

S t a t e m e n t o f P o s i t i o n of the National Council for Sustainable Development on Hungary's new Fundamental Law¹

At its session of 4 May 2011, the National Council for Sustainable Development discussed the accomplishments of the procedure of adopting the new constitution in terms of environmental protection and sustainability.

In the Council's view, the adopted Fundamental Law significantly increases the constitutional protection of the nature and the environment, and makes it possible for us to preserve for future generations the Hungarian landscape and natural resources that was our legacy. At the same time, the Council also calls attention to the fact that even the most progressive provisions of the Fundamental Law are insufficient to create a sustainable society if other components of the legal system, the decisions made by economic players, the values, lifestyle and consumer choices of members of society do not encourage the application of the relevant constitutional principles.

The new Hungarian Fundamental Law is one of the few constitutions in the world which particularly focuses on the values of sustainability, future generations and the environment. The Hungarian Fundamental Law now incorporates the promotion of agricultural practices that are free of genetically modified organisms.

Important accomplishments of the Fundamental Law include

- the recognition of our responsibility for future generations;
- the assumption that the cause of sustainable development is a cause of the entire human race, and in this regard, the new Fundamental Law places Hungary's role into the context of international cooperation;
- the declaration of the importance of the right to a healthy environment as a basic right;
- the introduction of the concept of a common national heritage, and in this context, the new Fundamental Law prioritises the protection of the natural resources of the Carpathian Basin;
- underlining the fact that management and protection of national property also serve to preserve natural resources and accommodate the needs of future generations;

¹ Hungary had a Constitution (Alkotmány) till 25th of April 2011, now it is called Fundamental Law (Alaptörvény). It is like the German „Grundgesetz” which has been translated into English as Basic Law.

- spelling out the obligation of protecting and sustaining natural resources, in particular biological diversity, indigenous plant and animal species, as well as of preserving the soil, forests and the water supply and keeping agriculture free of genetically modified organisms;
- specifying the liability to compensate for environmental damage; and
- the introduction of a ban on import of waste for disposal in a landfill.

We welcome the many propositions offered by the representatives of non-governmental organisations, the Hungarian Parliamentary Commissioner for Future Generations, Members of Parliament (some of them also members of the National Council for Sustainable Development), and incorporation of a large part of these into the Fundamental Law.

We would also like to draw attention to the fact that

- the belief in the future greatness of our country does not mean that the present generation should not do everything in their power to ensure sustainability, and faith in our children should not give us the right to waste our precious resources;
- in order to enforce the rights and obligations above, an adequate system of institutions should be in place subject to the principle of subsidiarity;
- the detailed rules governing the relationship of the Commissioner for Fundamental Rights and its deputy responsible for the protection of the rights of future generations should be created to ensure efficient functioning of the public office for the protection of fundamental rights and the interests of future generations.

The National Council for Sustainable Development is willing to ensure that the requirements related to the constitutional rights and obligations are met through the National Sustainable Development, and to act as the guardian and enforcer of these fundamental legal provisions in the discussion of governmental concepts and draft laws presented to the Council. Since 2008, the Council has been an institutional advocate of sustainable development. Its role and significance is further enhanced by the fact that this principle is now incorporated in the Fundamental Law of Hungary.

Budapest, 25 May 2011