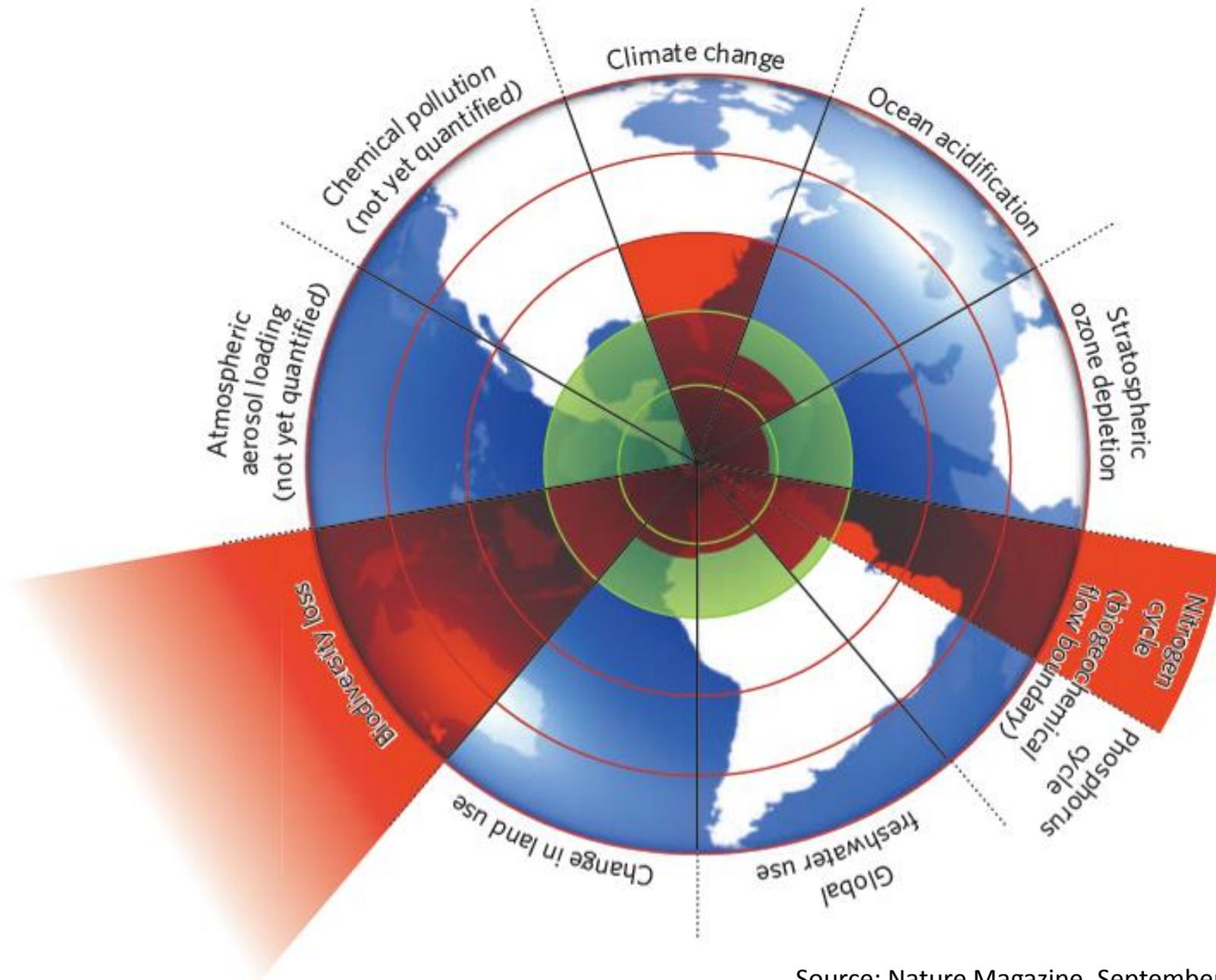
- China, during the Qin Dynasty (221 BC)
- Korea, during the Joseon Dynasty
- The Roman Empire, People's Tribune
- Turkish Diwan-al-Mazalim (634–644)
- Also in Siam, India, the Liao Dynasty (Khitan Empire), Japan
- Swedish Parliamentary Ombudsman, instituted by the Instrument of Government of 1809, to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch. The predecessor of the Swedish Parliamentary Ombudsman was the Office of Supreme Ombudsman, which was established by the Swedish King, Charles XII, in 1713. Charles XII was in exile in Turkey and needed a representative in Sweden to ensure that judges and civil servants acted in accordance with the laws and with their duties. If they did not do so, the Supreme Ombudsman had the right to prosecute them for negligence.

The contemporary ombudsman institution

- On constitutional basis they control the executory branch of power on/in behalf of the Parliament
- Therefore, independent from the government
- All access to administrative information, but no or very weak administrative power
- Rich social ties, especially with the local communities whose complaints should be addressed
- Parliamentary (and broader legislative) advocacy for better laws

The age of ecological catastrophes

- Planetary boundaries: interrelations between climate change, biodiversity loss and soil degradation (also with waters, wastes, chemicals, air)
- Resource depletion (oil peak, phosphates peak to come)
- Consequences: plagues, starvation, mass migration, wars for water and for other natural resources
- Meadows warning: short time to cope, use laws and institutions



Institutional representation of future generations

- Terminology: sustainable development, future generations, environmental protection/ombudsman, commissioner, guardian
- Efforts in several countries to apply the classical ombudsman institution on environmental issues (New Zealand, Israel, Hungary, Wales) or plans (Norway, The Netherlands, Japan, Germany?)
- Executive branch ombudsman (Austria, Canada, Australia)
- The Rio+20 attempt to establish a global ombudsman for future generations (once the problem is global...)

Major concerns of FGOs

Complex issues as unreasonable consumption of the resources of our offspring, such as:

- national energy policy that handicaps the renewable energy sources
- arbitrary water management programs that overlook ecological services of large rivers
- urban sprawl caused by real estate speculation and by mass escape from city life
- noise as a daily practice for those who remain in the cities

Effects of the Hungarian FGO

The methodology of clarification and networking helped us to solve successfully several kinds of environmental conflicts:

- Large, priority cases (power plants, military radar station, smelter factory, genetical heritage issues)
- smaller cases significant in their number (e.g. spatial planning, city noise)
- Legislative issues (pp., EIA., forestry, nature, water management etc.)
- Plans, policies (sustainable local communities, alternative indicators, environmental education programs etc.)

The minimum requirements for an FG institution

- Independent (organisationally, methodologically: will it be system alien?)
- Future orientated (time scales different from the political and administrative bodies or economic stakeholders)
- Glocal (considering resilience viewpoints the local level could be decisive; international ties are also vital for them; be part of global alliances for global problems)
- Effective (system oriented, multidisciplinary, networking etc.)
- Communicative (good press coverage, presence in the electronic media)

Additionality

- additional moral strength
- a proper understanding and effective coping with the reasons of social, political, national and global inertia
- topics the existing institutions have difficulties to handle (holistic, transdisciplinary approach)
- alternative methodology such as clarification and networking (internal and external);