



March 2013

## HUNGARY

### 1. Title, rank and position of the Legal Adviser

The Legal Adviser holds the rank of Director and heads the International and Minority Law Department (hereinafter: Department) within the Ministry of Foreign Affairs.

### 2. Principal functions of the Department

The principal function of the Department is to provide legal advice to the Minister, the political and other departments of the Ministry.

This department has a twofold task: on the one hand, it deals with issues arising within the boundaries of public international law; on the other hand it functions as the competent section in the ministry to follow and participate in the preparation of regional, bilateral conceptions relating minority issues.

- a) Within the public international law basket, the Department has three major objectives:
  - i. It observes the development of international law as a whole and monitors the implementation of human rights and humanitarian law. In relation to this, it follows the practice of international courts and tribunals, as well as the issues appearing on the agenda of international organizations relevant to public international law. The Hungarian position in these fields is also prepared here.
  - ii. The Department is responsible for tasks related to the international treaties of Hungary. Together with the legal departments of other ministries, it is responsible for assuring the coherence of Hungary's international legal obligations, and their conformity with European law.
  - iii. The Department gives legal position on issues entailing the immunities and privileges of local foreign diplomats, examines the existence of reciprocity in such cases. In this regard, it cooperates closely with the Protocol Department of the Ministry.
- b) Within the Minority Law basket, the emphasis lies on issues related to the external relations of Hungary with neighboring countries and monitoring the work of human rights bodies relating minority issues.

### 3. Staff employed by the Department

At present 6 lawyers work for the International Law Section, and 3 lawyer and 1 minority issues specialist for the Minority Law Section. In principle, the Hungarian diplomatic service has no specific career track for lawyers. There are certain posts abroad, which are usually filled in by lawyers (e.g. posts at the Permanent Mission to the UN in New York and in Geneva or at the Permanent Representation in Brussels), but to have a law degree is not a prerequisite for these posts either. A relatively high percentage of these lawyers choose to work as consuls at various locations, especially in the early stages of their career.

#### **4. Organization and structure of the International and Minority Law Department**

The Department is made up of two sections: the Section for International Law and the Section for Minority Law.

#### **5. Place of the Department within the Ministry of Foreign Affairs**

The Department works under the direct control of the Deputy State Secretary for Global Affairs of the Foreign Ministry.

#### **6. Main contacts within the Government**

The Department of the MFA is the principal service within the Government for issues of public international law, international humanitarian law and minority law. The Department advises other ministries when they deal with these issues.

In almost every ministry, there is a legal department and/or a department responsible for international and European affairs. In special fields of international law pertaining to the competence of other ministries or authorities, these departments work closely together with the International and Minority Law Department of the MFA.

#### **7. Relation with lawyers in private practice, academics and legal institutions**

The Department is approached on a regular basis by state authorities and Hungarian private lawyers, when they have to deal with issues of public international law. The Department maintains an important two-way relationship with academics. Members of the Department often consult scholars when a specific exercise so requires, especially in policy-making, and they attend conferences and seminars held by academics of international law. Lawyers of the Department are frequently invited by universities to give presentations to students on the practice of international law, as well. In addition, many lawyers at the Department teach international law at universities or participate in the writing and editing of manuals on issues of international law.