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BELÜGYI SZEMLE



PROFESSIONAL AND SCIENTIFIC PERIODICAL OF THE MINISTRY OF INTERIOR



GÁBOR SZŰCS – ARNOLD ŐSZI: Complex asset protection assessment of wastewater treatment plants

JÓZSEF BEKE: The system and forms of cooperation between the Hungarian and East German state security services in the Carlos case

ÉDUA SZAKÁCS: Empirical study of the factors of career motivation underlying the interest in a career of public administration

KLÁRA SIPOSNÉ KECSKEMÉTHY – LÁSZLÓ TEKNŐS: North Atlantic Treaty Organisation's climate change risk management responsibilities

SABRINA JUDITH KALIMAN: The Connection Between Sustainability and the International Court of Justice through the case of Cellulose Plants Case study: Pulp Mills on the River Uruguay (Argentina V. Uruguay)

GÁBOR ÉBERHARDT: Migration violence at the state border (MVSZ)

VIKTOR NÉMETH: The History of Regulating Mediation

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PREFACE

Dear Reader,

‘If you discover something abroad, you have added a brick to the edifice of science. But if you discover the same thing at homeland, it’s worth two bricks, because you’ve also served the motherland’s international reputation.’

Tamás Freund

The first English-language special issue of the third edition of *Belügyi Szemle* is now published. Over the past seventy years, in the Gutenberg galaxy our journal has had limited opportunities to make its mark on the international academic stage. But with the explosion of digitalization, our articles in English are being read by scientists around the world.

The English-language special issue not only aims to publish and disseminate scientific and professional papers on an international level. Our consistent presence in the international arena clearly demonstrates our determination to send a constant signal of our continuous professional and qualitative development to the indexing and rating organizations of the international scientific community.

With publishing of the English special issues, our editorial board has taken up the mission to make Hungarian scientific and professional articles known worldwide, thus promoting the Hungarian scientific community, and increasing the prestige of *Belügyi Szemle*.

We are pleased to say that three years of work have already yielded some initial results: we have appeared in international scientific databases and have established author references, direct correspondence and professional contacts with colleagues and experts both in Europe and overseas.

We intend to ensure the continuity of this uninterrupted scientific and professional development by publishing in this issue a series of very up-to-date, diverse and interesting articles.

Please welcome the first English-language special issue of *Belügyi Szemle* in 2023, which will hopefully provide our readers with a meaningful and enjoyable reading experience.

Editorship



Complex asset protection assessment of wastewater treatment plants

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Abstract

Aim: Wastewater is generated in the daily activities of population. In order to ensure the continuous treatment of wastewater, we maintain wastewater network system and operate wastewater treatment plants. The position and condition of wastewater treatment plants plays an important role in maintaining the safety of society, since untreated wastewater may cause significant health and environmental problems if it is released untreated into the environment. The aim of this article is to examine the complex protection situation of wastewater treatment plants.

Methodology: This article is based on literature, on-site observation and analysis of images available on Google Maps.

Findings: Without the complex protection of the wastewater treatment plants, the continuous provision of wastewater treatment cannot be maintained.

Value: The article focuses on the situation of the fences as one element of the outdoor protection, which is part of the complex protection system of wastewater treatment plants.

Keywords: wastewater, wastewater treatment plant, complex protection, asset protection

Introduction

It is an integral part of our daily routine that we use water and generate wastewater in our activities. In order to avoid significant health risks and environmental



damage due to the release of untreated wastewater into the environment, we must provide wastewater treatment in a regulated and controlled way at wastewater treatment plants (hereinafter WWTPs). The generated wastewater reaches these sites in two ways; on the one hand, through the built-up and available sewerage systems, and on the other hand, where there is no sewerage system in place, it is temporarily stored in a domestic cesspit until it is transported to the plant by a suitable truck at the owner's request.

The technology of treatment and technical overview of WWTPs are not part of the article. In this article, we review the current situation of WWTPs in Hungary, the threats to which they are exposed, and we examine the fences that are part of the outdoor protection system as an element of the complex protection system.

Examination of the situation of WWTPs

The establishment and operation of a WWTP is determined by legal regulations. 'EU Council Directive 91/271/EEC concerning urban wastewater treatment sets targets for the restoration of surface water quality, the reduction of pollutant concentrations and the reduction of groundwater pollution. It states that local governments have the obligation to ensure proper wastewater treatment in a given city/town and to eliminate 'loose' drainage systems. The directive stipulates that municipalities with a population of at least 2,000 must provide a sewerage network ([URL1](#)). The law, therefore, gives the responsibility to local governments to carry out wastewater treatment, which includes the design, construction and operation of the sewerage network.

The terrorist attack in the United States on 11 September 2001, highlighted the need for critical infrastructure protection.

The Hungarian definition of critical infrastructure is defined in Decree 2080/2008 on the National Program for Critical Infrastructure Protection (VI. 30.). Government Resolution No. 1. Annex 3.2. according to this point '*Critical infrastructures are networks of interconnected, interactive and interdependent elements of infrastructure, facilities, services, systems and processes that are vital to the functioning of the country (population, economy and government) and play a meaningful role in the socially required minimum by maintaining legal order, public security, national security, economic viability, public health and the environment. Critical infrastructure is defined as networks, resources, services, products, physical or information technology systems, equipment, devices and their components whose failure, disruption, loss or destruction could have a direct or indirect, temporary or long-term serious impact on the economic*

and social well-being of citizens, public health, public security, national security, the functioning of the national economy and government. ‘(Laczik, 2011).

By definition, systems that are maintained to ensure the uninterrupted life of citizens can be considered vital.

In order to maintain its vital importance, the National Assembly made the law of Act CLXVI of 2012 Act on the Identification, Designation and Protection of Vital Systems and Facilities.

The law already uses the term of vital systems and facilities. Vital systems and facilities include water as a sector and canalization and treatment of wastewater as a related sub-sector.

The Government Resolution 541/2013 (XII. 30.) on the identification, designation and protection of vital water management system and water facilities among WWTPs defines the following in the 2.§ ‘(2) *It should be identified as a vital national component in the field of wastewater disposal and treatment* a) *a WWTP with a capacity exceeding the burden of contaminant of 250,000 resident equivalents and whose inoperability results in significant unfavorable status for surface water;* b) *the water utility system ensuring the drainage and treatment of public sewage of which the user equivalent is exceeds one hundred thousand as set out in the operating license of Vksztv.*’ (URL2).

The Government Decree 379/2015 (XII. 8.) on the List of Settlements and the Information List on the Municipal Sewage Drainage and Treatment Situation in Hungary and the impoundment of drainage agglomerations contains the definition of the population equivalent, according to which the nominal burden of each settlement consists of the following elements:

- *in place population,*
- *other population (vacationer, etc.),*
- *industrial release in the Directive 11. art.,*
- *industrial wastewater from economic activities (including small and medium-sized enterprises) released into, or intended to be released into the sewage system or a municipal WWTP,*
- *all remaining urban wastewater and sewage sludge generated in the agglomeration, whether or not collected by sewage networks.*’ (URL3).

Thus, not all WWTPs are identified as a vital element of the system by legislation. For those elements identified by the legislation, the protection of the plant must be ensured according to specific requirements. However, for WWTPs identified as non-essential, the operator is responsible for determining the protection requirements. In our view, a single set of defined requirements for protection is necessary in both cases.

A WWTP might be threatened by different illegal activities as follows:

- burglary,
- vandalism,
- internal theft,
- illegal wastewater disposal (draining),
- terrorist attack.

For an identified treatment plant, the greatest risk is a terrorist attack, while for an unidentified treatment plant, both internal and external crime can pose a significant risk. It is also important to note that such sites store significant quantities of chemicals for the treatment process. Thus, intrusion by unauthorized persons through a weak fence may provide an opportunity for criminal activity using the chemicals on the sites. A similar incident has already occurred in the US, where an attempt was made to poison drinking water systems in a hacking attack ([URL4](#)). Protecting drinking water systems is therefore a matter of course for everyone. At the same time, we believe that it is important to focus on the proper protection of wastewater treatment plants, which are an important part of the system but do not receive the attention they require. We therefore believe that a threat/risk assessment should be carried out for both identified and unidentified treatment plants, and that the results of this assessment should be considered as a decisive factor in the development of a complex asset protection system.

Complex property protection of the WWTP

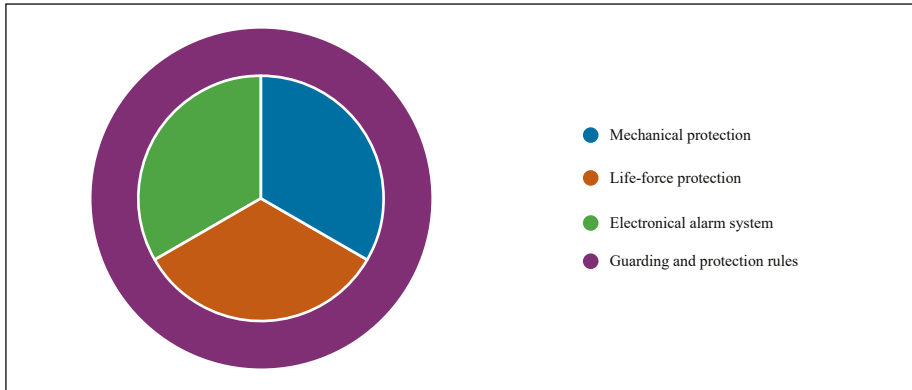
The protection required by law must extend to the assets of the facility and to the smooth operation process of the wastewater treatment process.

The protection of the WWTP can be ensured by a complex security system.

Possible elements of a complex security system as follows:

- mechanic protection,
- electronic sensors and alarm systems,
- protective manpower,
- protective regulations and measures,
- and insurance.

Figure 1: Relationship between defense resources and applied regulations



Source: Berek, 2016.

The figure shows the four elements of asset protection and the relationship between resources and policies. The insurance is not marked in the figure, because insurance can be provided for mechanical protection, devices of electronic sensor and alarm systems, protective manpower, but it is not possible to take out insurance for policies and regulations of the protection. The size of the circular sector is not always the same, because the proportion can be decided on the basis of their level of vulnerability determined by risk assessment.

It largely depends on the features of the object we need to provide security. As it was mentioned before there are identified and unidentified WWTPs among the facilities and their complex protection can only be achieved if we define the proportions between the elements.

In this article, we examine only the mechanical protection part of the complex property protection system of the WWTPs, the other elements will be reviewed in the following articles.

Mechanical Protection

It is one of the oldest forms of protection. Research has shown that it was already used in the Iron Age ([URL5](#)). The fence was used to enclose an area and clearly indicate to others what was private property.

Today, mechanical protection has become an essential part of the complex property protection, covering several areas:

- outdoor protection,
- building security,
- object protection.

We only examine the role and situation of the fence, which is one element of the outdoor protection, in case of several WWTPs.

Outdoor protection

Outdoor protection is the first element of the mechanical protection. It is an effective preventive tool, because it already prevents or complicates the intrusion of a criminal who intends to commit illegal act against a sewage treatment plant.

The element of the outdoor protection as follows:

- fences,
- gates,
- bars,
- pits,
- banks.

The fence can mark – in most cases this is the case – the plot boundary, which is the boundary of the protection at the same time. There are many types of fences available, and they typically differ in materials they are made of. Their structural build-up is similar.

The types of fences can be based on their material as follows:

- wood,
- stone,
- concrete,
- brick,
- aluminum,
- wrought iron,
- wire mesh,
- steel mesh,
- plastic.

The resilience of fences depends on:

- type,
- height.

Therefore, in the following part of this article we will only examine the fences. Their obstructive and delaying ability can be determined, which is *'to have a concrete base and a height of 1.8-2.8 m'* (Berek, 2016), and *'to increase its height and reliability, barbed wire or blade wire can be used to stretch it in rows or to extend and fasten it spirally.'* (Berek, 2016).

Among the fences, we have reviewed those that can be seen on the boundaries of some WWTPs (in the capital, in metropolitan areas and in rural areas). The fences of the WWTPs were examined based on the images shown on Google Maps and, for some WWTPs, the images taken on site, which are presented in the following sections. The classification used in the study is based on the data presented in the previous paragraph. A good rating is given if the fence examined is considered to meet all criteria listing above. A satisfactory rating is given if one of the above data is missing (e.g. not all fence sections have a concrete base) and a poor rating is given if more than one data is missing (e.g. no base for fence sections, no barbed wire in several rows on top of the fence).

The following sites have been studied by using Google Maps.

North Pest WWTP

Picture 1: *Top-view of the sewage treatment plant*



Source: [URL6](#).

Based on the image above, it can be stated that the area of the WWTP is large, the boundary of it has been marked with a long fence.

Picture 2: Fence section on the west side of the sewage treatment plant



Source: [URL7](#).

The picture above shows different types of fences at the facility, including a section of fence made of wire mesh (on the right side of the picture) and metal elements on a concrete base (on the left side of the picture). The other sides of the plant are also closed by fence made of wire mesh. A row of barbed wire is attached to the top of the fences, but they do not have concrete base. It seems that the part of the fence made of wire mesh can be easily dismantled and it would not take long. There is a road viable by car on the west and south sides of the fence, these roads provide possibility for a potential perpetrator to move easily and quickly in. We can state that the obstructive and delaying effect of the fence is low. Based on the results of the study, we consider it expedient to rebuild the fence section made of wire mesh, this upgrade could increase the effective protection of the WWTP.

FCSM Zrt. South Pest WWTP

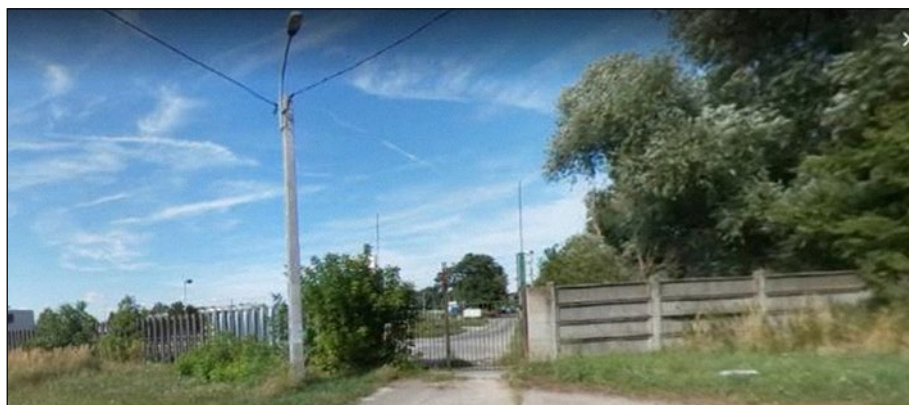
Picture 3: Top-view of the WWTP



Source: [URL8](#).

The image above illustrates well the extensive size of the WWTP, therefore its boundary can only be marked by the construction of a long fence.

Picture 4: The south gate of the WWTP



Source: [URL9](#).

The picture above shows two types of fences, one type is on the northern and western boundaries that was made of vertical concrete elements on a concrete basis (on the left side of the picture), the other type is on the north-east and south-west boundaries, where the fence was made of horizontally matched massive concrete rectangles (on the right side of the picture). Barbed wire is attached to the top of the fence in three rows. The fence obstructive and delaying ability is good.

The following WWTPs were examined by using Google Maps and the images we took on the sites.

Vác WWTP

Picture 5: *Top-view of the WWTP*



Source: [URL10](#).

The picture above shows well the size of the WWTP, which is determine the length of the fence marking the boundary.

Picture 6: *The North side of the WWTP*



Source: Picture taken by authors.

The picture above shows that the material of the fence is wire mesh, on its top there are two rows of barbed wire stretched between reinforced concrete columns, the height is appropriate. The right height is provided by a constructed gabion base instead of a concrete one. The name gabion is used for baskets made of metal grids and filled with stones, which ensures the stability of a slope or riverbed due to their weight. The name gabion comes from the Italian word 'basket', but the names 'stone basket' and 'stone box' are also used in several languages ([URL11](#)). The raise is necessary due to the proximity of the Danube. The fence is similar on the western side, while it is made of concrete panels on the eastern and southern sides. The obstructive and delaying effect of this section of fence is good.

Rétság WWTP

Picture 7: *Top-view of the WWTP*



Source: [URL12](#).

As it can be seen on the picture the size of the WWTP is not large, thus the length of the fence marking the boundary is not long either.

Picture 8: *One element of the fence on the northern section of the WWTP*



Source: Picture taken by authors.

Picture 9: *One element of the fence on the northern section of the WWTP*



Source. Picture taken by authors.

The pictures above show that the fence is made of steel mesh on the north side, which has a concrete base but has no rows of barbed wire on top. Wire mesh stretched between concrete columns on the south (and other) sides without a concrete base. The steel mesh is placed on a concrete base, but there is no barbed wire on top. Barbed wire is attached in two rows above the wire mesh, the wire mesh has no base. The obstructive and delaying effect of the fence is suitable.

Table 1: Outdoor protection assessment of WWTPs (URL13, URL14, URL15, URL16, URL17)

Nr.	Name of the plant	Type of the fence	Obstructive and delaying effect
1.	Őcsény-Decs WWTP (URL13)	wire mesh between reinforced concrete columns, without base	poor
2.	Jászfényszaru WWTP (URL14)	wire mesh between reinforced concrete columns, without base	poor
3.	Tapolca City WWTP (URL15)	wire mesh between reinforced concrete columns, without base	poor
4.	Sátoraljaújhely Zemplén Water Ltd. WWTP (URL16)	latticed steel panels with doubled barbed wire on the top with a concrete base towards the street on the west side of the site, wire mesh between reinforced concrete columns, without base on the other sides	satisfactory
5.	Tata WWTP (URL17)	wire mesh between reinforced concrete columns, without base	poor

Source: The information gained from the fences of five WWTPs is based on images displayed on Google Maps.

Based on the information of the table, we conclude that the explored fences constitute the weak link of the complex assets based protection due to their obstructive and delaying effect. We highly recommend to increase this effect in order to meet the requirements of its basic function.

Conclusion

In this article, we studied the fences as essential element of the physical outdoor protection of WWTPs in the capital, some urban and rural areas. We have generally assessed that the fences established to protect the examined objects are obsolete and need to be replaced or it is necessary to increase the obstructive and delaying effect of fences in order to deter or impede intrusion and potential criminal activities.

WWTPs are part of critical infrastructure, because they have serious health and environmental consequences in case of untreated wastewater released into the environment due to operational failures or disruptions caused by terrorist attack, sabotage or other criminal activities.

Surface and groundwater can be contaminated causing ecological disaster and damaging surrounding agricultural areas making impossible further cultivation.

In our view, the presented examples well illustrate the need to develop the fences that make up the physical outdoor protection of WWTPs.

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The system and forms of cooperation between the Hungarian and East German state security services in the Carlos case

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Aim: The present study undertakes to briefly present the impact of the appearance of Carlos ‘the Jackal’ in Hungary, and the cooperation of the Hungarian and East German state security services in the field of counter-terrorism. The study presents in detail the history, the system of tasks and the organizational changes of the unit dealing with international affairs of the Hungarian State Security Service.

Methodology: The study used materials available from the Historical Archives of the State Security Services (ÁBTL) and the Federal Archives of the State Security Service of the former German Democratic Republic (Die Bundesbeauftragte für die Unterlagen des Staatsicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, BStU), item Hungarian and foreign literature is also relevant in this case.

Findings: The study presents in detail the establishment, the system of tasks and the organizational changes of the International Relations Department responsible for the matter. Based on the available and processed archival sources and literature, we can conclude that in counter-terrorism cases, such as in the case of the C-79 file¹ as well, intensive international co-operation took place, especially between the Hungarian and East German state security services.

Value: In the recent period, there was no study that showed the cooperation of the Hungarian and East German secret services in connection with the Carlos case.

Keywords: terrorism, Carlos the Jackal, state security, international cooperation, counterterrorism

1 ‘C-79’ file: opened by the Hungarian State Security Service, about the operative processing of Carlos and his terrorist organization.



Introduction

Illegal migration and terrorism are at the forefront of today's security challenges. Nevertheless, the public opinion in Hungary is that, Hungary is in the heart of Europe and, due to our modest role in world politics and the world economy, we are safe, we do not have or have had terrorists. We can agree with one half of this statement. In my opinion, we do not really have to expect a high volume terrorist attack, but it cannot be completely ruled out. However, think only of december 23, 1991, when a far-left terrorist organization called the German Red Army Faction (RAF) launched a bomb attack on a bus of Jews wishing to emigrate from the Soviet Union to Israel. But I could mention the bombings against the Parliament or the Matthias Church, the perpetrators of which have not yet been identified. Likewise, most of the explosive attacks of the '90s against leading politicians of the era remain unresolved. Finally, we can mention the organization called Arrows of Hungarians ([URL1](#)), which was liquidated a few years ago and also planned and prepared bombings against Hungarian politicians.

If we look further back into our history, we can also see that during the Cold War, several terrorist organizations (Abu Nidal, the Red Army of Japan, the 'Carlos Group') used Hungary as a resting place, a logistics base, and a safe place to prepare for its attacks. The best-known terrorist and terrorist organization, who operated and lived in Budapest for a long time between 1979 and 1986, is Carlos and his organization called 'The Organization of the Arab Armed Struggle - the Arm of the Arab Revolution'. In order to process the organization's operations in Hungary they established in 1979 a counter terrorism group on the III/II Directorate, Department VII. This Counter-Terrorism Group (later an independent Counter-Terrorism Department X.) was headed by Colonel dr. József Varga ([URL2](#)). The task of this unit has been assigned to prevent terrorist threats, to monitor and operatively process terrorists and suspicious items arriving in Hungary, and to inform allied / friendly secret services.

Carlos the 'Jackal'

Carlos was one of the first symbolic embodiments of international terrorism, but due to the peculiarities of the age, he was employed by the secret services of many Middle Eastern and communist states to achieve his own goals. He is a terrorist, a mercenary, an international revolutionary, with whom not only the secret services but also the various terrorist organizations tried to maintain good relations. But who was Ilich Ramirez Sanchez aka Carlos, the Jackal really?

Carlos, the Jackal, was born on 12 October 1949 in Caracas, Venezuela as Ilich Ramirez Sanchez in a wealthy civilian family, the eldest of three sons. His father, who was a reputable lawyer and a staunch communist, and named all three sons after Lenin, the founder of the Soviet Union. Ilich spent his childhood in Venezuela but moved to London with his brothers and mother at the age of 16 as his father could afford to teach his sons in Europe, thanks to the oil revenues. The Sanchez brothers lived a fairly playboy life in London, so their father sent them to Lumumba University in Moscow in 1969, where they were taught by communist cadres from all over the world (Follain, 2001).

Ilich studied chemistry, which he enjoyed, but he did not like the strict order at the university. He began politicking as a boredom, but it soon became his passion. He especially liked the reports of his Palestinian fellow students about their fight against Israel. According to the customs of the age, the Soviet state security organization, the KGB², probably tried to recruit him, but unfortunately we have no information that this was a success (Liszka, 2017).

Disliked by the boring life in Moscow and expelled from Lumumba for his regular outbursts, he traveled to Beirut in 1971 to join the far-left terrorist organization for the People's Front for the Liberation of Palestine (PFLP) in Israel, and as a volunteer, a *'freedom fighter'* against world Jewry and the systems that support them (Schröm, 2002).

The young Carlos has attended several training camps in the Middle East and North Africa, where he was taught how to handle weapons, hijacking techniques, reconnaissance and intelligence skills. As he spoke excellent Spanish, English and French and lived in London for many years and had a good local knowledge, the PFLP has sent him back to the British capital as a sleeping cell, where he worked as a Spanish teacher based on his cover history. His job was to select and monitor potential terrorist targets and build a network of conspiracy houses. It was then that he met Magdalena Kopp, a German national, and Johannes Weinrich, who later became his innermost associates.

Carlos' first real mission was in 1973, when he had to kill Joseph Sieff, the Jewish-born owner of the Mark and Spencer chain in London. Although Sieff survived the assassination, Carlos has enjoyed the full confidence of the PFLP staff since this action and has been assigned additional responsibilities. Thus began the career of one of the most dreaded terrorists of the 1970s and '80s (Follain, 2001).

He carried out his first real terrorist attack in Paris on 15 September 1975, when he committed a hand grenade attack on a caféhouse called Drugstore.

2 KGB - Komitet Goszudarsztennoj Bezopasznoszti - State Security Committee – secret service of the Soviet Union performing state security tasks.

Two people died and 34 were injured in the explosion. After this, long and meticulous investigation revealed his identity, the British Secret Service MI5 and Scotland Yard conducted a house search at Carlos's flat in London. In addition to a suitcase full of guns, they also found a book of Frederick Forsyth: *The Jackal*. This is how the Jackal name was additionally given by which he is known to this day (Schröm, 2002).

It is, of course, an inability to list all the terrorist acts that Carlos planned or committed. However, it is necessary to mention his most well-known terrorist attack, which brought him real fame, as it points the whole being of Carlos: on 21 December 1975, Carlos broke into the OPEC headquarters in Vienna with his six-member commando, took the negotiating ministers hostage there, then to Algeria, where he finally released everyone. Because Carlos did not follow the instructions of the PFLP staff during the operation, he was banished from the movement. It was then that he founded his own organization, which is called the '*Organization of the Arab Armed Struggle - The Arm of the Arab Revolution*'.

Carlos broke up with Arab nationalist movements and became more closely associated with Marxist terrorist organizations in Western Europe, so he soon moved to East Berlin, where he received luxurious hospitality while attacking, among other things, West Berlin targets and the Superphénix nuclear power plant in France, and he blew up TGV trains. However, the arrest of his wife, Magdalena Kopp, in February 1982 by the French authorities also played a significant role in his actions in France (Kopp, 2007). He continued to carry out the terrorist attacks largely to free his wife.

The 'Jackal' in Hungary

Carlos found a safe hiding place in the Middle East, but soon got tired of the carefree comfort. In addition, he needed a lot of money to hide, and he could never fully trust his hosts, as he could not know when he would be extradited to the French or West Germans in the hope of material or political gain. So he needed the right amount of money, commissions, to maintain his standard of living and, more importantly, his reputation. One of its most important base was in southern Yemen, from where he received a wealth of financial and logistical support. He traveled with fake Yemeni passports and used the Yemeni diplomatic courier service mostly to smuggle weapons and explosives (BStU 1).

To our knowledge, Carlos and his companions arrived in Hungary for the first time on 13 January 1979, with the aim of building a base and resting place in Hungary. In the spring and summer of 1979, Carlos visited Hungary on several

occasions, using the Yemeni passport issued to Ahmed Adil Fawaz in each case. The Hungarian State Security Service was able to reconstruct these earlier entries well afterwards. Although for the Department for controlling foreigners and hotels he appeared a man professing to be an Arab but using a Spanish accent his exact identity could not yet be established. The General Director of the III. Directorate General Lajos Karasz ([URL3](#)), instructed Colonel Dr. József Varga to contact Carlos and find out from him why they were staying in Hungary, how long they wanted to stay and what their intentions were. Colonel Varga, in accordance with the instructions, visited Carlos at the Intercontinental Hotel in Budapest as a representative of the Hungarian state security authorities. This meeting has been followed by about 25 others over the years.³

Carlos stated during these conversations that he had travelled to Hungary because our country provided him with pleasant and comfortable opportunities to relax and he felt safe with us. He rented a house in Vend Street in Budapest to spend longer or shorter time with his colleagues. He also said that he wanted to meet immediately with the heads of the Hungarian state security organizations, the leader of the Hungarian political elite, and even János Kádár himself. He wanted to offer his services to the Hungarian government. In return for adequate compensation and security, he would have liked to undertake actions abroad in the interests of Hungary. ([URL4](#))

The Hungarian state security authorities were largely able to keep Carlos and his group under control in Budapest, as the apartment on Vend Street was fully equipped by the owner through a secret co-operation. This made it possible to fully observe the occupants of the apartment and to record what happened and was said there. Secret searches were carried out in the apartment on a regular basis, so the Hungarian state security services could have up-to-date information on the group's plans, equipment and false documents: *'[...] anti-terrorist literature was found. In a four-digit metal-lined suitcase in the apartment, 2 American and FRG-ready handguns, a large-scale map, 20,000 dollars in hundreds of denominations and fake IDs for members of the group, a list of foreign nationals with only the first name associated with the group, telephone numbers, a note of a meeting with the representative of the various terrorist organizations and notes on the activities required for a specific terrorist act [...].'* (ÁBTL 1).

As a result of the operational observations, the Hungarian state security authorities had relatively accurate and thorough information about Carlos Group's plans. In fact, they had to watch them prepare for a foreign action in Budapest, and after they were done, they returned to their base on Vend Street. For example,

3 Interview with ret. Colonel Dr. József Varga in Budapest on March 1, 2013 and October 9, 2013.

terrorists wanted to blow up the Romanian transmitter of Radio Free Europe in Munich on behalf of the Romanian secret service, Securitate, or the French Institute in West Berlin in retaliation for the capture of Magdalena Kopp in Paris. However, the Hungarian authorities did not have accurate information on the timing of the planned actions.

'Between August 1979 and April 1982, members of a terrorist organization under the guise of Carlos under a pseudonym were regularly staying in Budapest, renting apartments here. The organization maintains active contact with the secret services of Romania, Libya, Syria, Israel and southern Yemen, and maintains intermittent, superficial contact with Cuban and GDR state security agencies. Special services from these Middle Eastern countries and Romania support the group with money, weapons and passports. The main principal of the group is Libya, but they have also been given liquidation and other similar tasks from Romania. Carlos and his group work closely with a number of well-known terrorist organizations, but the agency has no information that the group is planning an action towards socialist countries [...].' (ÁBTL 2).

The III. Directorate presumably shared information thus obtained with Hungarian politicians as well. As data was obtained on international targets, mainly in Western Europe, it was necessary to make a political decision as to with whom and to what extent the data would be shared. The investigation did not reveal any documents or other information that would allow the Hungarian State Security Service to transmit data indicating attacks to Western European secret services. However, several sources have suggested that carefully selected and filtered information is shared with the communist security services of the Socialist Bloc, primarily to Poland and the German Democratic Republic. A liaison officer of the KGB who stationed in Budapest had a continuous view of the work of Hungarian intelligence and response, so the political and state security leaders of the Soviet Union did not have to be informed directly. As Carlos preferred to stay in the East German country next to Hungary, it was quite obvious that the Hungarian secret services established the closest relationship with STASI.

Cooperation between the Hungarian and East German state security services

After the defeat of the 1956 revolution and the war of independence, hundreds of thousands of Hungarians fled Hungary to escape the communist regime and retaliation. Some of them found a new home in West Germany. Some of them

also continued their political struggle against the communist regime in their new homeland, e.g. as a staff member of Radio Free Europe. The monitoring of these persons and the monitoring of their activities became one of a priority task of the Hungarian state security services. To this end, Hungarian state security wanted to work more closely with partner services in friendly countries. It was common knowledge at the time that the East German secret service had excellent operational positions in West Germany. The East German state security body needed the cooperation of the Hungarian counterpart because it was a basic operational procedure for them to monitor their citizens abroad, even in socialist countries. And this was only possible with the knowledge, consent and assistance of the secret service of the host country. Aware of all this, it is not surprising that the representatives of the two secret services signed cooperation agreements in several areas. These were:

- Exchange of information in the field of political intelligence (NATO, ecclesiastical organizations, etc.).
- Provide information on the situation of agents, in particular for West Germany and Austria.
- Cooperation in the field of scientific and technical intelligence.
- Fight against ideological diversification.
- Measures in the operational processing of refugees of Hungarian nationality or Hungarian citizenship.
- Joint operational processing of NATO training sites to prepare armed diversion teams against socialist countries (Jobst, 2015).

Legal and institutional framework and forms of cooperation

The legal framework for co-operation was provided by Decree-Law No. 20 of 1958 on the promulgation of the Treaty between the Hungarian People's Republic and the German Democratic Republic on Legal Aid in Civil, Family and Criminal Matters, signed in Berlin on 30 October 1957. The Decree-Law basically contains the procedural rules of the matters between the two countries in the titles of the legislation. The most important procedural rule for the study is Article 3 (1), which states that *'the authorities referred to in Article 2 (1) shall be in direct contact with each other'* (LEG 1).

By 1963, the leadership of the Hungarian Socialist Workers' Party (MSZMP) had decided to transform the state security system. The reason for this, in my opinion, may have been that the Kádár regime became so strong after the defeat of the 1956 revolution and the war of independence. The Western states

began to accept János Kádár as the main political leader of Hungary, who perhaps wanted to get rid of the sins of the past, the defeat of the revolution and the State Defense Authority (ÁVH). This is supported by the fact that in the new organization, due to the change in international conditions, there has been a much greater emphasis on counter-espionage and intelligence than on the fight against '*internal reaction forces*'. Another significant part of the transformation was the first time they got rid of the old cadres. In recognition of their merits, the heads of the departments were retired and, almost without exception, a new set of young people was appointed to replace them. The name of the new organization is the III. Directorate, which remained almost unchanged until the change of regime, with major or minor transformations.

Within the new organization, Order No. 009 of the Minister of the Interior of the Hungarian People's Republic of 5 December 1963 established the Department of International Relations. According to the ministerial justification of the order, Hungary's dynamically developing economic and cultural relations with the capitalist countries, the control of the growing number of tourists entering Hungary from such countries, and the effective support of anti-espionage tasks. In other words, the task of the new department was not primarily to liaise with the partner services (although this was also done), but rather to increase the control of official and private arrivals and departures (LEG 2).

In 1965, the department was abolished by another order of the Minister of the Interior, and the International Relations and Information Department was established in its place. The order justified the creation of the new organization on the grounds that it was developing more and more between the state security services of the socialist countries and that their cooperation would cover all fields. The tasks facing the socialist countries and the flow of information (not detailed in the order) will necessitate the transformation of the area and the establishment of a new department. The structure and specific tasks of the new unit were approved by the Minister of the Interior on 10-2307/1965 of 29 December 1965, governed by its Rules of Procedure. The most important tasks of the department, named in the rules of procedure:

- Prepare programs and agreements for ministerial delegations.
- Monitor existing bilateral agreements and propose amendments in the light of the operational situation.
- Personal contact with the liaison officers deployed in Hungary.
- Reception of foreign professional delegations, organization of programs and meetings.
- Evaluates and analyzes the relevance of data and information to be sent to or received from friendly countries.

- Prepares informative reports for the Central Committee of the Hungarian Socialist People's Party and a member of the government on the activities of the intelligence and response services of the capitalist countries in relation to Hungary, as well as on domestic events (crimes, accidents, disasters, etc.).
- Compiles monthly orientation reports from daily reports (including foreign press releases) (LEG 3).

The department was composed of two subdivisions (International Relations Subdivision and Information Subdivision) and a secretariat. In 1970, the rules of procedure of the department were amended. In view of the increased delegation tasks, a Protocol Subdivision has been set up. And with the 1972 amendment, the unit was renamed the International Relations Division and the Information Division was abolished, part of which was transferred to the Operational Co-ordination, Monitoring and Secretariat Division.

The practical side of cooperation

On 27 July 1979, the State Security Service of the German Democratic Republic informed its Hungarian counterpart service that a Yemeni passport number 001-278, issued to Fawaz Ahmed, had arrived in Budapest via the 805 MALÉV flight from Berlin, an international terrorist known as Carlos. The Hungarian services have verified the information provided and found that it is true. This marked the beginning of the unprecedented operational processing in Hungary, which soon led to the opening of the file under the pseudonym C-79 and thus to the development of institutionalized counter-terrorism. Under the pseudonyms of Fawaz and others, Carlos travelled to Hungary about thirty times between 1979 and 1986. A department was entrusted with the task, which included the control of inter alia, incoming foreign nationals. The operational officers assigned to the task immediately began a full mapping of Carlos and his network of contacts, as well as monitoring their movements and activities. Some of the data collected during processing and surveillance was, of course, filtered and shared with friendly, socialist state security services, including the East Germans. At STASI, Department X has been responsible for international relations since 1956, and Department XXII since 1975 was responsible for the area for counter-terrorism (Blum et al., 2012). In addition to passing on the information, at regular intervals, mostly once a year, the Hungarian and East German counter-terrorists also met in person to discuss matters. One such meeting or delegation was planned for 3-4 days. Its participants were operational officers

from both sides who were active in counter-terrorism matters, so they had good insight and professional experience in this area. The Hungarian delegation was almost always led by the already mentioned Colonel dr. József Varga. We have searchable data related to the meetings in Hungary, given that the C-79 file is currently classified and cannot be researched. However, in Berlin, the Federal Archives of the State Security Service of the former German Democratic Republic made a part of the file under the pseudonym ‘SEPARAT’⁴ searchable (approximately 2,500 pages) and related documents (20,000 pages). In these files we can only find written accounts of the Berlin negotiations. The talks not only included discussions and transfers of information about Carlos and his terrorist organization, but also mentioned all organizations whose members turned up in the two countries and came to the attention of the response services. Such terrorist organizations were, for example, Abu Nidal, the Red Army of Japan, the IRA, ETA, the Secret Armenian Army for the Liberation of Armenia (ASALA), and so on. The exchange of information covered the operation of terrorist organizations, data on their planned actions, the contact system of their members and supporters, the type and number of travel documents they used, etc. (BStU 2). Undoubtedly, the most interesting and valuable information was data on actions planned by terrorist organizations. On 29 April 1981, for example, a report was issued mentioning that during the last Hungarian-East German state security meeting, Colonel dr. Varga had handed over a document to his East German colleague, Colonel Dahl, which had been mentioned earlier. It contained complete plans for the terrorist attack carried out by Carlos on the Romanian transmitter of the Radio Free Europe Radio in Munich. The report states that as early as September 1980, thanks to the operational measures put in place, the Hungarian State Security Service had obtained information that Carlos had been commissioned by the Romanian secret service to rob and blow up the Romanian transmitter of Radio Free Europe. The action was originally scheduled for 12 February 1981. Although the action did not go as planned in the end, Carlos was nevertheless received and rewarded by the highest-ranking intelligence leaders in Romania (ÁBTL 2). The Hungarian service also shared the information with the Soviet and Czechoslovak partner services. The co-operation between Carlos and his organization went smoothly until 1986, when the Jackal left Hungary permanently and the C-79 file was closed.

4 ‘SEPARAT’ file (MFS/XV/2833/81): opened by the East German State Security Service, about the operative processing of Carlos and his terrorist organization.

Conclusion

The appearance of Carlos and his organization in Hungary also resulted in a fundamentally new situation in the life of the Hungarian state security service. As the information obtained with the operational tools and methods clearly indicated that the Jackal intends to establish itself in Budapest for a longer period of time, the Hungarian secret service and the political leadership also had to decide how to handle the situation at their own level. To our knowledge, the political decision was rigid aloofness. No political leader met with Carlos or any of his men, although there was a constant demand for this from the Jackal's side. The aim of the political leadership was to prevent Carlos from carrying out a terrorist attack on Hungarian or foreign Hungarian interests. The task of the secret service was to assess, control and record Carlos' relationship system, movement and activities as fully as possible. On the other hand, he had to leave Hungary permanently on his own. To achieve these two goals, Hungarian state security used the full range of operational tools at its disposal. Including, of course, the possibility of international cooperation with the socialist state security services. The study presents in detail the establishment, system of tasks and organizational changes of the International Relations Department responsible for the matter. Based on the available and processed archival sources and literature, we can conclude that in counter-terrorism cases, such as in the case of the C-79 file as well, intensive international co-operation took place, especially between the Hungarian and East German state security services. The members of the professional delegations were operational officers from both sides who were active in counter-terrorism matters, so they had a good overview and professional experience in this area or in the given cases. In counter-terrorism cases, professional consultations were ongoing for both parties until the change of regime.

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- BStU 1: MfS+HA_XXII+19990_A, p. 000001
- BStU 2: MFS HA XII 19664, p. 19.
- ÁBTL 1: Daily operational report no.: 45-78/10/201/1979.
- ÁBTL 2: Daily operational report no.: 45-78/10/69/1983.

Online links in this article

- URL1: *Vádat emeltek Budaházy és a Magyarok Nyilai ellen.* https://mandiner.hu/cikk/20100927_vadat_emeltek_budahazy_es_a_magyarok_nyilai_ellen
- URL2: *Personal data record of Dr. József Varga.* https://www.abtl.hu/ords/archontologia/f?p=108:13:::NO:13:P13_OBJECT_ID,P13_OBJECT_TYPE:956813,ELETRAJZ
- URL3: *Personal data record of Lajos Karasz.* https://www.abtl.hu/ords/archontologia/f?p=108:13:::NO:13:P13_OBJECT_ID,P13_OBJECT_TYPE:24459,ELETRAJZ
- URL4: *Beke József – dr. Hegyes Gabriella: A terrorelhárítás kezdetei Magyarországon - A C-79-es dosszié.* https://epa.oszk.hu/02900/02932/00007/pdf/EPA02932_terror_elharias_2015_1_01.pdf

Legislations

- LEG1: Legislative Decree 20 of 1958 on the promulgation of the treaty between the Hungarian People's Republic and the German Democratic Republic on civil, family law and criminal legal aid signed in Berlin on October 30, 1957, Article 3, Paragraph 1.
- LEG2: Order No. 009 of the Minister of the Interior of the Hungarian People's Republic (ÁBTL -4.2.-10-23/8/1963.)
- LEG3: International Relations and Information Department dated december 29, 1965. order of business no. 10-2307/1965 (ÁBTL -4.2.-10-2307/1965/3.)

Interview

Interview with ret. Colonel Dr. József Varga in Budapest on 1 March 2013 and 9 October 2013.

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Empirical study of the factors of career motivation underlying the interest in a career of public administration

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Abstract

Aim: The aim of the study is to reveal the reasons behind the declining interest in the public administration career. The data of the Graduate Career Tracking System shows that a considerable part of the students graduating in relevant fields do not start a career in public administration, or leave the career in a short time. In this study I examine how the career motivation of the concerned young adults affect their intention to find a job in the public administration.

Methodology: I conducted the questionnaire interviews in 2021 during the project of KÖFOP-2.1.5–VEKOP-16-2016-0000 ‘*Strategical support for the personal supplies of the competitive public services*’. By completing the questionnaire, the participants had to rate it on a four-point Likert scale the carrier motivation factors, their interest in the public service career, the impact of university education and professional practice on interest in public service carrier. 114 students of the Faculty of Public Governance and International Studies of the University of Public Services participated in the study. 65 percent of the participants were female, 35 percent were male. 71 percent of the sample were full-time student, 29 percent were studying in correspondence courses.

Findings: In accordance with my hypothesis the outcomes of the study confirmed that the participating students have an external rather than an internal career motivation, which has a negative impact on their interest in the career. The interest of the participants in the public services as a career showed a decreasing trend through their years spent in the university. This effect was most easily captured in the answers of the youngest, full time students. During the research I could identify three ways of motivation: strong, identified and extrinsic. In line with the expectations, the interest for the career of those having

extrinsic motivation was the smallest and of those having strong motivation was the greatest.

Value: The results of the research contribute to the understanding of the factors that determine the career choice of young employees. However further research is needed to discover why the external motivation of the participants is getting stronger during the years of university studies and how this tendency can be turned.

Keywords: career change, career motivation, career choice, extrinsic and intrinsic motivation

The problem statement and the objectives of the research

The organizations of the Hungarian public administration have been facing the problem of generational renewal for years (Hazafi, 2014). The university applications show that the interest of the young adults in the career in public administration has a decreasing trend, and furthermore, early career change is significant among those who graduate in the relevant fields (Szakács, 2015). This is confirmed by the data of the Graduate Career Tracking System for the recent years, which shows that out of the students of Administration, who were graduating in 2011-2012 at the Faculty of Public Governance and International Studies of the University of Public Services (Nemzeti Köszolgálati Egyetem Államtudományi és Nemzetközi Tanulmányok Kar, hereinafter: NKE ÁNTK) 60.49% still works in public administration until this days, meanwhile only 39.74% of the Public Administrator class of 2017-2018 works in this sector (Graduate Career Tracking System, 2022). The situation is a bit more positive in the case of the Master's degree holders, since 67.57% of those who obtained MA in Public Administration and 57.14% of those who obtained MA in International Relations in 2017-2018 found a job in the field of public services, and these figures were very similar in the previous years. However, it is important to mention that the majority of the Master's students already work in one of the fields of public services when they start their studies, so it is natural that in proportion more of them remain in this sector comparing to the BA students, who typically acquire their first degree.

The career entrant BA graduates' 'turning away' from the public administration can cause difficulties already in medium term (in the distance of 5-10 years), especially in the administration of the communes. The big picture is further nuanced by the fact that the members of the young generation who choose

a public administration career find a job mostly in the ministries (Hazafi, 2016). In other words, the dangers of ‘ageing’ is not yet detectable in the entire field of the public administration, as it is referred by the data reported in the Good State and Governance Report 2019, but the supply of adequately prepared successors is getting more and more a concrete problem, especially at the organizations in the communes, in the countryside (Kaiser, 2015).

The previously reported statistical data shows unambiguously the problem, but is not adapt to reveal the underlying reasons. In this study I am aiming to answer these questions by introducing the factors for career changes of the university students, who are in preparation for a career in public administration. In accordance with this, in my work I examine the following questions:

- What do the students at NKE ÁNTK, in other words the potential career entrants in the public administration think about their future career?
- How the external (extrinsic) and internal (intrinsic) factors of career motivation influence their choice of career?
- How does their interest in the career of public services change from the start of their studies until the start of the job?

The principles of the Self-Determination Theory

I made my research about the questions above in the frame of the Self-Determination Theory that determined the focus of the research of motivation in the recent decades. According to the model based on the research results of Harlow (1958) and White (1959), people are motivated by fulfilling three psychological basic needs: competence, connection (or relatedness) and autonomy (Deci & Ryan, 2000). According to this theory all three needs are equally important, therefore you cannot say that some are motivated by the need for autonomy, while others are more motivated by connection or competence. The theory was proven among others by Reis and colleagues (2000), who conducted ‘activity logging’ research found that the psychical wellbeing of the participants is determined equally and independently by the fulfilment of all three needs.

The Self-Determination Theory says that the basic psychological needs can be fulfilled in the state of the internal (intrinsic) motivation, that is, when the person is conducting an action he/she loves. At the same time needs can be more or less supported by external (extrinsic) motivational factors. In accordance with this the theory captures the external (extrinsic) and internal (intrinsic) motivations as continuum, and not as absolute categories (Deci, Connell & Ryan, 1989). That is to say that the motivation demonstrated by a particular person in

a particular situation is at one point of the extrinsic-intrinsic motivation scale. The two endpoints of the continuum are the total absence of motivation (amotivation) and the internal (intrinsic) motivation. There are four different ways of extrinsic motivation on the motivational spectrum stretching between these two endpoints.

As the external motivation is made gradually more and more internal, i.e. is internalized, the following motivational modes are created (Deci, Connell & Ryan, 1989):

- 1.) Deregulation – the first mode is deregulation, behind which underlies the total lack of motivation. As in this mode there is no motivation at all, neither external nor internal, we cannot talk about the level of internalizing either. What does it mean in practice? It means that the person in the mode of deregulation does not see any benefit or value at all in completing the particular activity, nor can their interest be risen by using external tools. In this case there is no point in offering a reward or threaten with punishment, we can not make an impact on them with these either, the ultimate result is that they do not complete the requested activity.
- 2.) External regulation – a person in external regulation is under the effect of external (extrinsic) motivation factors, the integration of motivation does not happen. This means that the concerned person does not feel any internal motivation for the particular activity, yet is willing to do it because external forces force the person to do so. The tools of external pressure are: rewarding and punishing. The external regulation maintains the activity only as long as the reward is available, or as long as the person would like to avoid punishment. It follows that the tools of the external motivation – whether it is a reward or a punishment – has to be available continuously, and as the relevant researches find, they have to be continuously risen to maintain the effect (Deci, 1972). So, the maintenance of the external regulation requires quite an amount of time and resources from an organization (e.g., designing and applying the bonus systems, continuous leader control, the handling of disciplinary cases etc.), and what is more, it offers quite a low result. That is because in the mode of the external regulation the basic psychological needs of a person are only very limitedly satisfied, so their performance is very unbalanced (Gagné & Deci, 2005).
- 3.) Introjection – in the process of the introjection the internalization of the external motivation starts, but internalization is still only realized at a low level in this mode. The person in introjection will not complete their job only because they expect a reward or they are threatened with a punishment, but also because a sort of internal anxiety forces them to do so. This

feeling can originate from social pressure ('I do it because everyone else is doing it, too'), from guilt ('If I do not do it, that will put others at a disadvantage'), from the urge to maintain the self-image ('I am a diligent, competent person, so I have to do it'), or from the practice of self-control ('once I undertook it I have to do it'). In this mode the performance of the person becomes more predictable comparing to the external regulation (Gagné & Deci, 2005). At the same time the level of performance will be between low and satisfactory, because the colleague always only does enough to neutralize their negative feelings.

- 4.) Identification – in this mode the internalization of the external motivation is getting stronger, which means that the person no longer acts under an external force or an internal anxiety, but because completing the task is in harmony with their values and current objectives. In identification the basic psychological needs are satisfied more than in any of the earlier, as completing the activity comes together with the positive feeling of development and growth. The mental status of the person in this mode is balanced and stable, so not only their mental and physical health is improving, but also their performance becomes more reliable (Gagné & Deci, 2005). Identification contributes to the strengthening of the loyalty towards the organization and the creation of the positive workplace atmosphere.
- 5.) Integration – in the process of integration the internalization of the external motivation becomes complete. When in this mode, the person feels that the activity contributes not only to their current objectives and development, but it is in harmony with their life goals, too. In this mode the psychological needs of the person are satisfied on a high level, so he feels the competence, the autonomy and the social support. And if this happens in an organizational environment, the performance of the employee will rise in a balanced and continuous way (Gagné & Deci, 2005).
- 6.) Internal regulation – the internal regulation happens when a person has a natural inner motivation for a particular activity and performs it with passion, love and total dedication. So, in this case it is not the internalizing of the external motivation what happens, but the fulfilment of the person's pre-existing internal (intrinsic) motivation. Every activity that I perform because I enjoy performing it and there is no other interest connecting to it belongs to the circle of the internal regulation. During the internal regulation the basic psychological needs of a person are satisfied on the highest level, so they can make the most out of themselves in this case. Their abilities unfold, their creative energies unleash, and all is accompanied by the sense of completeness. All this follows that the outcomes of the internal

regulation are the most positive. In this mode the performance of the person rises, their capacity to solve problems develops, and their loyalty to the organization strengthens. I have to point out here that certain sources call the modes of identification, integration and internal regulation together as autonomous regulation or autonomous motivation (Deci & Ryan, 2000). At the same time, it is important to underline that the internal regulation in the world of work typically exists only for shorter periods. Of course, we can feel internal regulation while completing a task, but because of other factors in the work environment this state rarely becomes the basic motivation mode of activity, therefore from an organizational point of view it is more rational to strive for the strengthening of the identification and integration that bring similar consequences but are much more applicable in the world of work.

The international outcomes of the motivational modes are confirmed by Hungarian studies, too (Fényeszárosi, Sallay, Matuszka & Martos, 2018).

Research hypotheses

In the research that I am presenting in this study, I examined how the motivational modes described above influence the interest of the students of NKE ÁNTK in a career in public administration, and in this respect how do they affect their retention on the career path. In the reflect of the outcomes of Hungarian and international researches in connection with the Self-Determination Theory:

- I assume that the basis of the successful career choice of public administration is the development of an autonomous motivation (identification, integration and intrinsic motivation) for the career (1. hypothesis).
- I assume that the interest and career choice in public administration of the students of NKE ÁNTK, that is to say, of the potential supplement of graduate labour force, are basically determined by controlled motivation modes (external and introjected motivation), and autonomous motivation (identification, integration and internal motivation) has a lesser role in the career motivation of the persons concerned (2. hypothesis).
- I also assume that because of the domination of the controlled motivation, the interest of the students of NKE ÁNTK in the public administration career demonstrates a decreasing tendency already during the university years, and this negative effect is strengthened by the work experience (meaning: internship) gained in the organizations of public administration (3. hypothesis).

The circumstances of the research and the questionnaire

I conducted the questionnaire interviews targeting the verification of the hypotheses during the project of KÖFOP-2.1.5– VEKOP-16-2016-0000 ‘Strategical support for the personal supplies of the competitive public services’. The online data collection through NKE’s internal questionnaire management system, NKE Survey, took place in July 2021. Participation was voluntary and anonymous.

When replying to the questionnaires, the participants had to value on a Likert scale ranging from 1 to 4:

- the scale of the motivation before starting the university studies, before the internship and currently;
- the intention of finding a job in the public administration;
- the variants of the career motivation of the public administration;
- the impact of the internship on the scale of the motivation.

In the course of the research, I captured each motivational mode with the help of the dependent variables presented in the table below and the statements that describe them.

Table 1: *Dependent variables connecting with each motivational mode in the questionnaire survey conducted among the students of NKE ANTK*

Motivational modes	Dependent variables assigned to motivational modes	The statements describing the dependent variables
External motivation	Salaries and other entitlements	‘I find the salaries and other entitlements favourable.’
	Career security	‘I consider it a secure career.’
	Career of forced choice	‘With my degree I can only find a job in public administration.’
Introjection	Pressure from the family	‘Several members of my family chose a career in public administration, I am following their example.’
	Worktime schedule	‘I consider favourable the working schedule’
	Working environment	‘I consider favourable the working environment’
Identification	Social prestige	‘The prestige and social valuation of the organizations of public administration are appealing to me.’
	Opportunity for career building	‘I see good opportunities for career building in the public administration.’
	Opportunity for networking	‘I see good opportunities for networking in the public administration.’
Integration	Opportunity for development	‘I see a potential to professional development.’
	Appealing function	‘I started to like the job during the internship.’
Internal regulation	Internal commitment	‘I feel an inward commitment for the public administration.’
	Interesting, challenging function	‘I find the nature of work interesting.’

Source: The author’s own editing.

The table demonstrates that I operationalized each motivational mode by 2-3 variables and their descriptive statements. To determine the variables, I considered the results of my previous research conducted in project KÖFOP 2.1.5, during which we asked leaders and HR-experts of public administration organizations to define which factors of career motivation they considered as the most important (Krauss, Magasvári & Szakács, 2018).

The participants of the research

In the course of the online questionnaire interviews I applied the theoretical sampling method. In accordance with the object of the research I wanted to address explicitly the target audience of graduated career entrants, starting their career in the public administration, but at the same time I considered it important that those surveyed should already have some vision of the particular field. So, it seemed an obvious solution to involve the students of NKE ÁNTK, who already received some vision of the system of the organizations, the culture and the system of expectations of public administration, through which, comparing to other career entrants, they can form a more complex and exact opinion about the subjects examined. During the inclusion the use of the internal questionnaire system of the NKE made sure that only the persons really belonging to the target group participated in the filling of the questionnaires.

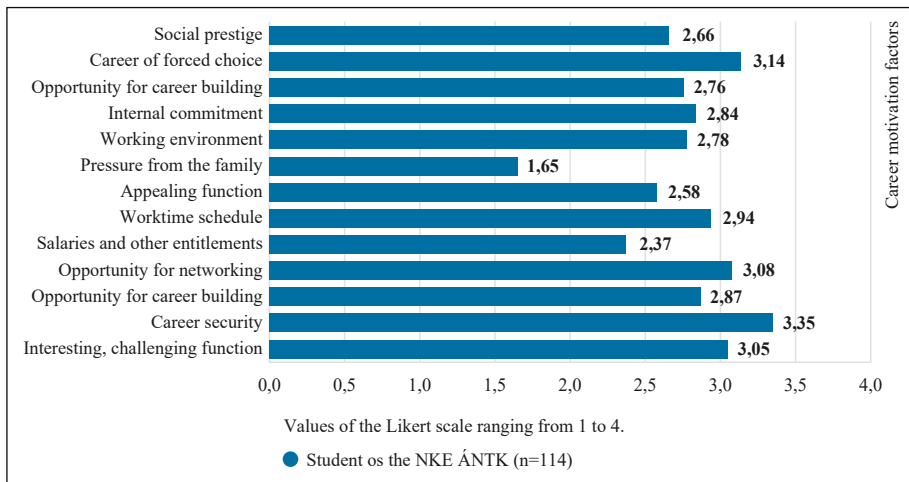
171 students started to fill the questionnaires (n=171) and a total of 114 of them finished it (n=114). 65 percent of the participants were female, and 35 percent were male, which represents well the real gender ratio of NKE ÁNTK. 75 percent of the respondents were from the age group under 25 years. This is in line with the expectations towards the target group, at the same time the validity and reliability of the research is weakened by the fact that 25 percent of the respondents belonged to the older age group. It can be assumed that they are not career entrants, not in the original meaning of the word. The respondents representing the older age group were without exception studying in correspondence courses (n=33). Therefore, to strengthen the validity and reliability, during the statistical analysis, I always separated the results of the full-time students (n=81) from the results of those who were studying in correspondence courses. Altogether 71 percent of the sample were full-time student and 29 percent were studying in correspondence courses. 68 percent of the participants had a middle grade degree, 20 percent of them had BA degree. The division by major of the participants is in line with the characteristics of the total target group. Unfortunately, the same cannot be said about the division by the classes. In this aspect the first year (n=44)

and second year (m=38) were highly overrepresented, which does not serve the validity of the research, because the students of the lower years have less experience about the operation of the organizations of public services. At the same time the fact that more than a third (n=35) of the total of 82 respondents from the first and second years were studying in one of the MA courses, gives another nuance to the big picture, as they can be assumed to have some knowledge about the organizations, on which knowledge their opinion is credibly based.

Research outcomes

I started the evaluation of the research outcomes by identifying the average value of the modes of motivation. According to this mainly the career security (average: 3.35) motivates the respondents to choose a career in public administration. Along with this the career of forced choice also has an important role (average 3.14), in other words, many of the participants are interested in public services because they feel that they would not be able to find a job in another field. The career motivations of the respondents were the least affected by the family pressure (average: 1.65) and the salaries and entitlements (average: 2.34). The basic statistic outcomes regarding the motivation factors are summarized in the figure below.

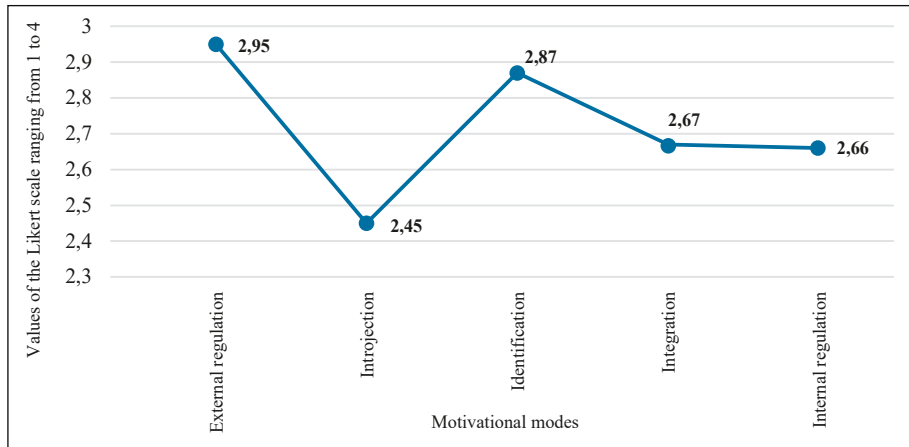
Figure 1: *The average values of the examined career motivation factors valued by the students of NKE ÁNTK*



Source: The author's own editing.

For a more accurate assessment of the results, I also calculated the averages of the motivational modes according to the ordering of the career motivation variables and the motivational modes as shown in Table 1. This is shown on the chart below.

Figure 2: *The average values of the motivational modes valued by the students of NKE ÁNTK*

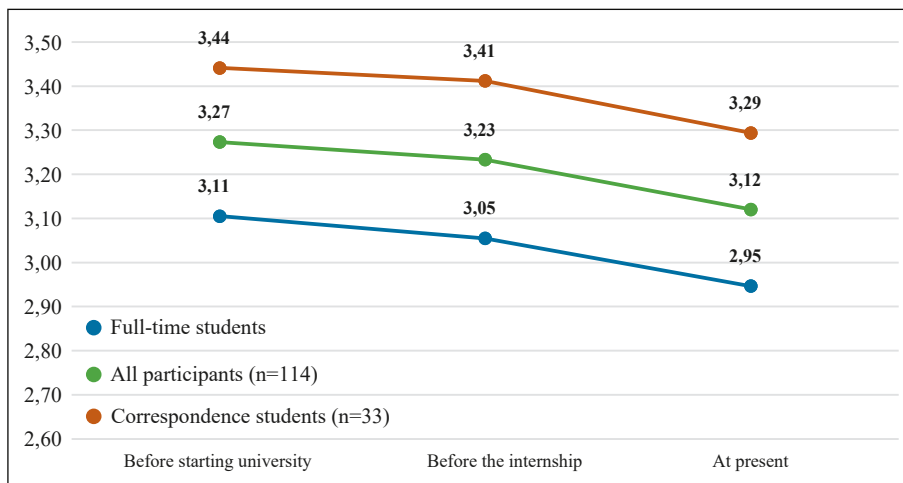


Source: The author’s own editing.

It is obvious by the mean values of the motivational modes that the most dominant regulatorily mode of the examined group is the extrinsic motivation (average: 2.95 and 2.48). The students placed identification (average: 2.87) at the second rank, and integration (average: 2.67) at the third. The valuation of the intrinsic motivation only stayed behind this with one hundredth point (average: 2.66). The weakest motivational mode was considered to be introjection (average: 2.45 and 2.27). It is also important to point out that the respondents consider the extrinsic motivation to be the strongest regulator mode despite the fact that the relatively lowly valued salaries and entitlements factor belongs there, too. This underlines the dominant, extrinsic motivational role of ‘career security’ and ‘career of forced choice’ even more.

After the evaluation of the motivational factors, let’s see how attractive the students consider a career in public administration based on the received results, and how their interest in the career changed in the recent years. The students estimated the answers for this question for three periods (before starting to study at the university, before starting the internship and currently) in the course of the research. The results expressed on a Likert scale ranging from 1 to 4 are summarized in the chart below.

Figure 3: Perception of interest in a career in public administration among students of the NKE ANTK - average of responses for the whole research group and for full-time and part-time students

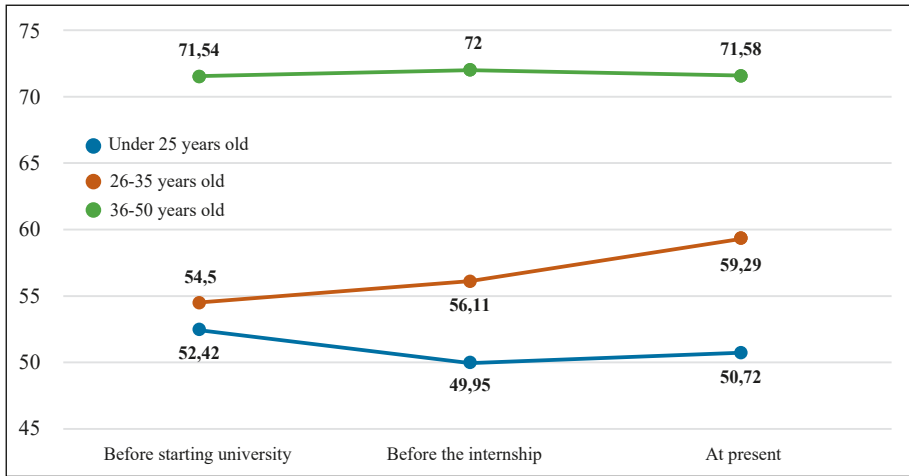


Source: The author's own editing.

As you can read from the chart, the interest in public administration of the full surveyed group is quite high in every surveyed period (average: 3.27, 3.23, 3.12). At the same time, it is visible that this interest is decreasing as the years pass. Based on the Kolmogorov-Smirnov test taken, the decreasing tendency is significant ($p=0.00$) in the full survey group, therefore the null hypothesis, according to which the level of interest of the surveyed group in a career in public administration does not change over the course of education, does not hold. The declining interest in career is especially noticeable in the case of the full-time students, which is of particular importance from the point of view of my research, since the biggest part of the real career entrants belong to this target group. Based on the Kruskal-Wallis test, between the interest of the full time and the correspondence course students in the first two periods there is a significance ($p=0.02$; $p=0.01$), and in the last period there is a tendency-like ($p=0.06$) difference.

Knowing the values of the full-time students, I found it necessary to compare the surveyed age groups from the point of view of the interest in the career. I made this comparison with the Kruskal-Wallis test, and the received results are shown on the next chart.

Figure 4: Perception of interest in a career in public administration among the surveyed students' age groups - rank average of the answers



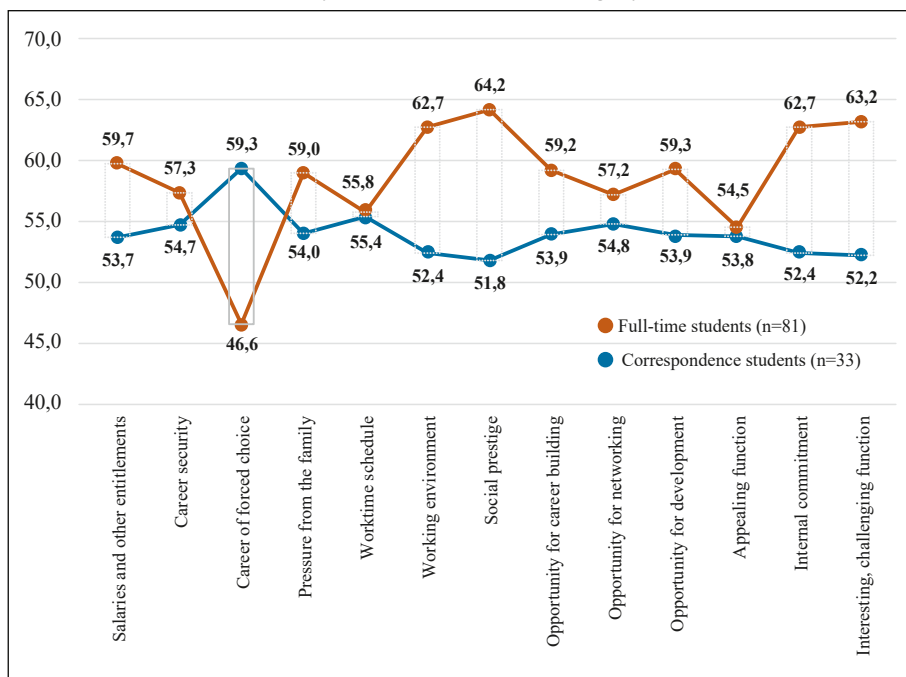
Source: The author's own editing.

In this case, too, the decrease or stagnation of the interest can be observed in the age group of under 25, that is to say, among the real career entrants. It is also to be seen that in the case of the next, slightly older age group (26-35 years) the interest in the career in public administration shows a slightly upward trend, meanwhile in the eldest group (36-50 years) it is stable and strong. It is true that the difference between the age groups is not significant in any of the periods ($p=0.19$; $p=0.06$; $p=0.09$).

Overall, the results show that the surveyed students are basically interested in a career in public administration, but their interest is decreasing already through the university years. This trend can be observed especially among the youngest full-time student respondents, who can be considered the real career entrants. I assume that there are the motivational factors and the motivational modes designed by them behind the loss of interest, so now I will present in more details the results in connection with the relational modes of the students.

First, I compared the evaluation of the motivational factors based on the responses of the full-time students and those who follow the correspondence courses. I used the Kruskal-Wallis test again, the results are on the diagram below.

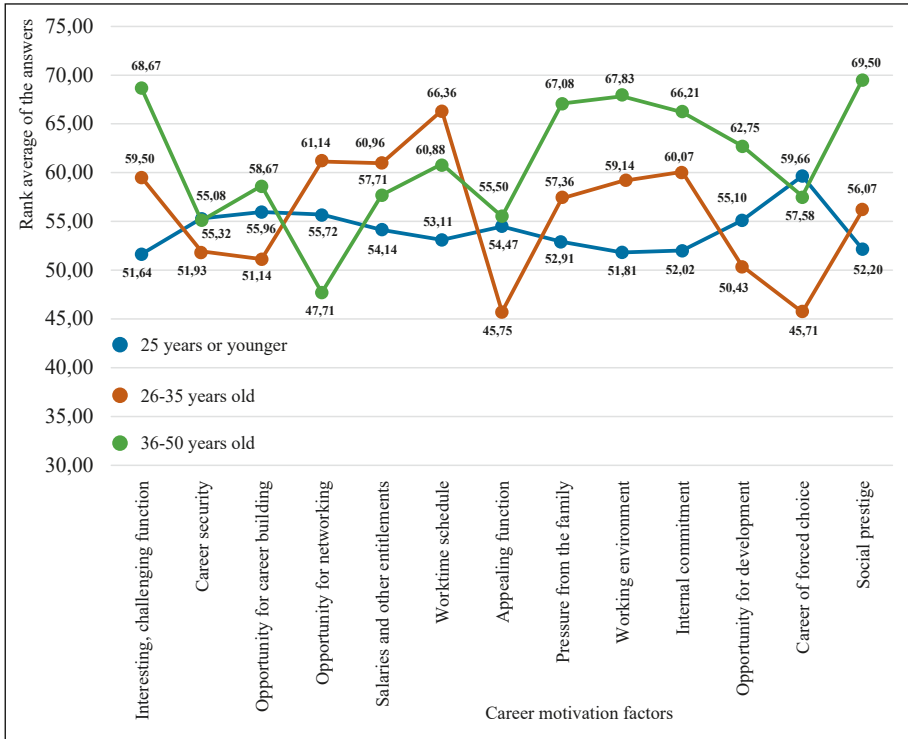
Figure 5: Perception of career motivation factors among the full time and correspondence course students of NKE ANTK – a rank average of the answers



Source: The author's own editing.

Based on the rank average of the two surveyed groups, the students of correspondence course valued every motivational factor higher than the full-time students apart from one, namely the 'career under pressure'. In four cases the differences are either tendential or significant. The variables called 'interesting and challenging function' ($p=0.07$), 'working environment' ($p=0.022$) and 'social prestige' (0.05) are characterizing the motivation of the correspondence students tendentially or significantly stronger, while the 'career of forced choice' was valued significantly higher by the full-time students. This means that in the case of these variables the null hypothesis, according to which the motivation of the two groups is equally determined by the examined factors, does not hold. It is important that on the basis of the results not only the intensity of motivation is higher among the correspondence students, but also the quality of the motivation is more positive in their case, since the only factor that was valued higher by the full-time students (career of forced choice) is connected to extrinsic motivation. In order to be able to value more credibly the motivation of the real career entrants, I made the comparison of the age group in this case, too.

Figure 6: Perception of career motivation factors among the age group of the students of NKE ANTK – a rank average of the answers



Source: The author's own editing.

As it can be seen on the figure, the perception of the motivational factors by age groups shows a more variable picture. One of the reasons for this is possibly because in the middle age group both the full time and the correspondence students are represented in a mix, so the real career entrants and those who already have some work experience are equally present in this group. It can be observed that the answers of the youngest are the most homogeneous. The only outlier in their case is connected to the variable of the 'career of forced choice', which they valued higher than the other age groups did, this motivational factor is significantly ($p=0.01$) more characteristic of them than of the age group of 26-35 years. The results of the other two age groups show a more nuanced picture and are more synchronized with each other. Both target audience assessed similarly the variables of the 'interesting, challenging function', the 'career security', the 'salaries and entitlements', the 'worktime schedule', the 'appealing function', the 'pressure from the family', the 'working environment', the 'internal

commitment’, and the ‘social prestige’. At the same time the 26-35 years old are more motivated by the ‘networking possibilities’ than the older ones, who, on the other hand, similarly to the youngest age group, sees the public administration more a ‘career of forced choice’ than the medium age group.

The evaluation of the motivational factors gives a good starting point to understand the motivation of the students, but since in line with the Self-Determination Theory (Deci et al., 1994; Gagné & Deci, 2005; Deci & Ryan, 2000) I consider the quality of the motivation more important than the intensity of it. I felt it necessary to investigate also the motivational modes behind the factors. Therefore, I performed a factor analysis with the inclusion of the motivational factors, the result of which is to be seen in the table below.

Table 2: Factor analysis based on the motivational factors valued by NKE ÁNTK students

Rotated FactorMatrix ^a – students of NKE ÁNTK (N=114)			
	Factor		
	Strongly motivated	Identificated	Extrinsically motivated
Interesting, challenging function	0.46	0.41	
Career security			0.72
Opportunity for career building		0.88	0.39
Opportunity for networking	0.37	0.61	
Salaries and entitlements	0.35	0.65	
Worktime schedule	0.49		
Appealing function	0.51		
Pressure from the family	0.44		
Working environment	0.56		
Internal commitment	0.65		
Opportunity for development	0.51	0.50	
Social prestige	0.72	0.42	
Career of forced choice			0.56

ExtractionMethod: Maximum Likelihood.

RotationMethod: Varimaxwith Kaiser Normalization.

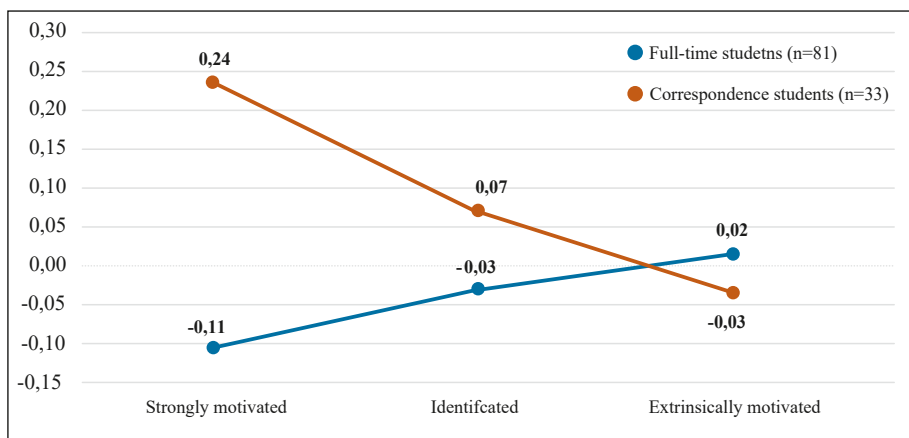
Source: The author’s own editing.

As it can be seen in the rotated factor matrix, the first factor included almost all the variables, so following Fényszárosi et al. (2018) I have given the name ‘strongly motivated’ to this factor. The variance of the strongly motivated type was 45.1 percent, which means that the explanatory power of this factor is the strongest of all three of them. It is also important that even though it is a mixed

profile type, that is to say that there are several motivational modes mixed in it, the two strongest extrinsic motivational factors of the study group, i.e. the career of forced choice and the career security, are not included in this factor. This suggests that the high ‘strong motivation’ means intensive, colourful and more autonomous motivation. In the second factor the variables of identification (see: opportunity for networking, opportunity for career building, social prestige) are dominant. Along with these, the ‘interesting work’ (intrinsic motivation), the ‘salaries and entitlements’ (extrinsic motivation) and the ‘opportunity for development’ (integration) were also included in the factor, but in total I saw that this factor captures a strongly career focused employee type wanting to implement their objectives, which I can best describe with the concept of identification. This is why I gave the name ‘identification’ to this group. This is the factor where the characteristics of autonomous motivation appear the most clearly. The variance of the second factor was 8.8 percent. The third factor is constructed of the two most determinant extrinsic motivational factors, i.e. the security of the career and the career of forced choice along with the opportunity of career building, so I named this type the ‘externally motivated’. Belonging to the externally motivated type unambiguously means rather a controlled, than an autonomous motivation. The explanatory power of this factor was 7.3 percent.

I saved the three factors as new variables, and I used them for further research. First, I compared the motivational types of the full-time students to that of the correspondence course students by single factor analysis of variance. Figure 8. shows the outcome of this comparison.

Figure 7: Motivational types among the full time and correspondence course students of NKE ÁNTK



Source: The author’s own editing.

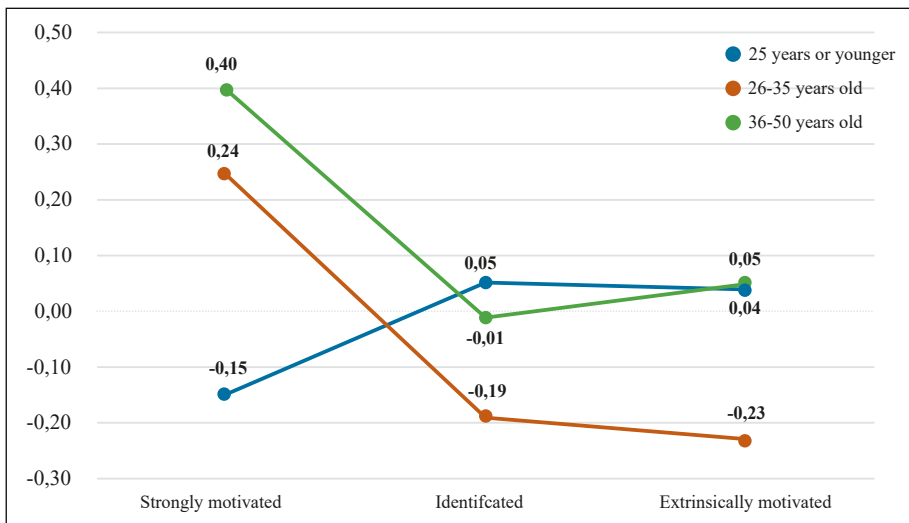
The diagram clearly shows that the ‘strongly motivated’ and ‘identification’ types that are closer to the autonomous motivation are more characteristic of the correspondence students, meanwhile in the ‘extrinsically motivated’ type which is closer to the controlled motivation the values of the full-time students are higher. The difference between the groups is tendential ($p=0.06$) in the case of the ‘strongly motivated’ type. To understand better the motivational type of the real career entrants, I used single factor analysis of variance and compared also the age groups with each other. The outcome of this survey is demonstrated by the next figure.

Table 3: The outcome of this survey

	1.	2.	3.	4.
1. Strongly motivated	1			
2. Identified	0.042	1		
3. Extrinsically motivated	0.079	,206*	1	
4. Currently finds a career in public administration appealing	,623**	,409**	,364**	1
	*The correlation is significant from $p=0.05$ **The correlation is significant from $p=0.01$			

Source: The author’s own editing.

Figure 8: Motivational types among the full time and correspondence course students of NKE ANTK



Source: The author’s own editing.

Similar to the distribution of the motivational factors by the age groups, we can see also in the types of motivation that the values of the 26-35-year old and 36-50-year old converge, but the outcome of both groups differs from that of the youngest age group. The later are significantly less ($p=0.07$) characterized by the ‘strong motivation’, at the same time they reached higher values in both identification and extrinsic motivation. This follows that in the group of the real career entrants extrinsic motivation and the motivational factors in connection with the career building have major roles.

Another important question is the connection between the motivational types and the interest in the career in public administration. To map this subject, first I conducted a correlation study, the outcome of which is summarized in the following table.

Table 4: *The correlation of interest in a career in public services and the motivational types among the students of NKE ANTK*

	1.	2.	3.	4.
1. Strongly motivated	1			
2. Identified	0.042	1		
3. Extrinsically motivated	0.079	,206*	1	
4. Currently finds a career in public administration appealing	,623**	,409**	,364**	1

*The correlation is significant from $p=0.05$

**The correlation is significant from $p=0.01$

Source: The author’s own editing.

The chart shows that all three motivational types are significantly associated with the interest in a career in public administration. This follows that each and every motivational types are appealed by this career, but in line with the international literature, the level of interest is different in each type. The high level of correlation anticipates a stronger interest, therefore the interest of the ‘strongly motivated’ ($r=0.623$) in the career is the most intensive, while that of the ‘extrinsically motivated’ ($r=0.364$) is the least intensive.

Evaluation

The objective of my research summarised in the previous chapters was to get to know the factors determining the choice of a career in public administration. First of all, I was looking for the answer to what role of the career motivation has in the choice of a career in public administration. Along with this I was curious how the interest in public administration as a career change depending on the nature of the motivation.

Both the relevant theoretical literature and my own survey outcomes prove that the nature of the motivation basically determines the interest in the career. My outcomes, in line with the Hungarian and international studies (Deci et al., 1994; Gagné & Deci, 2005; Ryan & Deci, 2000; Deci, Connell & Ryan, 1989; Fényszáros et al., 2018) demonstrate that the autonomous, i.e. intrinsic or internalised motivation anticipates the interest in the career path in a more stable way than the controlled, i.e. extrinsic or introjected motivation.

Depending on the outcomes of my research, my hypotheses were confirmed as summarised below:

1. hypothesis - The empirical research confirmed the H1 hypothesis. On the basis of the career motivational factors valued by the students of NKE ÁNTK, I identified three motivational modes: strong motivation, identification and extrinsic motivation. On the basis of the factors constructing each motivational modes the most intensive, and also the most autonomy type was represented by the strong, while the least intensive and most controlled motivational mode was represented by the extrinsic motivational mode. The identification type fell between these two extremities both in terms of intensity and autonomous nature. As it is demonstrated in table nr. 3, all three motivational modes were significantly correlated with the interest in a career of public administration, but up to the expectations, the strong motivation showed the strongest association, while the extrinsic motivation showed the weakest correlation. This follows that those career entrants who can be more characterized by the autonomous motivation find the career in public administration more appealing than those companions of them who have a basically controlled motivation. And this determines their stay in the career, too. It is important, though, that the link between the actual stay in the career and the autonomous motivation needs further examination, since currently we only have the empirical data about the interest in the career.

2. hypothesis - As it is seen in the data of figure nr. 2., the students of NKE ÁNTK valued the motivational role of career security and the career of forced choice the highest in the total of the surveyed group. Both factors capture the controlled motivation. Organizing the motivational factors by the motivational modes also showed that the strongest regulatory mode of the students were the extrinsic motivation, while intrinsic motivation proved to be the second weakest mode. When the respondents are divided by course or by age, this part of the hypothesis is even further confirmed. Since the respondents considered as real career entrants, those under 25 years studying full time, valued significantly higher the career of forced choice in connection with the career motivation, than the over 26 years old and the correspondence course students. Comparing the courses there was also a significant difference in the perception of

the ‘interesting function’, the ‘social prestige’ and the ‘working environment’. These variables can be connected more to the autonomous motivation than to the controlled motivation, and the correspondence course students valued all the factors concerned higher than the full-time students. The analyses connected to the motivational types defined by factor analysis also shows that the career choice of the group of under 25 years full time students is basically determined by the controlled motivation. Out of the three motivational types the extrinsic motivation, that carries the most controlled signs, characterized more strongly the under 25 years, full time students, than the over 26-year-old, correspondence students. Apart from this, the correspondence course students and the respondents of the 36-50 age group valued significantly higher the role of ‘strong motivation’, which includes the autonomous characteristics, than the full-time students and the students under 25 years. So, in total it can be seen that the career motivation of the students participating in the survey is characterized more by the factors belonging to the controlled motivational mode than those belonging to the autonomous motivation. Furthermore, this statement is more valid to the survey group of real career entrants, full time, under 25 years students.

3. hypothesis - The outcomes seen on the figure nr.4. confirm the theory that the interest in a career in public administration declined significantly in the years following university entry for the entire study population. The analysis of the data shows that the full-time students already, before the university entry found significantly less appealing the career in public administration, than the correspondence course students, and their interest was tendentially lower also at the responding time. There was a difference between the three groups also in the comparison by age. The eldest respondents were from the beginning significantly more positively interested in the career, than the younger ones, and their motivation did not change through the university years. As opposed to this, the interest of the youngest between the university entry and the internship first declined, then stagnated. The interest of the middle age group (26-35 years) in a career in public administration slightly grew over the years. All this follows that in line with the hypothesis, the career motivation of the responding real career entrant, full time, under 25 years students really decreases through the university years, but it seems that the experiences gained with the internship slow down this trend instead of reinforcing it. The outcomes also confirm that the decrease of the interest in a career in public services characterizes the ‘extrinsically motivated’ type, which can be described by controlled signs.

Summarizing, the outcomes confirm the hypothesis that the motivational basis of the students preparing for a career in public administration is basically extrinsic, which can be one of the reasons for early career change. To reveal the

reasons why the students' interest in the career decrease through the university years, and how this harmful process can be put to an end to ensure a sufficient supply, needs further research.

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North Atlantic Treaty Organisation's climate change risk management responsibilities

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Abstract

Aim: This article aims to study NATO's attitude towards climate change and its policies against the negative impact climate change poses. The article also aims to show how NATO's strategic objectives are affected by current ecological challenges.

Methodology: Analysing the topicality with the help of index databases, primarily using data from ScienceDirect and Google Scholar. The authors analyse and evaluate the security challenges related to NATO's function, primarily based on security aspects of climate change, public extracts of NATO summits, materials of related action plans and world conferences, technical reports of decision-making and other bodies, as well as other publication.

Findings: The security environment is undergoing a vigorous change. Despite of the fact that the global policies, migration and acts of terrorism are on the rise, economic and social consequences based on environmental damage are even more complex, armed conflicts and crises evolve – all that require NATO to respond. However, besides classic strategic objectives, NATO has to take the damaging effects of climate change, participating in the execution of sustainable development objectives, energy security, etc. into account. Thus, encouraging the military dialectics to study theoretical and practical issues of natural and social sciences, enforcing awareness-raising. It further enforces the tendency to study the adaptability and integrability of mainstream environment trends.

Value: The analysing-evaluating work of the authors covers a wider spectrum of NATO's task system, thus including unusual or not-so-well-known and not-so-popular, yet necessary topics besides the classic ones.

Keywords: NATO, security challenges, sustainable development, energy security

Introduction

After the second world war – based on the topic of this publication –, two significant elements can be highlighted. One of them is the foundation of the North Atlantic Treaty Organisation, and the other one is a fast-paced technological development in the 20th century. The concentration of the communities was caused by the realignment of European military and power forces. The previously made (forced)alliances with the Soviet Union brought the most basic safety influencing factor for western European countries (Nagy, 2014). The 20th century was the century of wars and armed conflicts, and approximately half of it was the so-called cold war period (Bardócz et al., 2001; Szatai & Horváth, 2020). During the Cold War, standpoints and objectives related to national defence were prioritised, however, several technological innovations were created – besides military development –, the results¹ of which can be felt in the 21st century as well. Despite all the positive effects – such as economic growth, well-being and stability – there have been caution signs and critical voices since the late 1960s (Carson, 1962; Ehrlich, 1968; Meadows, Meadows, Randers & Behrens, 1972; Ehrlich & Ehrlich, 1995; Bulla & Tamás, 2006; Kuthi, 2001; Teknős, 2013). According to Kerekes (2007), the environmental crisis came forth like a shooting star in the late 1960s and early 1970s, as the academic elite started to recognise its global aspect then. According to Rakonczi (2003) too, the globalisation of environmental issues became clear in the 1960s. In the 1970s acid rain, and in the 1980s the hole in the ozone layer was in focus. During the global development, a number of environmental issues arose. Due to the imbalance of the three elements – nature, society, and economy – several ecological and human world crises evolved (Hajnal, 2006; Tóth, 2007; Baranyai et al., 2018; Kapás, Balázs, & Káposzta, 2022), which have a clear effect on security, as these enforce the risk of civilisational conflicts (Rada, 2007; Hufnagel et al., 2008; Teknős, 2013; Gazdag, 2014; Fülöp, 2018; Hetesi & Kiss, 2018; Szöllösi-Nagy, 2022). By the 21st century, locality became globality (Farágó et al., 2004). In this process, the accelerating pressures in the warming pace of climate change have a risk-increasing effect, whose national defense, law enforcement, sociological, psychological, economic (agricultural, industrial, financial), social, ecological consequences determine the adaptation processes and the global and local resilient defense methods in their fundamentals influencing the components and elements

1 Aeroplane, combustion engine, conveyor belt, reflector, television, frozen food, air conditioning, the theory of relativity, telegraph, radar, mobile phone, microwave oven, computer, radio, nuclear energy, x-ray, ultrasound, microchip, laser, industrial robots, internet, solar panels, etc.

of international security. The growth of the role of the technosphere as a global techno-social energy-consuming system (Haff, 2013), the horizontal and vertical limitation of the available strategic raw materials, the stable sustainability of the standard of living all require research in the fields of society and the natural sciences, its security aspects, and the evaluation of possible responses to the growing social security needs, the examination of the role of organisations with potential response competences, such as the North Atlantic Treaty Organisation (NATO), the identification of external and internal constraints related to the vision of the future (e.g. geostrategic competitions, migration, the growing nature of causes causing disasters, environmental deterioration, climate change, security aspects, radicalism, demographic changes, economic crises, etc.).

Topicality and significance

In order to examine topicality, the authors reviewed ScienceDirect open access publications managed by the Dutch publishing house Elsevier, as well as works found in Google Scholar.

In ScienceDirect, a total of 1,572 items can be read between 1999-2021 for the keyword 'NATO and climate change'. These are distributed as follows²: The vast majority are journal articles (919), 91 review articles, 247 book chapters, 91 encyclopaedias, 39 conference abstracts, 28 editorial materials. From an academic point of view, conference info, news, summaries and other categories are not relevant. NATO's written discourses on climate change are mainly in journals, review articles and book chapters in ScienceDirect (URL1). Regarding the first 5 fields, 452 works are related to social sciences, 277 to earth and planetary sciences, 265 to environmental sciences, 177 to agricultural and biological sciences and 167 to energy. In these categories, many writings cover food security, water security, geopolitical situations, armed conflicts, etc., processing it based on different aspects. The following conclusion can be drawn: very few publications specifically deal with the relationship between NATO and climate change.

In Google Scholar (Google's scientific search engine, also searching for digitized works of Hungarian libraries since 2006), a total of 95,500 items were published for the keywords 'NATO and climate change' with a time interval setting of 1900-2021. In this search, works that deal more specifically with the topic can be found. From the point of view of security science, there are more

2 Last query 23/07/2022.

works related to the topic on Google Scholar than in ScienceDirect. Overall, there are still not enough works dealing with the relationship between NATO and climate change in the international databases, but there is a very rich literature in relation to the individual sub-areas (food and water security, agriculture, etc.). The effects of climate change on security are studied by many authors, but the literature is more moderate with regard to NATO specifically. The topicality is supported by the fact that the works dealing with security claim that in the 21st century, environmental and civilisational challenges, threats, dangers and risks will increase (Boda, 2014). The consequence of this is that security-related needs of societies also grow, which realises and demands the analysis, evaluation and writing of studies dealing with security and environmental topics.

Research methods

Taking into account the significance of the topic, as well as its topicality, the authors analyse the security aspects of climate change, especially by determining the expected prognoses of international geopolitical instability. NATO's reactions to climate change (attitude, adaptations), its risk management steps, and the crisis response mechanisms themselves (from training to operational planning) are examined. NATO's forums for dialogue between the United Nations and the European Union, academic content, factors influencing decision-making, theoretical and practical questions of security and defence policy competence are evaluated. How the strengthening of NATO's military effectiveness (due to the increasing trends and the obligation to respond to the more complex nature of the real threats of the changing security environment) is compatible with today's sustainable development objectives, environmental and climate protection efforts, and internationally accepted commitments is also examined.

Statistical analysis of the international and domestic effects of environmental problems, human and ecological crises, climate change and extreme weather phenomena by the Copernicus Climate Change Service, Munich Re, (NatCat-Service), UN Office for the Coordination of Humanitarian Affairs (UN OCHA), the European Environmental Protection Agency (EEA), are implemented on the basis of the EM-DAT international disaster protection databases of the meteorological services of the countries involved in the Framework Convention.

The information used for the topicality and data analysis related to publications was obtained based on the ScienceDirect and Google Scholar databases. Summary reports of NATO summits, action plans, world meetings, conference materials, agreements, decision-making and other professional summaries

(Intergovernmental Panel on Climate Change-IPCC, National Oceanic and Atmospheric Administration-NOAA, United Nations Office for Disaster Risk Reduction-UNDRR, World Meteorological Organization-WMO) were used in order to analyse the current situation of security challenges. For the statistical analysis of natural disasters, data from the International Disaster Database (EM-DAT), the Copernicus Climate Change Service and the NatCatService were used.

The connection between climate change and global security

With the break-up of the Warsaw Pact and the Soviet Union on 31 March 31 1991, the security situation in Europe changed dramatically, the chance of a global conflict decreased, but the regional importance of military power increased (Si-mai, 2020). Despite the breakdown of the bipolar order, however, it could not be said that the world has become safer (Siposné Kecskeméthy, 2014; Szenes & Siposné Kecskeméthy, 2019). In this regard, László Csaba says that Samuel Huntington's pessimistic vision of the world has been realised (Csaba, 2018), as, for example, the number of crises is also increasing (the state between conflict of interest and violent conflict, i.e. war) (Matus, 2008; Resperger, 2016). After the Cold War, the international environment fundamentally changed (Rada, 2007). Of the two large opposing military blocks, the Soviet Union and its federal system disintegrated, NATO was significantly transformed, the European Union also expanded, and the accession negotiations of the Central European countries under former Soviet rule to NATO and the European Union were on the agenda. International relations became closer and closer, which meant strong bonds, situations of adaptation, dependence, and obligations for the collaborators. In addition to reliance on themselves, the need for collective security also came to the fore. The aim was no longer just to overcome the common danger resulting in survival, but also to ensure a more comprehensive well-being. With this, more attention was paid to areas such as environmental protection, climate protection, sustainable development, international disaster relief, humanitarian support (overcoming the cultural and political barriers of the system, etc.). This is also necessary because in the 21st century, classic and modern challenges, threats, and dangers reformed the interpretation of security, acquiring new, more complex parameters and contents (Zán, 2004; Gazdag & Tálás, 2008; Matus, 2008; Gazdag, 2008; Petkovich, 2016; Siposné Kecskeméthy, 2014; Szenes & Siposné Kecskeméthy, 2019). According to Lippert (2016), it is precisely this changing context that results in topics such as the security aspects of climate change becoming NATO's area of interest (Lippert, 2016). Security – according

to a simplified interpretation – means the absence of threat, danger and risk, a kind of risk-free state (Taksás, 2013; Gazdag & Remek, 2018) and the ability to cope with or prevent them, (Gazdag, 2008) includes response (from the point of view of disaster prevention) and protection mechanism (from an administrative perspective). Although security at the social level is a self-sustaining need that focuses on survival at the community level, unfortunately, at the turn of the millennium, it was not possible to provide an adequate answer regarding security, the environment, and social changes (Teknős, 2017; 2022a). International security and safe existence have grown into ever-increasing public needs (Teknős, 2015). Security is a fundamental community need and a legitimate demand at the same time. This is a notable social need, which nowadays leads to increasingly escalating decision-making (coercive) measures (see demonstrations for peace, environmental protection movements and demonstrations, climate actions and riots). This is only further enhanced by energy security, the consequences of the accelerating pace of climate change, public health, epidemiological, environmental and water pollution, industrialization, and the rapid increase in the number of the population, the reduction of usable fresh water resources (Treszkai, 2021), the tendency towards urbanization, the expansion of the built environment (giga- and megacities), dependence on infrastructure, deterioration of the state of the environment (erosions, pollution), migration, insufficient government measures in more unstable regions, terrorism, etc. (Teknős, 2022b).

The 20th century was the century of oil, and the 21st century is the century of water ([URL2](#)), and one of the greatest challenges for humanity will be the harmful effects of climate change and the devastating effects of natural disasters (Crossette, 1995; Strömberg, 2007; Mika, 2017; Szöllösi-Nagy, 2022).

Warmer (interglacial) and colder (glacial) periods followed each other, so that colder (stadial) and warmer (interstadial) cycles also alternate within the glacial periods. The climate has changed, is changing and will change (Faragó, 1990). This is a de facto, certified fact.³ As is that the greenhouse effect is one of the most important climate-changing natural phenomena that helps the current forms of life to survive.

The Intergovernmental Panel on Climate Change (IPCC) synthesises new climate-related scientific findings and publishes summary reports. Six Situation Assessment Reports (1990, 1996, 2001, 2007, 2013-2014, 2018, 2022)

3 Act XLIV of 2020 about climate protection; Act LX of 2007 about the execution framework of the UN Climate Change Framework and its Kyoto Protocol; 23/2018 (X. 31.) Parliamentary resolution regarding the time period between 2018 and 2030, about the second National Climate Change Strategy that provides an outlook until 2050.

were published, which summarise the most important and latest international research results related to global climate change. According to IPCC reports, this is affected by human activity (air pollution, logging, technosphere, surface transformation, urbanization, globalization, lifestyle of developed countries, etc.) (O'Brien, O'Keefe, Rose & Wisner, 2006; Solomon et al., 2007; Bencsik, 2009; Padányi & Halász, 2012; Rakonczai, 2013; IPCC, 2007, 2015; Faragó & Bartholy, 2014). Neither climate sceptics nor climate deniers accept this position. One thing is certain: dangerous anomalies on a global scale can be observed (extreme weather, direct and indirect health effects, changes in living space, etc., reduction of icy areas) which already have a large impact on global security. Climate change is a multiplier of crisis.

IPCC writes in its 2007 report that in the 21st century it has become clear that environmental problems are increasing the number of civilizational conflicts, and even that the chances of wars are increasing as the Earth's carrying capacity decreases (IPCC, 2007). Jon Barnett, a researcher at the University of Melbourne, mentions the views of American professor Richard Anderson Falk in one of his works, according to whom the faster the pace of climate change and the resulting changes is, the more difficult it will be to adapt to the negative effects, which may even lead to armed conflicts (Barnett, 2001). According to Rymn J. Parsons, armed conflicts are primarily expected where the state's ability to act is already weaker, the power of the central government is weak, and the effects of climate change are more pronounced. This is supported by the University of Texas-Austin associate professor, Joshua W. Busby. According to him, climate change is a serious threat to international security. Climate change will cause international humanitarian disasters, contributing to the spread of political violence, which will occur primarily in countries with weaker governments (Busby, 2008). The US military will play an increasingly important role in armed conflicts and peacekeeping operations of individual countries (Barnett, 2001).

Natural disasters and events are perhaps the most 'unexpected' and overall, the most costly in terms of loss of human lives and resources. Natural disasters, whether they occur in developed or developing countries, clearly affect people's livelihoods (Sawada & Zen, 2014). The list of natural disasters includes weather phenomena such as tropical storms, extreme heat or extreme cold, winds, floods, earthquakes, landslides and volcanic eruptions. There is a connection between climate change and natural disasters, (Macapayag & Misic, 2015) in the case of some types, they even have stimulating effects in terms of occurrence and intensity (Teknős, 2015). There is also a connection (Busby, 2007; Mach, Kraan & Adger, 2019) between climate change and armed conflicts (Barnett, 2001), which reduce the effectiveness of resilience against disasters. A number

of ecological and human world crises have been identified (Anda, Burucs & Kocsis, 2011) which, without global actions, in addition to the standard of living of humanity reduces the conditions for survival. In the assessment of sustainability (Uitto & Shaw, 2016) and the fight against the negative effects of climate change from a disaster prevention point of view, disaster reduction is of particular importance. According to Indrajit Pal and his co-authors, ‘The Sendai Framework for Disaster Risk Reduction (SFDRR), Paris Agreement, and Sustainable Development Goals (SDGs)’ promote the effectiveness of (disaster) risk reduction mechanisms and the activities of governments in this direction, as they deal with central issues such as sustainable, fair (impartial) economic, social and environmental development (Pal, Meding, Shrestha, Ahmed & Gajendran, 2020). Based on the knowledge of disasters, the results of data collection and statistical analyses, recommendations can be proposed to the government and decision-makers (Papp, 2019). Indrajit Pal and his co-authors state that disaster risk management (SFDRR) contributes to sustainable development, and sustainable development goals support disaster risk reduction (Pal et al., 2020). The goal of disaster prevention is to eliminate the causes, reduce the probability of occurrence, by creating response conditions, and reduce and moderate the damaging effects in the event of an occurrence. On a global level, one of the current results of this is the Sendai Framework Convention, which emphasizes that disasters are negatively affected by the intensity and frequency of climate change, significantly increasing the economic, social, health, cultural and environmental effects.

The European Commission’s ‘EU Strategy for Adaptation to the Effects of Climate Change’ deals with the problem of climate change, current and expected European impacts, for adaptation measures (URL3). Based on the results of the report ‘Climate change, its effects and the vulnerability caused by them in Europe, 2012’, the strategy states that the consequences of climate change are increasingly felt in Europe and globally, which increase vulnerability and exposure to the effects. They cause economic disruptions (IPCC, 2012).

In the executive summary of the IFCR study ‘Preparedness for climate change’, it can be read that weather-related disasters are constantly increasing, and in order to reduce their consequences, governments, non-governmental organisations, citizens, economic operators, international organisations, humanitarian organisations need to cooperate (URL4).

Overall, it can be concluded that the negative effects of climate change and/or natural disasters and serious events modify the classic NATO tasks and priority areas, since, in addition to the classic strategic areas, NATO also has to deal with such things as the damaging effects of climate change, participation

in the meeting of sustainable development objectives, energy security issues, etc., which encourage the usual military way of thinking to study theoretical and practical issues in natural and social sciences, strengthening the formation of attitudes and the tendency to examine the adaptability and integrability of contemporary environmental mainstream trends.

NATO's response to the negative effects of global climate change

A fundamental question is whether NATO, as a (military) alliance, can 'extract' itself from today's mainstream environmental issues. No to the extent that, due to certain areas, it continuously becomes interested. Certain areas, such as energy issues necessary for operation, water and food crises, sea level rise, terrorist attacks, great power tensions due to the Northern Passage, etc. Of course, this list can be supplemented with further examples, but these a) are serious problems in themselves, individually, b) however, not all of them can be linked to climate change c) but a rapid change in the climate can result in an increase in efficiency, d) further individually and together, pose a considerable pressure on security on various levels (Lippert, 2016). The refugee crisis, the burden of migration, armed conflicts, long-lasting global epidemic situations, the uncontrollable forest fires⁴ occurring on several continents, the rising trend of hydrological and meteorological events all weaken the economic power of nations, cause a decline in GDP, in addition to the continuous strain on the state's coping abilities, the ability to finance other areas is at risk. One might also say that in recent years, so many events of natural and civilizational origin have occurred in time and space⁵, which directly or indirectly affect all countries on Earth. Another fundamental question is, if the defence burden of the states is this high, should more be sacrificed for economic, natural, social or military expenses in adapting to the changing security environment? It is absolutely clear that the above problems do not only affect civil societies and require them to respond but national defence, law enforcement, national security, etc. bodies and organisations as well.

4 By 16 July 2022, a total of 345,916 forest fires and outdoor fires were recorded on the European continent alone (URL5). In Hungary, compared to last year, between 1 February and 27 July 2021, three times as many outdoor fires (total of 11,146) were called to firefighting units as in the same period of 2022 (URL6). This means a total of 47,364 hectares (which is 473.64 km²) of burnt area by 27/07/2022, which is equivalent to 90% of the area of Budapest.

5 According to EM-DAT: 5763 events between 2012-2020, of which 558 in 2012; 2013: 543; 2014: 553; 2015: 601; 2016: 533; 2017: 542; 2018: 496; 2019: 611; 2020: 501; 2021: 585; Until 27/07/2022: 240 (URL7).

In addition to its classic topics, NATO is increasingly dealing with topics related to environmental protection⁶, environmental security, sustainable development, and climate protection. In recent years, energy security and energy dependence have emerged as key strategic issues. However, the prioritized areas of international environmental protection and sustainability should be listed here, such as the continuous withdrawal of fossil energy carriers, and the widest possible use of renewable energy sources, which are fundamentally delimited by the so-called global sustainability objectives, or the Paris Agreement concluded on 12 December 2015. Among the climate protection measures, it is globally accepted that slowing down the rate of warming can best be achieved by reducing greenhouse gas emissions. However, this has required significant economic compromises.

The emission reduction activities undertaken so far, which are related to the 1992 Framework Convention on Climate Change⁷ and the 1997 Kyoto Protocol – and its Doha Amendment – were not, and are still not adequate. Due to the experienced and measured effects, global action plans, according to reports, should not and cannot be postponed. The 2015 obligations imposed on developed and developing countries – see the Paris Agreement – are discussed every year at the so-called Conferences of the Parties (COP)⁸ and already at the 2018 UN Climate Summit in Katowice (COP24) it became clear that the commitments made in 2015 are not enough to meet the 1.5°C goal either. At the COP24 conference, the increasing rate of global temperature was confirmed, as well as the response that it should be kept within 1.5 degrees Celsius compared to pre-industrial levels until the end of the century. At the COP26 conference in Glasgow, the commitments of 2015 were confirmed, among them that the increase compared to the value before industrialisation cannot be more than 1.5 degrees Celsius, and the financial margin for adaptation will be increased to 40 billion dollars by 2025, and 500 MRD dollars will be set aside by 2023 for developing countries to achieve climate innovation activities, which will support global emission reduction in the long run. The conference also had a NATO aspect,

6 It should be noted that NATO has been involved in certain environmental protection issues, such as air and noise pollution and the disposal of hazardous waste, since 1967. In 2006, the NATO Scientific Committee merged with the CCMS and created the Science for Peace and Security (SPS) program, whose priority areas include environmental security, water management, natural disaster prevention, and energy security.

7 United Nations Framework Convention on Climate Change (UNFCCC).

8 Conferences of recent years: COP21: Le Bourget (Paris), 30 November – 12 December 12 2015; COP22: Morocco, November 7 – November 8, 2016; COP23: Bonn, 6 November – 17 November 2017; COP24: Katowice, December 2 – December 14, 2018; COP25: Marid, 2 December – 13 December 2019; COP26: Glasgow, 31 October – 12 November 2021. The next conference, COP27, is expected to be held in Sharm El Sheikh, Egypt, in November 2022.

as NATO Secretary General Jens Stoltenberg also participated in the Glasgow climate conference round table discussion. He said that himself had attended six COP conferences, the first of which was when the 1997 Kyoto Protocol was agreed upon. This information is also important because NATO's research on climate change is driven by the fact that the current Secretary General used to be the UN's climate commissioner, but before that he was also the prime minister of Norway, which country is famous for its environmental protection measures ([URL8](#)). At the round table, the NATO Secretary General emphasised that climate change affects security, and therefore approved the adoption of an action plan at the NATO Summit in June, prior to the COP26 conference. According to him, three important factors should be investigated, such as the connection between climate change and security, including how and in which parts climate change affects security. The other is the 'greening' of NATO, i.e. in what ways, can the environmental protection and sustainability aspects be taken into account ensuring that the operational efficiency is not damaged and the current capabilities are not adversely affected. The objective is to achieve climate-friendly armed forces. The third is to reduce and then eliminate the use of fossil fuels in military and other vehicles, as well as reduce the emissions of harmful substances from the operations themselves. This triple goal definitely supports the internationally accepted climate protection and mitigation objectives. This is also important because the logistics of fuelling vehicles and convoy-like transport always correspond to high-risk attack targets. The third is adaptation to negative influences and the resulting changing environment. The higher temperature range of the mission areas burdens the staff, however, it is more difficult to guarantee the success of operations, in windier, wetter, more extreme weather situations; nevertheless, the rise in sea level also affects the safe operation of several military bases.

NATO member countries realise that it is necessary to deal with the terrible but realistic consequences of climate change as an alliance collective. On the other hand, it is striking that military aspects and content related to emissions were not among the topics of the climate conferences⁹ ([URL9](#)).

In NATO, it was not usual for the top leadership to participate in world climate change conferences (meaning: the UN COP conferences held annually since 1995), so the one-day visit to Glasgow in 2021 already indicates the expansion of NATO's interest and their commitment to the topic.

9 This also might be due to the fact that certain military capabilities can be determined from the level of emissions.

NATO has been dealing with environmental challenges for more than half a century, initially mainly from a scientific and research point of view. One of the priority research areas is related to energy security. NATO has been dealing with energy security in detail since 2006.

The specific steps to combat the effects of climate change can be linked to the year 2010, as climate issues and the security aspects of climate change were already dealt with prominently in the declarations of the NATO Summit in Lisbon. NATO's then Secretary General opened NATO Centre of Excellence for Energy Security in 2013, in Vilnius ([URL10](#)).

In this context, energy security issues were discussed together, the important stage of which was the 2013 Lithuanian-Danish initiative called 'Green Energy and Defence Initiative', which was ratified at the 2014 NATO Summit in Newport under the name 'Green Defence Framework' ([URL11](#)), and held three important objectives. On the one hand, a) increasing the efficiency of NATO operations by making use of the advantages arising from the technological and technical development of energy use, b) increasing the contribution to the related goals of sustainable development, c) using fewer resources to carry out the operations – in such a way that their effectiveness is not impaired ([Padányi, 2021](#)). With the Green Defence Framework, NATO increased the number of measures taken for energy security, taking another step towards a 'greener' NATO ([URL12](#)). To this end, NATO created the Smart Energy program in 2015, which encourages the replacement of traditional fuel consumption methods with alternative energy. This is more cost-effective and also improves operational agility ([Padányi, 2021](#)). It has a positive effect on the safety of the operations, as the energy supply chain will be smaller and the dependence on fossil energy carriers will decrease (Nyitrai, 2018).

In March 2021, NATO foreign ministers adopted the Climate Change and Security Action Plan, taking a significant step to integrate climate change-related measures into NATO's political and military agenda ([URL13](#)).

NATO Summit of June 14, 2021

The NATO Summit on 14 June 2021 was held in Brussels, which was the 31st official meeting of NATO heads of state and government. At this summit, in addition to emission reduction (mitigation), preparation and adaptation to negative effects also received special attention. Regarding the latter, the adaptation of combat vehicles and equipment to changing weather and environment, as well as the reduction of exposure, are increasingly standardization topics, as they affect operational efficiency. In relation to climate

change, among other things, the real dangers of armed struggles for water were also on the agenda. Among NATO's central topics, in addition to the classic threat, other crisis-increasing factors are also permanent bases for negotiations, which unfortunately – as a pessimistic scenario – will be a part of life as future risks. Adapting this to the changing security environment means an increasing probability over time. Topics also included the rapidly melting northern Arctic areas and the role of the Arctic Ocean in influencing geopolitics, where growing military presences and great power interests cause threats (Vigh, 2021). In addition to these, a significant problem is the millions of refugees who are forced to leave their places of residence due to the negative deterioration of the environment, access to drinking water and extreme weather anomalies.

On 14 June 2021, the conclusions of the NATO climate change action plans were as follows:

- Climate change is one of the decisive challenges of our time. It is a threat multiplier that affects the national security of allies, both in the Euro-Atlantic region and in the wider NATO neighbourhood.
- Climate change makes it difficult for armies to carry out their basic tasks professionally and efficiently. Extremely low and high temperatures, rising sea levels, changes in rainfall patterns (fewer days, more intense rainfall), as well as an increase in the frequency and intensity of extreme weather events make individual military facilities and bases significantly vulnerable, so much so that they have already fallen out several times or military objects were destroyed, capabilities were lost, which in total caused a significant strategic situational advantage and a decrease in regional deterrence capability.
- The effects of climate change shape our geopolitical environment and can influence the attitude of the state. The rate of melting of the vast northern icy areas creates a geostrategic competition, which can provoke a series of conflicts, causing increased instability.
- Among the consequences of climate change, drought, soil erosion and the deterioration of the marine environment entail the loss of capacity of productive areas, causing famine, civil discontent, and riots (see Arab Spring). Prolonged drought means the rapid 'burning out' of the natural environment, which, in addition to the basic living conditions, has a destructive effect on the economy. The fundamentally important survival factor is what kind of state system, financing system, and defence mechanism they want to prevent, avert, and eliminate environmental challenges. For example, in the case of hurricanes, wealthier countries may report lower deaths but higher

material damage, while the opposite is true for countries with lower GDPs, as they have higher deaths but lower material losses.

- NATO recognises the effects of climate change and is determined to play an active international role with various measures. One aspect of this is the measurable reduction of greenhouse gas emissions resulting from operations, barracks energy consumption, and organisational operations. Practical solution measures include running onboard electronics with solar energy, providing military fuel consumption from renewable energy sources, etc.

Overall, the main areas of the June 2021 NATO Summit included: Russia's aggressive actions, the threat caused by terrorism, cyber-attacks against NATO allied countries, risks arising from technological innovation and artificial intelligence, security effects of climate change, China is becoming strong of military and economic aspects.

NATO's security challenges

NATO faces many threats today, with climate change being one of them ([Gazdag, 2022](#)). From NATO's point of view, the security effects of climate change include:

Climate change is an efficiency enhancer: Climate change is one of the factors shaping the strategic environment. On the one hand, climate change has a negative consequence, which amplifies the effects of current crises, and on the other hand, the change itself can be a crisis (so-called climate crisis), therefore, overall, either of these can create geopolitical tension or aggravate existing ones ([URL14](#)). Changed circumstances or unusual situations can cause a shift in the diplomatic balance between states. Examples of this are the deterioration of the material assets necessary for subsistence: less available drinking water, as well as a reduced amount of irrigation water due to drying and prolonged periods of drought, living conditions made difficult by dust storms, direct impact and exposure due to more extreme meteorological events, a decrease in the productivity of agricultural land, etc. Climate change generates resource conflicts, such as:

- The lack of ice of the Northern Passage in an ever-increasing time interval – geostrategic reorganisation – economic-military competition, possession compulsion ([Kristian, 2014](#)). With the melting of the arctic ice, the geostrategic competition for a) resources b) maritime routes may intensify (time, energy, and money can be saved with shipping options between Europe, North America, and Asia). The rapid melting due to intense warming means economic opportunities, as there are significant reserves of crude oil

and natural gas in these areas, and they are also rich in mineral resources and excellent from a fishing point of view (Gazdag, 2022). Currently, there is Russian military superiority in and around the North Pole, which is why the great power struggle for the Arctic is intensifying. The significant environmental, economic and geopolitical development of the Arctic is a key problem for NATO (URL15). In this regard, the strengthening of the so-called coordinated deterrence, the scenario of the Far North, was developed, which was adopted in order to strengthen the deterrence and defence position of the military alliance.

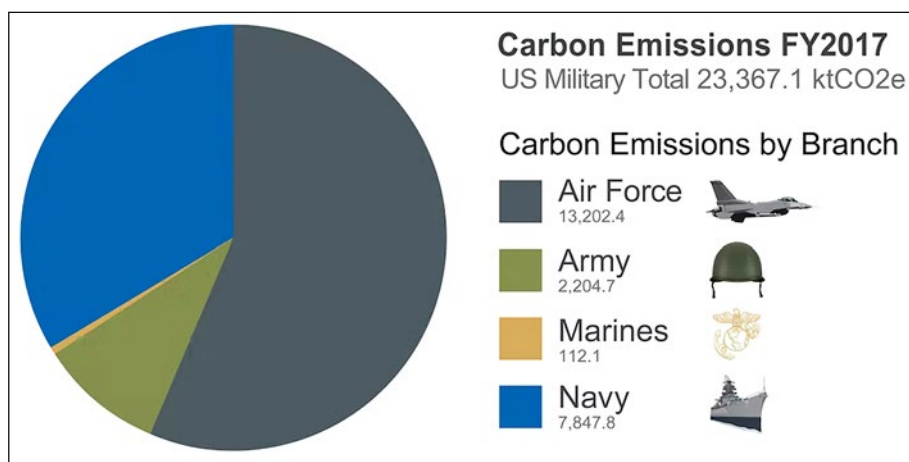
- At the 2016 NATO Summit in Warsaw, the real danger of the changes occurring in the North Pole and its sphere of influence were recognised, which clearly affects the relationship between NATO and Russia. NATO stated that Russia's attitude in the Northern territories is threatening, and that it is already treating deployments and mobilizations of military forces as aggressive actions. According to a 2008 Arctic strategy of Russia, the mentioned area is considered a resource base, and they intend to offset the difficulties due to the reduction of gas and oil production capacity in Western Siberia by extracting crude oil and natural gas from the northern areas (including new fields).
- Livelihood difficulties resulting from the deterioration of the environment, which may result in civil discontent, demonstrations, riots, and armed conflicts.
- Accelerating rate of migration. Due to the prevailing drought in the Sahel region, migration to Europe may accelerate. The reason for this is that the region's population growth is strong, the availability of natural resources is inadequate, the governmental institutional system is weak, and there are issues regarding property rights with the people living in the surrounding areas regarding farmland and water resources. Several groups want to secure their livelihood through means of possession, which leads to competition (Hendrix & Glaser, 2007) and can result in conflicts (URL16, URL17). According to the World Bank's 2021 Groundswell report, climate change could force 216 million people to move within and outside their own countries by 2050 (URL18).
- The spread of terrorism and radicalism. Due to the deterioration of the natural and built environment, local communities become vulnerable, and by taking advantage of social discontent, radical organisations are able to win members and encourage them to carry out armed or terrorist acts.

Effects regarding military forces

- Pollutant – greenhouse emitter.

Armed forces are among the world's largest consumers of fossil fuels (Belcher, Bigger, Neimark, & Kennelly, 2019). An example of this is data from 2019, according to which the carbon footprint of the military sector in the EU is 24.8 million tons of carbon dioxide equivalent. The most energy-consuming are the heating and cooling activities of military infrastructures and buildings, which represent more than a third of total emissions. The heating systems are mainly based on petroleum fuels and natural gas. This is an absolute risk from a military point of view, because it depends on the continuous dynamics of oil and gas extraction, and the supply chain is also built on this process. The elimination of fossil energy carriers is thus also a strategic objective (URL19). For example, most of the fuel needs of a 300-person crew camp is made up of electricity, air conditioning-cooling, and water heating (URL20).

Figure 1: Carbon dioxide emission of certain weapons of the US military in 2017



Source: The Conversation, 2021 (URL21).

Figure 1 shows that the US Air Force is by far the largest emitter of greenhouse gases (Belcher et al., 2019), as its CO₂ equivalent of 13,202.4 kilotons (kt) is almost twice the US Navy's CO₂ emissions of 7,847.8 kt. For instance, a Leopard 2 tank consumes 340 litres of diesel per 100 kilometres, and a Eurofighter burns 160 kilograms of kerosene (125 litres of fuel) per minute. According to this, the

air force and the navy are the biggest purchasers of fuel, since, for instance, in 2017 the air force bought fuel worth of 4.9 billion (HUF 1455 MRD), the navy of 2.8 billion (HUF 831 MRD), the land force of 947 million (281 MRD HUF), the marine corps of 36 million (10.6 MRD HUF) dollars (DLA, 2017).

- Suffers the negative consequences of climate change.
According to the EEAS Climate Change and Defence Roadmap 2022 report, the US armed forces have lost more military assets and infrastructure to the effects of natural disasters than during the armed conflicts in Afghanistan and Iraq combined ([URL22](#)).
- Potent participant – can be an active participant in the fight against effects. The American government, which is the main ‘coordinator’ of NATO, (then) US President Donald Trump withdrew from the Paris Agreement, which was created out of an international consensus in favour of sustainability, and then, the current president, Joe Biden, re-signed the said Agreement. Biden administration’s position is that armed forces must prepare for changing climate conditions, so that the continued expansion of military capabilities cannot be compromised despite the burdens of climate and meteorological extremes (Biden, 2021). The activities of armed forces must support the carbon dioxide neutrality objectives of the European Union, and a more active role in the fight against the negative effects of climate change is necessary. A guaranteed financial cover is available for this. In this regard, Nyitrai says that armed forces of countries with a poorer GDP still have reservation about this, since a) the currently used fossil energy carriers ensure the energy supply of the operations, b) there is little experience with renewables that proves the continuity of the operations, c) the investments are very expensive, d) there is no adequate financial background for the developments, e) the primary objective is to maintain capacities and abilities with the current equipment systems (Nyitrai, 2018).

Furthermore, it is currently controversial that one of the most polluting armies in the world dictates the climate policy objectives to be achieved by the forces ([Nuttall & Samaras, 2017](#)).

Array of connections

In 2021, NATO stated that the military alliance wants to achieve carbon neutrality by 2050, taking into account international emission reduction commitments. With this, the UN and the European Union assumed a significant active role in the fight against the negative effects of climate change, given that China announced its net carbon dioxide emission commitments for 2060 and India

for 2070. It is the task of NATO's leaders, decision-makers, and officials to ensure that the 22 members (2021 declaration) have emission reduction options, practical steps, feasibility schedules and procedures, as well as maintain relations between the member states and building harmony. In this regard, NATO and the EU enter into a closer partnership, within the framework of which the areas of cooperation are complemented by climate change and its security aspects ([URL14](#)).

Fighting the negative effects of climate change in 2022

NATO published 'Climate Change and Security Agenda' on 28 June 2022, which is an extremely important milestone in NATO's history. NATO recognises climate change as one of the biggest challenges of our time, whose effects on security are already proven facts. In the Report, NATO describes itself as an active international player, as a so-called flagship in the global fight against the negative effects of climate change, as well as related security and defence issues. This Report is a clear continuation of the action plan on climate change and security adopted in 2021. At the NATO Summit in Madrid in June 2022, it was stated that NATO will reduce carbon dioxide emissions by at least 45% by 2030, and then achieve carbon neutrality by 2050.

Overall, NATO is committed to raising awareness and the propensity to investigate the impact of climate change on security, to develop adaptation and mitigation measures, and to continuously inform about the current results, so that the quality of the performance of tasks arising from its original purpose cannot deteriorate, it must remain credible in its deterrence and defence attitude, military capabilities must be developed at an increased rate, taking operational efficiency and cost-effectiveness into account. From 2022, NATO has become the military alliance that responds to other climate protection obligations in addition to the security effects of climate change. It can be stated that the security content of climate change has become one of the permanent topics of NATO summits.

Summary, conclusions, results

NATO is a necessary result of the power and military threat after the Second World War. In the beginning, military and nuclear war issues were given priority, but the lessons learned from the occurrence of various disasters – especially when a NATO member state was involved – and the wide-ranging scientific

and research publicist momentum of international environmental protection and human-ecological world problems reached NATO's activities as well. Initially, in connection with various pollution and waste issues, and then with the theoretical disintegration of the bipolar order, NATO is taking an increasingly active role in issues of sustainability and climate protection.

Several noteworthy plans, reports, declarations, and publications indicated NATO's increasing commitment to climate protection, but in the opinion of the authors, the breakthrough success occurred when a) the current NATO Secretary General became the number one leader (climate-proof past), b) a climate action plan was created in 2021, and the Climate Change and Security Agenda was adopted and announced at the NATO Summit in Madrid in 2022.

NATO recognises that it faces many environmental challenges, particularly the risks posed by climate change ([URL23](#)). During various disasters, NATO provides assistance through the Euro-Atlantic Disaster Response Coordination Centre¹⁰ with the help of the Euro-Atlantic Disaster Response Unit¹¹ in terms of tasks related to prevention and emergency responses. An important objective was to increase energy efficiency and reduce the carbon footprint of armed forces.

Although it can be stated that NATO is not the first responder to the challenges related to climate change, the military alliance has a significant role in the fight against the negative effects of climate change. In addition to NATO's most important basic tasks – collective defence, crisis management and cooperative security – NATO has become an international player in global mitigation and adaptation objectives. In recent years, NATO Allies have increased their ambitions and taken specific steps at national and global level through coordinated efforts in the context of the United Nations and the European Union on the way to the realisation of the sustainability objectives.

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10 EADRCC: Euro-Atlantic Disaster Response Coordination Centre (NATO).

11 EADRU: Euro-Atlantic Disaster Response Unit (NATO).

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The Connection Between Sustainability and the International Court of Justice through the case of Cellulose Plants

Case study: Pulp Mills on the River Uruguay (Argentina V. Uruguay)

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Abstract

Aim: To relate the International Court of Justice with sustainability. To highlight the importance of fulfilling the Economic, Social and Cultural rights and the Rights of Third Generation for all human beings.

Methodology: The paper contains the definition of sustainability and doctrine about the International Court of Justice and human rights. To conduct the research, the methodological technique of documental investigation is applied. Furthermore, there is a deep analysis of the case of the ICJ about Pulp Mills on the River Uruguay of Argentina V. Uruguay, where the concepts mentioned before come together and relate between each other.

Findings: It was revised how the definition of sustainability is related with the decision taken by the International Court of Justice in the case Pulp Mills on the River Uruguay Argentina V. Uruguay. The question about how the ICJ relates to sustainability in this case study, can be answered by discovering if the economic, cultural and social rights are considered, as well as the Rights of Third Generation, when the Court decides in the case example. In the judgment of Argentina V. Uruguay, the Court did not have enough proof from the environmental report to check if there was contamination and if the plants were harming the environment.

Value: It is important to determine how the juridical organ of the United Nations substantiates the importance of sustainability, Rights of Third generation and economic, social and cultural rights. Moreover, this is relevant in a world that it so contaminated and with the big alarm of global warming threatening humanity.

Keywords: sustainability-contamination, International Court of Justice, Rights of Third Generation, integral view of human rights

This article is the result of the final work of a subject related to my thesis that I prepared for my Master in Conflict, Cooperation and Negotiation in International Relations and Diplomacy at the University Alfonso X, el Sabio in Madrid, Spain.

Introduction

In this work, the idea of sustainability through a case of the International Court of Justice will be revised. First, the definition of sustainability, through a concept of the Brundtland Report will be introduced. Then, relevant works of other authors, who are related to the subject of the International Court of Justice and human rights will be presented. Later, it will be shown how the idea of sustainability is linked to the subject of this article. This will be done through the example of the case Pulp Mills on the River Uruguay about of the company Botnia over the Uruguay River, where the applicant was Argentina and the defendant was Uruguay. Finally, in the conclusion the ideas that have been presented before will be summarized.

I seek the answer to the question of how the International Court of Justice relates to sustainability in the case study mentioned above.

The concept of Sustainability

The concept of sustainable development is taken from the Brundtland Report: *‘Humanity has the ability to make development sustainable to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs. The concept of sustainable development does imply limits - not absolute limits but limitations, imposed by the present State of technology and social organization on environmental resources, and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make a way for a new era of economic growth...’* (World Commission of Environment and Development of United Nations, 1987).

This report was named ‘Our common future’, and it was prepared in 1987 for the World Commission of Environment and Development of the United Nations. The key of this definition is the idea of not compromising the future of the

new generations of the planet and make difficult to them to satisfy their needs. The aim would be that the current generations can use the natural resources to meet their basic needs, without ruining the possibility of future generations of achieving the fulfilment of their basic essentials with the same amount of natural resources.

Sustainability can be summarized as *'a process for maintaining an economic, social and environmental friendly mechanism that can be preserve for a long-term, with the goal of achieving a better care, productive, protect and equal environment for the human beings to live in'* (World Commission of Environment and Development of United Nations, 1987).

The aim is that sustainability is related with a long-term plan to seize the natural resources that the human being has available to satisfy their basic needs but without ruining the possibility of reaching these natural resources for the future generations.

Furthermore, the article 29.3 of the Brundtland report determines: *'Sustainable global development requires that those who are more affluent adopt lifestyles within the planet's ecological means - in their use of energy, for example. Further, rapidly growing populations can increase the pressure on resources and slow any rise in living standards; thus sustainable development can only be pursued if population size and growth are in harmony with the changing productive potential of the ecosystem.'* (World Commission of Environment and Development of United Nations, 1987).

It is relevant to understand that sustainability is an everyday practice, a learning process, a strategy, a way of living, but also an objective and a goal.

Moreover, an important concept to take into account is the Rights of Third Generation that are established to achieve this concept of sustainability. Some of this are: the rights to development, to a healthy environment, or to share in the exploitation of the common heritage of mankind.

Brief Historical Reference of the International Court of Justice

The International Court of Justice was established in 1945 by the United Nations Charter. It is the jurisdictional organ of the United Nations, which was the replacement of the Permanent Court of Justice, that have been established in 1920, under the League of Nations. The ICJ has its own statute that it is in concordance with the U.N. Charter. The seat of the Court is in The Hague (United Nations, 2000).

The main objectives of the Court are: 1- Resolve in concordance with International Law, the juridical controversies that the States present before it. 2- Dictate Consultative Opinions about juridical questions that are asked by the specialized organs of the United Nations, which are authorized for this. (United Nations, 2000).

The creation of the International Court of Justice; was the culmination of a long process, in which there were gradually developed the alternative and pacific methods of resolution of controversies. (United Nations, 2000).

The success of the Arbitration lead to the idea of the creation of an International Court of Justice. In spite of this, first the Permanent Court of Arbitrage was founded; in 1902 and after that the Permanent Court of International Justice by the League of the Nations was created. Then, in 1945, this Court was replaced by the International Court of Justice (United Nations, 2000).

The jurisdiction of the International Court of Justice depends on the will of the States of taking a controversy in front of this court. This worked in the same way at the Permanent Court of Arbitrage. The novelty of the International Court of Justice is that a State can recognize beforehand the mandatory jurisdiction of this court in any controversy that could appear in the future with other signatory State. One State can bring another one unilaterally to the Court without signing a previous agreement with that State (United Nations, 2000).

The International Court of Justice is a civil tribunal with a concrete competence: the solution of disputes between States and the emission of consultative opinions. It does not have any subsidiary organs. This Court does not have criminal jurisdiction and it can't prosecute individuals. For that purpose, the International Criminal Court exists. (United Nations, 2000).

A glance at the doctrine of Human Rights

International Human Rights are now an integral part of the Public International Law. All States profess to respect certain international human rights. But while their existence in a legally form such as treaties or covenants is out of discussion, their content remains hotly disputed. Every State claims to promote respect for key human rights and fundamental freedoms within its territory but not all of them apply these human rights and fundamental freedoms in practice (Smith, 2012). This is where the International Court of Justice comes in. Although it is not a human rights exclusive tribunal as the Jurisdictional Organ of the United Nations has to guarantee the protection of these kind of rights in order to maintain peace and security.

Even when a State accepts a particular human rights treaty it can still avoid full legal responsibility by a variety of legal means. These are important as they impact on the extent of State's obligations (Smith, 2012)

The fight during the Cold War, that tried to define if civil and political rights were more important than economic, social and cultural rights, did not add value to the defense of human rights. The first category of rights was defended by the United States and the second by the Soviet Union in relation with their ideologies and politics. In the end, they are all human rights that must be fulfilled. Currently, the nine core treaties of human rights, that will be mentioned later in this article, are the key for the legislation of human rights including the International Declaration of Human Rights.

The International Court of Justice and its development on Human Rights

Not much has been written this subject with this approach. This may have to do with the fact that the International Court of Justice it is not an exclusive human rights tribunal. Yet, it is relevant to observe how the jurisdictional organ of the most important international organization of the world resolves the issues related to human rights and which is the path in which the ICJ decides about this category of rights.

Furthermore, José María Ruda wrote an article entitled: *'The development of the International Public Law by the International Court of Justice'*. In this text, the author addresses about the political and jurisdictional character of the judgments of the Court. He documents about how despite the fact that the solutions of the tribunal are only binding for the parties the Court created a doctrine which is an important base for the International Law. Perhaps the most interesting part of the text of Ruda for this research is his arguments about the publication of the former judge of the International Court, Hersch Lauterpach. The text of this latter is called *'The development of international Law by the international Court of Justice'* and it documents several subjects related to this Court. Also, describes some cases of the ICJ (Ruda, 1958).

Another important study about the International Court of Justice, is the *'Jurisprudential Developments and the recent practice in the contentious Jurisdiction of the International Court of Justice'* of Carlos Espadiú Berdú. This author arguments about the revitalization of the tribunal since the end of the Cold War and analyze the reasons for this. The author considers extensive material about the voluntary decision of submitting a controversy to the Court

and the duty of being obliged to comply a sentence established for this one (Espadiú, 1996).

In the branch of the International law of Human rights, there is an interesting article for this investigation, wrote by Monica Pinto, that is called '*Human Rights in the Jurisprudence of the International Court of Justice*'. She documents that human rights are a creation of a juridical and political order.

Pinto establishes a chronology of the history of human rights in the International Court of Justice. She chose the judgments according if they marked a tendency in this category of rights. Pinto highlights these resolutions and explains why they are important. Furthermore, this author establishes that the competence is not only referred to the State, but also to other important factors that have made contributions to the suffering of some populations (Pinto, 2007).

There is an article of Augusto Cancado Trindade, about the justifiability of the economic, social and cultural rights in the International context. He was a judge in the ICJ. This may be the most interesting text for the part of sustainability for my study. The author substantiates about the universality of human rights, and the importance of these in the deterioration of the conditions of life in several segments of the world population (Trindade & Augusto, 1998).

Cancado Trindade documents in his text the dichotomy and the different treatment of two categories of human rights: civil and politics and economic, social and cultural rights. He determines that the expansion and generalization of these rights made possible to focus on the prerogatives of several groups of people that were unprotected and needed a special safeguard such as refugees, workers, stateless people, women, children, elderly people, indigenous or people with disabilities. The author determines the importance of the equality of all human rights and reject the dichotomy between the two categories mentioned before. He grounds that there is a core of fundamental rights that has a non-derogable character (Trindade & Augusto, 1998).

Continuing with this author, he states that the conception of Welfare Rights had a lot to do with the new perspective over the economic, social and cultural rights. Trindade documents a chronology of the universal character of human rights. He establishes the antecedents for the abandonment of the dichotomy between civil and political rights and economic, social and cultural rights. The author documents that the extreme poverty is a violation of the economic, social and cultural rights, and this shows the necessity of the universalization of human rights and the justifiability of these ones in the regional and global context. An integral focus of human rights, could lead to a more efficient protection (Trindade & Augusto, 1998).

Furthermore, Cancado Trindade grounds that it is necessary to give to the economic, social and cultural rights the same protection given to the civil and political rights, in concordance with the idea of the indivisibility of human rights. In spite of the diversity of the means of protection there is a consecration of a universal core of non-derogable rights. Also, the aim is to get to a more efficient protection and to perfect a processual way of all human rights. The international mechanisms of protection of these rights need deep modifications starting off the aim that every human being can benefit of the social progress (Trindade & Augusto, 1998).

The core of international rights are observed in these documents that conform the core of international treaties of human rights: International Covenant on Civil and Political rights, International Covenant of Economic, Social and Cultural rights, Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, Convention on the Rights of the Child, International Convention on the Protection of the rights of All Migrant Workers and Members of their Families, The Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance, and The International Declaration of Human Rights of 1948.

Background and context

What is a pulp mill? It is a plant that which is dedicated to the process of the wood for obtaining the raw material; to produce paper: the paste or the pulp. The problem with this plant, as it was explained in the decision of the Court, is that it would pollute the air and water. Therefore, this contamination would get to the city of Gualeguaychu that is located in Argentina just in front of the factory established in the neighbor country with the Uruguay River in the middle. The applicant documented that the pulp mill would cause air contamination because this one would be full of the CO₂ that produce smog. Also, Argentina stated that the factory would cause water contamination because the rests that the plant produced would be throw into the river.

This case of the pulp mills between Uruguay and Argentina had also a political background. Both countries were in difficult economic and political situation. Argentina was having elections in 2007, a year later that they presented the demand.

Uruguay and Argentina were recovering of the socioeconomics effects of the crisis of the year 2001. They were not in situation of doing any economic steps backward. Botnia was a very important pulp mill of a Dutch group. It was the most famous private investment in Uruguay's history. Currently, the group is called UPM.

In May of 2005 the two presidents at the time, Nestor Kirchner and Tabaré Vasquez, agreed in the formation of a high level technique but the people of Gualeguaychu, the city which was affected by this pulp mill. The inhabitants of this city saw a political strategy that only would calm momentarily their complaints.

The protests in Gualeguaychu continued because they thought that governments wanted to low the tone of the fight. The plant was established in Fray Bentos in Uruguay, just in front of Gualeguaychu on the other side of the river.

What is called 'Presidential diplomacy' was left out of the conflict. Several important figures of both countries tried to keep a dialogue, such as Eduardo Galeano, the well-known writer from Uruguay, who died a few years later. There were several reunions planned which in the end have not taken place between the two presidents.

Although the conflict took relevance in 2005 for the media exposure it had existed for many years before. The population of Gualeguaychu had presented the 'democratization' of their protests because they felt that the external politics of the country was not taking the matter into account. This process is known as accountability and is one of the characteristics of human rights based approach (Colacrai, 2013).

This conflict showed the lack of environmental politics and laws in both countries. Neither knew how to deal with the situation and there was a lack of legislation and many legal loopholes in the Statute of the Río Uruguay. The case displayed the weakness of the bilateral organs. Also, brought to the light the need of structures of negotiation adequate to the current days and with a strategic vision. Moreover, showed the lack of dialogue between the national government and the provinces in Argentina (Colacrai, 2013).

This would have been a great opportunity to create conscience about the environmental situations of these kinds of factories. Especially considering that the rights to a healthy environment of the International Covenant of Economic, Social and Cultural Rights and other important international treaties were being violated.

Maybe if there had been an adequate environmental legislation the conflict could have been avoided. Until today, not only Argentina and Uruguay, but also the Mercosur (a regional integration process that also includes Brazil and

Paraguay) has not achieved a coherent and necessary environmental legislation for these cases.

The problem with the pulp mill was a political, legal and economic one. Political, because both countries needed a good image in relation with their upcoming elections, but they did not want to fight with each other. The good image was more important than the healthy environment of the people of Gualeguaychu. Also, in Argentina, there was a bad communication between the city and the national government. The conflict was not given that much attention after elections. Economic, mostly for Uruguay because they were doing a great business with this Plant. Finally, it was a legal problem because the necessary environmental legislation was missing and until today is was never achieve.

A case example of sustainability of the International Court of Justice

It is relevant to highlight the sustainable part of the decisions of the ICJ about the respect for rights such as a healthy environment for the people and future generations, among other matters. This has to do with what was presented in the Cancado Trindade text and the respect for economic, social and cultural Rights and the rights that have been called of "Third Generation Rights". Also, it relates with the idea of development and the concept of Amartya Zen of this word. The Nobel Prize winner said that *'development is referred to the capacities of every human being of living a life that worth living'* (Cunego, 2016).

All of this is related with the idea that Cancado Trindade documents that economic, cultural and social rights, are not only the rights of subsistence or of satisfaction of basic needs. They are also the rights that assured a good environment for the people to live in a context where they can develop the life that worth living (Trindade & Augusto, 1998).

The case that was chosen is the one of Argentina against Uruguay in 2010. The case was called "Pulp Mills on the River Uruguay" Argentina V. Uruguay. The sentence said that Argentina presented a demand against Uruguay, on the 4th May of the year 2006. This demand was about an alleged violation of Uruguay of the statute of the Uruguay River, signed for both countries and in force since 1976. According to the lawsuit, this violation would be the result of *"the authorization for the construction and eventual opening and functioning of two Cellulose Plants over the Uruguay River"*. Argentina claimed to be concerned of the effects of these activities over the river and their zones of influences

(International Court of Justice ‘Pulp Mills on the River Uruguay’. Argentina vs Uruguay, 20th April 2010).

Argentina substantiated on its demand, that Uruguay had broken their obligations according to the Statute of the Uruguay River. The demand included the obligation of taking the necessary measures to preserve the aquatic environment, avoid contamination and the duty of protect the biodiversity and the fisheries. The lawsuit also included the obligation to proceed a complete and objective environmental study, before establishing the Pulp Mills. Furthermore, it was established the violation of the obligation in cooperation for preventing contamination (International Court of Justice ‘Pulp Mills on the River Uruguay’. Argentina vs Uruguay, 20th April 2010).

For all the mentioned above, Argentina claimed that Uruguay had compromised its international responsibility. Also, it stated that the defendant was obliged to end its illicitly conduct that it has to respect the obligations and that it has the commitment to repair the damage caused for the lack of respect of his obligations. Furthermore, Argentina asked the dismantling of the pulp mill.

Uruguay answered the lawsuit. The country said that the dismantling of the plant would cause a great damage to the economy of Uruguay regarding the loss of jobs and incomes. Also, stated that demolishing the plant would lead to a cost highly disproportionate. Uruguay claimed that if the Court considered that the plant did not satisfy fully the obligation of this country of protecting the river or the aquatic space it was able to take the necessary measures to oblige the plant to observe these commitments documented by the statute. Moreover, if the Court considered that Uruguay has caused a harm to Argentina, it can oblige the country to pay a compensation for the damage. (International Court of Justice ‘Pulp Mills on the River Uruguay’. Argentina vs Uruguay, 20th April 2010).

The legal framework for this case was the statute of the Uruguay River. This legal document determines in its Article 1 that: “...*With the end of stablishing common mechanisms for the better and rational use of the river; in observance with the rights and obligations that emerge from treaties and other international agreements that are in force for the parties...*”¹ (International Court of Justice ‘Pulp Mills on the River Uruguay’. Argentina vs Uruguay, 20th April 2010).

Among the obligations that resulted from this treaty, there are several concerning to the environmental impact. First, the Article 35 documents the obligation of assuring that the way that soil and woods are handled, is not damaging the river regime or the quality of the waters. Also, the obligation to coordinate

1 Estatuto del Río Uruguay. Law 21.413. Buenos Aires, 9 September de 1976. Boletín Oficial, 17 September de 1976. Article 1.

measures to avoid changes in the ecological balance, in Article 36. Furthermore, in the Article 41 the obligation of preventing contamination and preserving the aquatic space is also stated. Argentina claimed that Uruguay had violated all of these obligations in a greater or a lesser extent (International Court of Justice ‘Pulp Mills on the River Uruguay’. Argentina vs Uruguay, 20th April 2010).

Both parties agreed in a study about the environmental impact of the pulp mill. But they had some disagreements according to certain subjects. The first one was about the place where the plants would be located. The problem was because Argentina said that the place that have been chosen was sensitive from the ecological point of view and Uruguay has no other possible alternative place for the plants. Furthermore, Uruguay argued that this place was designated because of the great volume of water that would serve to dilute the effluent (International Court of Justice “Pulp Mills on the River Uruguay”. Argentina vs Uruguay, 20th April 2010).

Another disagreement was the question of the technology used for the production of the pulp mill, called “Orion”. Argentina claimed that Uruguay has not adopted all the necessary measures to prevent the contamination and has stated that the pulp mills should have use the “best technologies available”. According to this country and the reports of experts, the functioning of the plant was not reaching what the international standards required. Uruguay responded by saying that, also according to experts, Orion is one of the best plants thanks to the techniques that they use, and that it complies the standards established for the European Union, among others. (International Court of Justice “Pulp Mills on the River Uruguay”. Argentina vs Uruguay, 20th April 2010).

Furthermore, both parties presented a report about the environmental conditions of the river before the establishment of the plants and the measures of the waters and gas emissions since the plants started its activity. According to Argentina in these reports the implementation of the pulp mills made that levels of oxygen in the air gets reduced for under the limit, that constituted a violation the violation of the obligation of preserving the aquatic environment and avoiding contamination. Uruguay claimed that a fall in the level of the demand of oxygen shows an improvement in the quality of the water, given that the level of demand should be the lowest possible.

About the effects on the biodiversity, Argentina accused Uruguay for ‘*not taking all the necessary measures to protect the biodiversity of the Uruguay River and their areas of influences*’, as the statute established. Argentina also claimed that the Orion plant had caused air, sound and visual contamination that negatively impacted the aquatic space. Uruguay rejected all these accusations. In the end the Court decided that there was not enough evidence to determine that Uruguay

has violated the Article 41 of the Statute of the Uruguay River, that substantiates the obligation of preserving the environment and preventing contamination.

The Court decided that Uruguay violated the processual obligations but had not infringed the obligations of the Articles 35, 36 and 41 of the Statute of Uruguay River. These were the obligations of assuring that the way in which the woods and the soil are managed do not damage the regime of the river and the quality of waters, the obligation of coordinate measures to avoid changes in the ecological balance and the obligation of preserving the aquatic environment and preventing contamination.

Although the Court ruled against the reclaim of Argentina that defended a friendly environmental approach and tried to avoid contamination, this case was paradigmatic for sustainability. The case showed a country fighting for the right of their citizens to a healthy environment, to protect the water of their river and avoid contamination. For this, it is interesting to see some ideas and rights of different treaties.

First is important to have a look to the International Covenant of Economic, Social and Cultural Rights and the rights it proclaimed. The Article 11 determines that: *'1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.'* Furthermore, the Article 12 says: *'1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: ... (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases ...'*²

This covenant is one of the core elements of the human rights documents. In these articles it is substantiating the protection of a healthy environment and the right of the individual to enjoy the best conditions for life. Also, it says that the States parties are obliged to comply with the respect, protection and fulfilment of these human rights. The idea of showing this case as an example is that there is a current movement towards the defense of these rights that were

2 General Assembly Resolution 2200A (XXI). *'International Covenant on Economic, Social and Cultural Rights.'* Adopted 16 December 1966. Entry into force 3 January 1976. Articles 11 and 12.

mentioned before. It is important that organs, such as the International Court of Justice, continue receiving these kinds of cases.

How the International Court of Justice relate with sustainability in this case study?

The idea of sustainable development is a process that has as a goal that present generations, as well as the future ones are, would be able to live in the best possible quality of life with a healthy environment and all their basic needs cover. For this to happen, it is necessary to make some changes in the present. The case of Argentina V. Uruguay for the pulp mills was a precedent for people to fight for their right of protecting the environment to avoid contamination of water and air and assure to maintain a good planet for the future generations.

The Brundtland Report documents that: *'Poverty is not only an evil in itself, but sustainable development requires meeting the basic needs of all and extending to all the opportunity to fulfil their aspirations for a better life.'* The aim is that people achieve a better quality of lifetime, a life that worth living. As the Brundtland report states: *'...rapidly growing populations can increase the pressure on resources and slow any rise in living standards; thus, sustainable development can only be pursued if population size and growth are in harmony with the changing productive potential of the ecosystem.'* (World Commission of Environment and Development of United Nations, 1987).

It was with these aims that the Kyoto Protocol and the Paris agreement on Climate change established measures to help the environment. The reason of this is that the actions that we take today as humanity will have an outcome in the next years and for the future generations.

The question about how the ICJ relate with sustainability in this case study can be answered by discovering if the economic, cultural and social rights are considered, when the Court decides as well as the Rights of Third Generation. In the case of Argentina V. Uruguay, the Court did not have enough proofs from the environmental report to check if there was contamination and if the Pulp Mills were harming the environment.

The Economic, Social and Cultural rights, that includes the right to development, to a healthy environment, to the satisfaction of basic needs and the right of having a good quality of life, were observed by the Court at the time of deciding. Despite this fact, the judgment was in favor of Uruguay, for not having enough proofs to condemn it, but these juridical institutes and rights were considered by the Court to decide.

Nowadays with global warming and an extended contamination all over the world the concept of sustainability is more important than ever. Not even the Courts can scape to help in the achievement of a better world with the necessary environment for present and future generations to fulfilled a best quality of life.

Conclusion

The right to a healthy environment, to breath pure air, to be able to get non-contaminant food and clean water, are not observed in the Universal Declaration of Human rights of 1948. In that year the ecological environment sensibility was mostly inexistent. For this these rights were not considerate at the time as an essential measure for guarantying the right to health that it is observed in the Article 25 of this Declaration.³

The Universal Declaration of Human Rights was a product of that time and for that it must be in constant evolution and modification. This evolution is done with several treaties and covenants that complements the Declaration of 1948. Some examples, related with sustainability are: The Agenda 21 that is a plan of action with environment and development goals, The declaration of Río about environment and development, the Kyoto Protocol or the Paris agreement on climate change. The recognition of the right to development together with the right to environment gave place in documents such as the Declaration about the Right to Development of 1986.⁴

These are rights that can be implicit included if it is consider the preamble of the International Declaration of Human Rights when it determines: *'The people of the United Nations has reaffirmed their faith in the fundamental rights of the human being...'* *'they have resolved to promote the social progress and elevate the level of life inside of a wider concept of freedom'*.⁵ The deterioration of the environment does not favor the social progress or contribute to elevate the level of life.⁶

Moreover, the right to a healthy environment and the idea of rising living standards is starting to achieve importance and to be accepted more and more

3 Amnesty International Catalunya, 'Derechos de tercera generación', Declaración Universal de Derechos Humanos 1948.

4 Amnesty International Catalunya, 'Derechos de tercera generación', Declaración Universal de Derechos Humanos 1948.

5 United Nations General Assembly. 'Universal Declaration on Human Rights'. General Assembly Resolution 217 A. Paris, 10 December 1948. Preamble.

6 Amnesty International Catalunya, 'Derechos de tercera generación', Declaración Universal de Derechos Humanos 1948.

as a human right. In the case of the ICJ that it was presented there was an observation of these rights involved in the International Covenant of Economic, Social and Cultural rights.

It is probed that the planet is suffering from our actions. If we do not do nothing to prevent this, it would keep its course of action. The legislation is the first step and it is not that difficult to achieve.

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Migration violence at the state border (MVS_B)¹

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*‘One must rise above it in a way all human conflicts,
that rejects revenge, aggression, retaliation.’*

Martin Luther King

Abstract

Aim: The aim of the study is to show whether there has been a significant change in the phenotypical pattern of irregular inward migration at Hungary’s Schengen external border since 2015.

Methodology: Using the tools of scientific research methodology, the Author conducts domestic and international source research and media studies. By analysing and evaluating data requested from the data controller, the Author prepares a summary assessment, which can be used to interpret the migration elements under investigation, describe the processes, and hypothesis.

Findings: Based on the results of the research underlying the study, it can be concluded that in the course of irregular migration activities in the Schengen external border of Hungary – in particular in Serbia – verbal aggression against physical elements and persons guarding the state border was followed by physical attacks.

Value: Based on research methodological findings, the study presents the typological changes in irregular migration actions in the Serbian border area of Hungary in recent years and the emergence of verbal and physical violence by those seeking to enter illegally.

Keywords: irregular migration, law enforcement, violence, wanderer

¹ Text closed on 30 September 2022.

Introductory thoughts

Human migration as both controlled and documented, as well as uncontrolled and unregistered, has become part of global human migration (Sassen, 2005). In my study, due to the lack of a large number of – but uniform – interpretations (e.g. [Annan, 2006](#); International Organization for Migration (IOM) - [URL1](#); European Union (EU) - [URL2](#); Bellwood, 2015), I identify transnational migration across state borders as a global social phenomenon in which nationals and stateless persons from other countries leave their countries of origin permanently, often indefinitely, for personal or family reasons, under the weighted influence of so-called *pull* and *push* factors.

While respecting human rights, the designated authorities also exercise control over persons and vehicles entering and leaving the state border, ensuring state sovereignty. This includes applied migration control, which is understood as a set of proactive and security-oriented measures for regular and irregular migration. This involves optimisation tasks based on data and situational awareness, in line with current migration patterns, with the coordinated operation of law enforcement assets in a legal, professional and proportionate manner.

Robert Ezra Park, in a study published in 1928, described the theoretical identification of a person (wanderer) who leaves his place of origin and considers it to be independent of his reason, purpose, duration, social perception and other characteristics ([Park, 1928](#)). This type of wanderer and its generalised meaning – irrespective of its current legal status –, appeared in the earliest written records, regardless of place, period, religion or ideology. The migratory process is also followed in the spiritual texts of world religions, in lexical and encyclopaedic frameworks, in historical narratives, in interpretations of legal developments, using the term ‘wanderer’.

The generally accepted meaning behind the word ‘wanderer’ has stood the test of history, being used and interpreted consistently in the vernacular by everyone from the student seeking to learn, to the preacher spreading the faith, to the merchant seeking to sell his wares, to the man leaving his homeland for a better livelihood. Alongside several researchers, accepting and representing the ideas of Hautzinger and Chimienti & Solomos based on the controllability of migration ([Hautzinger, 2018](#); [Chimienti & Solomos, 2011](#)), I prefer the term ‘wanderer’ in my study because it represents objective values.

In order to understand global human migration, the concept of state borders needs to be interpreted. In Hungary, the normative definition of the state border

can be found in a 2007 law.² In international law, a state border is a line, which can be represented as a projection of planes, separating the territory of a state from the territory of other states, or territories and areas of a *,res communis omnium usus'* (shared use) nature (Bruhács, 1999). One of the main functions of the state border as a spatial framework of sovereignty is to keep the population together and to close each other inwards, and to provide protection against others outwards. The notion and existence of a state border – besides demarcation, limitation, protection – can also refer to interconnectedness, connectedness. János Sallai's work also shows that the history of the state border can be traced back to the ancient states described in documents. Notable differences can be identified in the marking of state territory, the marking of state borders, the guaranteeing of their integrity, and the regulation of the conditions of their crossing (Sallai, 2014).

According to Iván Illés, *'...borders are at worst open wounds, at best healed scars on the face of the Earth'* (URL3). The CEASEVAL 2019 research results summary formulated the approach that *'spatial borders are perceived (by migrants) as physical boundaries between countries, with no other interpretation.'* If wanderers did not encounter physical obstacles or living or technical border controls at the borders between countries, they ignored spatial barriers to reach their migration destination (Bernát, Fekete, Tóth & Sik, 2019). This interpretation is synchronic with the fact that *'...such flows are often referred to as individual life strategies that cross borders, or as a black market for illegal mobility'* (Csizmadia, 2009).

Since their inception, states have created thematic rules and established the kind of organisations whose main tasks are to protect the inviolability of the national border, apply controlled entry barriers, deter offensive armed groups, protect the national economy and trade, and keep out of the country persons and events that are undesirable for the country. Each state has a monopoly on the right to determine the conditions under which access to, entry into and residence on its territory is granted (Krasner, 1995).

In my study, I highlight the poorly researched and published typology of migration, whereby irregular migrants attempting to enter the state border use aggressive verbal and actual physical violence against the officers and technology that guard and support the state border. I identify this act as the verbal and physical violence used at the state border by irregular wanderers against the means and human power used to prevent unlawful entry movement.³

2 Act LXXXIX of 2007 on State Borders § 1 State border of Hungary.

3 Migration violence at the state border (MVSBB).

As a result of the source research, it can be summarized that the national and international literature related to irregular migration and the state border typically presents the victim side of the phenomenon of human trafficking. The aim of my study is neither to present migration violence as a ‚push‘ factor of the sending country nor to present violent crimes committed against or by migrants in the transit and/or destination countries (Póczik, 2017).

One of these phenomena is the xenophobia committed by border guards, which can manifest itself in both verbal and physical atrocities (Éberhardt, 2019; Özgün, 2021).

Furthermore, both Hungarian and international literature point to the fact that there is a factual link between irregular migration and organised crime, i.e. human trafficking (Póczik, Fehér, Dunavölgyi, Jagusztin & Windt, 2008; Shelley, 2014). In this context, wanderers also suffer significant grievances during the period of trafficking (Augustova, Carrapico & Obradovic-Wochnik, 2021), and as a third identifier, they also commit violent perpetrations against each other along their journey (Póczik, 2017).

Balázs László writes⁴ how Hungarian criminal law does not interpret the concept of legal violence (URL34), but it does identify the criminal law offence of violence against officials, public officials and their supporters, and punishes it.⁵

In the context of the MVSb incidents researched and described in my study, I use the World Health Organization (WHO) definition of violence as *‘the intentional, planned or actual use of physical force or power against oneself, another person, or a group or community, that causes actual or very likely physical injury, death, mental harm or developmental disability, or results in the deprivation of a life necessity’* (Krug, Dahlberg, Mercy, Zwi & Lozano, 2002).

20th century national historical patterns of inward recurrent migration in Hungary in the 21st century

When examining the historical antecedents of Hungarian national migration, it can be factually established that in the 1900s there were several events in

4 *‘Legal theory links violence in the particular (as a mode of perpetration) with coercion in the general, that is, physical coercion, which is the relationship between the coercer and the coerced, resulting in the expression of the coercer’s will in the conduct of the coerced. In the practice of the Supreme Court of Justice (now the Curia), violence is the exertion of physical force directly on a person to break down resistance. In legal literature and practice, a distinction is also made between coercion and violence (and threats), which are coercive (vis absoluta) and coercion/violence which bends the will (vis compulsiva), as a result of the conceptual link between the two. According to the Pécs School, vis compulsiva in the form of physical coercion is a transition between physical violence and threats. In its orientation, violence may be directed essentially and directly against a person or a thing.’*

5 Act C of 2012 on the Criminal Code, § 310-312.

which large numbers of refugees crossed the country's borders. These phenomena, according to the current interpretation of national law, are covered by the definition of a crisis caused by mass immigration under Article 80/A (1) (c) of Act LXXX of 2007 on the Right of Asylum (hereinafter: RAL.). The legislator gives the Government the power to declare and proclaim a state of crisis in the event of its existence.⁶

Examples of such historical events, which triggered mass migration effects, were the period following the Trianon Peace Treaty (Gubicza, 2013), the German invasion of Poland in 1939 during World War II and the reception of tens of thousands of refugees from there to Hungary (Sallai, 2008).

During and after World War II, hundreds of thousands of people (e.g. Hungarians and Saxons from Romania) fled to Hungary and, due to the movement of the front lines, e.g. to Austria and Germany. As a blot on history, approximately 800,000 to 900,000 people were deported to Allied or Soviet POW camps, 490,000 Hungarian Jews were deported to concentration camps, 136,000 ethnic Germans were deported and 120,000 people were affected by the Slovak-Hungarian population exchange (URL4). A significant number of diasporas arrived in Hungary after the Second World War, due to events in Greece (URL5).

As a consequence of the revolution in the autumn of 1956, about 2% of the population of the time fled the country by necessity (Zieck, 2013). On the road to democratisation in Hungary, the Pan-European Picnic planned for 19 August 1989 at the state border allowed a mass of East German citizens to cross into Austria in an uncontrolled manner (Sallai, 2009). As a consequence of the Romanian Revolution of December 1989, an estimated 13,000 people arrived in our country (Sik, 1990), followed by refugees from war-torn areas of the Southern Slavic crisis (Sik, 2007).

In the geopolitical context of the 21st century, there was the potential for citizens of one of Europe's youngest states to leave their country in significant numbers due to sources of conflict, partial international recognition and other influences. The migration of Kosovo citizens to Western Europe has also had a substantial migratory impact on Hungary's border with Serbia (Ilenczfalvi, 2008).

In the period of the second Kosovo exodus after 1999, at the end of 2014 and in the first two months of 2015, the increase in the number of refugees of Kosovo citizenship on the southern border with Serbia became a dominant element of migration to the Western Balkans (Biedermann, Novák, Szigetvári & Wagner, 2015). This phenomenon has already been part of the growing trend of

6 41/2016 (9.III.) of the Government Decree on the imposition of a mass immigration crisis situation on the whole territory of Hungary and on the rules related to the imposition, existence and termination of the crisis situation.

irregular migration flows, in which Hungary has typically played a transit role (Hárs, 2009). The increasingly identifiable irregular migration vulnerability of the Hungarian state border has also increased dynamically with the changing internal patterns (European Border and Coast Guard Agency, 2020).

These, together with the 21st century migration events that have taken place as a result of geopolitical and other factors affecting the country, culminated in 2015. The rate of asylum procedures due to mass irregular immigration into Hungary followed the number of applications within the EU, which showed a jump in 2015 to a registration rate of 12.71%, compared to the typical average rate of around 0.5-2.0% (URL7).

Negative migration effects caused by COVID-19 and the emergence of migratory violence at the Hungarian border

Even according to the oldest known histories, humanity is afflicted by a series of deadly diseases, such as various types of smallpox, scabies, tuberculosis and measles, which can cause acute illness or pandemics in many countries of the world with low vaccination coverage and low human health protection. These are carried by the patients, the infected carriers, as they wander to different areas and communities (Megléczi, 2012). I agree with the statement that health risk is (also) an element linked to migration for which it is not sufficient to develop preventive measures at the national level, but at the supranational level, and to take them where appropriate (Bengtsson, Borg & Rhinard, 2017).

Continuing the line of thought from the previous reflection, I also agree that one of the risks associated with irregular migration that has received little attention in the past is the epidemiological threat. The conditions of (mental) hygiene and health-social care systems in countries of irregular migration, the migratory period, the mass movement and stay, and the infectious risks associated with psychological and physical exhaustion are cumulative. As a typological element accompanying an irregular situation, the latency of non-reporting to the authorities may further worsen the indicators. In an uncontrolled community, even a single person may be sufficient to cause a major epidemic, the source of which, precisely because of the mystery of concealment and mortality, can be identified by the competent authorities at the expense of considerable time and difficulty (Nógrádi, 2016).

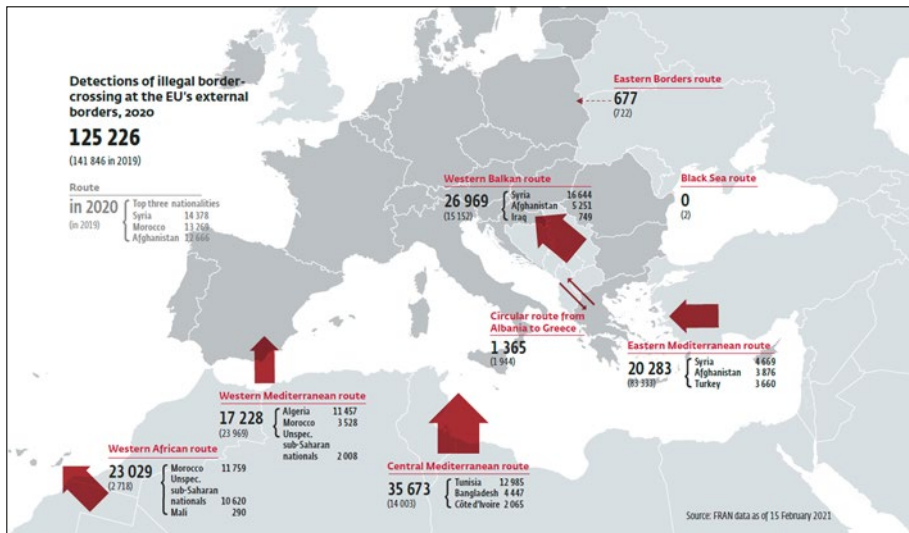
It is still true today that Europe's economically developed countries, with high social welfare systems, etc., are popular destinations for wanderers from the Middle East, the Western Balkans, and North and Sub-Saharan Africa (Biedermann, Novák, Szigetvári & Wagner, 2015; Ritecz & Sallai, 2016). In addition to the identification of push and pull factors, the research results have

a significant risk analysis (Héjja & Kenedli, 2011)⁷ significance because, for the population of European destination countries, wanderers from these areas may appear as carriers of epidemiological risk factors.

Significant changes in the typological elements of inward irregular migration (e.g. nationality and/or ethnicity composition, gender ratio, unaccompanied children and/or minors, age, etc.) that have been shifted from the Western Balkans and partly from the Mediterranean region can be identified since the migration events that occurred in 2015 on the southern border of Hungary. The reasons for these changes are complex, as I point out in a summary of research findings in a previous paper. It also draws attention to the also under-researched element that COVID-19 is releasing tens of thousands of detainees in some countries – in the case of Hungary, which is an irregular migrant emitter – as a mean of prevention to mitigate the negative effects of the global human pandemic (Éberhardt, 2021; URL8).

The European Border and Coastguard Agency (FRONTEX) (URL9), in its risk assessment, which also examines data for 2020, presents the main irregular migration flows that have emerged, of which the Western Balkans affects Hungary’s southern border.

Figure 1: From the Western Balkans and the Mediterranean, irregular migratory border crossers



Source: European Border and Coastguard Agency, 2021.

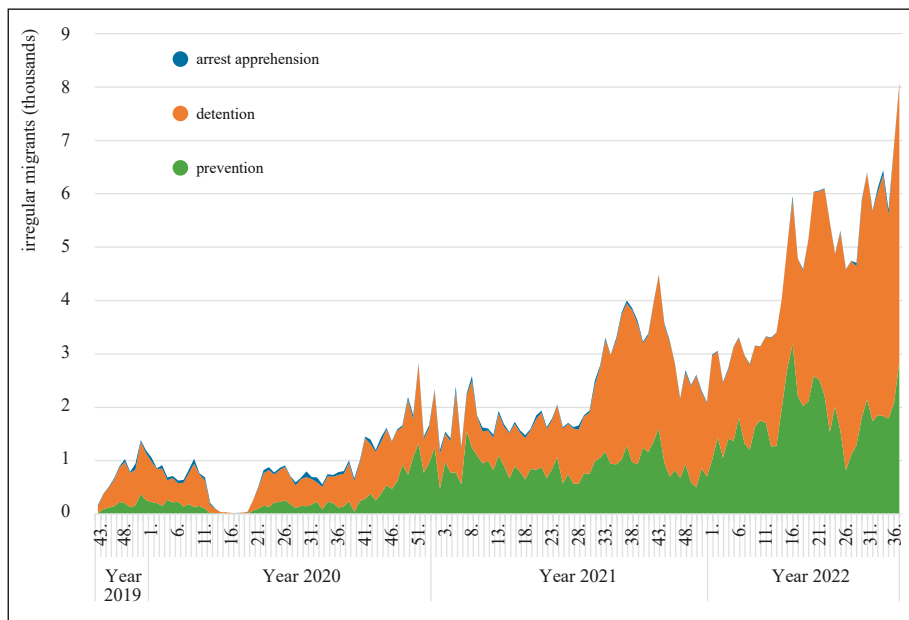
7 Risk analysis is the systematic activity of identifying and evaluating intelligence and other relevant data, information, facts and their interrelationships, which includes the examination of the human and technical availability and shortcomings of information gathering.

In its analysis, FRONTEX highlighted that 12% fewer irregular entry attempts were recorded at the external borders of Member States compared to the previous period, the lowest since 2013. The reason for this is identified as the measures introduced by the state as a result of COVID-19, as recommended by the WHO (Cieleszky & Finszter, 2021), of which the regulation of free movement restrictions was a substantial part. The same downward trend was observed for vulnerable categories (e.g. women, children, elderly, and families), but the proportion of male wanderers was significantly higher than in 2019.

On the southern border of Hungary, the FRONTEX forecast proved to be correct, with a significant decrease in irregular border crossing attempts inwards, stagnating at minimal levels, as one of the effects of the COVID-19 restrictions. With the easing and lifting of domestic and foreign restrictions, however, the migration process has continued (Gömbös, 2022), with the figures showing an upward trend in the period of the study. Figure 2 also shows that the number of irregular migrants trying to enter the country's territory is increasing dynamically and the proportion of those apprehended in depth is increasing like scissors about the number of those prevented at the Temporary Security Border (TSB). These circumstances and the predicted trend of irregular migration may have been the basis for the government's decision to reinforce the physical protection of the IBH and to increase the number of personnel guarding the state border.⁸

8 244/2022 (VII. 8.) Government Decree on the rules for contracted border hunters belonging to the staff of the body established to perform general police duties

Figure 2: *Inbound irregular migration attempts (week 43 2019 - week 36 2022)*



Source: National Police Headquarters (NPH) data – the author’s own editing.

([URL11](#); [URL12](#); [URL13](#); [URL14](#)).

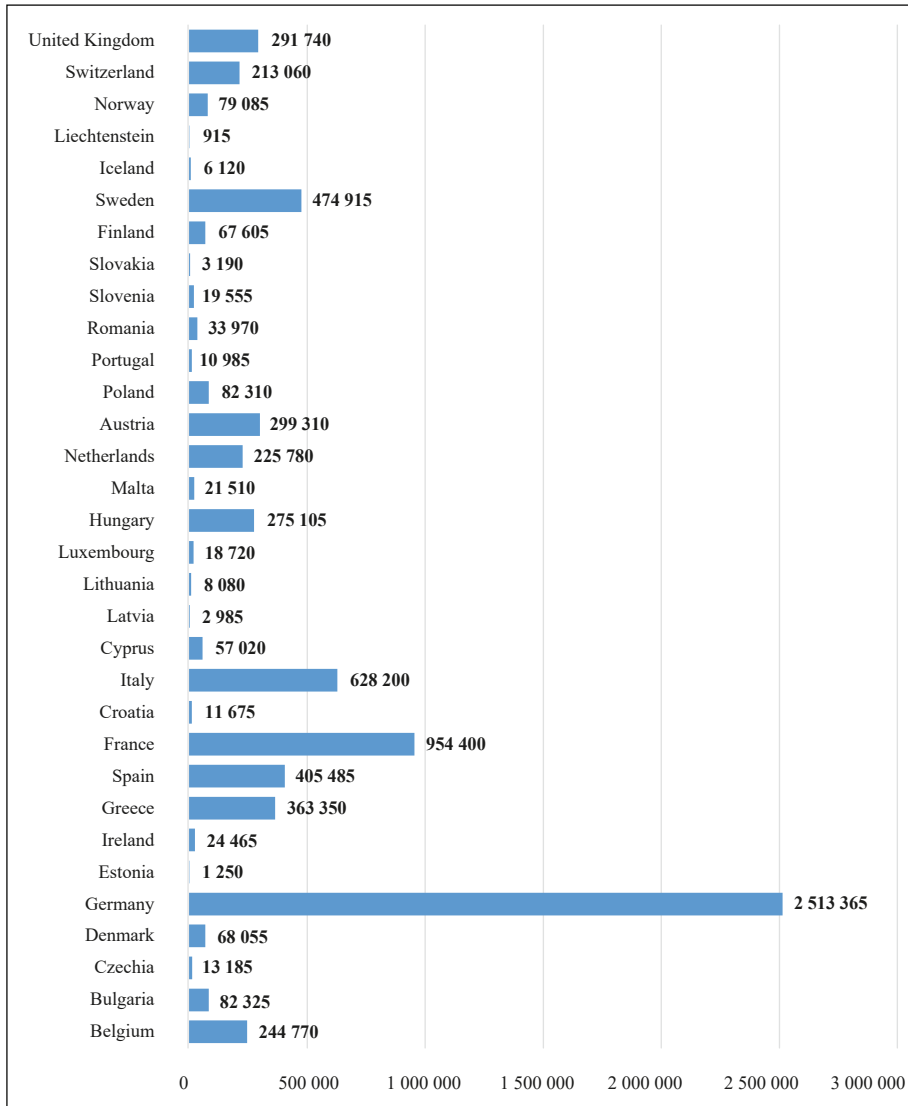
According to the data from the EUROSTAT database, the number of asylum applications received by the Member States in the 32 EU countries between 2012 and 2021 is shown in Figure 3.

The number of asylum applicants in Hungary during this period was as shown in Figure 4. The analysis of the graph shows that there is a significant difference between the number of irregular migrants who have entered the territory of the country and the number of migrants who have entered the territory of the country but have returned to Serbia based on the normative environment. One of the reasons for this may be the legal protection (e.g. by re-regulating the asylum application procedure), in addition to the physical barrier and human resources, which the Hungarian state has provided as part of the so-called three pillars to reduce irregular inward migration.

Based on further analysis of the data presented in charts 3-4-5, it is possible to conclude that Hungary’s position remains that of a transit state (Molodikova, 2014), which, due to its geopolitical location, is one of the gateways to the destination status of other EU states with high standards of care. At this gateway, however, irregular migrants continue to aim to enter the country without being

subject to law enforcement controls and then continue their journey from the country's territory to the destination country.⁹

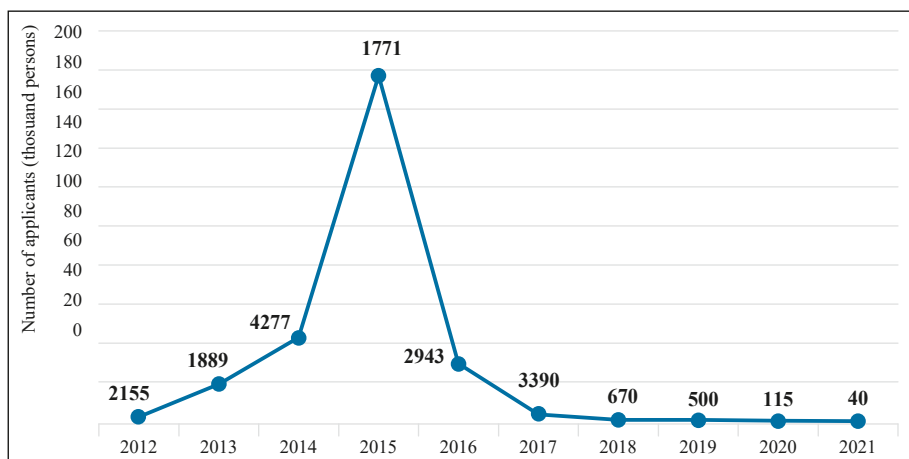
Figure 3: *Asylum applications received by the 32 European countries*



Source: The author's own editing (URL15).

9 292/2020 (17.VI.) Government Decree on the designation of embassies in connection with the declaration of intent to lodge an asylum application

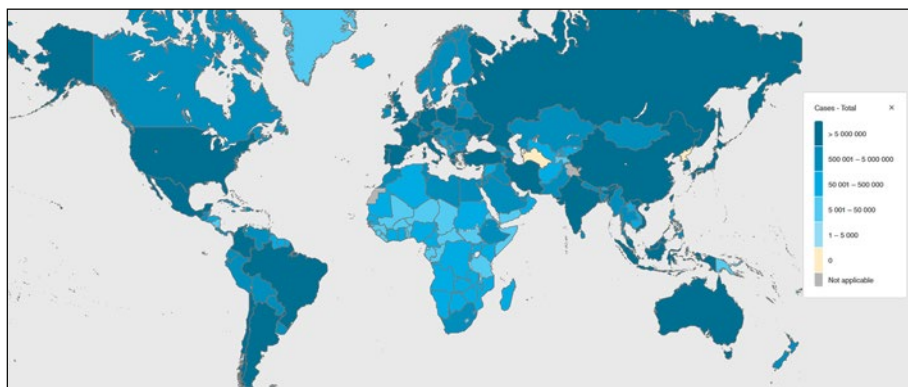
Figure 4: *Asylum applications received by Hungary 2012-2021*



Source: The author's own editing (URL16).

In this typological context of risky migration, some nation-state measures to prevent the effects of the global human pandemic COVID-19 have had negative effects, one of the consequences of which has been the emergence of the previously uncharacteristic MSVB at the Hungarian border.

Figure 5: *WHO-managed pandemic caused by COVID-19 pandemic 2020-2022*

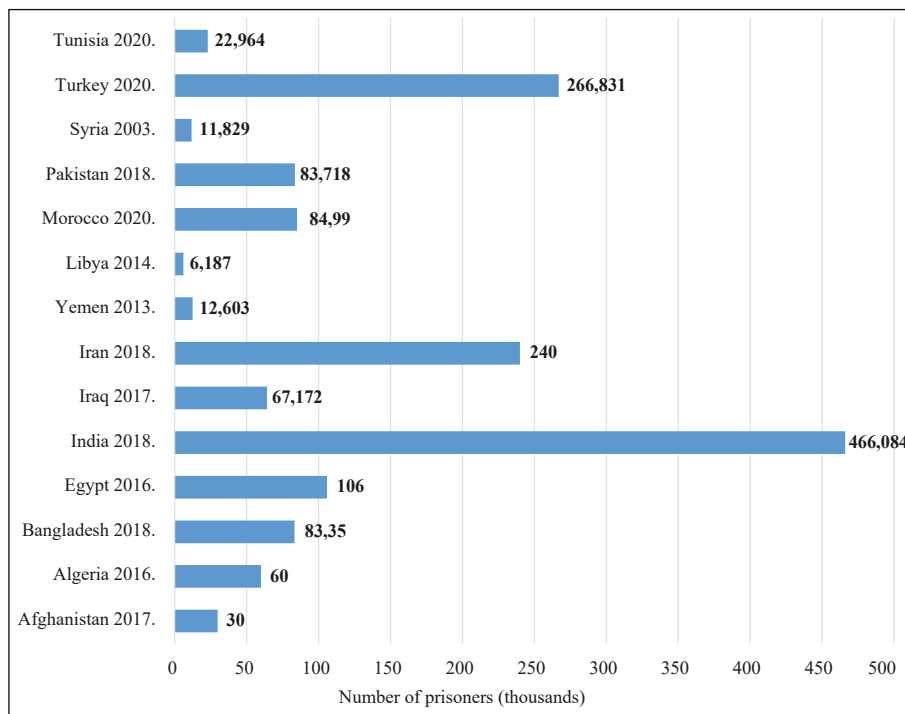


Source: (URL16).

According to the data managed by the Police, in the years 2020 and 2021, persons were returned to Serbia, the majority of whom were citizens of Tunisia, Turkey, Syria, Pakistan, Morocco, Libya, Yemen, Iran, Iraq, India, Egypt, Bangladesh, Algeria or Afghanistan, or declared themselves to be such in the absence

of a valid identity document ([URL17](#); [URL18](#)). The numbers of detainees by year of reporting by the nations listed are shown in Figure 6 ([URL19](#)).

Figure 6: Number of persons detained in the main countries of origin concerned for Hungary (2020-2021)

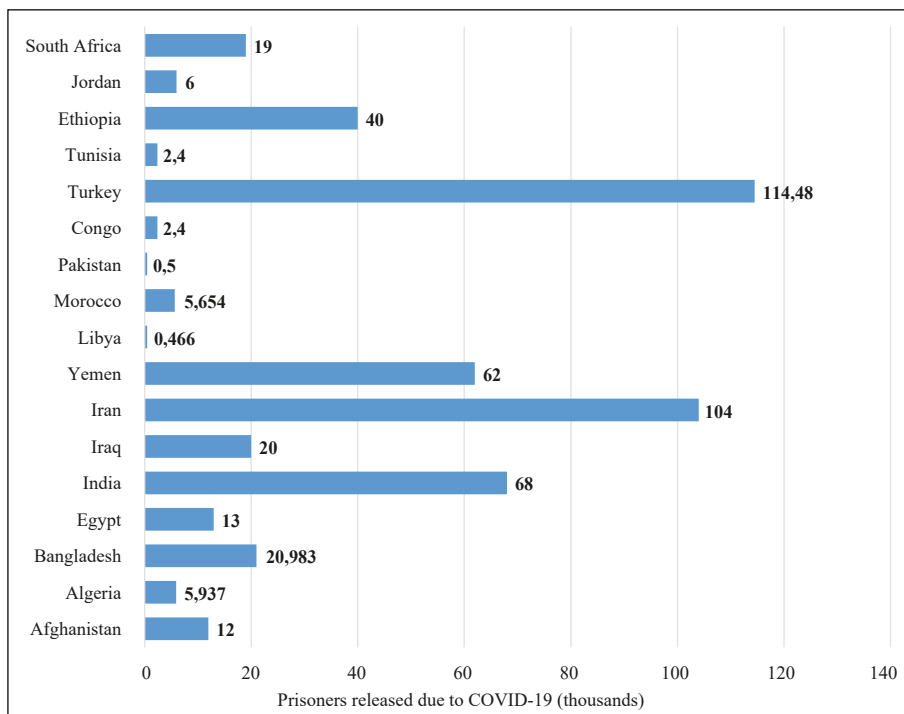


Source: The author’s own editing ([URL17](#); [URL18](#); [URL19](#)).

During the period of the COVID-19 human pandemic in early 2020, there was also an international effort to apply curfew restrictions, tightening and suspending movements at internal and state borders. These measures affected countries of origin, transit and destination.

Among the tasks of human pandemic prevention, the WHO has identified vulnerable groups (e.g. elderly, disabled, pregnant women, etc.). In a law enforcement context, one of the most at-risk populations is the prison population, prison inmates. To reduce this critical element, around 475,000 prisoners were released in 53 countries around the world between March and July 2020. Although these legal mechanisms have been reviewed, modified, abolished – or not applied – in several countries, the number of prisoners released was significant ([URL20](#); [URL21](#)).

Figure 7: Number of detainees released from COVID-19 in 2020 in migration-releasing countries (thousands)



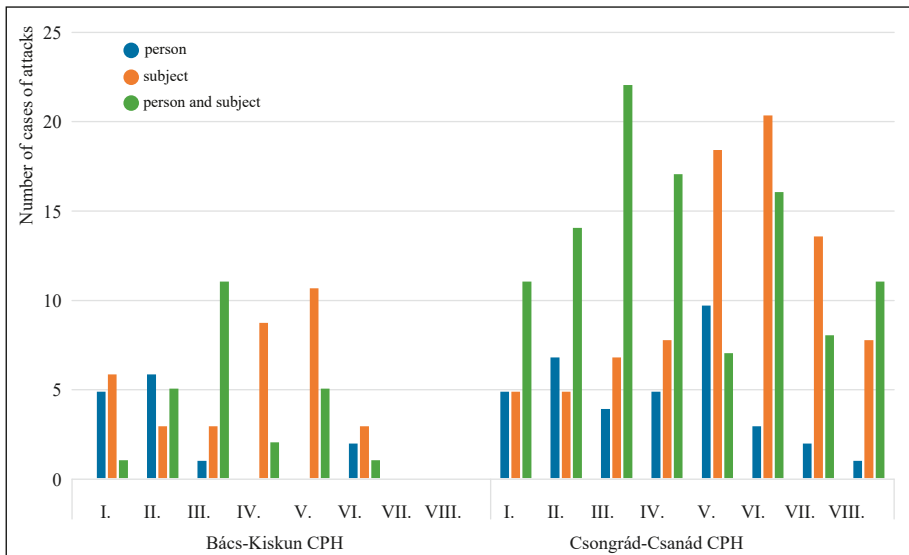
Source: The author's own editing (Penal Reform International, 2021; URL23; URL24; URL25; URL26; URL27; URL28; URL29; URL30).

While these parole arrangements have reduced the spread of COVID-19 in particular communities, the release of detainees also poses security risks. For those who were economically underdeveloped and had lost their social background and financial security, it was a way of stepping onto the path that they hoped would change their lives for the better. This is how the epidemiological preventive release of prisoners emerged as an irregular migration push factor. At the same time, the number of wanderers arriving on the Western Balkan migration route to our country increased, forming a base for the violence among the arrivals aimed at gaining access to the Hungarian state border.

On the basis of the analysed data from the research carried out, it would be unscientific to claim that all or even some of the half a million detainees released from these identified countries, or from elsewhere without a credible and unidentifiable identity (Éberhardt, 2021), would want to travel via Hungary to another destination country.

At the same time, by examining the elements of migration typology, the hypothesis that the countries listed as examples could have been or could be the destination of migrants who have lost their roots and who do not shy away from violence, including attacks against those guarding the security of the state border, could be substantiated. If only 1% of these persons arrive in the region and show their psychosocial condition and their tactically based offensive communication and action methodology as an example to be followed by the other arrivals, we can understand the change that has occurred in the Hungarian border with Serbia in recent years.

Figure 8: *MVSB attacks on the southern border of Hungary, January - August 2022*



Source: County Police Headquarters (CPH) data – The author’s own editing.

The analysis of the data for 2022 provided by the Border Police Department of the Police in the course of the research shows that no MVSB occurred in the territory of the Baranya County Police Headquarters (CPH), which is still protected by TSB. The analysis also showed that a lower number (1/3) of physical violence from the other side of the state border was detected in the border section controlled by the Bács-Kiskun (BKK) CPH compared to the Csongrád-Csanád (CSCS) CPH border section during the period under review.

There were 105 assaults against police officers at the CPH border section of BKK, one of which resulted in personal injury. 36 members of the Defence Forces were assaulted and no personal injuries occurred. Four members of the

Armed Security Guard (ASG) were assaulted and no personal injuries occurred. In the case of CSCS CPH, 93 police officers were attacked, five of whom were injured. 212 members of the Defence Forces were physically assaulted, 24 of whom were injured. Two members of the ASG were assaulted, with no injuries.

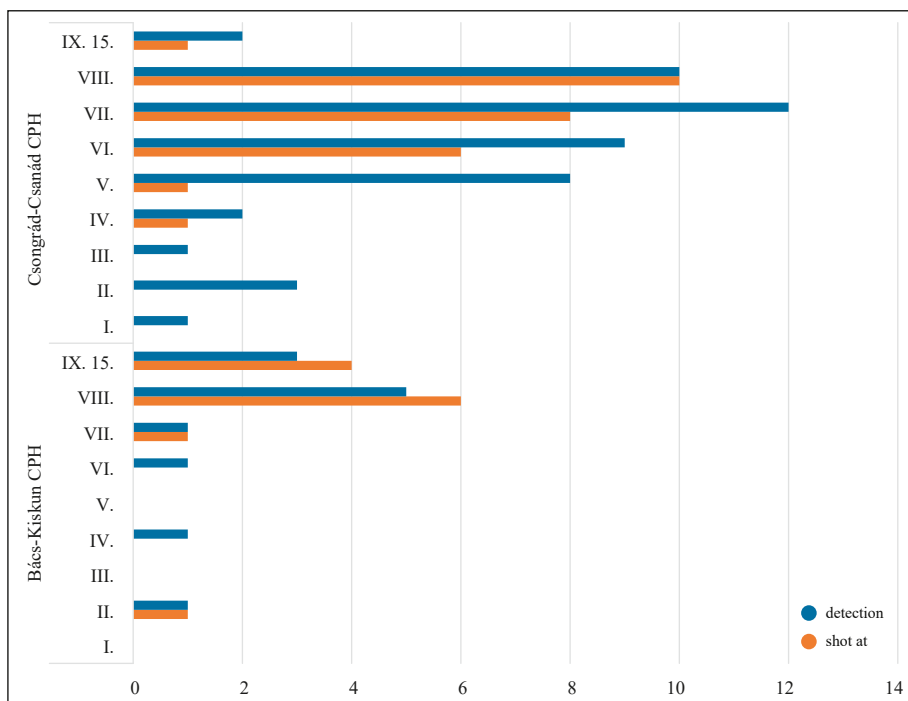
The number of perpetrators ranges from 1 perpetrator to small groups of a few to large groups of 100 perpetrators.

The means of perpetration are also very varied, depending on what or who is targeted. Mostly using tools and materials found on the overland route of movement, or objects obtained on purpose, the list is also wide. One of the simplest perpetrations is to move cameras mounted on the roof of the TSB, break them down, smear mud or paint on the lens, and tunnel under the fence to gain entry. The fence and its elements are cut with metal cutters. The perpetrators throw anything they can, e.g. gravel, stones, bricks, glass or metal balls, glass, tiles, wooden blocks, etc. Serious personal injuries and property damage are caused by the large mass of objects thrown at service officers, vehicles, etc. The offences also included the use of tear gas, rubber bullets, and objects that appeared to be alarm guns or firearms ([URL31](#), [URL32](#), [URL33](#), [URL35](#)).

Based on the analysis of the data received, it can be reiterated that the most dangerous events did not occur in Baranya CPH. A total of 39 shots fired on the Serbian side of the state border were detected at BKK CPH and CSCS CPH during the period under evaluation. 56% of these occurred in the CSCS CPH section. The shots were single shots, as well as occasional 2-3-4-5 shots and (presumably) machine gun bursts. Also on the other side of the border and in the TSB area, 60 firearms (apparent objects) were observed on persons who were linked to the MVSZ plot. Out of these, 12 were detected at the BKK CPH (25%) and 48 at the CSCS CPH (75%). Perpetrators typically commit their acts while covering their faces, making it difficult to identify them. The analysis of the data highlights the fact that this type of serious violent offence, which endangers the lives of border guards, is also committed during the daytime.

Based on the data provided by the territorial bodies of the Police during the research, it can be concluded that in the border section of the Baranya CPH in recent years acts of damage have occurred only in the case of TSB. These damages are repaired based on a framework contract. In addition to the damage to the TSB, damage to service vehicles and other equipment has also occurred at the BKK CPH. Out of these, the year 2020 stands out. About the border section guarded by the CSCS CPH, the damage to the TSB and repairs also take up a significant amount of money.

Figure 9: Sightings of shots and firearms on the southern border of Hungary (incident) 1 January - 15 September 2022



Source: County Police Headquarters (CPH) data – The author’s own editing.

At the same time, the amount of damage to service vehicles managed by the territorial body is higher than the other 2 bodies (63 million HUF in 2022). As a summary of the data analyses, it can be concluded that, in addition to the damage to military equipment, the police alone have seen damage values increase in recent years in proportion to the number of incidents and the aggressiveness of the MVSB, reaching hundreds of millions per year. The chances of recovering damages for these acts of vandalism are minimal due to the lack of possibility to identify and prosecute the perpetrator(s), and the costs are borne by the relevant organisational elements, the Police budget, and the Hungarian state.

In the last decade, the southern border of Hungary has been crossed by wanderers following the Islamic religion, mainly from the Western Balkans, and occasionally from the Eastern and Central Mediterranean.

The word Islam is of Arabic origin and means obedience, devotion, and resting in the will of God. The Islamic religion is familiar with the phenomenon of

migration, of emigration, which it identifies as being caused by economic or religious problems or simple resettlement. The Qur'an tells of several waves of migration among the followers of the Muslim faith. It allows, even recommends the oppressed and weak people to migrate from their habitat to another land of the Prophet, which has to be helped by those who have the power to help the wanderers, the refugees. The modern world has established geographical borders, checkpoints and conditions to divide nations and stop the flow of migration. In the teachings of Islam, all countries belong to God and all people are servants of Allah. According to Muhammad's teachings, refugees should be listened to, known, given the opportunity to integrate into their chosen environment and, if they accept the rules of the host nation, provided with all possible assistance (Saritoprak, 2011).

A correct interpretation of the teachings of the Qur'an can answer the question of whether the religion teaches its followers to commit acts of violence such as those we are witnessing on the Serbian-Hungarian border. The holy book says: *'There is no coercion in religion!'* (2 Sura 256), *'And whoever wills, let him believe, and whoever wills, let him deny!'* (18 Sura 29).

In recent years, mass, migration, violence and aggression have also become synonymous with each other in Hungary and across Europe, the reasons for which are less attributable to religious affiliation and hostile feelings than to the actions of individuals who may be linked to politically motivated provocations or organised crime (Póczik, 2016).

Conclusion

Source research has clearly confirmed my finding that violence by wanderers against state border guards is a poorly researched and published topic at the international level. As a typological element of the irregular migratory pressure on Hungary's southern border, this violence against guards and their equipment has become commonplace. A detailed media analysis study examined the terms used in reporting, which in Hungary in 2015 included the term *'violent'*, *'aggressive'*, and *'dangerous'* migrants, but beyond the perceived fears, the actual act was not common, except for the 15 September event (Boldizsár, Németh, Petrovszki & Szekeres, 2017).

The research results also supported the hypothesis that the number of irregular migrants from the Western Balkans arriving in the main direction of irregular migration to Hungary's southern border – increased substantially after the lifting of the free movement restrictions due to COVID-19. It can also be factually

established on the basis of authentic data services that the number of attacks by travellers against border guards and their support equipment, vandalism and other provocative and offensive manifestations is increasing very dynamically. In addition to official police data, the media have also drawn attention to the fact that firearms have appeared and are being used by wanderers on the other side of the state border ([URL36](#), [URL37](#)).

These uses of firearms during the research period have only caused personal injury or death among arriving wanderers, however, as there is documentation of shots being fired across the border near the state border, it is only a question of time before one of the personnel on duty there is hit.

How could this situation have developed despite the excellent Hungarian-Serbian inter-state relations? Perhaps the combination of the political line '*...migration is not Serbia's problem*' ([URL38](#)), the rise of organised human trafficking and by some migration-issuing countries to prevent COVID-19, may provide an answer.

The question also rightly arises: how is such a situation possible on the border of a country that has a sovereign right to protect its integrity and the lives of those who serve there?

The regulation of the use of firearms to prevent the unlawful crossing of state borders varies at the global level and from one nation-state to another. Hungary applies the '*defensive*' practice. Crossing the state border in an unauthorised manner does not in itself authorise guards to use firearms against a person ([Lacin, Turkan & Oyikum, 2020](#)).

In the Hungarian legal system, separate laws regulate the rights and obligations of the police and the defender, the measures to be taken, the means of coercion and the rules for the use of firearms.¹⁰ An analysis of these laws reveals that the National Defence Forces and the Police have different regulations regarding the means and the powers of the police. Hungarian regulations on the use of firearms for law enforcement and military purposes are also very strict at the international level. It has detailed prohibitive restrictions, the violation of which may give rise to criminal liability (Szabó, 2020).

The study has pointed out the poorly known and researched problems that threaten the state border of Hungary and the lives and physical safety of those serving there. The analyses and forecasts those warn of the changing typology of irregular migratory pressure are correct. These trends foresee negative effects in the short and medium term, but the problems need to be tackled in the long

10 Act XXXIV of 1994 on the Police, § 54 A police officer may use a firearm.
Act CXL of 2021 on National Defence and the Hungarian Defence Forces Act No. 51.

term at the global level, starting (preventive) management in the countries of origin and close cooperation between transit and destination countries.

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Online links in the article

URL1: *Methods of measuring internal migration (United Nations Publications, Sales No. E.70.XIII.3)*. <https://www.iom.int/who-is-a-migrant>

URL2: *The EU's understanding of the concept of migration*. https://home-affairs.ec.europa.eu/pages/glossary/migration_en

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The History of Regulating Mediation

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Abstract

Aim: Conflict and conflict resolution are as old as humanity. At different ages, people try to remedy conflicts between individuals or groups in different ways. The sending of ambassadors or the court of the king's bench, as an institution of arbitration, or even the archaic form of mediation, can be found in thousands of years of historical sources. In this study, the focus is exploring the processes.

Methodology: In this paper, we follow alternative dispute resolution methods from the ancient Greeks' conflict management tools to the development of modern mediation and the EU legal harmonization. Methodologically, we used the processing and comparison of contemporary sources.

Findings: In both Hungarian and European cultures, there is a tradition of a type of mediation process. In several European cultures, this can still be felt.

Value: This article highlights the fact that the third neutral party's presence in the interpersonal dispute resolution is an archaic human need. Its role is inevitable in everyday (alternative) dispute resolution.

Keywords: history of mediation, conflict management, facilitation, EU regulation in the field of mediation

The historicity of mediation

Mediation can be described as an approach and as a problem-solving protocol (Németh, 2014). The latter can be seen as the next stage of problem solving and conflict resolution alongside law and arbitration. An arbitral tribunal with special knowledge and training still carries the tools and rules of law within itself

in a recognizable way. However, mediation as a protocol differs significantly from this to the extent that when the agreements reached there are incorporated into a judgment, the court does not examine the circumstances in which they were reached, but only the reasonableness of their content.

The desire to reach agreement between people, to resolve disputes, to solve problems is as old as humanity itself. In different times and in different cultures, different ways have been tried to resolve differences between individuals or groups of individuals. In cases where the parties were unable but willing to agree, a third party was involved, whose worldview they both accepted. In other words, the third party was involved, acting either as an arbitrator or as a mediator, or both, in the problem-solving process.

In the ancient Greek world, the Sibyls¹ mediated the will and opinion of the gods regarding a controversial issue. They were the embodiment of transcendent revelation; thus their judgement was unquestionable.

Later Aristotle considered the institution of arbitral tribunals to be a more humane solution than that of the gods: ‘...the arbitrator has equity in mind, and that is why arbitration was invented, so that equity might prevail...’ (Dörömbözi, 1999). Seneca also emphasises the more complex vision of the arbitrator over the application of the law, because it contains humanity and compassion.

In the Hungarian context, the institution of the arbitration of the royal court² was also based on the principles of royal wisdom, understanding and compassion. While on Progress, the kings of the Árpád dynasty provided the inhabitants of the area with the opportunity to resolve their disputes, regardless of rank. The king listened to the parties and then gave a verdict. This was accepted and enforced by the parties without further ado. Here the parties accepted the superiority of the king, that is the decision-maker, and hence the acceptance and compliance with the decision. The king or, in other cases, the tribal leader - as the rhetorician Priscos³ refers also to Attila the Hun - was above the parties, but he solved the problem taking into account their specific interests and life situation.

This type of decision-making mechanism can still be observed in many archaic cultures today. In Hungary, the closest example is the specific system of justice with ancient roots in the Roma community, the institution of the *Romani kris*. The *Romani kris* serves as a ‘dispute resolution’, ‘conflict resolution’, ‘justice’

1 Sibyls (sybillas) were ancient Greek and Roman oracles who mediated the will of the gods for the future, making known what mortals on earth should do in a controversial situation. The institution of the sibyls operated for many centuries, not to be confused with the Pythias.

2 Most of the written records of royal court judgments are related to our second founding king, Béla IV.

3 The eastern Roman historian Priscos the Rhetorician visited Attila's court in 448-449 and wrote a book on his memories (Kézai, Priscos, 1999).

and 'court' forum among the Olah Gypsies. It functions as a community institution, the decisions made here are binding (Lőrincz & Loss, 2002). *'The justice mechanism is an integral part of the Olah Roma culture. It does not only provide solutions to problems that arise, but also has a major impact on everyday life. The Romani kris is held in high esteem. The decisions they make are automatically accepted and implemented. There is no need for separate executive institutions. The kris operates according to a specific set of rules. Mostly elderly and wise ('highly honoured') people are involved in the decision-making. It does not meet regularly, but is only convened when a problem arises, the Romani kris still exists today and still has a very strong influence. In the case of minor disputes between themselves, the Roma do not rush to the Hungarian court to seek justice, but rather call the elders together to hold a kris and do justice between them. One of the reasons for this is that they make every effort to avoid that even one of their peers is sent to state prison or faces the consequences of a state decision or sanction. Another reason is that litigation is very expensive: one has to take into account the cost of travel, the legal costs established by the court, and especially the amount paid for the assistance of a lawyer'* (Lőrincz & Loss, 2002).

Even in the ancient world, the basis of arbitration was the intervention of person who is above the participant, a superior or a person capable of transmitting directly or indirectly the revelation of the superior. The Sibyllas directly conveyed the unquestionable decision, while the wise men and sorcerers of the tribes, or kings, though divine in origin, had already declared the unquestionable decision by their own wisdom. The parties often did not even understand the exact reasons for the decisions, but this did not prevent them from carrying them out, because they accepted its origin with conviction, as coming from a source above them. Here, then, faith, tribal, or any other form of communal sentiment - in the vast majority of cases - meant an unquestioning commitment to abide by the verdict.

In connection with the mediation of a higher source, the clergy also vindicated the right to universal decision-making and judgment, which for many centuries defined the logic and protocol of the problem-solving process on the European continent. Any cause-and-effect relationship that could not be resolved by the logical system of the Athenian three was explained by divinely ordained, predestined causes. Thus, law, organised along the lines of logic, explained the gaps by the revelation of a higher entity.

In Eastern cultures, the problem and also its remedy appear in a completely different context. In China, the maintenance of harmony can be found in many religious and philosophical traditions. It has influenced architecture, the

spatial placement of objects, clothing, medicine, martial arts, and of course human thinking and consequently behaviour. The Chinese social order was permeated by the norms of 'li' (moral and customary rules of polite behaviour) and 'yang' (flexibility, indulgence) (Bush & Baruch, 2004). This facilitated the prevention and resolution of crisis situations. The Eastern pattern of approach to conflicts and crises is well illustrated by the fact that the Chinese traditionally use the same characters to denote crisis and opportunity (Bush cited in Gyengéné, 2009).

The first written record of mediation in Judeo-Christian culture is found in the Bible, in Genesis. When the Lord plans to destroy the city of Sodom, Abraham begins to plead and bargain (*Bible, Genesis 18*). The point of the bargain is that the whole city is not collectively bad, but that there may be good people in it, perhaps. This teaching is the appearance of generalisation, stereotyping, and prejudice arising from anger, rage, i.e., from excessive emotional saturation, and, in the course of the dialogue, the emergence of a step-by-step rationalisation that goes hand in hand with the elimination of emotions.⁴

The first Hungarian written record of mediators, or more precisely of 'intercessors', is the *Second Book of the Decretals of King St. Stephen*, in which the first paragraph of chapter sixteen⁵ deals with voluntary manslaughter⁶ (Filei et al., 2003).

An official mediation was valid if the mediator was credible to the parties and also to the rest of the community. Within a country, this person was typically the king or his envoy.

Mediation between states or kingdoms was typically left to the church leadership in Europe. The Pope of the day, or his delegates, acted as mediators. One of the most famous mediation agreements of the Age of Discoveries was reached between the two Iberian states at Tordesillas, Spain, on 7 June 1494. The subject of the proceedings was the division of the territories discovered. It was also significant because it excluded the other states from the discoveries (Gyengéné, 2009).

4 Abraham stepped forward and said, 'Will you really sweep away the righteous with the wicked? What if there are fifty righteous people in the city? Will you really sweep it away instead of sparing the place for the sake of the fifty righteous people who are in it? You could not possibly do such a thing: to kill the righteous with the wicked, treating the righteous and the wicked alike. You could not possibly do that! (...) Then he said, 'Let my lord not be angry, and I will speak one more time. Suppose ten are found there?' He answered, 'I will not destroy it on account of ten.' (Genesis 18:16-18-18:33)

5 § 1 Of these, fifty shall be given to the king's treasury, the second fifty to the relatives, and ten to the judges and mediators. (arbitris et metiatoribus) And the murderer himself shall fast according to the ordinances of the canons (Filei et al., 2003).

6 If any man, being enraged and puffed up with pride, commits voluntary manslaughter, let him know that he will pay for it a hundred and ten gold coins, as our council has ordered. (Filei et al., 2003).

The first European mediator whose name and portrait have survived was Aloysius Contareno, Ambassador of the Republic of Venice, who participated as a neutral mediator in the 1648 peace treaty of Westphalia, which brought the 30 Years' War to an end, alongside 148 envoys sent by the parties.

Mediation, as part of the enlightened legal system, was not institutionalised until the first half of the 20th century.⁷

According to the surviving contemporary reports, the mediation procedure was used in Europe also in the 1800s. The most talked-about mediation was the mediation between the Spanish Empire and Germany by the Holy See under Pope Leo XII, which focused on the disputed colonial islands (Gyengéné, 2009). International mediation was revived at this time also because the territorial disputes that had developed around the territories acquired during the former colonialism had dragged on for decades without a significant shift. These conflicts often had a negative impact on the European relations of the mother countries.

One of the most famous successful international mediations of the twenty-first century is the resolution of the Israeli-Palestinian conflict over the Bethlehem church in 2002.⁸ In the late twentieth and early twenty-first century, mediation, or elements of it, are being used in more and more cases such as the Israeli one, whether it is a hostage-taking operation or an attempt at international peace-building. The most typical example is when a famous politician or former leader acts as a third party. One of the most famous of these cases occurred in 2000, when former US President Bill Clinton mediated between Ehud Barak and Yasser Arafat at Camp David.⁹

The development of modern mediation

The formalisation of mediation and its incorporation into the legal system clearly stems from the recognition that law cannot fully address all interpersonal conflicts. It cannot formalize interpersonal situations at the level at which problems arise.

7 It was certainly present at local level and, on an ad hoc basis, at international level. However, it was only adopted as a legitimate part of the legal system in the USA in 1947.

8 'On 29 March 2002, the Israeli army launched Operation Defensive Shield, aimed at dismantling terrorist infrastructure in the Palestinian Autonomous Territory. This was the first time that the Israeli army made a deep and sustained incursion into Palestinian territory, including Bethlehem, where a majority of Palestinian gunmen, some 200 people, fled to the Church of the Nativity on 3 April and barricaded themselves inside the church along with Levi priests and nuns. The Israeli army surrounded the church, but could not launch any armed action, as the building is one of the holiest places in Christianity, where Jesus is traditionally said to have been born. The stand-off lasted for a month and was finally ended by a compromise solution: The Palestinians in the church, whom the Israelis wanted to arrest, went into 'exile' in European countries. The rest of the Palestinians were released by the Israeli army after interrogation' (Gyengéné, 2009).

9 11-25 July 2000. The Israeli-Palestinian summit served as a platform for the Middle East peace process.

On the other hand, both in the United States and in Europe, it has taken more and more time to conclude legal processes that have dragged on for years, which also meant increased costs. Today, the average duration of a litigation in Hungary is four to five years, which is not in the same category as the possible 1–2-month outcome of a mediation.

These difficulties have increased the focus on finding new, alternative options. This is how it came to be inserted, as a possible gateway - as an intermediate platform - between the formalised legal system and the world of interpersonal problems that cannot be understood there.

The beginning of formalisation

The mediation protocol, which is currently widespread and used, was developed in the United States of America in the last century. Initially, as a movement representing a particular approach to alternative dispute resolution (ADR¹⁰), and then, in 1947, the *Taft-Hartley*¹¹ [URL1] Act, named after the congressmen Robert Taft and Fred A. Hartley Jr, was passed, which provided the legal conditions for the creation of institutions such as the Federation Mediation and Conciliation Service, the first publicly funded institution performing also mediation functions in accordance with its profile. These institutions were independent of the government of the day. The main area of their activity is conciliation between employees and employers, but mediation is also included. (The first significant mediation - in modern times - was between the representatives of the Bethlehem Shipyard and the shipyard workers in 1947.)

In the United States of America, the Anglo-Saxon legal system was applied. Compared to the continental legal system: from the point of view of its logic, precedent law always fills in the gaps, ergo, judicial legislation appears. This practice and its process, which is not applied in the continental legal system, is fundamentally determined by a pre-determined system of rules, taking of evidence, system of categories and the related liability. Compared to the Anglo-Saxon legal system, a very active and, compared to the continental one, a more direct and more human communication has developed in the court.¹² This directness has played a significant role in openness to cooperation with alternative dispute

10 Alternative Dispute Resolution.

11 Taft-Hartley Act was ratified by President Harry S. Truman on 23 June 1947.

12 At the same time, communication is more manipulative, as the need to persuade the judge or, in some cases, the jury, has led to the development of a particular way of presenting the case among legal representatives.

resolution methods, because of the dynamic nature of the process of the Anglo-Saxon legal system applied. Through the closest possible cases that have already happened, the intentional case analysis looks for the most similar case, constantly improving, or if you like, building itself. Even this continuous improvement is not sufficient to formalize in the system of law the possible variants of interpersonal problems. This is how mediation emerged as a possible extra-systemic solution to the shortcomings of the system.

The prolonged litigation process has meant increasing losses and financial burdens for the litigant parties, both directly and indirectly. Another factor contributing to the prolongation of litigation was that the parties wanted to maximise their profits in their proceedings through their legal representatives. The legal practitioners fought in the language of the law and the client, who was the protagonist of the original conflict or problem, was forced into an almost marginal role. Thus, the knowledge of the law and legal history, as well as the degree of preparedness thereon determined the successful outcome of the case, which was less and less congruent with the client's goals.

Harvard Cooperative Negotiation Technique

As organisational and corporate cultures have changed, so have the associated problem-solving protocols. One of them was the arbitration discussed in the previous chapter. However, alongside arbitration, problem solving and dispute resolution within firms have also evolved. Basically, the competitive negotiation technique was present in the organisational cultures. Competitive negotiation technique, as defined by Katalin Pallai, is: *'When the debater listens to the other party, instead of trying to take his point of view, he focuses on how he can refute the other's arguments and defend his own position. Since the debater usually measures success by the extent to which his position has won, his attention is essentially tactical, rather than open and receptive to the other party. This strategy is called position-based competition. The position is the position that the debater or negotiator has established and is fighting for. The subject of competition is to defend and gain greater acceptance of one's own position'* (Pallai, 2010).

The competitive approach did not represent a change of approach compared to social and moral standards. Defending one's position was part of Western culture, whether in everyday life or in court. It was a kind of verbal battle with two outcomes, the loser and the winner. A paradigm shifts from the above is the

cooperative¹³ or interest-based negotiation technique. The cooperative negotiation technique differs from the competitive one in that the first step is a mutual understanding of the parties' interests and intentions. This way, before the parties begin to divide up the assets in the hearing, they see a bigger, comprehensive picture which they can expand on the basis of their own skills and knowledge in order to increase the common assets to be divided.

It is important to point out that, compared to a competitive negotiation, here, the parties do not conceal information about each other's intentions or use such information to gain an advantage. On the contrary, the goals and intentions are openly presented in the common arena. As a result, the dynamics of the negotiation change; the knowledge, preparation and knowledge systems of the parties involved are combined in the search for a solution or in the distribution of benefits. In this way, the parties turn towards the common problem to be solved instead of weakening each other. In effect, a change of scene takes place, where instead of attacking and defending the other person, they move into the dimension of a problem-solving task with the other party. This move allows for an increase in the goods to be distributed as a result of the pooling of common resources. At this stage of cooperative negotiation, the parties are already cooperating by accumulating a larger common good.

By revealing one's own interests and goals, the either-or game is eliminated and replaced by the 'fifty-fifty' logical solution. Thus, the first stage predetermines the logical outcome of the rest of the negotiation. It is very important for the parties also at organisational level that the good relationship that has been established is maintained, even in a modified form, or that if the relationship is terminated, this does not constitute an obstacle or have a destructive effect in the future.

The cooperative negotiation technique was first introduced by *Roger Fischer and William Ury* in the book *Getting to Yes*. According to the authors' division, the process consists of four main phases, the first of which is to separate the problem from the individual by identifying interests. In the second phase, the focus is on the realisation of interests and the achievement of goals. The third phase is to identify those opportunities which can be used to increase the common good, the assets to be divided. In the fourth stage, the distribution of the goods is carried out, using objective criteria. It is also important to mention the term *BATNA*¹⁴, which refers to the best outcome of the negotiation.

13 'Principled negotiation' in English. However, this term has not spread at all in Hungary. Instead, the term cooperative is used in Hungarian literature.

14 Best Alternative to Negotiated Agreement.

This outcome to be achieved is defined by the parties before the cooperative negotiation and they can represent their interests with this in mind (Fischer & Ury, 1991).

Cooperative negotiation has given a huge boost to the development of mediation processes. Transformative mediation, as we will see later, evolved from this negotiation technique. Its influence spread also to the European continent. It is important to note that the use of facilitative or narrative types of mediation is also present alongside the transformative one (Németh, 2020).

European realities

After the United States of America, the institutionalised ADR protocols were adopted by the Member States of the United Kingdom, one after the other, as the Anglo-Saxon legal system was applied here too. Once the mediation approach was learned of in Europe, it was adopted in Western European countries within a few decades. As it became more widespread as a problem-solving protocol, the scope of mediation's use broadened and increased. It was not only used to settle disputes of a workplace and disputes of financial nature, but family mediation, community mediation, school peer mediation, health mediation, intercultural mediation also emerged, and it also appeared in criminal proceedings, labelling it as restorative justice (Németh & Szabó, 2021).

Different trends of mediation have become significantly important in different regions, such as labour mediation in the UK, family mediation in Germany, school and peer mediation in the Nordic countries, especially in Sweden, and intercultural mediation mainly in southern countries such as France, Italy and Spain (Németh & Szabó, 2021). These specialisations have come to the fore in each country because of their relevance. In Italy, conflicts have arisen with Albanian and Romanian immigrants, and this is clearly the area where the greatest emphasis has been placed also in relation to alternative dispute resolution. In Hungary, community or settlement mediation is also spreading more and more dynamically across the country, for example, it is used for community discussion of settlement zoning plans (Németh & Szabó, 2021).

Regulatory situation in Hungary

In the former socialist countries, mediation as an approach emerged after the change of regime and was enshrined in law at the turn of the millennium. In

Hungary, it is *Act LV of 2002 on Mediation* that regulates the legal framework for mediation in civil litigation.

Part IV of Act I of 2012 provides for labour disputes, Act CXVI of 2000 for health disputes, and finally Act XC of 2017. and Act CXXIII of 2006 for criminal matters. The most important of these are the Acts adopted in 2002 and 2006, which provide the most precise guidelines and indications for both mediators and practitioners. The other legal provisions have not been invoked, or have been invoked only very rarely, in the last decade, due to their complementary nature (Filei, et. al., 2003).

The Hungarian legislation is based on the relevant European Union recommendations. The website of the National Association for Mediation (in Hungarian: *Országos Mediációs Egyesület*) (mediacio.hu) contains a collection of these recommendations, listed by name¹⁵ [URL2]:

- Recommendation Rec (2002) 10 of the Committee of Ministers of the Council of Europe to Member States on mediation in civil matters;
- Recommendation Rec (2001) 9 of the Committee of Ministers of the Council of Europe to member states on alternatives to litigation between administrative authorities and private parties;
- Recommendation No. R (98) 1 of the Committee of Ministers of the Council of Europe to member states on Family Mediation;
- Recommendation No. R (99) 19¹⁶ of the Committee of Ministers of the Council of Europe concerning mediation in penal matters.

In relation to mediation, Article 10 of the EU Framework Decision of 15 March 2001 obliges the Member States to develop the legal and institutional framework for mediation in criminal matters. The Guidelines of the European Commission for the Efficiency of Justice (CEPEJ) for a more effective application of the Council of Europe's directives on penal matters¹⁷, family law¹⁸ and administrative matters¹⁹ were published on 7 December 2007. These Guidelines help individual Member States in the initial steps. They put forward proposals

15 <http://www.mediacio.hu/nemzetkozi-jogszabalyok/>

16 Recommendation No. R (99)19 adopted by the Committee of Ministers of the Council of Europe on 15 September 1999.

17 European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters.

18 European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters.

19 European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters.

as to which main points, which elements of the mediation process should be emphasised and how for each type of mediation.

Currently, in Hungary, the Ministry of Justice is responsible for both the issuing of official mediator licences and the certification of mediator training centres.

The Hungarian legislation very quickly followed the European one, which was received with great expectations by many Hungarian NGOs and other organisations promoting mediation. However, these laws came into force automatically, from above, and not through their own evolutionary path. The constraint was due to the fact that Hungary joined the European Union in 2004, thus it has obligations to introduce common legislation.

However, this unnatural, top-down – imposed – legislation is very difficult to implement. In practice, this means that neither judges, nor prosecutors, nor even attorneys-at-law are able to understand the institution of mediation and its place in conflict resolution and in the law. There is considerable aversion to mediation among legal professionals. Those who support it seek to integrate it into the system of legal logic, as a complement to law practise. Time is needed for the representatives of NGOs and associations working in the field of mediation and ADR and their results to become sufficiently well known in the country.

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Laws and Regulations

Recommendation No. R (99)19 adopted by the Committee of Ministers of the Council of Europe on 15 September 1999.

European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters.

European Commission for the Efficiency of Justice (CEPEJ) Guidelines for a better implementation of the existing recommendation concerning family mediation and mediation in civil matters.

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