

ABSTRACTS

ESSAYS

In her article Amy Sinden makes strong claims about treating climate change as a human rights issue. She argues that just as human rights were the law's response to the most profound moral crises of the twentieth century, they may also form part of an appropriate response to what is likely to be the most profound moral crisis of the twenty-first century: climate change.

Balázs Majtényi's writing, „The Republic of Future Generations and Natural Objects” examines how the rights and duties concerning the protection of environment manifest themselves in international agreements and the Hungarian Constitution. The notions of sustainable development and the right to healthy environment give different duties to the state. The right to healthy environment embedded in the Constitution enriches the essence of enforceable fundamental rights.

INTERVIEW

We asked Edith Brown Weiss, the Professor of Georgetown University Law Centre about her opinion of creating an ombudsman position for future generations, and in what respects the members of future generations need protection. Edith Brown Weiss states the main principles of intergeneration justice between generations in the interview, and defines the rights of future generations. She speaks about justice between the generations having importance not only in terms of traditional environment protection, but also in the sphere of cultural heritage.

Dávid Kiss and Péter Sólyom asked Boldizsár Nagy international lawyer about the representation of the interests of future generations, the politicized nature of environment protection, the support of environment friendly politics, the creation of a new ombudsman position, and the possibility of the effective representation of environmental politics. Boldizsár Nagy speaks about the politics of the European Union relating to climate change and energy politics, and to what extent this determines the legislation concerning environment protection.

FORUM

Here we present three essays. László Fodor writes about the tasks of the new ombudsman of future generations. According to the new legal regulation the ombudsman of future generations „only” helps the manifestation of the right to environment, which is the fundamental right of today's population. The manifestation/ violation of this right, however, obviously affects the preservation of the life conditions of future generations as well. If the protection of environment is effective at present, it promotes the interests of future generations: the right to dispose of the remaining natural resources.

Miklós Zágoni undertakes the presentation of the idea that the reflection on the rights of future generations is not a speculation of legal philosophy for its own sake, but a biophysical necessity that can be confirmed by numbers. In his opinion strong reasoning can support that the situation of pre-

sent and coming generations can differ radically from that of past ones, and then any spontaneous or natural reaction may be too late or inadequate.

Attila Pánovics writes about the principle of sustainable development being present in community legal material, but the effective practical realization that is not formal or slogan-like, is only at an inchoative stage even in the European Union. Pánovics reasons that a possible Hungarian chairmanship of the EU in 2011, dedicated to environment protection and sustainable development, treating the rights of future generations as a priority, could very possibly find a strategic ally in the European Parliament and some of the member states.

DOCUMENTS AND COMMENTARIES

The first Hungarian Justice of the European Court of Human Rights resigned just recently, after sixteen years of arbitration. On this occasion Dániel Straub reviews the judicial activity of András Baka. The aim for this examination is to give a picture of András Baka's philosophy of human rights.

AFTER DECISION

Here we repeatedly present the recent decision of the Hungarian Constitutional Court relating to human rights, and the latest important decisions of the European Court of Human Rights. Besides we present two summaries on two decisions of the German Federal Constitutional Court relating to data protection and the freedom of speech, together with the decisions of Conseil Constitutionnelle on security detainment.

PROTECTORS OF RIGHTS

In this column Sándor Fülöp, lawyer of Environmental Management and Law Association (EMLA) presents the Aarhus Agreement born within the framework of the UN, which regulates the three main pillars of community participation in environment protection, that is getting information, the right to comment and the right to legal remedy, completing them with the state duty of training for participation. We also present the work of EMLA here.

REVIEW

In this column we present the review of Mihály Tóth on Károly Bárd's book: *Human Rights and Criminal Justice in Europe*, and recommend László Fodor's *Constitution and Environment Protection* to the readers.