



The Necessity and Powers of Future Generations Organisations

Provocation

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The need for an independent voice

The imminent ecological crises have been described and reinforced by thousands of governmental and independent scientists within the frameworks of the [Intergovernmental Panel on Climate Change](#) (IPCC), [Millennium Ecosystem Assessment](#) and [Global Environmental Outlook](#) reports and publications relating to 'planetary boundaries'. Our consumer society is not receptive to this bad news. Short-term political and economic interests, or simply a mental defence mechanism against the 'inconvenient truth', are far too effective. An independent, authentic voice is needed to keep clarifying the facts of the ecological crises and popularise the achievements of different networks that offer solutions for mitigation and accommodation.

The possibility for new institutions

The industrial age is living its last years. Mass production, mass communication and compartmentalised scientific truths are more or less over. The information age or, as it is also called, the 'Age of Networks', enables individualised production and consumption, community media networks rather than outdated top-down media, and transdisciplinary sciences stepping into the place of the old academic disciplines. Parallel to these developments, representative government systems are challenged by the institutions and practices of public participation, for which environmental democracy and the system of the Aarhus Convention serve as good examples. Within these new frameworks, new types of state bodies can emerge which are partly independent

of the government and are better at solving certain complex tasks that the public administrative system is unable to solve through its old linear structures, norms and procedures.

What are future generations organisations (FGOs)?

A Future Generation Organisations (FGO) can be described as a new kind of organisation that includes the elements of independent parliamentary ombudsmen, and the values associated with intergenerational justice, sustainable development and environmental protection. FGOs:

- are *value oriented* compared with an administrative body that has a particular list of specific tasks. The values of a general ombudsman are mostly derived from constitutional values, such as protection of civil freedoms; or the economic and social rights of people, especially the right to life, health and to a healthy environment;
- recognise *time dimensions* as a core part of their work, rather than adopting the 'here and now' approach to problem solving used by political agents and governmental bodies;
- take a *global approach*: since environmental pollution does not stop at municipality, region or country borders, an FGO's environmental policy and the legal work will consider all geographical levels of protection and preparation;
- are *transdisciplinary*: problems of sustainable development cross disciplines and professions, so FGOs adopt a holistic, multidisciplinary approach – following the logic of networks, they strive to include the concerned public as well as academia;
- are *independent*: we know that our economic and political systems are both economically and socially unsustainable. And it is no good for FGOs to repeat the work of governmental, higher-level agencies: the bigger their institutional and methodological independence, the better;
- are *effective*: FGOs must be able to solve present and inter-temporal environmental conflicts quickly and effectively. That means having enough staff and budget as well as wide access to relevant administrative and social information. (This does not mean that all resources should always come from the State.)

In defining an FGO, the 'future' element should not be mystified. While we reject the concept of discounting environmental values, we must acknowledge that our responsibility to generations in the remote future is limited. It is rather shared with the coming intermediate generations. While we have to be careful to refrain from acts that entail incalculable consequences in the far future, our major concern should be our immediate future: the time of our children and grandchildren, a period that is partly ours. This time span is still several times longer than the time in which our governments are able or willing to calculate, namely the time until the next election.

What do FGOs do?

Most FGOs have complaints and legislative advocacy functions to reflect the two levels of environmental conflicts: individual cases and normative acts (including plans, policies and programmes with limited direct binding force).

Working with complaints, FGOs raise the capacity of local communities and nongovernmental organisations (NGOs) to participate in environmental decision-making procedures that might affect many other cases and even general legal practice. At the same time, by working on their cases,

FGOs develop significant positions in relevant networks; they become more familiar to experts, authorities and other stakeholders taking part in environmental cases. These experiences also fuel the legislative advocacy work of FGOs. By drawing on particular cases they can raise general proposals that make laws and legal practice more effective. Using a system approach and drawing on their multidisciplinary staff, FGOs can react to different government department's legislative drafts or can analyse existing laws, making them more organically integrated with other relevant laws, and responsive to genuine practical needs. Examples of progressive legislative initiatives include greening the State Budget and harvesting low hanging fruits in state programmes such as household insulation in climate and energy law.

Some FGOs have a third function: a think-tank. In this way, FGOs might turn the attention of society to newly emerging solutions in sustainable development, such as alternative indicators, or saving and using the agricultural genetic heritage, or lessons from the sustainable local communities movement. The think-tank role can also include pointing out the one-dimensional nature of certain state policies, for instance, the insufficiencies in state environmental information systems, or the perverse subsidies in agriculture, forestry or in the transport system.

Should FGOs be restricted to environmental matters in their narrower sense, i.e. air, noise, soil, water, nature, waste and possibly radiation, or should they apply the broader concept of sustainable development? Typically, the latter is the case. The concept of sustainable development encompasses social and economic issues in close connection with the environment. In addition, sustainable development is by definition future-oriented: our development is sustainable only if it takes into consideration the rights (or interests) of future generations. The integration principle within laws of environmental protection ensures that even a narrower environmental approach would have to encompass many neighbouring or related fields of governmental administration and social life. However, a too broad portfolio that extends to issues such as childcare, or pensions, might lead to a loss of focus and risk an uneven professional performance.

How do FGOs work?

Naturally, FGOs all over the world follow quite different methods. Some of them focus on more academic approaches, others lobby intensively or proactively disseminate the basic facts and challenges of sustainable development. Still, some typical traits include:

- bridging environmental sciences and society,
- a multidisciplinary, problem-oriented approach,
- system thinking,
- wide networking, and
- use of iterative, deliberative methods when solving complex environmental conflicts.

Many of these new methodological traits emerge because FGOs are mostly products of new developments in the developing information age.

Social impact

Although they are usually small offices, an FGO's social visibility and effectiveness can be considerable. Even if their recommendations concerning social and environmental conflicts are not

obligatory, their multifaceted background, and careful clarification of the decisive factors of the cases, ensure high standing for the FGOs and a high level of acceptance by administrative bodies, municipalities and other stakeholders.

FGOs are frequently quite active in public and social media and organise and participate in a wide range of conferences and events. The international network of, and exchanges between, FGOs has grown rapidly in recent years.

FGOs in practice

Probably the first modern FGO was the office of the [New Zealand Parliamentary Commissioner for the Environment](#) (PCE) that was set up by the 1986 Environment Act. PCE has been working since that time quite successfully; its topical analyses of key sustainable development issues, such as long-term agriculture policy, are quite influential.

Between 1990 and 1994, in New Jersey, an independent Chief Public Environmental Attorney Office was established at the same rank as the General Attorney of the State. This office was active mostly in environmental criminal law and quite effectively pursued priority cases, for instance in the field of hazardous waste (mis)management.

The early years of 2000 saw Israel establish a [Parliamentary Commissioner for Future Generations](#) with a unique but effective methodology. It was able to filter major legislative bills from the viewpoint of the future generations.

The Hungarian Parliament modified the Ombudsman Act in 2007. I was then nominated as an independent NGO lawyer by the president to the position of [Ombudsman of Future Generations](#). With a multidisciplinary staff of 40, my office handled around 200 substantial environmental cases each year, and made several dozen legislative proposals, took part or organised around 150 conferences and was the subject of more than 1000 media reports. In 2012, partly because of economic pressure, and partly in the wake of the centralisation campaign of the Hungarian government, the future generations ombudsman role was merged with others into the office of a single General Ombudsman, with much less responsibility and resources for independent initiatives.

Aside from the reduction of powers of the Hungarian FGO, both the New Jersey and the Israeli FGOs were eradicated within a few years of operation. But knowing their substantial achievements, we might almost say that this was a significant indicator of their effectiveness and success...