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**The Organisation System, Responsibilities and
Command and Control of National Defence and
National Mobilisation in Qualified Periods
(The Legal Regulation through
Various Historic Eras to Present)**

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An outline of the scientific problem

It is both an inherent national interest and constitutional obligation to guarantee the continuous security of the Republic of Hungary. In order to ensure the security of our country Hungary needs an appropriate system of national defence. The national defence of Hungary – due to its unique geopolitical and geostrategic position in Central Europe, due to well known historical changes and also due to the ongoing transition processes – comprises an indispensable guarantee of the security of the nation, the country, and the state. The large-scale historical changes in Europe and in Hungary, the changes in the Alliance and in the common security and defence policy generate an increasingly improving security environment for our country. Although as a result of our NATO and EU membership Hungary is protected against the largest threats it does not automatically involve the provision of the protection and defence of unique national interests through an integrated security structure. The defence of democratic nation states should be based on two pillars – on national self reliance and on the support of the allied powers.

Consequently, the structure of military defence is based on two systems which are nearly similar in their principles but different in their means and command and control system. As a guideline guaranteeing their own security is the responsibility of each state and they can be provided additional support and assistance in certain cases if their national resources are inefficient and insufficient.

At the same time the common responsibility of democratic states for security necessitates a unified approach of the allied states to the issue of the protection of their individual interests; national regulations should have common features; and in certain fields of importance a unified regulation is necessary for the preparation for defence activities and for their efficient and successful implementation.

State is the central institutional structure of society, guided by Government, the most determining element of a rule of law government and is operated through its public administration system. National defence comprises one of the fundamental functions of any state.

Today the security of a country depends on several factors including the protection of population and material goods and properties which are in close connection to the requirement

of the rule of law. In this aspect law cannot be an abstract phenomenon, separated from individuals, it should cover individual citizens who have to be certain that they and their families are protected and their security is guaranteed. The loyal support or even participation of citizens in the national case of home defence can be expected and required only in such respect in periods of time of limiting their rights and liberties. No doubt that since the change of regime a lot of progress has been achieved in the field of enforcement of fundamental constitutional principles

Research hypotheses

The objectives of my research work and the outlining of research findings were determined by the hypotheses below:

- 1.) The Republic of Hungary – even as a member of integration organisations – is obliged to and interested in guaranteeing its own security through its own appropriate defence capabilities.**

The restructuring of tasks and missions of the Hungarian Defence Forces coupled with decreasing resources and the lack of other compensation mechanisms raises the issue of the "security capability deficit".

In the structure of tasks and capabilities of the Hungarian Defence Forces – particularly if the plans to increase our participation in expeditionary operations are implemented – a disharmony can be found which presents a threat to the entire home security system.

- 2.) The preconditions and legal regulation of the operation of national crisis management system should be continuously ensured both at legislative level and in practice.**

- a) On the basis of prevailing law the efficient operation of the system of home defence is questionable which would make the mobilisation and conscription of potential personnel of military age either impossible or very lengthy in time.
- b) The government level command structure of home defence does not reflect the preconditions of an integrated operation of home defence (risk analysis, decision making, coordination, control, etc.)
- c) Preconditions of operation of defence administration – including particularly the local organs of military administration – in the light of Act CV of 2004 are not satisfactory and their legal regulation is solicitous in several aspects.

3.) The conceptual operation philosophy of all-volunteer armed forces presupposes an active participation of society in the system of home defence.

- a) The Home Defence Act incorrectly determined the relations between rights and obligations in home defence – the request for voluntariness is formal only.
- b) Shaping societal mentality is unsatisfactory, particularly in the field of military education.
- c) The lack of organisational and institutional preconditions in peace time has a negative impact on the extension of the role of volunteers in national defence.

Research objectives

- 1.) To analyse the development of legal regulation and social relations of national or home defence from historic aspects.
- 2.) To examine the rules and regulations for times of emergency in states with various social and political structure in order to transform them to domestic environment.
- 3.) To identify the typological definition of home defence, to systematise the related notions; to identify shortcomings; and to make suggestions for introducing new notions.
- 4.) To examine the position, role, command and control system and operations preconditions of defence administration within the structure of national defence and to analyse the related and adequate legal Acts approved for the regulation of the system. To identify contradictions within the regulation; the status of capabilities identified for the implementation of the Act, and to make proposals for the resolution of conflicting elements.

In all, I make attempt to elaborate the elements of a new system and – through my Parliament activity – to have them approved. They should be in concert with the requirements of modern age, the development trends in international security environment, and the domestic possibilities.

A short summary of chapters

In Chapter One I introduce the ground-laying phase and development of legislation aimed at preventing threats and coping with them on the basis of analysis of the works of the most outstanding thinkers of history – Niccolo Machiavelli and Hugo Grotius. I analyse the law and order and social relations of the emergency periods in the 20th Century, the era of the most

devastating wars in human history. I focus on the determining periods of Hungarian history, and manifest the role of national and home defence in the survival of nation and statehood.

In Chapter Two I describe the constitutional regulation of qualified situations through international examples, – categorised on the basis of the constitutional system of countries – identify similarities to and differences from the Hungarian legal system and make proposals for the utilisation of experience.

In Chapter Three I make a comprehensive analysis – both on theoretical and practical basis – of Act CV of 2004, regulating the operation of the system of home defence. I examine the applicability of rules and regulations in crisis situations with special regard to the issues of conscription and mobilisation of potential conscripts and that of participation of volunteers in home defence.

In the light of integrated operational requirements of home defence I analyse and evaluate the command system of home defence, and operational conditions of civil and military defence administration.

In Chapter Four I outline summarised conclusions, suggest propositions of solution for the modification of legal acts; for shaping societal attitude; for organisational rationalisation at different levels of the command structure; and the technical, methodological development tasks of system-level conduct of defence administration activities.

New scientific findings of the dissertation

As a result of my studies at the PhD School of Zrínyi Miklós National Defence University and research activities aimed at the elaboration of the dissertation I regard as new scientific findings the following:

- 1.) **I researched, collected, and systematised** the authentic special literature on the legal regulation of preventing threats and creating security in world history context.
During this activity I presented how the approach of people, society, and power to the national case of country defence, later home defence, changed from the ancient times and their laws and customs to modern legislation.

- 2.) I analysed the regulation of emergency situations in the legal systems of various constitutional democracies **finding analogies** with the elements domestic regulation, **presented shortcomings**, and **outlined recommendations** for the transformation of the regulations of the examined countries to the domestic operational environment.
- 3.) As a result of the model-environmental analysis of the prevailing Defence Act: I **identified** the contradictions in the principal basis of the Act and in its concrete directions. I **identified and proved** that the professionally unfounded concrete normative directions – lowering of military age, lack of trained people of military age – present a real danger to the operation of home defence.

I called attention to the divergence of tasks determined in the Act and the capabilities of the executive organisations.

These include the competence disorders in governmental command system and the local defence administration; the organisational and functional reduction of territorial military administration; and the defence capability shortages in the Hungarian Defence Forces, focusing on expeditionary operations, and in domestic crisis management.

Regarding the above points – using my research experience – **I identified the areas of prevailing Act to be modified and outlined some recommendations for modifications** and amendments of the legal regulation.
- 4.) In order to provide a correct typological identification for home defence, for its more significant presence in public thinking and scientific fields, **I analysed and systematised** the related notions, **identified shortcomings**, furthermore **made recommendations for general and new scientific notional definitions**.
- 5.) The conceptual operational philosophy of all-volunteer armed forces presupposes an active societal participation in the system of home defence. On the basis of my own experience and that of secondary analysis of research statistics relevant to the subject of research I examined the relationship between home defence and society. My findings allowed to **outline conclusions and recommendations** for tasks with regard to shaping societal consciousness and mentality particularly for the elaboration of a fundamentally new defence education and civil control.

- 6.) I examined the conditions of system-level execution of functional tasks of civil and military defence administration organs and bodies. **I outlined recommendations** on technical and methodological development tasks. Within this framework I described the developmental requirements of a simulation system for modelling activities of defence administration, including their demands, and theoretical functional operation.

Summarised conclusions

In my opinion it is not an exaggeration to claim that the need to guarantee security has always been one of the most significant and dominant factors in the history of mankind. Security is an abstract phenomenon which has no measurement or gauges on an instrument panel, it is a notion that is very hard even to define. One does not usually think of it as security is – more or less – similar to air which can be appreciated when there is a deficit of it.

In the most general sense security includes the security of existence, public security, legal security, and environmental security – just to mention a few categories.

In the present dissertation I examined only some security segments affecting the entire country or a large number of people living in a major region and the threat to security connected with some form of violence (either military or armed) or disaster (natural or industrial).

It can be noted that crises in various periods of history were tackled more or less successfully with the use of tools of those particular periods and even in distant past crisis prevention was attempted with the use of legal means or preparations were made for an efficient crisis management.

Legal frameworks gradually widened and today they form a sophisticated system providing an overall protection to the security structure ensuring the safest guarantees for the peaceful development of the nation.

It is undeniable that our world is seemingly more secure than that of our predecessors. It is equipped with fantastic defence systems, and high technology safeguards us from the outer space, guided from super secret bunkers hidden deep underground. International organisations were established that are able to maintain a harmonic balance through political, economic, and scientific coordination

and negotiations. Nevertheless, we live amidst dangers and it would be an illusion to think that defence measures defining action programmes for the state organs are not needed anymore.

The objective of security policy and security structures is to create genuine security reflected by the security perception of our people. Those who make decisions on the level of appropriate and necessary security have huge responsibility, as it would be a criminal irresponsibility to maintain a high-level security perception in society if it is not underpinned with means of intervention. The other extreme – bothering people with measures exceeding the level of real threat through spectacularly warning them of dangers they face – can be similarly dangerous and disrupt normal operation of society.

Practical use of the dissertation – recommendations

As a result of the elaboration of the present dissertation I recommend that the following suggestions should be implemented in order to increase the efficiency of national defence preparation.

1. Several elements of the dissertation – partly or as a whole – can be used in the training of students of Defence Administration, Security Policy, or Defence Policy at the Zrínyi Miklós National Defence University.
2. These elements can also be used for training in other – civil – institutes of higher education offering studies in history of law in their credit-based training and education.
3. It can also be utilised as a professional background material at modification of legal acts regulating the structure and operation of national defence.

My publications

1. Dr. Simicskó, István: (Deputy Chairman of the Defence Committee of National Assembly, Head of Hungarian Delegation to NAIC) /In *Országgyűlés és NATO-csatlakozás* [Parliament and NATO Accession] (Budapest, 1998, Magyar Országgyűlés, Észak-atlanti Tájékoztató Központ, pp. 33–39, pp. 149–152)/

2. Dr. Simicskó, István: (Head of Hungarian Delegation to NATO Parliamentary Assembly) /In Földeák Iván–Tüzes Károly (edit.): *Partnerből szövetséges – Országgyűlés és NATO-integrációnk* [From a Partner to an Ally – Parliament and the NATO-integration of Hungary] (Budapest, 1999, Magyar Országgyűlés Külügyi Hivatala, pp. 13 - 19, pp. 48 - 49, 100, pp. 145 - 147/
3. Dr. Simicskó, István: *Előszó* [Foreword] (Head of Hungarian Delegation to NATO Parliamentary Assembly) /In Rábai, György: *NATO Parlamenti Közgyűlés: Párbeszéddel és konszenzussal az Euro-atlanti térség biztonságáért* [NATO Parliamentary Assembly – Through Dialogue and Consensus to the Security of the Euro-Atlantic Region] (Budapest, 1999, Magyar Országgyűlés – Észak-atlanti Tájékoztató Központ, Edited by Földeák, Iván–Tüzes, Károly, pp. 5–6/
4. SIMICSKÓ, István–SZÁSZVÁRI, Lajos: *A honvédelmi jog néhány sajátosságáról történeti perspektívában* [On Some Characteristics of Defence Law from Historical Aspect] (in *Humán Szemle*, 1999. Volume XV.Issue 2. pp. 150–164)
5. Dr. Simicskó, István: *A honvédelem távlatairól* [On the Prospectives of National Defence] (in *Népszabadság*, 30/03/2000 p 12)
6. Dr. Simicskó, István: *Aktuális kérdések a nemzetőrségről* [Some Current Issues of National Guard] (in *Magyar Nemzet*, 29/05/2000 p 6)
7. Dr. Simicskó, István: *Többé ne legyünk vesztesek!* [Never Again Should We Be Defeated] (in *Magyar Nemzet*, 30/05/2000 p. 6)
8. Dr. Simicskó, István: *Nemzet és biztonság* [Nation and Security] (Lakitelek, 2000, Antológia Kiadó, Series „Hazai Műhely” 6., Series editor: LEZSÁK, Sándor, Edited by: AGÓCS, Sándor; lecture held at a Conference on 01/06/2000 pp. 20–31)
9. SIMICSKO, Istvan (Head of the Hungarian Delegation to the NATO Parliamentary Assembly): *Political and military implications of NATO's action in the Federal Republic of Yugoslavia – a Hungarian perspective* (In NATO Parliamentary Assembly. Defence and Security for the 21st Century, July 2000., on the World Wide Web since August 2000 at www.naa.be, pp. 57–60)
10. Dr. Simicskó, István: *Köszöntő* [Welcome Address] (Head of Cabinet Office of Foreign Affairs) /In KONCZ (ed.): *Haderő-konferencia* [Conference on Defence Forces] (Budapest, 2000, Published by Parliament Office of Young Democrats' Party 6., pp. 3–4/

11. Dr. Simicskó, István: (Deputy Head of Faction – Young Democrats’ Party) /In FÖLDEÁK, Iván–TÜZES, Károly (ed.): *Az európai védelmi dimenzió nyitott kérdései* [Some Unsolved Issues of the European Defence Dimension] (Budapest, 2000, Foreign Office of Hungarian Parliament – „Parliament NATO-booklets 1.” Series, pp. 11–14/
12. Dr. Simicskó, István: *Kérdések a nemzetőrségről* [Questions on National Guard] (in Új Honvédségi Szemle, January 2001, Volume 55; Issue 1 pp. 14–19)
13. Dr. Simicskó, István: *Milyen lesz a honvédelem?* [What will Home Defence be like?] (in Heti Válasz, No. 17, 03/08/2001 p. 80)
14. Dr. Simicskó, István: *Mit tehetünk a terrorizmus ellen?* [What can be Done Against Terrorism?] (in Népszabadság, 17/09/2001, p. 17)
15. Dr. Simicskó, István: *A hadtörténet új fejezete, védekezés az ismeretlen ellen* [A New Chapter in Military History – Defence Against the Unknown] /In KONCZ, Mária (ed.): *Terrorizmus: bűnözés vagy hadviselés? (2001. november 16.) Terrorism: A Crime or Warfare? (16th November, 2001)* (Budapest, 2001, Fidesz–MPP Országgyűlési Képviselőcsoportja Hivatalának Kiadványa 9.; pp. 43–46. – *Political state secretary Istvan Simicsko, Office of the Minister Controlling the Civilian National Security Services: A New Chapter in Military History: Defence against the Unknown, 46–49. p.)/*
16. Dr. Simicskó, István: Allied with NATO. Hungarian Security Policy in the 21th Century /In FÖLDEÁK, Iván–TÜZES, Károly (ed.): *Szövetségben a NATO-val. A XXI. századi magyar biztonságpolitika* [Allied with NATO. Hungarian Security Policy in the 21th Century] (Budapest, Magyar Országgyűlés Külügyi Hivatala, 2001. – „Parlamenti NATO-könyvek 5. sorozat” [Parliament NATO-books 5.], pp. 59–66., 72–73., 79–80./
17. Dr. Simicskó, István: *Az évforduló* [The Anniversary] (In: Új Honvédségi Szemle, November 2002 Vol. 56. Issue 11., pp. 128–131.)
18. Dr. Simicskó, István: *Az önálló magyar haderő jogi alapjainak megteremtése* [Establishing the Legal Basis for Independent Hungarian Armed Forces] (In: Társadalom és Honvédelem, Scientific publication by the Zrínyi Miklós National Defence University, 2005., Vol. IX. Issue 2–3., pp. 196–206)
19. Dr. Simicskó, István: *Magyarország biztonsága* [The Security of Hungary] (PESTBUDAPEST PORTA, July 2007)
20. Simicsko, Istvan: *Tasks of the Hungarian Army in peacetime and in qualified periods* (In: Academic and Applied Research in Military Science = AARMS – to be published = *A Magyar Honvédség feladatai béke- és minősített időszakokban*)

Book:

Dr. SIMICSKÓ, István: *Nemzeti értékeink védelmében* [Protecting our National Values] (Budapest, 2008, published by Parliamentary Faction of Christian Democratic People's Party – in series „Kereszténység és közélet” [Christianity and Public Life]; 242 pp.)

Note: during my activities in Parliament (between 1998 and 2008) I submitted 133 independent proposals; 222 joint proposals; and interpellated 214 times in professional issues. The related documents can be found both in the protocols in the Parliament Library and on the web site of Hungarian Parliament (www.mkogy.hu).

Curriculum Vitae

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Education:

- 2004– PhD student at the Military Science PhD School of Zrínyi Miklós National Defence University
Theme: The Organisation System, Responsibilities and Command and Control of National Defence and National Mobilisation in Qualified Periods (The legal regulation through various Historic Eras to Present)
Consultant: Dr. Molnár, Miklós University Teacher
- 1997–2002 Faculty of Law, ELTE University – lawyer
- 1994–1996 ELTE Institute of Post-graduate Legal Studies – economist with degree in law
- 1981–1985 College of Commerce, Catering, and Tourism – commerce manager

Foreign languages:

- English: Intermediate level „C” (No.: 603553) Date: 11th April 2005.
- Russian: Basic level „C” – Date: 09 May 1984. (K/89/1985 N)

Teaching Jobs:

- 2003– Heller Farkas College – legal studies
- 2003– Zsigmond Király College (College senior lecturer) – defence policy
- 2003–2005 Police Academy – human rights

Professional Activities:

- 2006– Chairman of the National Defence Committee of Hungarian Parliament
- 2002–2006 Deputy Chairman of the National Defence Committee of Hungarian Parliament
- 2000–2002 Political State Secretary of Prime Minister’s Office
- 1998–2000 Deputy Chairman of the National Defence Committee of Hungarian Parliament
- 1998– Member of Defence Committee of NATO Parliamentary Assembly
- 1998– Member of Parliament
- 1993– Member of the Hungarian Society of Military Science

Number of publications:

- Edited publications in a foreign language: 1
- Edited publications in Hungarian: 4
- Publications in a foreign language: –
- Publications in Hungarian: 5
- Lecture in a foreign language: 1
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Budapest, 9th June 2008.

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