



## Intergenerational fairness: giving the future a face

Venue: European Parliament, Room: A5 F 385

Time: 3 May 2010, 15:00-17:00

### **BACKGROUND DOCUMENTS**

- ANNEX 1: Written Declaration 0070/2008 on the need to establish a Representation for Future Generations in the European Union (p. 2)
- ANNEX 2: The Hungarian Parliamentary Commissioner for Future Generations, World Future Council Policy Memo (p. 4)
- ANNEX 3: Future-Proofing European Policies, World Future Council Policy Memo (p. 6)
- ANNEX 4: Innovating Indicators (separate .pdf, see invitation email)

# EUROPEAN PARLIAMENT

2004



2009

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1.9.2008

0070/2008

## WRITTEN DECLARATION

pursuant to Rule 116 of the Rules of Procedure

by Kinga Gál, Alexander Alvaro, Kristian Vigenin, Jean Lambert

on the need to establish a Representation for Future Generations in the European Union

Lapse date: 4.12.2008

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**- ANNEX 1-**

**0070/2008**

**Written declaration on the need to establish a Representation for Future Generations in the European Union**

*The European Parliament,*

- having regard to the UNESCO Declaration on the Responsibilities of the Present Generations Towards Future Generations (1997),
  
  - having regard to Rule 116 of its Rules of Procedure,
- A. recognising that there is an urgent need to represent efficiently the rights and interests of future generations as the welfare of our present societies is threatening to be increasingly assured at their expense,
1. Requests the Commission to investigate the possibilities of institutional representation for future generations in the European Union, including the following options:
    - a) the integration of the protection of the next generations' interests into the Office of the European Ombudsman,
    - b) the delegation of the responsibility for the enforcement of future generations' interests to the portfolio of one of the Commissioners,
    - c) the integration of the enforcement of future generations' interests into the duties of the European Fundamental Rights Agency;
  
  2. Requests the Commission to call on European Union institutions and bodies to include the task of taking into consideration the interests of future generations in all parts of their activity and to fulfil it;
  
  3. Calls on the Council and the Commission to designate a year as the 'Year of Future Generations' in order to give expression and a high profile to the importance of future generations' interests;

4. Instructs its President to forward this declaration, together with the names of the signatories, to the Council and the Commission.

## The Hungarian Parliamentary Commissioner for Future Generations - World Future Council Policy Memo -

*What was the aim behind setting up a Commissioner for Future Generations?*

The aim of the legislation is to protect the nature-related conditions of the life and health of present and future generations; to preserve the common heritage of mankind and provide solutions to the common concerns of mankind; to preserve freedom of choice, the quality of life and the unobstructed access to natural resources.

*What is the Commissioner's mandate?*

The Hungarian Constitution grants every Hungarian the fundamental right to a healthy environment. The Constitutional Court has stated that this right creates the obligation for the state to provide institutionalized protection of future generations. The Commissioner acts as an independent institution, but may intervene in any activity related to natural resources, land, pollution, biodiversity, energy and historical monuments. His mandate also includes economic, social and institutional issues related to these matters, such as taxes, state subsidies, access to information and inclusive decision-making.



"Every door is open for us, we can even look at secret files - naturally with certain guarantees, in order not to harm the state bodies. We clarify cases from several angles: legal, international, and different professional angles. Even if we cannot order the administrative body to do this and that, we can change decisions, if we publish our results, and ask our complainants or NGOs to disseminate our findings and to lobby the local municipal consuls."

*What are the Commissioner's competences?*

He engages in monitoring and assessing the enforcement of relevant legal provisions. Upon request by any citizen or upon own initiative, the Commissioner may investigate any public or private action leading to potentially irreversible damage of the environment. In these investigations, he is only limited by state secret, not by business secret.

Secondly, he may initiate judicial review of state legislation. If relevant improprieties violating the rights of future generations prevail in administrative acts, he may call for their abrogation.

Thirdly, he may demand to halt any activity that is or will result in severe environmental damage until proof of safety is delivered. If this proof is not delivered within 30 days, he may instigate a court case. He may appear in court to achieve prohibition and may disclose information on the case to the public if reaction to the complaint takes longer than 30 days.

Fourthly, he may contribute to Hungarian proposals for European policies and facilitates the application of European Union law and other relevant international conventions.

## **- ANNEX 2 -**

*What are the main achievements since its establishment?*

The Commissioner has halted several construction plans due to their impact on the environment: the municipality of Budapest wanted to construct tall buildings in an area that suffered already from environmental pressure, in another case it wanted to demolish protected historic buildings in the town-centre, and the municipality of Piliscsaba wanted to build an underground karsts water reservoir for public and commercial use in an area with too scarce water resources.

Suggestions by the Commissioner were integrated in national spatial-planning legislation and in the formulation of the World Heritage Act. When the government tried to limit the right of citizens and NGOs to file suits concerning environmental damage by amending the Administrative Procedures Code and several Acts with environmental relevance, the Commissioner successfully defended this right. In addition, the Commissioner promotes environmental awareness and education and advises sustainability-related projects of the civil-society sector.

*How was the Commissioner established?*

The NGO Védegylet (Protect the Future) drafted a bill and worked with two deputies of the social democrat party, who tabled it for the first time in spring 2000 and again in 2002. The bill failed in the committees. But when László Sólyom, the author of the first bill, became Hungarian President in 2005 and one of the two deputies became President of Parliament, the project gained large support among deputies. It was approved in November 2007 and Dr Sandor Fülöp, the first Commissioner took up office in May 2008.

Sources:

—Ambrusné Tóth, Éva (2010): The Parliamentary Commissioner for Future Generations of Hungary and his Impact, forthcoming in: *Intergenerational Justice Review*, Vol. 10 (2), 2010.

— Jávör, Benedek (2006): Institutional Protection of succeeding generations – Ombudsman for Future Generations in Hungary. In: Tremmel, Joerg Chet (ed.), *Handbook of Intergenerational Justice*, Cheltenham/ Northampton, MA: Edward Elgar, 282-298.

—Parliamentary Commissioner for Future Generations (2010): Summary of the Annual Report of the Parliamentary Commissioner for Future Generations of Hungary, excerpted from the Annual Report to the Parliament by the Hungarian Commissioner for Future Generations for the year 2009, <http://jno.hu/en>. Viewed: 23/4/2010.

Dr Maja Göpel

## **Future-Proofing European Policy-Making – Discussion Paper**

*“Europe has no other option but to tackle the immediate challenge of the crisis and to face up to long-term challenges such as globalisation, climate action, ageing, so as to make up for the recent losses, regain competitiveness and put the EU on an upward path of sustainable growth.”<sup>2</sup>*

The Lisbon Treaty bases the European Union on the values of respect for human dignity, freedom, democracy, equality and the rule of law and respect for human rights. It is determined to promote economic and social progress with account of the principle of sustainable development.<sup>3</sup> This determination is not new, but only reinforces the overarching long-term goals that are widely recognised as the vision and base of the European identity and future, uniting its citizens and defining Europe's role in the international arena.

Yet, the level of coherent, future-oriented policy-making across European institutions and issue areas stands to be improved. As the economic crisis has shown, European solidarity and unity to work collectively on a prosperous future needs to be strengthened. The Commission has clearly recognised this, as reflected in the Commission's evaluation of the Lisbon Strategy<sup>4</sup> and the commitments made in the Time to Act work program.<sup>5</sup> This document argues for an institutional innovation to boost the realisation of the important commitments made.

### **Benefits of an institutional innovation for future-proof European policy-making**

*Govern in line with European values of a sustainable social market economy.* It has been acknowledged that the Lisbon strategy was not sufficiently interlinked with other frameworks guarding important values that the European Treaties are based upon. Namely, the integration with the Social Agenda or the Sustainable Development Strategy were found to be underdeveloped. Establishing one institution with the mandate to systematize different assessments increases trust in the capability to govern increasing complexity in a globalised world.

*Increase policy coherence and smart regulation for a secure European future.* Taking a long-term perspective and delivering holistic assessments early in the policy-shaping process avoid unintended counter-effects and ineffective policy incoherence. Establishing one independent institution with a universal access mandate to work between the legislating bodies can deliver early-warnings of contradictions and mediate for efficient policy agreement.

*Ensure effective flagship implementation.* The EU2020 Strategy identifies necessary structural changes for a sustainable, smart and inclusive European economy. The flagship initiatives behind this shift require investment re-allocation today while most of the effects will be visible in the long term: education and skilling, innovation support, development of efficient technology and infrastructure, a digital revolution are hard to sell to established interests. Establishing one institution that comments on

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<sup>2</sup> COM, 2010, 135 final, 31.03.2010, p. 3

<sup>3</sup> The Lisbon Treaty, Consolidated Versions, C115/1, 09.05.2008, Preamble & Article 2

<sup>4</sup> SEC (2010) 114 final, 2.2.2010

<sup>5</sup> COM, 2010, 135 final, 31.03.2010



the implementation process with a future-oriented, holistic human security understanding will increase acceptance of priority changes among European co-decision-makers and their citizens.

*Modernise EU instruments to address long-term societal challenges.* The European Union needs statistical indicators and inclusive consultation processes to create planning security for policy-makers, European businesses and social institutions. The Commission initiative on "GDP and

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Beyond" is an important first step into this direction, acknowledging the fundamental principle of precaution in the European Treaties. Integrating existing initiatives on data collection, meaningful indicators and communication for evidence-based policy-making under one pro-active institution could significantly reduce transaction costs resulting from lack of coordination or procrastinated implementation.

*Mitigate the effects of demographic transition.* The challenges of an ageing society fare high on all European strategy documents today. Democratic interest representation may become an obstacle to the implementation of not-business-as-usual transformation strategies if the eventual effects for quality of social cohesion and life in Europe are not expressed sufficiently. Establishing one institution to explicitly represent the interests of young and future generations in a transparent and participatory manner provides for independent, preventive long-term checks-and-balances.

*Communicate a citizen's Europe and improve support for structural changes.* The main aim of the European Union and clear goal of the Commission's work program is to improve the lives of its citizens now and in the future. Working for the future living conditions in Europe lifts many arguments from individual bargaining over short-term benefits to problem-solving compromise benefiting long-term human security. Establishing one institution that analyses and argues for the interests of future generations of Europeans highlights cross-influences between different sector developments and serves overcoming stalemates between environmental, social or economic goals.

*Creating a trusted citizen's Europe.* There prevails a significant degree of scepticism and "Brussels-blaming" in the processes of national implementation strategies that increased dialogue with European citizens could ameliorate. Establishing one institution with the mandate to receive citizen concerns on long-term impacts of European policies and the possibility to access and communicate validating information significantly improves the trust of Europeans in their institutions and provides intelligence about public concerns.

*Champion a global identity combining core European values, competitiveness and human security.* European External Action serves to promote and defend its values and the agenda for smart, sustainable, and inclusive growth forms an integral part of this delivery. Debates on future development strategies for sustainable human security and peace highlight the necessity for resource productivity, diversified production, distribution and consumption. Business is demanding The Green Imperative<sup>6</sup> with "appropriate regulatory and incentive structures" to "remove uncertainties" and "restore trust" for joint responsibility for a sustainable future. Establishing one institution with the particular mandate to safeguard environmental, social and economic resources for future generations links sustainability claims with future citizens' wellbeing and security.

#### **Proposing a European Guardian for Future Generations**

Experiences in Hungary<sup>7</sup> and New Zealand have shown that an independent institution representing future generations can be highly effective with regards to the

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<sup>6</sup> The Green Imperative, Business for the Environment (B4E) Manifesto 2009

<sup>7</sup> For the original text of the bill in Hungary, see [http://jno.hu/en/?menu=legisl&doc=LIX\\_of\\_1993#legalstat](http://jno.hu/en/?menu=legisl&doc=LIX_of_1993#legalstat)

strategic goals touched on above. Basing such a Guardian in the European Parliament with a strong deliberative, educational and consultative mandate would significantly improve future-oriented policy-implementation. Upon request by citizens, or at its own initiative, this institution may investigate policy or project developments where the interests of future generations are at risk. The Guardian would generate, allocate, archive and communicate information on future risks and opportunities and demand reviews of legislation, programmes, and policy incoherence or in case of detriments for future human security.