

Model Institutions for a Sustainable Future: a comparative constitutional law perspective

April 24-26. 2014, Budapest

In his Report entitled “Intergenerational solidarity and the needs of future generations”¹ the Secretary General of the UN explicitly referred to those national institutions and bodies, which play a pioneering role in the national implementation of sustainable development and intergenerational solidarity.

On the basis of our special responsibility for promoting the needs of future generations as outlined in the Report, the Hungarian Ombudsman’s Office wishes to contribute to a closer cooperation between the national institutions mentioned in the Report with the aim of exchanging good practices for the national implementation of sustainability and intergenerational justice. In a first step, the Hungarian Ombudsman’s Office is planning a conference to understand the unique characteristics of the relevant national institutions entrusted with promoting intergenerational solidarity as well as the legal principles and processes underlying their work. We expect that the conference will also shed light on how these national bodies may contribute to the efforts of the United Nations in protecting the interests of future generations.

The proposed conference will focus on the legal aspects of the protection and promotion of the interests of future generations on the basis of the principles of intergenerational law. Following the presentation of the selected model institutions, panel discussions are planned centering on the different constitutional and environmental law principles underlying the work of such bodies both from a practitioner and an academic perspective. Therefore, we invite recognized international scholars of constitutional and environmental law, sustainable development, and intergenerational equity to define a potential legal framework necessary for national and international implementation. Panels will encourage discussion among participants of different expertise providing opportunities to link theory to practical implementation.

The conference outcomes will be published in a volume by Cambridge University Press, as a leading publication in the area of international intergenerational law. We hope that the conference will create a network between the model institutions serving as a platform for future cooperation. To this end we are developing a shared website of the model institutions for reinforcing mutual cooperation, disseminating recent publications and encouraging other national actors and the international arena to take up the role of the protection of future generations in a way best suited for their individual character.

¹ A/68 x. „Intergenerational solidarity and the needs of future generations”, items 39-48.

Conference Agenda

1. day (24 April, Thursday)

Registration and Welcome Lunch

13:30-14:30

Welcome

14:30

László Székely – Commissioner for Fundamental Rights, Hungary (5 min)

Opening Remarks

14:35 – 15:20

László Kövér – Chairman of the National Council for Sustainable Development, Speaker of the National Assembly of Hungary

Péter Paczolay – President of the Constitutional Court of Hungary

Csaba Kőrösi - Co-chair of the Open Working Group of the UN; Hungary's Ambassador to the UN

Frank Spengler– Resident Representative of the Konrad Adenauer Stiftung in Hungary

Keynote speeches

15:20 – 16:00

Judge C. G. Weeramantry – Former Vice-President of the International Court of Justice (20 min)

Edith Brown Weiss - Francis Cabell Brown Professor of International Law at Georgetown Law University (20 min)

Introduction of the institutions: theory and practice

16:00 – 18:40 (*Coffee break: 17:00 – 17:15*)

Implementation in practice

- **Paula Tiihonen** Counselor- Committee for the Future; Finland
- **Valerie Wilms** - Parliamentary Advisory Council on Sustainable Development; Germany
- **Jim McKenzie** Principal - Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada
- **Peter Davies** Commissioner - Welsh Commissioner for Sustainable Futures; Wales
- **Morgan Williams** Former Commissioner - Parliamentary Commissioner for the Environment; New Zealand (*written message*)
- **Shlomo Shoham** Former Commissioner - Commissioner for Future Generations; Israel
- **Knut Haanes** Deputy Ombudsman for Children; Norway
- **Marcel Szabó** Ombudsman - Ombudsman for Future Generations; Hungary

Global Sustainability Policy and Law: a need for cooperation for the benefit of future generations

Catherine Pearce – Director of the Future Justice Department at the World Future Council

Dinner in the Parliament

18:50 – 20:50

Conference Agenda

2. day (25 April, Friday)

1. panel: *What should we protect?*

9:30 – 10:45

Chair: **Shlomo Shoham** - Former Commissioner for Future Generations; Israel

Panelists (15 min. each):

Halina Ward, Alliance for Future Generations; Visiting Research Fellow with the Policy Studies Institute, University of Westminster

Future generations as a counterweight

Marisa Quaresma dos Reis, Associated Research Fellow, Lisbon Centre for Research in Public Law, School of Law of the University of Lisbon; Editorial Board Member, Intergenerational Justice Review

Individual vs. collective rights. The differences between the protection of future individuals and future generations

John Lotherington, Chair of the Foundation for Democracy and Sustainable Development

Imagined Communities

Discussion (30 min)

Coffee break

10:45 – 11:00

2. panel: *Human rights for the environment and for the benefit of future generations*

11:00 – 12:30

Chair: **Knut Haanes**, Deputy Ombudsman for Children; Norway

Panelists (15 min. each):

Dinah Shelton, Manatt/Ahn Professor of International Law at the George Washington University Law School

The Potential (Limited) Value of a Human Rights Approach to Environmental Protection

Simon Caney, Co-Director, Oxford Martin Programme on Human Rights for Future Generations

Institutional Mechanisms for Protecting the Human Rights of Future Generations

Axel Gosseries, Professor at Louvain University

Can anti-age discrimination law be used to promote equality between birth cohorts?

Julia Pitts, Senior Manager, Office of the Commissioner for Sustainability and the Environment, Australia

Children as members of future generations

Discussion (30 min)

Lunch

12:30 – 13:30

Guided tour in the Parliament

13:30 – 14:15

Press Conference

13:30-14:15

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3. panel: *Scientific basis of sustainability rules*

14:15 – 15:30

Chair: **Marcel Szabó** - Ombudsman for Future Generations; Hungary

Panelists (15 min. each):

Günther Bachmann, Secretary General, Council for Sustainable Development, Germany

Transformative knowledge and solutions as part of sustainability governance

János Zlinszky, Counselor, Permanent Mission of the Republic of Hungary to the United Nations; Senior Advisor to the Executive Director of the Regional Environmental Center for Central and Eastern Europe (REC), Associate Professor at Pázmány Péter Catholic University

Efforts to close science-policy gaps: some lessons learned

Wybe Douma, Senior Researcher at the Asser Institute – Centre for International and European Law

Operationalising the precautionary principle: defining the roles of scientists and legislators in dealing with uncertainty

Discussion (30 min)

[Coffee break](#)

15:30 – 15:45

4. panel: *Constitutional democracies: principles and challenges*

15:45 – 17:30

Chair: **Valerie Wilms** – Parliamentary Advisory Council on Sustainable Development; Germany

Panelists (15 min. each):

Konrad Lachmayer, Research Chair at the Hungarian Academy of Sciences, Institute of Legal Studies

Back to the Future: The Temporality of Constitutional Law

Maja Göpel, Head of Office – Wuppertal Institute for Climate, Environment and Energy

Bringing rights to life: a need for transition in constitutional standards

Joerg Chet Tremmel, PhD Associate Professor at the University of Tuebingen, Germany

An extended separation of powers model as the theoretical basis for the representation of future generations – history of political thought groundwork

András Jakab, Director of the Institute for Legal Studies at the Hungarian Academy of Sciences

Sustainability as a Constitutional Principle: Ever-Growing Pension Systems in Constitutional Democracies

Discussion (30 min)

5. panel: *Claims and petitions: the role of individuals for the protection of future generations*

17:30 – 18:45

Chair: **Paula Tiihonen** - Committee for the Future; Finland

Panelists (15 min. each):

Ludwig Krämer, Director of ClientEarth's European Union Aarhus Centre, Professor at the University of Bremen

Sustainable environmental development and the individual

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Sándor Fülöp, Former Ombudsman for Future Generations, Hungary

Capacity building: closing the circle of decision-making procedures with public petitions

Renato Machado, Federal prosecutor at the Public Ministry of Brazil

Claims and petitions regarding environment preservation for future generations

Discussion (30 min)

[Family photo in front of the Parliament](#)

[Dinner and sightseeing on a boat](#)

19:30 – 21:30

3. day (26 April Saturday)

6. panel: *Public participation: the role of communities in the protection of future generations*

9:30 – 10:45

Chair: **Peter Davies** - Welsh Commissioner for Sustainable Futures; Wales

Panelists (15 min. each):

Jonas Ebbesson, Chair of the Aarhus Convention Compliance Committee; Director of the Stockholm Environmental Law and Policy Centre; Professor of Environmental Law at Stockholm University

Concerns for Future Generations in the Aarhus Convention

Robert Unteregger, Co-founder of the Swiss Future Council Foundation

Shaping our Future: From the classroom to the UN-High Level Political Forum on Sustainable Development

Gyula Bándi, Jean Monnet Professor at the Pázmány Péter Catholic University, Budapest, Hungary

Reasons and means of public participation

Discussion (30 min)

[Coffee break](#)

10:45 – 11:00

7. panel: *National sustainable development institutions and public international law*

11:00 – 12:15

Chair: **Péter Kovács** – Head of the Public International Law Department at Pázmány Péter Catholic University, Budapest, Hungary

Panelists (15 min. each):

Markus Gehring, Deputy Director of the Centre for European Legal Studies (CELS) Faculty of Law, Cambridge University

Sustainable development and Solidarity – Legal status in EU and International Law

Jorge E. Vinales, Harold Samuel Professor of Law and Environmental Policy at the University of Cambridge

Inter-generational equity: Some concrete legal expressions

Christina Binder, Associate Professor of International Law at the Department of European, International and Comparative Law at the University of Vienna

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A European human rights perspective on national sustainable development institutions

Discussion (30 min)

Lunch

12:15 – 13:15

8. panel: *Law and economics of sustainable development*

13:15 – 14:30

Chair: **Jim McKenzie** - Principal, Sustainable Development Strategies, Audits and Studies, Office of the Auditor General of Canada

Panelists (15 min. each):

Gábor Bartus, Secretary General of the National Council for Sustainable Development, Hungary; Lecturer at the Department of Environmental Economics, Budapest University of Technology and Economics

Unsustainability as an economic problem

Marie-Claire Cordonier Segger, Senior Legal Expert, Sustainable Development – International Development Law Organization (IDLO); Fellow of the Lauterpacht Centre for International Law (LCIL) at Faculty of Law of Cambridge University

Legal Innovations and Opportunities for the Global Green Economy

Yulia Levashova, Researcher at the Center for Sustainability of Nyenrode Business University in the Netherlands

Implications of FET on Regulatory Space of Host States

Discussion (30 min)

Closing Remarks

14:30 – 15:00

Marcel Szabó