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EDITOR'S NOTE

This issue of the scientific journal “Social Horizons”, published by the Faculty of Social Sciences from Belgrade, is entirely dedicated to the Republic of Hungary. On behalf of the Editorial Board, the Scientific Council and myself, I express my gratitude to colleagues from Ludovika National University of Public Service (Budapest) for very quality texts, and to guest editors for the selection of articles and the conception of this issue of the magazine that we present to our and foreign readers.

This is also an opportunity to mention that this issue of “Social Horizons” also represents a novelty in editorial practice and that we are very pleased that the first such thematic one in English is dedicated to the Republic of Hungary, with which our country develops intensive, friendly, and strategic cooperation in many areas.

Finally, I believe that this issue of our magazine represents the concrete beginning of cooperation between our educational and scientific institutions, but also our joint contribution to getting to know each other better and more comprehensively.



НАПОМЕНА УРЕДНИЦЕ

Овај број научног часописа „Друштвени хоризонти”, који издаје Факултет друштвених наука из Београда, у целости је посвећен Републици Мађарској. У име Уредништва, Научног савета и мене лично изражавам захвалност колегама са Лудовика Националног универзитета за јавне службе у Будимпешти на веома квалитетним текстовима, а гостујућим уредницима на одабиру чланака и концепцији самог броја часописа који представљамо нашој и иностраној читалачкој публици.

Прилика је, такође, да напоменем да овај број „Друштвених хоризоната” уједно представља и новину у уређивачкој пракси и да смо веома задовољни што је први такав тематски број на енглеском језику посвећен Републици Мађарској са којом наша земља развија интензивну пријатељску и стратешку сарадњу у многим областима.

Коначно, сматрам да овај број нашег часописа представља и конкретан почетак сарадње између наших образовно-научних институција али и наш заједнички допринос да се боље и свестраније упознамо.



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Hungary has been at the forefront of recognising the Western Balkans' crucial role in the European Union's enlargement policy for years. This debate is now more relevant than ever as Europe faces severe challenges due to the effects of the war in Ukraine. If the Western Balkans were already members of the European Union, these dramatic effects could be managed more effectively, as the region plays a crucial role in the security aspects of the continent. EU membership for countries in the Western Balkans region would stabilise the region and contribute to the security and stability of the entire continent.

While states aspiring to become members of the EU fulfil the accession criteria, they must wait in an imaginary "hallway" to first become potential candidates, later candidate countries, and then finally member states. For countries of the Western Balkans, this metaphor is entirely true because they have been waiting in that "hallway" for quite some time now. With regards to Serbia, and the enlargement of the Western Balkans in general, Hungary is particularly affected, not only because of the countries' shared history and culture, but also due to their geographical proximity. Nevertheless, the accession of these states would not only stabilise the Central and Eastern European (CEE) region, but it would also significantly contribute to improving the security and economy of the entire EU.

The situation of Hungary undeniably resonates with that of the Western Balkans, as it has relatively recent experience with the fulfilment of the accession criteria and the so-called Europeanization process. Bearing in mind that the accession process is difficult and lengthy, the changes that occur in a candidate state's internal political, judicial and economic system have a significant impact not only on the candidate state itself, but also on its neighbouring countries. Therefore, accession as a process can become an objective in itself, which definitely brings reforms and stability to the country concerned and its wider region. In this respect, the enlargement policy of the EU towards the Western Balkans could in fact, be perceived as the expansion of the Common Foreign and Security Policy (CFSP) of the European Union: the more stable the EU can keep its neighbours, the more secure the entire region will be.

Against this backdrop, the University of Public Service (UPS) is pleased to play another important role in strengthening the ties between Hungary and

the Western Balkans, with a particular focus on the relationship with Serbia. The recently emerging scientific cooperation between the UPS and the Faculty of Social Sciences, Belgrade, evidences the dedicated cooperation between the institutions of Hungary and Serbia. In his introduction to this volume, Ambassador Iván Gyurcsík, Director of the Ludovika Scholars programme, will present the background to this cooperation. Based on these experiences it has been an honour to work as co-editors on Social Horizon's special issue devoted to Hungary.

In the present volume, the reader will find articles grouped around two headings, representing the two sides of the same coin: Hungary as a member state (*European Context*) and Hungary as a nation-state (*Internal Dilemmas*). In many cases, such an artificial analytical distinction is difficult – even impossible – to make, since these two perspectives come into contact with each other at many points, which is a natural *modus vivendi* of an EU member state. Nevertheless, we attempted to find topics that can be better evaluated in a broader European context (EU sanctions, regional security, interregional cooperation or minority rights) and others that can be interpreted through a national prism (economic perspectives, military and higher education reforms, climate policy).

When it comes to the European context, the recent war between Russia and Ukraine, and the preceding challenges at the external borders of the European Union, have once again highlighted the importance of security. The study of Péter Tálas examines the security policy shocks and responses to them in the countries and societies of the CEE region, and how these shocks and responses have changed the relationship between CEE countries and the European Union since 2008. Over the past 15 years, a series of security policy events have shaken societies in the CEE region, significantly changing the security perception of the local societies and political elites: the financial and economic crisis of 2008, the illegal Russian annexation of Crimea and Russian support for separatism in Eastern Ukraine from 2014, the migration crisis of 2015, the Covid-19 pandemic and the escalation of the Russian-Ukrainian war in February 2022. The conclusion of the authors regarding these shocks is that the countries of the CEE region appear to be increasingly active in seeking responses to various crises. However the question that remains is whether the rationality and sense of reality of the political actors are strong enough for them to think in terms of joint action (reinforcing regionalism and Europeanisation) instead of primarily relying on national responses.

Such joint actions form the focus of the study of Réka Varga and Blanka Újvári, which sheds light on the European Union's diplomatic and legal efforts as a response to the Russian-Ukrainian armed conflict. As a key participant in the international political scene, the European Union's common foreign policy seeks to achieve and maintain international peace and security. Thus, the diplomatic toolbox of the European Union is basically determined by mediation in order to avoid conflicts or settle them peacefully as soon as possible. In regard to the current conflict, dialogue and mediation are crucial to enact a ceasefire and to come up with a political framework acceptable to both parties in order to save lives and to end the

armed hostilities. The EU and some Member States have repeatedly tried to make use of this opportunity, however, all of these attempts have failed – so far. In such a situation where mediation is not an option, the EU decided to respond to Russian aggression with sanctions, as a manner of expressing its opinion and as key tools to promote the goals of the Common Foreign and Security Policy. The study gives a deep insight into the nature of sanctions, but concludes that although there is a joint community action, their effects are still unpredictable. It seems that although the EU is trying to appear capable of influencing the conflict both economically and legally, it is still unclear what role it can play in its solution, just as the impact of the Russian/Ukrainian conflict on the international legal order also remains uncertain.

These security challenges have also created a new context for cross-border cooperation, which was already of high relevance in the European context. In her study, Zsuzsanna Fejes focuses on the importance of these areas in the cohesion policy of the European Union as well as in the formation of neighbourhood policy. Although the main idea of the EU was the dissolution of inner borders, these recent crises have led to the re-discovery of borders. European discourse has changed fundamentally: instead of the elimination of borders and border obstacles, the issue of security has come to the fore, resulting in the reclosing of borders, construction of new borders and application of more stringent border controls. The study helps to understand the institution-building process of cross-border territorial cooperation processes in the European Union. For internal and external EU borders, cross-border cooperation offers a unique contribution to conflict resolution and reconciliation, an alternative solution for territorial divergence and a means to enhance inclusion. The border regions situated along the external borders of the EU can be moved from their isolated positions by intensifying their relations. The local and regional partnerships that emerge through decentralised dialogue could ensure border areas peaceful coexistence, economic and social development, democratic transition and the consolidation of security – all of which is relevant to Hungarian-Serbian relations.

Regarding the positive elements of the development of Serbian-Hungarian relations, it is certainly worth pointing out the innovative and very proactive way in which the two parties are handling the issue of national minorities – an issue raised by the fourth study in the first section. Focusing on the question of Hungarian minorities in Europe, Balázs Tárnok examines the Minority SafePack, a European Citizen's Initiative launched in 2013 that called upon the EU to adopt a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. The study not only shows the legal framework and the political perspective of the different EU institutions regarding the EU-level protection of national minorities but also analyses the history of the Minority SafePack, the Europe-wide collection of signatures and the refusal by the European Commission. The author concludes that the respect for the rights of persons belonging to minorities is a fundamental value of the EU, and yet, in practice it does not have a significant impact. The current legal framework lacks specific and enforceable provisions on the protection of national minorities.

The language, culture and national characteristics of national minorities are part of Europe's cultural heritage. This is especially crucial for Hungary: there are still significant Hungarian minority groups living in the countries neighbouring Hungary: some 2 million individuals who are ethnic Hungarians and/or speak Hungarian as a native language. Also from an EU perspective, the most important communities of ethnic Hungarians outside Hungary are in Romania and Slovakia (EU member states), and in Serbia and Ukraine (EU candidate countries). Based on this fact, since the democratic transition, Hungary became one of the most prominent advocates of the rights of national minorities domestically, internationally and in the European public and political spheres. Hungary was trying to show positive examples for the neighbouring countries, also providing political justification for its support of Hungarian minorities. The study concludes that ignoring the challenges that these communities face each day could lead to the eventual disappearance of regional cultures and national minority identities in Europe.

In the second part of the journal, we will present some Hungarian policy issues of international relevance. Accordingly, the issues of crucial importance for the Balkan countries that should also be considered are the labour market and demographic situation. In his study Ádám Marton reflects on the global trends of aging societies and the reduction of labour supply. The author not only highlights how Hungarian developments relate to international trends, but also shows the country-specific factors, such as the increase in the fertility rate in recent years and the achievements of Industry 4.0. The population of Hungary reached its peak in the 1980s, and since then its population has been decreasing, which – based on the latest census data – is now slightly above 9.6 million. Besides these numbers, the society is aging: the proportion of people over the age of 65 has increased in Hungarian society, with a corresponding increase in the number of pensioners over the last ten years, which may have a significant impact on the labour market. Hungarian economic policy places great emphasis on the factor of work, which is a key factor in economic growth. The study shows that there is no general labour shortage in Hungary, nevertheless, it can be stated that the Hungarian economy is clearly characterised by sectoral unemployment. Therefore, for Hungary to maintain its current economic growth, it will have to maintain and possibly increase its labour force on the long term.

In line with the security focus of the first part of the journal, Tamás Csiki Varga examines the modernization of the Hungarian Defence Forces that started in the mid-2010s. The paper maps, explains and assesses the internal drivers of defence modernisation within the framework of the Zrínyi Homeland Defence and Armed Forces Development Program. As main elements can be seen the challenging security environment of Hungary since 2008, the lack of joint European action to address crises and the realisation that Hungarian defence forces – despite of the NATO membership – were in a spiral of neglect and underfinancing. With its modernisation, the development of the Hungarian military fits into regional trends, as such efforts – albeit on varying timelines – are currently underway in all CEE armed forces. In 2023, the goals and modernisation programs of Hungary's Zrínyi

Homeland Defence and Armed Forces Development Programme are reaching the end of the first implementation stage. In accordance with these goals, more resources have been allocated to the programmes over the last few years, ensuring a dynamic, increasing trend in Hungarian defence spending. In this phase, several capability development projects were launched which targeted, among others, the air force (H145M helicopters, Zlin training aircraft), ground forces (Leopard-2A4 training tanks, PzH 2000 self-propelled howitzers) and the modernization of personal equipment (small and light arms). Meanwhile, the expansion of military industry production began with kick-starting an Airbus factory producing helicopter propulsion parts, the assembly and production lines of handguns and a Lynx IFV factory. As German-Hungarian defence cooperation has become a central element of long-term modernisation, the study highlights what lies at its core and identifies synergies of force development, weapons modernisation, defence industrial production and international military tasks.

We believe that the evolution of Hungarian policy on climate change and energy challenges will also attract international interest. Tamás Pálvölgyi and Lajos Kovács focus on these issues in their study, highlighting that preparing for and adapting to the impacts of climate change depends fundamentally on local communities. In many cases, activities, measures and interventions related to mitigation and adaptation are difficult to implement without social cooperation. Today, it is becoming increasingly clear that climate policy measures can be seen as a key to the future success of municipalities, therefore the paper reviews the strategic basis for municipal climate policies and presents a case study of Hungary to illustrate how municipalities' decarbonisation performance can be measured and evaluated. The authors recommend on the basis of their research that local and regional economic development strategies should identify and consider locally relevant activities (local green economy) that can significantly contribute to improving local competitiveness and economic growth in the face of increasingly stringent environmental and climate protection standards. One possibility to reach these targets can be the appointment of a climate and energy officer within the district's working structure. Good examples should be in the forefront of local activities by launching complex building energy and climate protection programmes, covering a wide range of residents and public institutions.

The final paper in the journal reflects on a highly topical issue, the reform of Hungarian higher education, which has also generated considerable international debate in the most recent period. The study of Norbert Kis shows that between 2019 and 2021, the Hungarian parliament transferred the majority of the country's state (public) universities from public ownership to the ownership of public interest trusts (PITs), established by the Hungarian state as foundations. In current debates, the European University Association expressed its concern about the decline in university autonomy resulting from these developments, especially the impact of the boards of trustees on academic autonomy. The study gives an insight into a five-item research/education autonomy test (5-REACT) that evaluates the operation

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and powers of the boards of trustees operating at the top 100 universities (as per the 2022 QS World University Ranking). It also applies this test to the new Hungarian university governance model, highlighting that Hungarian boards of trustees still seem to be in the critical range of the research and teaching autonomy, and it would be desirable to enhance the influence of the university senates on the boards of trustees decisions.

As editors of the present issue of the journal, we are confident that the issues discussed in this volume are not only complex and interesting, but also focus on areas of international politics common to Hungary and Serbia, and more broadly, to the European Union and the Western Balkans. We hope that the issues raised and approaches offered will stimulate international professional debate and contribute to the exchange of academic ideas between our countries.



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THE LUDOVIKA SCHOLARS PROGRAM – A NEW OPPORTUNITY FOR INTERNATIONAL COOPERATION IN OUR REGION

The University of Public Service in Budapest, as the leading higher educational institution of the Hungarian public service, has always been committed to establishing strong and constructive international academic relations, reaching long-term agreements with universities from all over the world, especially in our region. This intention became even more pronounced since Rector Dr. Gergely Deli took up his duties last year. He brought new approaches to international relations, and internationalization became a strategic mission for our university. This new approach emphasized academic mobility, knowledge transfer, and research capacity development through international collaborations.

At our rector's initiative, I had the honor and privilege to create the legal and organizational framework for launching the Ludovika Scholars Program, an international guest lecturer scholarship program and one of the flagship programs of our university, aiming for specific and concrete international academic cooperation.

Within the framework of this program, successful applicants can spend a week at Ludovika - University of Public Service, giving lectures, participating in workshops, and taking part in professional discussions on certain areas of expertise and specific disciplines, which are defined every year by the host faculties and research centers of the university.

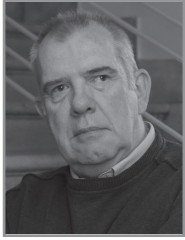
The program is open to guest lecturers and researchers from 22 countries, from Tallinn to Baku, including the Baltic States, the Visegrad Four, the Western Balkans, as well as the Republic of Bulgaria, the Republic of Croatia, the Hellenic Republic, the Republic of Moldova, Romania, the Republic of Slovenia, the Republic of Turkey, and the South Caucasian countries. We have already received excellent, internationally recognized guest lecturers from nine of these countries. Their presence and activity have truly brought new inspirations and ideas on certain

fields and opened up new possibilities for cooperation. Many of these professors have become returning specialists for other events and conferences in Budapest, which shows the high quality of work they provided in the program.

The Western Balkans is a region of high priority for the Ludovika Scholars Program. Within the framework of the program, we have had the privilege of receiving two Serbian citizen professors already, one of whom is Professor Slobodan S. Pajović. We are pleased that the Faculty of Social Sciences, Belgrade initiated the application of Professor Pajović, who not only gave excellent lectures on the policies of Central European countries towards Latin America but also analyzed the geographical complexity of the Latin American region. He personally and actively launched scientific cooperation between our institutions, becoming one of the most active Ludovika Scholar alumni. We will be delighted to see that the Ludovika Scholars Program provides genuine possibilities to promote cooperation and network between our institutions, including joint publication and research opportunities. As part of his activity as a Ludovika Scholar alumni, Professor Pajović became the initiator and spiritus rector of this special issue of Social Horizons, dedicated to Hungary.

We are delighted that the Ludovika Scholars Program can promote concrete academic cooperation between our institutions and indirectly promote cooperation between our countries, Hungary and Serbia. We are committed to future collaboration and partnership. For more information about the Ludovika Scholars Program, please visit its official website: <https://ludovika-scholars-en.uninke.hu/>

Ludovika – University of Public Service looks forward to welcoming your interest in the program and cooperation between lecturers, researchers, and institutions.



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SECURITY IN CENTRAL AND EASTERN EUROPE IN A PERIOD OF STRATEGIC SHOCKS

Abstract: The study examines the security policy shocks and responses to these shocks in the countries and societies of the Central and Eastern European (CEE) region, and how these shocks and responses have changed the relationship of CEE countries with the European Union since 2008. It interprets the financial and economic crisis of 2008, the illegal Russian annexation of Crimea and Russian support for separatism in Eastern Ukraine from 2014, the migration crisis of 2015, the Covid-19 epidemic and the escalation of the Russian-Ukrainian war in February 2022 as a security shock. It concludes that while CEE countries have improved their crisis management capacity, they often rely more on national solutions than on joint European crisis management actions.

Keywords: CENTRAL AND EASTERN EUROPE, CEE COUNTRIES, FINANCIAL AND ECONOMIC CRISIS, MIGRATION CRISIS, COVID-19 PANDEMIC, RUSSIAN-UKRAINIAN WAR.

Our study looks at the security of the Central and Eastern European region¹ (CEE) over the last decade and a half. Its aim is to describe in brief the strategic processes of security in the region in the broad sense, and the factors and events that have shaped these processes to the greatest extent.

On the interpretative framework

Since 2009, in several writings, we have sought to draw attention to the fact that, broadly speaking, the security of the states and societies of the CEE region is defined by three major integration processes: *renationalisation* (national integration), *Europeanisation* (European integration) and *globalisation* (interdependent global integration). (TÁLAS 2009, 21-22; CSIKI – TÁLAS – VARGA 2013, 37) These processes are seen as the channels through which, on the one hand, the societies of the CEE region are influenced by world events and processes and, on the other hand, through which the CEE states, individually or in alliances, can influence and reflect on the outside world and the influences that come from it.

By renationalisation, we mean the continuation of a historically delayed and incomplete nation-building process, i.e. political nation-building. (SZÜCS 1983; BIBÓ 1986; OLTAY 2021a, 2021b) This refers to the sum of the efforts of local societies and their political elites whose main goal is to complete the sovereignty of their nation-state. (SZILÁGYI 2009, 63–65) These start from the defence of the state's territory and independence, to the creation of a strong and competitive national economy and a national entrepreneurial class, to the creation of a cultural elite that prefers national values. (TÁLAS 2009, 22; KERÉNYI 2021a; 2021b) The fact that the CEE region has been living in a modern (national) period of its own history, as opposed to the states at the centre of European integration, which are living in a postmodern period of their history, is most evident in the renationalisation process. (LACZÓ 2021; REVDEM 2021)

Europeanisation includes the efforts of the societies and political leaders of the CEE region to make their nation states and national economies catch up to the European economic centre, to draw on the modernisation experience of European capital and technology, to adapt European values to national needs and to incorporate their national values into European values. (TÁLAS 2009, 22) Although the strengthening of the sovereignty of the nation state is also an important political goal here, CEE countries must also achieve this – through integration – by sharing elements of sovereignty. (SZILÁGYI 2009, 65; WOŹNIAKOWSKI – SCHIMMELFENNIG – MATLAK 2018, 7–8) While renationalisation is seen as rivalry, Europeanisation is essentially a process of cooperation and compromise.

Finally, there is globalisation, where the main aspiration of societies and their leaders is to successfully connect their national economies to global value chains,

1 In this study, the Central and Eastern European region is defined as the post-socialist bloc of EU member states, i.e. the Baltic countries, the V4 countries, Romania and Bulgaria, and the post-Yugoslav region, i.e. Slovenia and Croatia.

to attract job-creating and modernising foreign investment in a way that creates a beneficial balance between the interests of global value chains and companies and national economies for the CEE states. (TÁLAS 2009, 22; SZILÁGYI 2009, 67; CSIKI, TÁLAS, VARGA 2013, 37) Globalisation is seen as a process that encourages cooperation at the level of European integration and competition within the EU.

This framework of interpretations is still relevant today. We also maintain that the success of CEE states in successfully guaranteeing security in the broad sense is crucially determined by the ability of their political elites to harmonise the effects of the three integration processes, to reduce their negative consequences and to perpetuate their positive benefits. (CSIKI – TÁLAS – VARGA 2013, 38)

Over the past 15 years, a series of security policy events have shocked societies in the CEE region, significantly changing the security perception of the local societies and political elites – not only in relation to threats, but in many respects also in relation to each other and their allies. The financial and economic crisis of 2008, the illegal Russian annexation of Crimea in 2014 and the start of the Russian–Ukrainian war, the refugee and migrant crisis of 2015, the Covid-19 pandemic of 2020 and the escalation of the Russian–Ukrainian war of 24 February 2022 have followed each other so quickly that some experts speak of not of multiple crises but of a single multi-crisis. (BECKER 2022) In our view, this claim is not entirely justified, as these crises are not structurally related.

Strategic shocks (also) affecting CEE

In this part of our study, we briefly review the strategic shocks that have affected the CEE region, focusing on how they have affected the security of the region and what impacts their management have had on the European integration and the relationship of CEE with integration.

The 2008 financial and economic crisis

The crisis initially started as a credit crunch, which made financial institutions fail, leading to a financial crisis. This in turn led to economic stagnation, falling demand, and rising unemployment, turning the original financial crisis into an economic crisis. The crisis, which started as a US story, quickly spread to Europe because of the close interconnections between their financial markets. Although many had hoped that CEE could escape a deep crisis (as it had initially proved resilient), declining investor interest in emerging markets and a collapse in investor confidence quickly dashed hopes of a region free of global turmoil. Although the crisis hit the CEE region hard as a result, the consequences across the region varied. Paradoxically, the non-euro area members of CEE (Poland, the Czech Republic and Hungary) were less affected than the Baltic and South-Eastern European countries. (GARDÓ – MARTIN 2010, 22–40) This may have been closely related to the fact that the

EU's economic policy framework and instruments were essentially optimised for a growth environment in the years preceding the crisis, so that the EU initially lacked crisis management capabilities. In other words, the crisis of 2008 deepened in the absence of an effective management tool, paradoxically especially in the Eurozone, where the initial crisis management against the single currency was carried out at national level and through ad hoc actions. (PELLE, VÉGH 2019, 131–134) Although the EU eventually reformed the European Stability Mechanism (ESM), thus deepening integration, the 2008 crisis, which was followed by a four-year stagnation, saw the European Union suffer a significant loss of prestige due to its inability to take swift and effective crisis management action in the most integrated area, the financial/economic area.

The 2008 financial and economic crisis hit the defence sector of European countries particularly hard. The resource constraints resulting from budget cuts forced CEE national armed forces to make a general reduction in their defence capabilities. In doing so, they reduced their levels of international ambitions, their participation in crisis management operations, the size of their armed forces, downsized certain weapon groups, reduced the number of their military equipment or the objectives of their modernisation and capability development programmes. (CSIKI 2014, 77)

Illegal Russian annexation of Crimea and Russian support for separatism in Eastern Ukraine

Although some CEE countries (the Baltic States and Poland) had already drawn attention to the dangers of Russia's aggressive behaviour after the August 2008 Georgian–Russian war, the handling of the global financial and economic crisis that erupted in September 2008 kept the United States and the European Union busy for years. (TÁLAS 2013, 33) This was because it was only after the events in Ukraine between February and April 2014 – the Russian invasion and annexation of Crimea without armed struggle and the start of armed support for the Luhansk and Donetsk People's Republics declared by separatists in Eastern Ukraine – that NATO and the EU reacted more forcefully to Russian behaviour. Since Russia has violated four international treaties in which it had previously guaranteed Ukraine's sovereignty and territorial integrity (the Belovezhskaya Pushcha Agreement of late 1991, which declared the dissolution of the Soviet Union, the Budapest Memorandum of December 1994, the 1997 agreement on the stationing of the Russian Black Sea Fleet in Ukraine, and the 1997 agreement on the territorial integrity of Ukraine, which declared the dissolution of the Soviet Union), the introduction of cautious financial and economic sanctions against Russia could not be avoided by those who, for various reasons, were more understanding and pragmatic towards the Russian leadership.

It is important to note that there were noticeable differences between the EU member states in their perception of Russia's international position, role, behaviour, and influence. Indeed, each country's policy towards Russia depends to a great extent on its geopolitical location and size, its historical experience with Russia, political attitudes, perception of the threat, and the nature and intensity of the country's economic and energy relations with Russia (or its desire to maintain them), not to mention other political considerations. For example, countries that were more dependent on Russian gas supplies or having economic relations with Russia crucial for their national economy tended to have a more pragmatic and understanding relationship with Moscow. However, for those whose history has been permanently defined by Russian imperialism, this pragmatism has understandably been overridden by fear of Russia (Sz. BÍRÓ 2018, 6–7).

The CEE's immediate region has never been, and still is not, homogeneous in its relations with Russia. Indeed, the countries of Central and Eastern Europe have very different perceptions of what a desirable policy towards Moscow would be. In the CEE region, the Baltic States, Poland, and Romania have traditionally viewed Moscow with the greatest mistrust. However, their situation is not identical, because while the Baltic States and the Poles are able to assess their relations with Russia positively from time to time – mostly when Moscow is interested – Romania, which also perceives Russian ambitions as a threat, has fewer relations with Russia. (PORĘBA et al 2018, 54–61) Bucharest is the main focus of Kremlin attention because it is located in an important geopolitical area for Russia: the Black Sea coast. The Czech Republic meanwhile is trying to set itself aside from the CEE region as a whole. Even though there was a time when the country had a president sympathetic to Putin's Russia, most of the Czech political elite would have preferred to keep Moscow at a distance. In contrast to the distrustful or disinterested states in the region, the other pole is represented by Serbia, where both the political elite and the majority of society regard Russia as a friend, and who expect and support Moscow's active engagement in the region. Finally, there are some countries – including Hungary, along with Slovakia and Bulgaria – that are ready to cooperate with Moscow from time to time for various reasons. These countries, although they themselves have suffered grievances in the past, see no obstacle to relations based on mutual respect to pursue their interests. Although they do not consider Russia to be an ally at all, they do see it as a partner with whom it is possible and worthwhile to cooperate on pragmatic grounds and for economic reasons. (Sz. BÍRÓ 2018, 5–6; MILO 2021)

The emptying of the system of international/European security guarantees and the events in Ukraine, which – let us add – did not start with Crimea, but with the UN's un-mandated interventions in Kosovo and Iraq, and the slow weakening of international arms limitation regimes (e.g. the suspension of the CFE Treaty in 2007), that forced NATO to take action. At its summit in Newport in early September 2014, the Alliance took three important steps in response. First, it strengthened collective defence, essentially returning to the prioritisation of territorial defence. Then, it began the process of strengthening the CEE region, i.e. NATO's eastern

flank, in particular through the adoption of the *Allied Readiness Action Plan*, which called for the establishment of an *immediate reaction force* (*Very High Readiness Joint Task Force, VJTF*). The latter required, in turn, the deployment of an immediate response force, the construction of bases to receive it, and a regular rotation – but not permanent – NATO presence at the bases. Finally, thirdly, the alliance committed itself to the need to increase defence spending, and even stipulated that 20% of defence spending should be spent on the acquisition of major weapons systems and on research and development, i.e. technological modernisation. Another important decision, especially for Poland and the Baltic states, was that the alliance left it up to the member states to decide whether or not to support Ukraine militarily. (CSIKI – TÁLAS – VARGA 2014, 113–119)

Although NATO member states, including in CEE, were generally positive about the Alliance's decisions in Newport, satisfaction was not complete. For those countries that saw the Russian threat as an existential challenge to their security, and which had been warning of the dangers of Russia's aggressive policy since 2008, the West has proved overall to be too cautious. (GROSZKOWSKI, GNIAZDOWSKI, SADECKI 2014; TERLIKOWSKI 2018, 82, 105) There were several reasons for caution. First, Europe, dependent on Russian energy and with strong economic ties to Russia, did not want to provoke Putin, nor did it want a new Cold War. Second, the Western powers saw Moscow's behaviour as a sign of weakness rather than of strength, a sign of the failure of Russia's non-military means of asserting its interests in Ukraine. Thirdly, the United States and the European Union have opted for a policy of sanctions and have repeatedly made it clear that they do not want to engage with Ukraine in an armed way. Fourthly, the major NATO members considered the containment of the Islamic State and the Libyan crisis to be strategically more important than the Ukraine crisis. Finally, fifth, Germany has taken on the responsibility of dealing with the Ukrainian crisis, while Berlin wants a political solution and sees any military response as making the former more difficult. (CSIKI – TÁLAS – VARGA 2014, 113–114)

The "malcontents" of Central and Eastern Europe played an important role in the decision of NATO's Warsaw Summit in 2016 to go further down the Newport road and strengthen the Alliance's defence and deterrence capabilities, notably through increased defence spending and modernisation of its armed forces. A decision was also taken to deploy four volunteer, sustainable, forward deployed, rotational battalion battle groups (4,000 troops in total) to Poland and the three Baltic countries by early 2017, further strengthening the Eastern flank of the Alliance. (TÁLAS 2016, 98; SIPOSNÉ 2017, 123) It is worth mentioning that the changes after 2014 have favoured the modernisation of national armed forces in the region as a whole, and in more ways than one. Firstly, Russia's aggressive policy towards Ukraine has clearly justified, from a security point of view, the need for most CEE countries to increase their defence forces. Secondly, the few years of stagnation after the financial and economic crisis were replaced after 2014 by a more sustained period of growth in the region, which also made it financially possible to modernise the armed forces. Thirdly, by strengthening Article 5, i.e. by giving priority to territorial defence, NATO

has fulfilled a long-standing desire of the majority of the CEE countries since the early 1990s, when they had applied to NATO to obtain a guarantee of collective defence rather than a focus on missions outside NATO territory. Indeed, such initiatives latter were fundamentally alien to the strategic culture of CEE nations, given that their foreign and security ambitions had historically never crossed the borders of the CEE region. Fourthly, the European Union's Common Security and Defence Policy (CSDP) took its second major step in 2016, following the recovery from the financial and economic crisis of 2008 – the creation of the European Defence Fund (EDF) and the Military Planning and Conduct Capability (MPCC), the adoption of the EU Capability Development Plan (CDP) and the Coordinated Annual Defence Review (CARD). This means that defence has become an increasingly important (and funded) area within the European Union. (NÁDUDVARI 2020, 112) Fifthly, as most countries in the region have not had the resources for a serious and comprehensive modernisation of their armed forces since the change of regime, the armaments of the local armed forces are simply obsolete. Sixth, most countries have seen parties come to power that are politically committed to the development of national armed forces.

The 2015 migration crisis

In 2015, Europe experienced an extraordinary migration crisis, unique in its scale, complexity, and root causes. More than 1.39 million people formally applied for asylum on the continent, and the European Border Agency (Frontex) estimates that up to 2 million refugees and migrants arrived in Europe during that year. (PEW 2016; FRONTEx 2017, 5) Indeed, the phenomenon is still referred to in political discourse as the worst refugee crisis on the European continent since the Second World War. In general, migration can become a security problem in two cases: when the longer-term social consequences are not considered and migrants are not integrated, or when migrants arrive in such large numbers and in such unexpected ways that local administrations are unable to receive and resettle them under normal policies. (TÁLAS 2019, 68–69) The latter can also be seen as the European migration crisis of 2015, but with restrictions. It is important to note that the 2015 migration wave and its consequences had different effects on the various EU member states, including the CEE member states, and to very different degrees. While some were affected to a very high degree (Hungary, Slovenia, Croatia), others were seriously affected (Bulgaria), and others were hardly affected at all (e.g. the Baltic States, the Czech Republic, Poland, Slovakia and Romania). In other words, it was not the EU-28 as a whole that had to manage the migration flow, but the member states along the most congested migration routes and those hosting migrants. These included small EU member states (such as Hungary, which has a Schengen external border) whose asylum systems are designed and adapted to receive only a few thousand refugees. Thus in Hungary, the arrival of hundreds of thousands of migrants created a real crisis. The unexpectedness of the migrant wave is also debatable, for although the Syrian crisis undoubtedly triggered one of the largest refugee flows in generations,

Europe had faced significant migratory flows on several occasions before. Moreover, the problems of migration and illegal migration have been one of the priorities of European Union documents since 2005. In other words, it is not that the migration wave of 2015 hit Europe unexpectedly, but rather that Europe was unprepared. (TÁLAS 2018, 22)

There were four main reasons why the European Union's common European migration and asylum policy (covering asylum, immigration, and illegal migration) and its institutions failed to effectively address the 2015 migration crisis. Firstly, the EU has left too much room for interpretation to national governments when drafting asylum directives, as member states have been reluctant to cede their powers on immigration. This essentially explains the wide variation in asylum practices across the EU, which encourages refugees to choose the more welcoming EU member states as their destination. Secondly, the EU has not developed an effective mechanism for accountability and monitoring of compliance with the supposedly binding directives. Thirdly, the fact that some of the European rules, such as the Dublin III Regulation, have proved unenforceable in practice, as can be seen by, for example, the collapse of the Greek asylum system in 2011 and the chaotic events of the 2015 refugee wave in Hungary. Fourthly and finally, the EU has not given its European institutions responsibility for border management and asylum policy, the powers to enforce compliance with the common policy. In other words, the member states, who are known to have very different approaches to immigration and asylum, remain the main players in the common European immigration and asylum policy. (TÁLAS 2018, 22–23)

However, there was also a fifth reason for the failure of crisis management. This factor also meant that the 2015 migration crisis, unlike the financial and economic crisis of 2008, did not result in a unity and deepening of integration between member states, but increased mistrust between some member states and the EU institutions, and between member states themselves. This reason was the fact that the EU Commission, without due political prudence, tried to force a response from the CEE countries reluctant to accept refugees on an already complex and controversial issue. After the European Council agreed in June 2015 that the relocation of 60,000 refugees from Italy and Greece would be voluntary and that there would be no mandatory quota for all countries, the Justice and Home Affairs Council of 22 September, on a proposal from the Commission, voted in favour of the mandatory relocation of 120,000 refugees across the EU. Although the Czech Republic, Hungary, Romania and Slovakia voted against the plan, the others overruled them. (BBC 2015a, 2015b) Hungary, Slovakia and Poland took the decision to the European Court of Justice, and Hungary lost its confidence in the EU's handling of the refugee crisis. Although the three countries eventually lost their court cases, the common asylum policy has still not been corrected. (VOVESZ 2020) The situation was further aggravated by the fact that in September 2015, Angela Merkel, seeing the backlog of refugees in Hungary, offered to take in refugees, but did not emphasise the exceptional nature of this step. Some in the CEE political

public interpreted this as an invitation to the refugees by the German Chancellor. (INOTAI 2017)

Although many explain the Visegrad Four's attitude to migration as a lack of solidarity, xenophobia or fear of foreigners, the situation is more complex. After all, the V4 has taken in large numbers of Chinese and Vietnamese, not to mention the masses of Ukrainian refugees and migrants following the escalation of the Russian–Ukrainian war in February 2022. This indicates that their problem is not with migration per se, but specifically with migrants from the Middle East and Africa. On the one hand, because of the political discourse and media narratives about terrorism in Europe, these societies have become convinced that Western Europe has failed to integrate Muslims and that its response to the migration crisis is wrong and contrary to European interests. Secondly, this is because many in the Visegrad region are convinced that migration flows can be triggered, managed, controlled, increased and reduced. This conviction could only be reinforced by the migration and border crisis of 2021–22, artificially created by the Belarusian leadership. (MARIN – DE BENDERN 2021) They also believe that if refugees are helped in the countries closest to where they live, they can be dissuaded from migration. Thirdly, although the Visegrad countries take note of their obligations under the Geneva Convention, they do not consider themselves obliged to assist asylum seekers who have already crossed several safe countries or have been in refugee camps. The V4 feel that, as they were neither colonial powers nor great powers with global ambitions, they have nothing to do with the situation in the Middle East or Africa. Finally, although their population is declining and ageing, the V4 do not believe that migrants from Africa or the Middle East will reverse this trend. As a consequence, the main efforts of the Visegrad Group since the 2015 migration crisis have been to reduce the number of migrants from the Middle East and Africa arriving in the European Union (e.g. fighting against people smugglers, border fences, sea blockades, forced return, communication campaign against illegal migration, etc.) and, in parallel, to increase the assistance to refugees in the European neighbourhood (increase in the number of asylum facilities). (HOKOVSKÝ 2016)

Although the EU Commission attempted to reform the common asylum policy in 2018, 2020 and 2023, they have been blocked by resistance from member states (including the V4).

The Covid-19 pandemic

The coronavirus pandemic shocked CEE societies in four ways. Firstly, because there had not been an epidemic of this scale and death toll in Europe since the Spanish flu pandemic after the First World War. The Covid-19 pandemic was a stark reminder of how unprepared the health systems of Europe, and of developed countries in general, were to deal rapidly with a pandemic of infectious disease (shortages of respirators, medical and epidemiological equipment, disinfectants, etc.). Secondly, in the initial phase of the pandemic, the management of the health

crisis was almost entirely the responsibility of the EU member states. According to many experts, EU institutions, in particular the Commission, which is responsible for common policies, were slow to react or to find their role. (NAVRACSICS 2021, 315–317; PETRI 2021, 329) It is important to note, however, that in the area of public health, it is the responsibility of the member states to organise and provide health services and medical care, and the EU could only play a complementary role in fulfilling the responsibilities of the member states under the legislation in force before the pandemic. Thirdly, because, in contrast to the relatively well-managed first wave of the pandemic, from the second wave onwards, governments and health systems in CEE did not perform very well in the management of the epidemic. This is illustrated by the high death rates per 100,000 inhabitants in many of the CEE countries and the wider region: Bulgaria (2nd globally), Hungary (3rd), Bosnia and Herzegovina (4th), Northern Macedonia (5th), Montenegro (6th), Croatia (7th), Czech Republic (9th), Slovakia (10th), Lithuania (12th), Romania (13th), Slovenia (15th), Latvia (18th) and Poland (21st). (JHU 2023) Finally, the pandemic marked the first time when CEE governments and government institutions were sharply confronted with the impact of conspiracy theories and fake news on crisis management and thus on security. Surveys showed that about one third of the population in CEE societies were susceptible to conspiracy theories and fake news about the epidemic and the health crisis. (GLOBSEC 2021, 50–59) The effectiveness of government communications is also evidenced by the fact that there was only one CEE country – the Czech Republic – where polls ranked the government among the top three most credible sources of news about Covid-19, and no CEE country where the national health authorities were ranked as the most credible source of news. (EP 2020, 47)

The European Union has supported national action against Covid-19 in four areas. Firstly, emergency response to the disease (limiting the spread of the virus; ensuring the availability of medical supplies; promoting research into treatments and vaccines; and supporting employment, businesses and the economy). Secondly, by coordinating certain crisis management areas at EU level (development, production and use of Covid-19 vaccines; testing strategies and mutual recognition of tests; cross-border contact tracing; quarantine rules; interoperable digital vaccination cards). Thirdly, the development of safe and effective vaccines against Covid-19 (reallocation of research funding to develop the most promising vaccines; coordination of European certification and licensing of new vaccines; joint vaccine procurement; coordination of distribution; digital Covid vaccine cards). Fourthly, the creation of a recovery fund to mitigate the effects of the Covid crisis, consisting of the EU's 7-year budget, the €1,074 billion Multiannual Financial Framework (MFF) and the €750 billion Next Generation EU (NGEU) Emergency Recovery Facility. The latter is a non-repayable grant of €390 billion and a loan of €360 billion (EU 2023). (NAVRACSICS 2021, 325; PETRI 2021, 332–334)

Russian escalation of the Russian-Ukrainian war in February 2022

According to many analysts, the importance of the Russian–Ukrainian war for the security of Europe and Central and Eastern Europe is most comparable to the changes that took place in 1991. (CHATHAM HOUSE 2023; MASTERS 2023; NEUMAN – HURT 2023) For this war is a post-hegemonic world order conflict. It was started by a nuclear superpower, a permanent member of the Security Council, Russia, which is seen by itself and many others as a global superpower, and which is seeking to change the international order established by the United States (the hegemon) and its allies, that is, as a challenger to the status quo. (CSIKI et al 2023) However, since the end of the war and its outcome are not yet in sight, we will try to be cautious in our study in several respects. On the one hand, we will concentrate only on the changes in the CEE region, and on the other hand, we will only make statements that are already clearly visible at this stage of the war. In addition, due to space constraints, we can only do this briefly and outline the most important consequences. We will therefore mention only a few of them.

1. The most immediate security policy impact of Russian aggression is that NATO has responded by further strengthening the eastern flank of the alliance. It has further increased the size and number of its multinational battle groups (from 4 to 8), increased its rapid reaction force (from 40,000 to 300,000), and its member states have committed to deploying supplies, facilities, and military equipment to the eastern flank. In addition, NATO member states have also sent troops to the CEE region under bilateral agreements. The number of US troops in CEE has increased to more than 14,000, practically doubling. Most – over 10,000 – of them are in Poland, and in an unprecedented move, the US 5th Corps forward command element is deploying to Poland, with air defence, logistics and support capabilities, even at corps level. (CSIKI VARGA – TÁLAS 2022, 6–8; DUTTA 2023, 10)

2. For the first time in its history, the European Union has given Ukraine lethal weapons as aid, providing more than €3.6 billion to the country's armed forces through the European Peace Facility (EPF) by March 2023. The EPF, which is used to reimburse EU members that send military equipment to Ukraine, was originally intended for countries outside Europe. The EU has also set up the EU Military Assistance Mission (EUMAM Ukraine) to support Kiev, which provides training for the Ukrainian armed forces. Through the mission, it provided €45 million in support to Ukraine until March 2023. (BERGMANN – TOYGÜR – SVENDSEN 2023; DUTTA 2023, 6) The EU has mobilised more than €67 billion in support for Ukraine since the conflict began. This includes €37.8 billion in economic aid, €17 billion in support for refugees and €12 billion in military aid. (IFW-KIEL 2023) In March 2022, the EU also put in place the Temporary Protection Directive for Ukrainian citizens displaced by the conflict. (DUTTA 2023, 6) In March 2022, the EU approved the Strategic Compass to enhance defence cooperation between member states and announced the creation of a

5,000-strong rapid reaction force. (COUNCIL OF EU 2023) The EU adopted a joint communication on the shortfalls in defence investment, with member states announcing an increase in defence spending and the creation of a joint defence procurement task force, and Denmark announcing its participation in EU security policy. (EC 2022; LIBOREIRO 2022; DUTTA 2023, 9) Finally, it is also worth noting that the European Union has, up to the time of writing, drawn up and implemented 10 packages of sanctions against Russia, with Poland and the Baltic states being the main proponents of tightening sanctions. (BARIGAZZI – KIJEWski 2023)

3. From a security and military point of view, the role of Central and Eastern Europe in the security of the European continent and the European Union has increased and is expected to remain important. Paradoxically, not only because the Russian–Ukrainian war is geographically adjacent to the region, but also because the events have politically strengthened those countries within the EU and NATO that have been trying to draw attention to the threat of Russian aggression since 2008. (DUTTA 2023, 12) There were the few in Europe who were not shocked and surprised by the escalation of the Russo–Ukrainian war in February, as they have historically the deepest and most authentic knowledge of the nature of Russian leadership. (KAMIŃSKI – Śliwa 2023) This unique knowledge, combined with the existential nature of the Russian threat to the security of their countries, has made Poland and the Baltic countries the most determined fighters and drivers of development in the face of Western support for Ukraine and increasingly tough international action against the Russian leadership. (FRANCIS 2023, ZEROFsky 2023) Their commitment is demonstrated by the fact that they are the ones who have made the biggest sacrifice in terms of GDP to help Ukraine, both militarily and in humanitarian terms – although Bulgaria, the Czech Republic, Slovakia, and Croatia are also high on the list. (IFW–KIEL 2023) The question, of course, is whether they will be able to find an ally among the Western member states of the European Union, in addition to their current allies, the United States and the United Kingdom, to provide lasting support to Ukraine and deter the Russian threat.

4. There is also a sense that the Russian–Ukrainian war and the resulting Finnish and Swedish membership of NATO has shifted the Alliance’s security policy focus to north-eastern Europe. This is illustrated by the fact that, for example, the “Leopard-2 coalition” (Poland, Finland, Norway, Spain, the Netherlands, and Denmark) built by Poland was able to change the internal dynamics of Europe, shifting NATO’s centre of gravity away from the Franco–German tandem. (RBA 2022; PETRONI 2022; MICHTA 2023) The question, of course, is whether the increased importance of security and defence in Europe will shift Europe’s centre of gravity politically. In other words, is the coalition of those strategically committed to Ukraine (the British–Polish–Ukrainian axis, supported by the United States) able to counterbalance the Franco–German tandem in terms of European security, and if so, to what extent? This depends very much on how persistent the Russian threat remains, and how much Poland will be able to strengthen economically in the coming years, and how constructive it will be within the EU. (PROCHWICZ–JAZOWska – WEBER 2023)

5. It is also clear that military aid to Ukraine has accelerated the modernisation of the armed forces of many CEE countries that have shipped Soviet or Russian-made weapons to Ukraine as aid. This not only supported Ukraine, but also relieved countries of a considerable burden by ridding themselves of obsolete weapons that were sooner or later destined for destruction. (OSW 2023)

6. Finally, while the Russia–Ukraine war has unified the CEE region, as it has unified Europe as a whole (all countries have voted in favour of sanctions packages and signed official NATO documents), this unity is underpinned by differences in approach between the countries of the region. While Poland, Estonia, Latvia, Lithuania, the Czech Republic and Romania clearly see Russia and Russia’s policy towards Ukraine as a direct threat to their own and the region’s security, Bulgaria, Slovakia and Hungary see the war and Russian ambitions as a conflict within the post-Soviet space, and thus not a threat to either the region or to Europe. (OSW 2023)

Short conclusion

One of the main lessons of the strategic security shocks is that the countries of the CEE region appear to be increasingly active in seeking responses to various crises. In addition, because of the EU and NATO membership, they are increasingly able to act, as they are richer, more modern, and more familiar with the institutions after 15, 20 or 25 years of membership, and have access to an increasing range of instruments. As a result, they can be meaningful partners to Western allies, sometimes initiating (or even preventing) joint action. The most important question to be answered is still whether the constraints and interdependence are strong enough, and whether the rationality and sense of reality of the political actors are strong enough, to think in terms of joint action (reinforcing regionalism and Europeanisation) by the second half of the 2020s, rather than relying on national responses above all else. This could lead to increased nationalism, fragmentation and, in the event of weakening EU and NATO frameworks, increased external vulnerability and local conflicts.



LITERATURE



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БЕЗБЕДНОСТ У ЦЕНТРАЛНОЈ И ИСТОЧНОЈ ЕВРОПИ У ПЕРИОДУ СТРАТЕШКИХ КРИЗА

Апстракт: Студија испитује шокове безбедносне политике и одговоре на ове шокове у земљама и друштвима региона централне и источне Европе (ЦИЕ) и како су ти шокови и одговори променили однос земаља ЦИЕ са Европском унијом од 2008. године. Она тумачи финансијску и економску кризу из 2008. године, незакониту руску анексију Крима и руску подршку сепаратизму у источној Украјини од 2014. године, миграциону кризу 2015. године, епидемију Ковида-19 и ескалацију руско-украјинског рата у фебруару 2022. као безбедносне шокове. Закључује се да иако су земље ЦИЕ унапредиле своје капацитете за управљање кризама, оне се често више ослањају на национална решења него на заједничке европске акције управљања кризама.

Кључне речи: ЦЕНТРАЛНА И ИСТОЧНА ЕВРОПА, ЗЕМЉЕ ЦЕНТРАЛНЕ И ИСТОЧНЕ ЕВРОПЕ, ФИНАНСИЈСКА И ЕКОНОМСКА КРИЗА, МИГРАЦИОНА КРИЗА, ПАНДЕМИЈА КОВИДА-19, РУСКО-УКРАЈИНСКИ РАТ.



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THE EUROPEAN UNION'S DIPLOMATIC AND LEGAL EFFORTS IN THE LIGHT OF THE RUSSIAN-UKRAINIAN ARMED CONFLICT¹

Abstract: By attacking Ukraine, Russia violated the most basic rule of international law, the prohibition of aggression. Russia's legal arguments for attacking Ukraine are not new: similar legal arguments have already been used on other occasions, by other states. However, these arguments constitute an unprecedented violation of international law which fundamentally shook the existing world order: an order created in part with the participation of the Soviet Union. International law works well if its framework is clear, if it is not subjected to arbitrarily broad interpretation, and if the compromise made by the international community behind those rules still functions. Unfortunately, we have seen several examples of the opposite. The EU shows relatively strong cooperation and activity concerning criminal justice, diplomacy and sanctions. What role the EU can play in resolving the conflict and preserving the existing international legal order is still a question.

Key words: CONFLICT, WAR, INTERNATIONAL CRIMINAL JUSTICE, CFSP, DIPLOMACY, SANCTIONS, EU.

1 The manuscript was finalized on 30 March 2023.

Introduction

The Russian-Ukrainian war is playing out our darkest fears: a war in Europe which, or the effects of which have a fundamental influence on us. In addition to the loss of our feeling of security, another important and even more frightening feature is that it raises fundamental questions regarding the existing international legal order, at a time when clear frameworks are more important than ever.

It should be noted that war can be discussed and analysed from many perspectives. Any analyst's assessment is influenced by their own field of expertise, experiences, and impressions. For the author of these thoughts, war is not just a horrible but distant event imagined based on photos or videos. Anyone who has seen war up close, talked to victims and their family members, will have a more direct impression of what war means to people, families, parents, children, and society, and better understands the humanitarian consequences for individuals and communities.

What does war mean to, for example, a family who rationally know that a loved one declared missing is actually dead, but since the body has not been located, burial (which is absolutely necessary to process the grief) is impossible? What does this mean for an amputee child injured by an unexploded shell and their family? What does this war mean for everyone, for every society involved? Communities are traumatized by war, and it takes at least a generation, or even more, to recover. At the same time, the reactions of states to war is fundamentally not humanitarian in nature. They are influenced by political, economic, security and other factors, and when considering these, the perspectives of the victims are often not sufficiently represented. This is reality, but at the same time it is important to emphasize that war is not an abstract problem: behind it lies real suffering, human lives, and trauma spanning generations. In addition to objective legal questions, subjective feelings and humanitarian aspects cannot be ignored: wars are inherently bad, including this one, and the best would be for it to come to an end as soon as possible. Unfortunately however, we all know that it's not that simple.

When it comes to the analysis of the Russian-Ukrainian conflict, many questions and much fewer answers are formulated in one's mind. Before 24 February 2022, few expected a full-scale attack on Ukraine. From the point of view of an international lawyer, it seemed unlikely simply because the prohibition of armed violence is such a fundamental principle of international law that no one thought that even a superpower or a great power would dare to break this rule so blatantly and so directly.

In the present study, the Russian-Ukrainian conflict and the ensuing questions will be discussed in relation to EU law and the international legal order, focusing on what room for manoeuvre the European Union has in this situation from a diplomatic and a legal perspective.

The European Union as the main player in the settlement of the conflict?

As a key participant in the international political scene, the European Union's common foreign policy seeks to achieve and maintain international peace and security. Thus, the EU takes on the necessary mediation tasks in order to avoid conflicts or settle them peacefully as soon as possible, in accordance with Article 3² and Article 21(2) point c)³ of the Treaty on the European Union (hereinafter: TEU) (TEU 2012).

The diplomatic toolbox of the European Union is basically determined by mediation, which is one of the most effective means for conflict prevention and peacebuilding, since mediation and dialogue can lead to the establishment of a consensus between the parties concerned. Consequently, mediation has been a cornerstone of the EU's preventive diplomacy since the adoption of the EU Concept on Strengthening EU Mediation and Dialogue Capacities (Concept on Strengthening EU Mediation and Dialogue Capacities 2009) in 2009 (hereinafter: 2009 Concept). Eleven years later, a new Concept on EU Peace Mediation (Concept on EU Peace Mediation 2020) (hereinafter: New Concept) was adopted that focuses on the lessons learned after the adoption of the 2009 Concept. The New Concept reaffirms the strategic solidarity between the EU and the UN, and seeks to strengthen the role of the EU in peace mediation. The New Concept also lists the EU's possible roles in mediation, such as leading or co-leading a mediation process, facilitating mediation and dialogue spaces, accompanying, coordinating, supporting, leveraging, funding, promoting mediation and supporting the mediation process through outcomes. Furthermore, the New Concept lays down the definition of mediation as being, among others, a way of assisting negotiations between parties to a conflict and of transforming conflicts with the support of an accepted third party. According to this definition, the third party managing the negotiations is essential in the process and must be accepted and agreed upon by the parties to the conflict in order for it to be possible to reach a solution.

When it comes to the relevance of diplomatic tools, especially mediation, in finding a solution for the conflict parties in the Russian–Ukrainian war is of utmost importance. Dialogue and mediation are crucial to enact a ceasefire and to come up with a political framework acceptable to both parties in order to save lives and to end the armed hostilities. The EU and several Member States have attempted to appear as key actors from the beginning of the conflict. Several states have

2 The Union's aim is to promote peace, its values and the well-being of its peoples.

3 The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to (...) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders.

offered to mediate and provide a venue for negotiations between the Russian and Ukrainian parties (Attempts to mediate in the Ukraine war 2022). However, all of the aforementioned attempts have failed, even if there seemed to be certain green lights in achieving temporary ceasefires to establish humanitarian corridors. It must be also highlighted that Russia does not accept the EU as a mediator (the EU is not accepted by Russia as mediator to end the war in Ukraine 2022), therefore the EU cannot play a direct mediation role in this conflict. However, as was underlined in the New Concept as well, the EU can support other parties who attempt to mediate between the conflict parties.

Nevertheless, the EU had to act in order to articulate its position concerning the Russian–Ukrainian war. In such a situation where mediation is not an option, the EU can respond to Russian aggression with sanctions, as a manner of expressing its opinion. Sanctions are considered key tools that promote the goals of the Common Foreign and Security Policy (hereinafter: CFSP). However, one must differentiate between the types of sanctions (Cardwell, Moret, 2023:4–5). On one hand, there are diplomatic sanctions, such as recalling diplomatic representatives or taking a more serious action when diplomatic relations with the country concerned are severed. On the other hand, there are restrictive measures in a more narrow sense, including arms embargoes, travel bans, freezing of assets and economic sanctions (how and when the EU adopts sanctions).

Another grouping of restrictive measures could be created depending on whether or not the EU has acted autonomously, semi-autonomously or multilaterally. Firstly, the autonomous sanctions are imposed by the EU outside the framework of the UN sanction's regime. Secondly, there are autonomous or unilateral restrictive measures based on the UN sanctions, and thirdly, there are multilateral sanctions passed by the UN but transposed into EU law (ibid).

The EU has been vocal about adopting restrictive measures against Russia over Ukraine since the Russian annexation of Crimea in 2014 and for the failure to implement the Minsk agreements (Minsk Agreements), which measures aim to weaken the economic base of Russia. It has imposed further sanctions since Russia invaded Ukraine on 24 February 2022 and annexed the Donetsk, Luhansk, Zaporizhzhia and Kherson regions – all unprecedented actions.

This international armed conflict continues to this day, and has since been legally merged into the events of February 2022 (Green, Henderson, Ruys, 2022:7). It must be highlighted that the occupation of Crimea is considered an international armed conflict, even though no active combat was involved.⁴ In the case of the conflicts in Donetsk and Luhansk Russia has denied its involvement since 2014, in claims seriously questioned by many (Grant, 2015: 87–89). The entry of Russian forces into the eastern Ukrainian regions on February 22 did not change the situation legally, nor did the invasion of the entire territory of Ukraine on February 24. Naturally, in terms of the volume of the aggression, it is obviously a big change. Based on all of

4 Qualifying the event.

this, it can be stated that Russia has been committing aggression against Ukraine since 2014, of which the events of February 2022 are a continuation. However, the severity of the military action that began in February far exceeds the previous events.

Since the Russian invasion of Ukraine on 24 February 2022, altogether ten packages of sanctions have been adopted against Russia. With these restrictive measures, the EU intends to express its opinion about the illegal annexation of Crimea, Russia's war of aggression against Ukraine and the illegal annexation of Ukraine's Donetsk, Luhansk, Zaporizhzhia and Kherson regions. The main purpose of the restrictive measures introduced since March 2014 against Russia is to limit its abilities to wage war by depriving it of critical technologies and markets (EU restrictive measures against Russia over Ukraine (since 2014)).⁵ Regarding the economic sanctions, it must be highlighted that the financial, energy, transport, defence and raw material sectors are all affected. In the financial sector targeted sanctions have been introduced, including the SWIFT ban for certain Russian banks, and restricted access to the EU's main capital markets for certain Russian banks and companies. Concerning the energy sector, to mention just a few restrictive measures, the EU enacted a price cap related to the maritime transport of crude oil and petroleum products, a prohibition on exports to Russia of goods and technologies in the oil refining sector, and a freeze on new investments in the Russian energy and mining sectors.

Furthermore, the restrictive measures also extend to some transportation aspects, such as the closure of EU ports to Russian vessels or the closure of EU airspace to all Russian-owned and Russian-registered aircraft. In connection with defence, the EU introduced a prohibition on exports to Russia of (among others) dual-use goods and technology items, drone engines, arms and civilian firearms and ammunition. Regarding raw materials and other goods, the EU prohibits exports to Russia of luxury goods, and also prohibits imports from Russia of iron, steel, wood, paper, plastics etc. However, there are certain aspects which can be considered as fault lines between the Member States when it comes to the question and the list of sanctions. One is the issue of Russian diamonds, which created political tension between Belgium and the European Union. The Belgian position is that Russian diamonds must be traceable, but should still be banned (Russian banks and exports set to be hit in new EU sanctions) or not to mention the issue of oil. Consequently, it must be mentioned that there is no consensus within the EU on the above-mentioned issue of sanctions related to Russia, and the positions seem to be increasingly diverging. When the sanctions packages were adopted, it became clear that Member States took different positions, largely commensurate with their various degrees of dependence on Russian energy, the availability of and available funding for alternative resources, their geographical conditions and other aspects. These positions seem to be increasingly diverging rather than converging (Melander, Siebold 2022) therefore creating rather fragmented positions between

5 In the following paragraphs, the above cited reference had been used.

the Member States.

Condemning aggression and holding the perpetrators accountable is a common cause. The Union has been very active in this field. The European Council expressed strong opinions in its several conclusions: it condemned the aggression and called on Russia to withdraw its troops from the internationally recognized borders of Ukraine. It assured the International Criminal Court and the Ukrainian Prosecutor General's Office of its support and encouraged the Member States to take steps towards ensuring accountability. All EU Member States supported the motion to initiate proceedings before the International Criminal Court.⁶

Due to the initiation of national proceedings, there has been a need for EU Member States to cooperate with one another, to share evidence and coordinate their proceedings to ensure efficiency and avoid making duplicate charges in the same cases. In this regard, it is important to note that since 2016, the number of investigations and indictments regarding genocide, crimes against humanity, and war crimes has increased rapidly in the EU. Between 2016 and 2021, the number of newly initiated cases by Member States increased by 44% overall. All of this is partly because events close to the borders of the EU (e.g., the current Russian–Ukrainian conflict or the Syrian civil war that broke out in 2015) caused waves of migration in the direction of the Member States (New investigations on core international crimes have increased by 44% since 2016).

A network was created with the support of the European Union's Agency for Criminal Justice Cooperation (hereinafter: Eurojust) to help Member States cooperate in their accountability efforts. Several EU Member States joined the so-called Joint Investigation Team (hereinafter: JIT), which investigates the most serious crimes together with the Ukrainian authorities.⁷ In March 2022, Poland, Lithuania, and Ukraine set up a JIT, which was later joined by Estonia, Latvia, Slovakia, Romania, and the ICC, creating a complex cooperation network (Romania becomes seventh member of joint investigation team on alleged core international crimes committed in Ukraine). The main purpose of this network is to collect and exchange evidence. The JIT is currently investigating the most serious crimes together with the Ukrainian authorities (Marchuk, 2022:801).

The International Criminal Court also joined the JIT, thus creating a complex network of cooperation. For Eurojust to assist prosecutions as effectively as possible, on 30 May 2022, an amendment to the previous EU regulation was adopted allowing Eurojust to fully coordinate investigations that have already been launched, by giving it the competence to store and analyse the collected evidence (Regulation (EU) 2022/838). Consequently, on behalf of the European Union, a very uniform and decisive action can be seen on the issue of accountability. This reinforces the relevant rules and the aim of 'no impunity' for international crimes. However, analysing earlier practice concerning accountability (Varga, 2014), state courts – especially in the case

6 In total, 43 states referred Ukraine's situation to the International Criminal Court.

7 It was established on March 25, 2022 with the participation of the Ukrainian, Polish and Lithuanian judicial authorities, after which four more EU Member States joined it.

of crimes in which they do not have 'normal' jurisdiction, but act on the basis of universal jurisdiction⁸ – take many aspects into account when deciding on initiating proceedings. Such aspects include political, legal and diplomatic considerations (Kress, 2006: 572).

Overall, it is in the interest of the EU and its Member States to maintain the current world order. International law-based relations are typically favourable for smaller states. Although from a global point of view, certain European states can be considered as important economic factors, they are not classified as great powers in the traditional sense. The EU, from a global point of view, does not represent such a level of cooperation that would make it a great power on its own. However, the EU traditionally tries to make its voice heard on international legal issues. Given that two of the Security Council's five permanent members are European states, European interests may appear in its decisions, but the United Kingdom's close relationship with the United States is another aspect. In the UN General Assembly, however, the EU and the European states are not considered determining powers, so they have less influence.

Concluding Remarks

The answer to the question as to whether and to what extent the EU will be able to play a major role in the settlement of the situation depends partially on whom we consider direct or indirect participants to the conflict. While views on this issue vary, it seems certain that there will be no settlement without the approval and participation of the United States.

In any case, it is certain that – due to its proximity to the EU, especially to Member States situated in the east – this is a particularly sensitive conflict. Concerning the actions of the EU, it can be concluded that there is joint action, however the efficiency of the cooperation and actions might be questionable.

Opinions are divided on the usefulness of the sanctions introduced by the EU. Together with the US sanctions, they can have an effect, and it is also true that the EU is the only international organization that has imposed sanctions on Russia. The EU's action in the field of accountability is also unprecedented. It seems that although the EU is trying to appear capable of influencing the conflict both economically and legally, it is still unclear what role it can play in the solution including the impact of the Russian–Ukrainian conflict on the international legal order.

8 In the case of certain international crimes (war crimes, crimes against humanity, genocide), international law requires universal jurisdiction. Based on this, a state may or must initiate proceedings in which it would not have jurisdiction on either a territorial or a personal basis. See e.g., For the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field Article 49 (Geneva Convention I).



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ДИПЛОМАТСКИ И ПРАВНИ НАПОРИ ЕВРОПСКЕ УНИЈЕ У СВЕТЛУ РУСКО-УКРАЈИНСКОГ ОРУЖАНОГ СУКОБА

Апстракт: Нападом на Украјину Русија је прекршила најосновније правило међународног права, забрану агресије. Правни аргументи Русије за напад на Украјину нису нови: сличне правне аргументе су већ користиле друге државе у другим приликама. Међутим, ови аргументи представљају кршење међународног права без преседана које је суштински уздрмало постојећи светски поредак: поредак створен делом уз учешће Совјетског Савеза. Међународно право добро функционише ако је његов оквир јасан, ако није подвргнут произвољно широком тумачењу и ако компромис који је међународна заједница направила иза тих правила и даље функционише. Нажалост, видели смо неколико супротних примера. ЕУ показује релативно јаку сарадњу и активност у области кривичног правосуђа, дипломатије и санкција. Какву улогу ЕУ може да има у решавању сукоба и очувању постојећег међународног правног поретка, и даље је питање.

Кључне речи: КОНФЛИКТ, РАТ, МЕЂУНАРОДНО КРИВИЧНО ПРАВО, CFSP, ДИПЛОМАТИЈА, САНКЦИЈЕ, ЕУ.



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EVOLUTION OF CROSS-BORDER COOPERATION IN THE EUROPEAN UNION – CHALLENGES AND OPPORTUNITIES¹

Abstract: The importance of cross-border cooperation systems along the external and internal borderlines of the European Union has been increasing since the last enlargements (in 2004 and 2007, 2013). Cross-border cooperation forms gained greater importance in the Hungarian national policy, in the cohesion policy of the European Union as well as in the formation of neighbourhood policy. In the last few years, however, the three most recent crises of the European Union – the 2015 migration crisis, the pandemic and the Russia-Ukraine war – and the socio-economic impacts of all these crises have resulted in the re-discovery of borders. The European discourse changed fundamentally: instead of the elimination of borders and border obstacles, the issue of security has come to the fore, resulting in reclosing of borders, construction of new borders and application of more stringent border control. The aim of the study is to examine the institution-building process of cross-border territorial cooperation processes in the European Union. Analysing the legal framework for cross-border cooperation established by the Council of Europe and European Union can be recognised as a response to the lack of legal and institutional instruments of cross-border cooperation.

Keywords: BORDERS, CROSS-BORDER COOPERATION, COHESION POLICY, CROSS-BORDER MULTI-LEVEL GOVERNANCE, EUROPEAN TERRITORIAL COOPERATION, EGTC, EUROREGION, INSTITUTIONALISATION.

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Introduction

In the second half of the 20th century, the countries and leading politicians of Western Europe recognised the importance of cooperation in maintaining their economic and political competitiveness. Establishing the *sui generis* legal and institutional system of European integration, based on the four freedoms, had a considerable impact on the position and role of member states' borders. The European integration process contributed to the gradual breaking down of internal borders and the creation of the Schengen border system. This process gradually replaced the earlier divisive nature of borders by an increasingly unifying role. This led to two new challenges: supranational integration and cross-border regionalism.

However, implementing the concept of "Europe without borders" was not only a main objective within the founding Member States of the European integration and at the central administrative level of the participating Member States, but also at the subnational (local and regional) level. Such cooperation opportunities became increasingly widespread, thus strengthening the economic and social cohesion of Europe and the process of democratisation.

The Council of Europe (hereinafter: CoE) initially played a crucial role in strengthening the competences of subnational levels and in creating the legal and institutional conditions for local and regional democracy and the values of self-governance. Later, the increased role of subnational levels became a European integration concept and a part of the regional policy of the European Union, its framework being laid down in the Single European Act. However, for a long time, the issue of cross-border cooperation was mainly considered by the European Union in the context of structural funds implementation. In the meantime, a "bottom-up" process emerged and gave rise to subnational euroregional movements with a political agenda supported by bottom-up political, economic, ethnic, and cultural elements. According to the Charter for Border and Cross-border Regions,

Cross-border cooperation helps to mitigate the disadvantages of borders, overcome the peripheral status of the border regions in their country, and improve the living conditions of the population in border regions. It encompasses all cultural, social, economic, and infrastructural spheres of life. (AEBR, 2015: 3)

The new cross-border political concept of these pursuits lived on under the name of "new regionalism" in the late 1980s, gaining dominance not only in EU member states, but also in Central and Eastern European countries to become a means of preparation for EU accession. (Keating, 1998) Cross-border cooperation does not come from the European Union itself, it is a bottom-up process, originating from local initiatives. As a result, the European Union gradually and systematically incorporated the area of cross-border cooperation into its repertoire of integration policies. (Scott, 2019: 45–68)

It became evident that European, national, regional, and local decision makers were required to follow a more intensive cooperation policy and offer stronger mutual support to solve the problems that border and cross-border regions were facing. According to the famous two models of multi-level governance introduced by Hooghe and Marks, the first model can be considered federalist, as it is defined by the share of competencies between territorial entities existing beside each other. The second is a rather networked-based solution where jurisdictions can be overlapped. (Hooghe and Marks, 2001: 4–29) In its White Paper, the European Commission published the concept of new European governance (COM (2001) 428 final), based on the principles of openness, participation, effectiveness, accountability, and coherence, met the requirements of an enlarged EU. The document can be classified under the first model described by Hooghe and Marks, while the White Paper on Multi-level Governance released by the Committee of the Regions in 2009 followed the second model, including the presentation of macro-regional strategies and cross-border cooperation structures. (CdR 89/2009 final)

Because of the permeability of the Union's internal borders, they also create new spatial structures and new forms of governance across the existing administrative borders in accordance with subsidiarity and multi-level governance policies. (Kaiser, 2014: 53–60). These changes suggest alterations within the ideas of regions and territories, borders, identities, and relevant forms of governance, as well as concrete practices of cross-border planning. This challenge is apparent at various spatial scales, from local to regional and from national to supra-national. (Paasi, 2019: 69–90) However, cross-border cooperation – local, regional and international – can only fulfil its real role if there is a constitutional and administrative environment capable of harmonizing the different legal structures and competencies and also if:

- *the legal/administrative set-up of the member states significantly differs from each other;*
- *the decision competences, resources and powers of the co-operating administrative units differ in several respects;*
- *institutional diversity has led to difficulties resulting in many different forms of cross-border cooperation, where there is no commonly accepted organisational system. (Peyrony, 2020: 219–240)*

The new kind of cross-border relations in the Central and Eastern European countries were subject to various influences due to their specific features. After the fall of the Iron Curtain and the launch of the democratisation process in the former communist bloc at the time of the adoption of the Maastricht Treaty, the concepts of “Borderless Europe” and an “ever closer Union” seemed feasible in the near future. Following the regime change, several initiatives were born in the border areas of the Central and Eastern European region with the aim of creating subnational level cross-border relations, however, these initiatives were hindered by politics, the inexperience of the players, and an immature legal and administrative environment.

By now the borders and border areas of Hungary enjoy a nearly full coverage of cooperation, the most common ones being Euroregions, since the late 1990s, and the European Groupings of Territorial Cooperation (hereinafter referred to as EGTC) from 2007 on. In the process of subnational level integration, cross-border cooperation forms gained greater importance in the Hungarian national policy, in the cohesion policy of the European Union as well as in the formation of neighbourhood policy. Hungary's borders represent all border types of the European Union, since it has seven borders of six different statuses, where cooperation can be created under different legal and governance conditions.

Hungary borders on

- *an “old” member state (Austria);*
- *member states that joined the EU at the same time as Hungary (Slovakia and Slovenia);*
- *a member state that joined the EU in 2007 (Romania);*
- *a member state that joined in the European Union on 1st July 2013 (Croatia); and*
- *states aspiring to join the EU but facing numerous legal and political challenges (Serbia and war-torn Ukraine).*

The three most recent crises of the European Union – the 2015 migration crisis, the COVID pandemic in 2020–2021, and the Russian invasion of Ukraine in 2022 – have fundamentally shaken and challenged the project of borderless Europe. Each crisis has impacted the system of European border regimes and the freedom of movement: several EU member states closed their borders to migrants. Moreover, the Russian aggression against Ukraine has returned territorial sovereignty to the centre of the European discourse, as the most salient symbol of territorial sovereignty is the state border.

The topic has relevance at both the international and European levels, as the problem of border regions has gained even more importance in recent years in both EU policies and regional research. For those involved in cross-border cooperation, it has always been clear that cooperation was always a key aspect (rather than a marginal one), of the European project. Therefore, with a view to managing the impacts of crises, cross-border cooperation should be restored to its place at the heart of EU policies and public opinion.

The evolution of institutionalised cross-border cooperation

For a long time, there were no uniform regulations on the institutional forms of cross-border cooperation. Cooperation initially appeared in various organizational formats, therefore a wide range of grouping methods were developed both in practice and in the literature. In the field of institutionalization, the most used and the widest grouping aspect to classify cooperation in organized forms, in

which Perkmann's concept (Perkmann, 2002) from international literature serves as a starting point. Perkmann distinguishes between cooperation by geographic extension and whether there is regional contact between them. This grouping method is also used in Hungarian literature (Baranyi, 2007; Hardi, 2004; Nárai-Rechnitzer, 1999), and gives a good overview for the analysis of the cooperation in the Carpathian Basin.

In addition to literature criteria, the grouping methods of practical guidelines of the European institutions are representative for the definition of organised forms of cross-border cooperation (MOT, 2008; INTERACT, 2008; CoR, 2009; Zillmer, 2018). The practical guidelines compiled in 2000 in the framework of the AEBR project called Linkage, Assistance and Cooperation for the European Border Regions (LACE) clearly distinguishes between three main types of cross-border cooperation, considering the level of cooperating partners and the territorial connection (AEBR-EC, 2000). It differentiates between local, regional, and national participants in the vertical system of multi-level governance, and in this respect, it represents their network horizontally, depending on whether immediately adjacent territories are interconnected or whether the common interests of the regional aspect arising at regional level are brought together in a broader geographical area. Based on institution building, we can distinguish between the following types of cooperation:

1. *Transnational cooperation.* Cooperation with the neighbouring territories can be established between states or larger territorial units with a common border, though this form of cross-border cooperation is the least widespread and – given its size and complexity – is also the most difficult to institutionalize. Such cooperations are mainly motivated by the common treatment and development of a territory fragmented by borders; it is determined by a large-scale geographic spatial structure, the objective of which is to create the cohesive, natural relations of a natural, historical, or cultural macro region. In this context, borders only indirectly motivate cooperation; however, there is a strong state involvement in their work. (AEBR-EC, 2000: 85–86; Baranyi, 2007: 245) That cooperation, consisting of several countries of Europe, functions as working communities. Examples include the Pyrenean Working Community, the Western Alps Working Community, the Jura Working Community, the Galicia – Northern-Portugal Working Community, Working Community of the Danube Regions, the Alps – Adriatic Alliance.

2. *Cross-border cooperation.* Another form of cooperation between neighbouring regions has developed from the cooperation between sub-national actors (local or regional authorities, as well as other economic and social partners). Their geographic scope is relatively small, they usually do not go beyond the territorial/regional frameworks (Baranyi, 2007: 238–240; Perkmann, 2002:7). That is, the main participants and organizers of the cooperation are in all cases grassroots, sub-state entities whose operation – due to the specific features of different legal systems – can often be influenced/limited by the member states' regulatory frameworks. Cross-border cooperation of this type forms gradually deepening, integrated organizations and there is an increasing need for a permanent and compulsorily

established cross-border joint institutional system. (AEBR-EC, 2000: 12-13; 84-98) The forms of cooperation developed in this way generally meet the criteria of the Euroregion; in addition, they can establish everyday contact and the chance for long-term survival and cooperation. (Telle, 2017: 93-110)

Examples of larger cooperation include, but are not limited to, the EUROREGIO (D/NL) established on the borders of Germany and the Netherlands, having existed since 1958; the Rhine – Waal Euroregion (D/NL) working at the same place; the PAMINA (Palatinate–Middle Upper Rhine–Northern Alsace D/F) and the Elbe–Labe Euroregion (D/CZ). By the 2000s nearly 200 similar structures were created.

3. *Interregional cooperation.* Interregional cooperations includes those established between non-neighbouring regions as multilateral relations. They can be small-scale – such as twinned towns established between local or regional self-governments – or interregional, in which cases the towns or larger territorial entities are not interconnected geographically, but work together based on a common interest. The members of these organizations are mostly in a similar situation in some way, usually in a disadvantaged position, and it is typical of them to form networks or umbrella organizations in more than one country. The most outstanding example is the Association of European Border Regions (AEBR) which was established for the first time in Europe in 1971 as the initiative of the border and cross-border regions, and its clear goal was to support cross-border forms of cooperation. Cross-border cooperation plays a significant role in strengthening previously coherent territorial units, in aligning border regions, and facilitating their involvement in the European process. However, these aims can only be achieved permanently if they appear in a common, institutionalized form. The importance of cooperation systems evolving along the external and internal borderlines of the European Union has been increasing since the last enlargements (in 2004 and 2007, 2013).



Figure 1: Cross-border cooperation in Europe
(Source: Association of European Border Regions, AEBR, 2023.
(Available at: aebr.eu))

Legal framework for cross-border cooperation

Legal framework – Council of Europe

The Council of Europe has always recognized the crucial importance of democracy at both the local and regional levels. The Council of Europe has taken up a significant role in dismantling barriers to regional and international cooperation as well as strengthening cooperation across borders, with the aim of decentralisation. Numerous documents aiming to establish the legal framework for cross-border cooperation have been produced, including the Madrid Convention (1980) and the Additional Protocols (1995; 1998; 2009), the European Charter of Local Self-government and its Additional Protocol (1985; 2009), as well as the Council of Europe Reference Framework for Regional Democracy (2009).

At the European level, the only document that seeks to create comprehensive regulation on cross-border cooperation systems is the Madrid Convention, passed by the Council of Europe in 1980. The Convention plays a compensatory role, in which it defines the concept of cooperation across borders and offers patterns and proposals for the Member States to make the cooperation of regions and settlements across borders easier. The aim of the Convention is to promote cross-border agreements between local and regional authorities within the scope of their respective powers. Such agreements may cover fields such as regional, urban, and rural development, environmental protection, the improvement of public facilities and services and mutual assistance in emergencies, etc., and may include setting up transfrontier associations or consortia of local authorities. (Madrid Convention, Preamble)

In accordance with the Convention, transfrontier cooperation means any concerted action designed to reinforce and foster neighbourly relations between territorial communities or authorities within the jurisdiction of two or more Contracting Parties and the conclusion of any agreement and arrangement necessary for this purpose. Transfrontier cooperation takes place in the framework of territorial communities' or authorities' powers as defined in domestic law. (Madrid Convention, Article 2.) The specific forms of cooperation are derived from the internal legal regulation of each Member State, according to the Convention, which only provides a legal framework that must be filled with specific content by the internal legislations of the ratifying Contracting Parties. The Convention must meet specific expectations, to be applied to the local and territorial relations of the ratifying Member States. Having variable legal and political systems, it must also create frameworks of bilateral and multilateral agreements. To allow for variations in the legal and constitutional systems in the Council of Europe's Member States, the Convention sets out a range of model and outline agreements, statutes and contracts appended to itself,² to enable both local and regional authorities as well

² Appendix numbered 1.1 to 1.5 and 2.1 to 2.6. These model and outline agreements, statutes and contracts are intended for guidance only and have no treaty value.

as States to facilitate them with carrying out their tasks effectively.

The Convention has been modified several times, and three Additional Protocols (1995; 1998; 2009) were drafted. However, several recommendations and opinions of the international organisations representing regional interests (Council of Europe; Assembly of European Regions; Association of European Border Regions) only provide a framework for cooperation, which can be filled with the expected content only by national legal regulation.

Legal framework – the European Union

Over 25 years after the adoption of the Madrid Convention, Regulation (EC) 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC) provides a response to the lack of legal and institutional instruments and ensures cooperation facilities for the local and regional authorities and Member States under EU law. The EGTC is a new European legal instrument that aims to facilitate and promote territorial cooperation, including one or more types of cross-border, transnational and interregional cooperation³ between its members with the aim of strengthening the Union's economic, social, and territorial cohesion. (Regulation (EC) No 1082/2006, Article 1. (2)) The EGTCs have legal personality, and are unique in the sense that they enable public authorities of various Member States to team up and deliver joint services without requiring a prior international agreement to be signed and ratified by national parliaments. (Maier, 2008: 37–40).

In each Member State the EGTC has the most extensive legal capacity accorded to legal persons under that Member State's national law, and the registered office of the EGTC is located in a Member State under whose law at least one of the EGTC's members is established.⁴ Where it is necessary to determine the applicable law under European Union law or private international law, the EGTC is an entity of the Member State where it has its registered office.⁵ With some exceptions, the members of EGTC can be states, local and regional authorities as well as other bodies and public undertakings – if they are located on the territory of at least two Member States.⁶ The EGTC establishes an annual budget which shall be adopted by the assembly, containing, especially a component on running costs and, if necessary, an operational component.⁷

3 The three forms of EGTCs are: 1) cross-border cooperation between adjacent border regions in neighbouring countries; 2) trans-national cooperation between groups of countries and regions, mainly in the field of spatial planning; and 3) inter-regional cooperation between regions or cities in various countries.

4 Regulation (EC) No 1082/2006, Article 1. (4)–(5).

5 Ibid. Article 2. (1)).

6 Ibid. Article 3.2.

7 Ibid. Article 11. (1).

However, the adaptation of the form of the EGTC is not obligatory; it is an instrument besides the existing ones, and choosing it is optional, it represents a new alternative to increase the efficiency, legitimacy, and transparency of the activities of territorial cooperation, and at the same time secures legal certainty. It is applicable in every Member State, even in those that have not signed the Madrid Convention and its Additional Protocols or the special bi- and multilateral agreements. The new legal instrument supplements the already existing initiatives and forms of cooperation. (Ocskay, 2020: 48–54)

According to the Minister of Justice of Hungary,

The European Groupings of Territorial Cooperation embody in parallel

1. the solidarity and mutual respect of European nations whereby the national governments put their trust in an organisation established in another country; enabling them to realise developments and importantly, to provide services on the territory of the other state;

2. the reinforcement of European competitiveness when paving the way for joint development of peripheral regions previously separated by strictly protected administrative borders;

3. the European Union's principle of subsidiarity – originating from Catholic Social Teaching – because the tool, in harmony with the model of multi-level governance, equally facilitates the participation of national, regional and local governments in institutionalised cross-border cooperation. (Varga, 2020: 3)

The EGTC signifies decentralized cooperation, and is built on years of experience with euroregional cooperation. Its vertical projection connects actors on different levels (European, national, sub-national) and involves them in the common European decision-making. On the other hand, its horizontal dimension leads to the interaction of actors on the same level, thus creating a European network whose operating principle is autonomy based on vertical and horizontal partnerships in accordance with multilevel governance (Medeiros, 2020:145–168; Scott, 2020:37–63.; Soós, 2013: 519–531.) The multi-level governance platform is characterized by Liesbet Hooghe and Gary Marks as “task-specific governance”: the flexible structure of a network with multi-level and cross-cutting membership aiming at delivering specific public goods for society. (2003: 6–12)

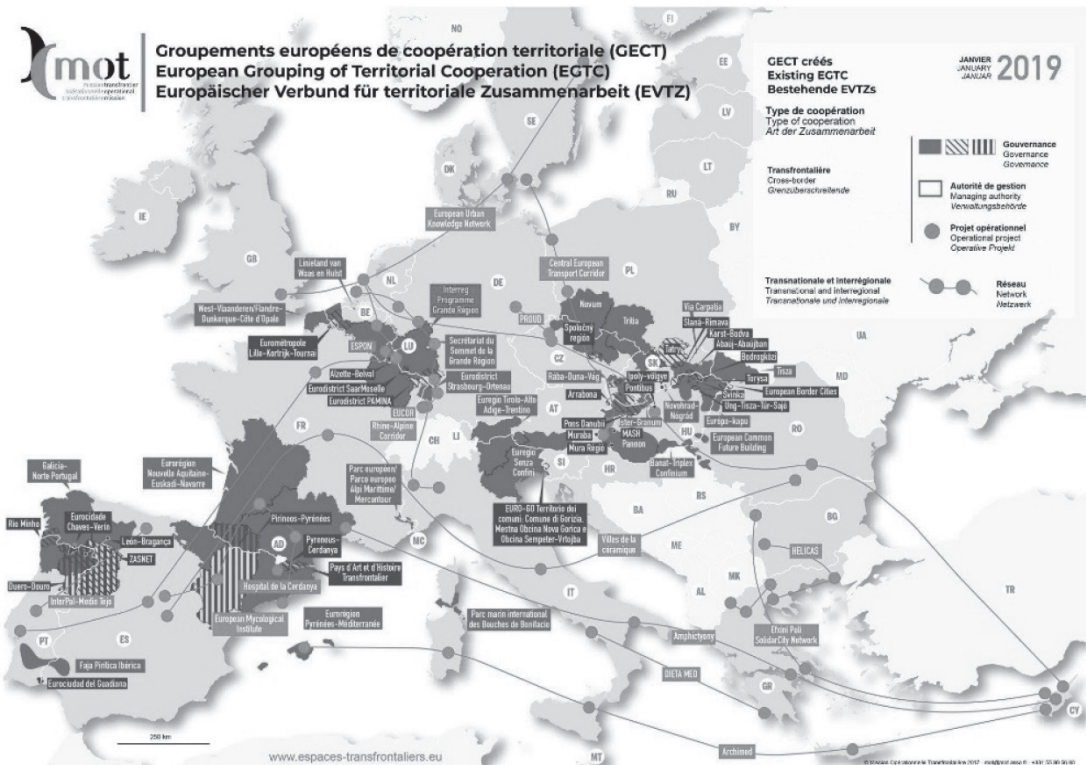


Figure 2: EGTCs in Europe

(Source: TEIN, 2023. (Available at: <https://transfrontier.eu/members/mot-mission-operationnelle-transfrontaliere/>))

In 2013, the EGTC regulation was revised as regards the clarification, simplification and improvement of the establishment and functioning of such groupings (Regulation (EU) No 1302/2013). After that, several reports (Cross Border Review, Boosting Growth and Cohesion in EU Border regions, 2017) highlighted ways in which the EU and its Member States can reduce the complexity, length and costs of cross-border interaction and promote the pooling of services along internal borders. These looked at what needs to be improved to ensure that border citizens can take full advantage of the opportunities offered on both sides of the border.

Only six EGTCs were constituted during 2018 and 2019, which is relatively little compared with previous years. A few of the 75 EGTCs founded up until the end of 2019 are no longer active or were never operational. (CoR, 2020: 1–3) In 2018, the Commission adopted the European Cross-Border Mechanism (ECBM) legislative proposal to offer a legal tool for practical solutions to overcome cross-border obstacles of a legal or administrative nature. In 2019, to pioneer work to overcome these obstacles, the Commission launched alternate approaches, an innovative

initiative that provides legal support to public authorities in border regions to identify the root causes of legal or administrative obstacles affecting their cross-border interactions and to explore potential solution(s). This has been a successful process, which has resolved 90 cases of border obstacles. The cases covered 27 cross-border regions in 21 Member States and tackled obstacles mainly in employment, public transport, healthcare, and institutional cooperation. (COM/2021/393 final: 3)

According to the Commission Report in 2021 the COVID-19 pandemic emphatically demonstrated how interdependent EU Member States and regions are, how fragile internal borders can be, and how quickly we can lose the benefit of an open space with freedom of movement, albeit temporarily.

In many Member States, some of the first measures taken were to bring back internal border controls and ban access to their territories for neighbours who, in normal times, cross borders frequently for multiple reasons. The negative impact of these measures quickly became very visible in many border regions. It paralysed services, including healthcare facilities, because cross-border workers could not access their workplaces. Impediments to the free movement of goods disrupted supplies of much-needed medical equipment. Therefore, the recently adopted Strategy for an Area of Freedom, Security and Justice without internal borders takes due consideration of the experiences and lessons learnt from the COVID-19 pandemic. Furthermore, the Commission is in the early stages of preparing an amendment to the Schengen Borders Code which should address the identified shortcomings in the current system. (COM/2021/393 final: 1)

Cross-border cooperation in Hungary

The economic and political changes of the 1990s in the countries of the Carpathian Basin show several features of the development of euro-regional cooperations that are different from the Western European models. After the change of the political system, the national movements and territorial conflicts revived in the Central and Eastern European region, which led to the emergence of new nation-states with specific legal and administrative structures. (Zachar, 2023: 109–193) While some nations (Czech, Slovak, Slovenian, Croatian, Serbian) reorganised their states as well, others (Polish, Hungarian, Romanian) only reformulated the foundations of their national identity. In order to allow the Hungarian border areas to become “building blocks” of the European cross-border cooperations, two conditions need to be met: the internal condition is the democratic development border regions taking part in the cooperation, while the external one is compliance with the standards and frameworks established under the auspices of the Council of Europe: the Madrid Convention and its annexes outlining two types of cross-border cooperation opportunities: agreements between intergovernmental and local or regional authorities.

In the 1990s, Hungary signed most interstate treaties, the bilateral agreements on good neighbourly relations and friendly cooperation, which enabled most

cross-border cooperations. In addition, Hungary convened bilateral interstate agreements on border cooperation with Ukraine and Slovakia, specifically based on the principles of the Madrid Convention, considering the circumstances of the two countries. (Government Decree No. 200/2001. (X. 20.) and Government Decree No. 68/1999. (V. 21.)) The importance of the bilateral intergovernmental agreements between Hungary and its neighbours lies in creating an opportunity to explore the experience and problems of lower-level cooperation organisations, joint committees as well as coordination forums established within these agreements, which guarantee holding the problems of the border areas on the agenda to ensure continuity.

Besides bilateral and multilateral interstate agreements established under international law, the support system of the 2007–2013 programming period provided a solution for the legal status of cross-border cooperations. The EGTC makes it possible for cross-border cooperation actors to develop uniform structures that have a legal personality and operate consistently under the law of the home member state. However, establishing an EGTC/ETT is optional, which means that the existing institutional structures will be retained. According to Article 16 of the EGTC Regulation, “Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation.” Pursuant to this rule, Hungary adopted its national provisions in 2007 with Act XCIX on European Groupings for Territorial Cooperation (EGTC),⁸ among the first in the European Union, and the first EGTC in Central Europe – the Ister Granum – was established in 2008 with its seat at Esztergom in Hungary.

The European Committee of the Regions regularly publishes a Monitoring Report on the development of the European Grouping of Territorial Cooperation. According to the EGTC register (CoR, 2023), in 2023, EGTCs included more than 800 national, local and regional authorities from 20 different Member States and from Ukraine. The last four EGTC Monitoring Reports found that EGTCs focused on Central and Eastern European territories had been established. The dominant type of partnership is composed of local authorities: half of all groupings are powered by the local level. The second largest group comprises EGTCs of regional authorities, with the number of partners ranging between two and six. Half of the recently constituted EGTCs are following this trend, covering territories in Hungary, Romania, Slovenia, the Czech Republic, and Poland. (CoR, 2016, 2017, 2018, 2020). There are currently 25 EGTCs registered in Hungary, 3 of which headquarters in Slovakia Karszt–Bódva EGTC, Pons Danubii EGTC, and Via Carpatia EGTC, 1 in Poland (Central European Transport Corridor Limited Liability European Grouping of Territorial Co-operation, headquarter in Szczecin) and 21 in Hungary.

8 The EGTC Act was modified by Act LXXV of 2014 and 2/2014. (XII.30.) MFAT decree of the Minister for Foreign Affairs and Trade on the detailed rules concerning the approval and registration proceedings of the EGTCs. The Hungarian name for the European grouping of Territorial Cooperation (EGTC) became “európai területi társulás” (European Territorial Association, or ETT).



EGTCs along the Hungarian borders



HU-SK BORDER

- ABAÚJ-ABAÚJBAN EGTC
- Arrabona EGTC
- BODROGKÖZI EGTC
- Ister-Granum EGTC
- Ipoly-völgye EGTC
- Novohrad – Nógrád EGTC
- Pons-Danubii EGTC
- PONTIBUS EGTC
- Rába-Danube-Váh EGTC

- Sajó - Rima/Slaná - Rimava EGTC
- Svinka EGTC
- Torysa EGTC
- Ung-Tisza-Túr-Sajó EGTC
- Via Carpatia EGTC

HU - UA BORDER

- Tisza EGTC

HU-RO BORDER

- Banat-Triplex Confinium EGTC
- European Border Cities EGTC
- European Common Future Building EGTC
- Gate to Europe EGTC

HU - HR - SI BORDER

- MASH EGTC
- Mura Region EGTC
- MURABA EGTC
- Pannon EGTC

Figure 3: EGTCs along Hungarian borders
 (Source: CESCI, 2019. (Available at: egtc.gov.hu 30.04.2023))

Horizontal dimension of cross-border cooperation

Besides EGTCS, the horizontal dimension and the functional macro-regions are increasingly emphasised in the EU's cohesion policy. Macro-regional cooperations (such as the EU Duna Region Strategy) are initiated by the European Union. These require not only the specification of the mutual aims and the relevant equipment, but also the development of new methods of governance and mechanisms that would ensure a coherent framework to join the interregional, transnational and border regional agreement networks. The Danube Strategy is a new framework and opportunity for deepening multi-level governance, which coordinates internal and external relations previously managed separately. Therefore, the concept of governance appears not only on global and national levels, but as a result of networking, the concept will embrace regulatory strategies and projects. Their task is to strengthen cooperation and coordination between the lower-level governments, as well as in the relations of public and private institutions and actors.

In Europe, one of the most renewable and constantly changing areas is the Danube region, which is approximately 2,840 kilometres along the banks of the Danube river, whose catchment area is home to 115 million inhabitants, from the Black Forest to the Black Sea. The Danube connects people living in its valley not only in a geographical sense, but it also provides an opportunity for cooperation, in which a significant role is played by local and regional self-government actors as well as the states. The question of national, regional, and local identity, the problem of borders separating and connecting people, the possibility of cooperation of the regions belonging to each other economically as well as the connections between people, their ideas and needs are all inherent in this unity. (Fejes, 2011: 105–112)

Another horizontal cooperation, the Central European regional Visegrád Cooperation, sought to create a new form of cooperation both in the political, economic and cultural spheres in order to focus on the transition to democracy, to promote the modern market economy and to implement the Euro-Atlantic – EU and NATO – access. Later, the four countries reaffirmed their determination to continue mutual cooperation to achieve a strong, stable, and democratic Europe. In addition, they intended to form a common position on a global level concerning the issue of peace and sustainable development. The V4 Group's renewed cooperation thus endeavours to safeguard their common historical and economic interests, i.e. that the V4 group will be able to effectively represent the interests of Central Europe in the future and the four countries together can constructively contribute to the success of the European Union. (Mészáros, Halász, Illés: 2017)

By now, all V4 countries have had a turn hosting the Council of the European Union's rotating presidency, and no one can question the added value of its members and the community in this region of Europe. And even though the success of this region is our primary common interest, this can only be reached by

revealing the legal barriers blocking everyday life which significantly restrict cross-border development organisations' capacity to act. The V4 was not created as an alternative to pan-European integration efforts, nor does it try to compete with existing functional Central European structures. The backbone of this cooperation consists of mutual contacts at all levels – from the highest-level political summits to expert and diplomatic meetings, to activities of the non-governmental associations in the region, think-tanks and research bodies, cultural institutions, or numerous networks of individuals. (Böhm et al, 2018; Soós, 2015: 39)

External dimension of cross-border cooperation: the Hungarian–Serbian border

External policies contribute to filling content into the notion of European cross-border cooperation by expanding the neighbourhood policy, integration of the Western Balkans and the broadening of the Eastern Partnership, while internal policies do the same by emphasizing the territorial dimension of sectoral policies. It is in the common interest of the European Union and Hungary that the democratisation process be carried out in the countries located along their eastern and southern borders, and a politically stable, democratic, and safe region be developed which does not threaten peace and economic development in the European Union. Providing a European perspective for the Western Balkan countries is of particular interest for Hungary and Europe as a whole. Besides integration, there are several other aspects (as in the case of the Balkan countries) which make the European Union interested in fostering political and economic relations and cooperation with the countries in the region. At the same time, the existing dialogue with third countries also means that cross-border cooperation has been included in the forms of cooperation as a new, innovative element. They serve as a forum for the promotion of cross-border cooperations in the Carpathian Basin, the support of local democracy as well as the discussion of the development needs of NGOs which do not reach the intergovernmental level. However, each country's different levels of development, aspirations to integrate into the European Union, and geopolitical situations make it difficult to handle the whole region uniformly.

The origin of today's cross-border cooperation at the Hungarian–Serbian border goes back to the 1990s. The area of the regional cooperation integrating the Hungarian Bács–Kiskun and Csongrád counties, the Romanian Arad, Caras–Severin and Timis counties and the Serbian Voivodina Autonomous Province exceeds 60,000 km², and has a population of about 4.5 million. Its strategic role in the stability process of the Balkans makes its significance even greater.

The objective of the DKMT Euroregion founded on 21 November 2004 is to support and encourage the cooperation between self-governments, local associations, participants in economy and citizens in various fields which can contribute to the democratization, the stabilization, the integration to Europe,

the social and economic development of the area. The institutions of the DKMT (General Assembly, Secretariat, Development Agency, Working groups) mainly play a role of coordination, participate in elaborating and implementing euroregional development projects and through their political and professional connections they strengthen the way of thinking on Euroregional level both inside and outside. (DKMT Eurorégió, 2023)

While the DKMT Euroregion thus consolidated its working processes, and Hungary and Romania became European Union members in 2004 and 2007, the EGTC Regulation was adopted in 2006. The DKMT Euroregion had informal discussions about the possibility of transforming into an EGTC, but key actors did not see the added value and they were wary of the restrictive possibilities to include non-EU members (Svensson, 2020: 89) Meanwhile, the Banat–Triplex Confinium EGTC started its activities in 2009 at a meeting of 50 mayors who declared their intent to cooperate. Eventually, 74 Hungarian and Romanian municipalities joined the EGTC, while the local governments in Serbia could not officially join, and received observer status. (BTC EGTC, 2023) The ambition has always been that they should eventually become full partners, however, the situation with the Serbian members is not resolved. (Svensson, 2020: 90–91) In order to strengthen the Republic of Serbia's economic, social and territorial cohesion and create a regulated legal framework for cross-border, transnational and interregional cooperation with EU members and non-EU countries, Serbia should fulfil the following requirements:

Regarding the Madrid Convention, Serbia should ratify the Additional Protocols to achieve the full membership in institutionalised cross-border cooperation, registered in any Contracting Party of the Council of Europe.

Regarding the EGTC regulation, in framework of legal harmonization with EU legislations, it should be important to adopt an Act on European Grouping of Territorial Cooperation to allow legal entities from the Republic of Serbia to participate as full members in EGTCs. The relevant Hungarian regulation can be a good model for its Serbian counterpart.

Another temporary option to substitute or clarify this Act is to sign bilateral agreements with the neighbouring EU member states to establish EGTCs.

EUROPEAN TREATY SERIES (COUNCIL OF EUROPE)	HUNGARY	REPUBLIC OF SERBIA
European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Convention) ETS No. 106.		
Signature	06/04/1992	29/05/2015
Ratification	21/03/1994	15/03/2016
Entry into force	22/06/1994	16/06/2016
Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities ETS. No. 159.	-	-
Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation ETS No. 169.	-	-
Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ETS. No. 206.	-	-
European Charter of Local Self-Government ETS. No. 122.		
Signature	06/04/1992	24/06/2005
Ratification	21/03/1994	06/09/2007
Entry into force	01/07/1994	01/01/2008

*Table 1: Council of Europe documents
(Source: own edition based on the Council of Europe, European Treaty Series.
(Available at: <http://www.conventions.coe.int> 30/04/2023))*

Conclusion

The Minister of Justice of Hungary emphasised in her speech on the 15th anniversary of the EU Regulation on European Grouping of Territorial Cooperation:

(...) the EGTC instrument mirrors perfectly those principles by which Robert Schuman, Alcide de Gasperi and Jean Monnet initiated the creation of the European Community and of their vision for its future (...) the European Grouping of Territorial Cooperation is a symbol of European peace, prosperity and democracy. (Varga, 2020: 3)

Since 2015, we have been witnessing a process which is quite the opposite of the above expectations. The 2015 migration crisis, Brexit in 2020, the COVID-19 crisis in 2020 and 2021, the Russian invasion of Ukraine in 2022 and the socio-economic impact of all these crises resulted in the re-discovery of borders. These have fundamentally changed European discourse: instead of the elimination of borders and border obstacles, the issue of security has come to the fore, resulting in reclosing of borders, construction of new borders and application of more stringent border management procedures, thus making it more difficult to cross the borders. (Newman, 2017: 91–112)

For internal and external EU borders, cross-border cooperation is a unique and ultimate way of conflict resolution and reconciliation, and as an alternative solution for overcoming territorial divergence and enhance inclusion. The COVID-19 pandemic pointed out the necessity of solidarity by sharing medical capacities in human resources and equipment. The war triggered by Russia shows that the EU must enhance its own security policy and be more active in terms of Europeanisation of cross-border cooperation along the external borders. In addition, cooperation and partnership are also necessary for overcoming future crises, e.g., tackling climate change – another problem which is not constrained by state borders. Regarding the responses to the obstacles, the way of overcoming them can be different case by case. The EU *acquis* are already in place, but there are problems with their application. The aim is to launch the process in which the state administration recognises cross-border reality as an issue to be handled and approaches it with due openness. In seeking EU level or bilateral solutions, we can only be successful with the positive attitude of the state level authorities. Despite the cross-border issue mentioned above, the Report of the European Commission refers to border regions as “living labs of European integration”. (COM(2021) 393 final)

The border regions situated along the external borders of the EU can be moved from their isolated positions by intensifying their relations. The local and regional partnerships that come into being because of decentralised dialogue could mean the success of peaceful coexistence, economic and social development, and democratic transition as well as the consolidation of security in the border areas. The sub-national level euroregional cooperations offer an added value to the national level measures in overcoming the negative effects of the Schengen borders by broadening the social basis of the dialogue. The sub-national diplomacy evolving in border regions is responsible for broadening the dialogue and strengthening the role of cultural cooperations besides the traditional, development-oriented euroregional cooperations (where the emphasis is on economic and regional development objectives). The broadening of good neighbourly relations and the strengthening of social dialogue and local relations should include cooperation with nationalities on both sides of the border.

The neighbourhood policy could offer new opportunities to improve good neighbourly relations by enhancing the efficiency of existing border politics. The role of Hungary and its responsibility towards the neighbouring countries has considerably increased with the introduction of the Schengen *acquis*, as Hungary has to fulfil a dual role: on the one hand it has to comply with Schengen rules and have a strict border control system, while on the other, it should devise such schemes which are able to compensate for the disadvantages caused by the Schengen border and to provide an opportunity for the further deepening of existing and emerging cross-border cooperations and their European integration.

Cross-border cooperations, because of their grassroots nature, are the touchstones of European integration. In the Schengen Area, they can

- *promote the development of harmonious relations between communities separated by national borders;*
- *contribute to the creation of lasting peace and a stable region free from ethnic and other conflicts as well as to the maintenance of the diversity of political, ethnic and cultural relations;*
- *reinforce social cohesion and ensure mutual understanding as they are a means of developing sectoral relationships; and*
- *facilitate joint action of the countries in the region against common issues such as organized crime and illegal immigration, which also threaten the security of the European Union.*



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ЕВОЛУЦИЈА ПРЕКОГРАНИЧНЕ САРАДЊЕ У ЕВРОПСКОЈ УНИЈИ – ИЗАЗОВИ И МОГУЋНОСТИ

Апстракт: Значај система прекограничне сарадње дуж спољних и унутрашњих граница Европске уније расте од последњих проширења (2004, 2007. и 2013. године). Облици прекограничне сарадње добијају све већи значај у мађарској националној политици, у кохезионој политици Европске уније, као и у формирању политике суседства. У последњих неколико година, међутим, три најновије кризе Европске уније – миграциона криза 2015, пандемија и рат Русије и Украјине – и друштвено-економски утицаји свих ових криза довели су до поновног откривања границе. Европски дискурс се суштински променио: уместо елиминисања граница и граничних препрека, у први план је избило питање безбедности, што је резултирало поновним затварањем граница, изградњом нових граница и применом строже граничне контроле. Циљ студије је да се испита процес изградње институција процеса прекограничне територијалне сарадње у Европској унији. Анализа правног оквира за прекограничну сарадњу успостављеног од стране Савета Европе и Европске уније може се препознати као одговор на недостатак правних и институционалних инструмената прекограничне сарадње.

Кључне речи: ГРАНИЦЕ, ПРЕКОГРАНИЧНА САРАДЊА, ПОЛИТИКА КОХЕЗИЈЕ, ПРЕКОГРАНИЧНО УПРАВЉАЊЕ НА ВИШЕ НИВОА, ЕВРОПСКА ТЕРИТОРИЈАЛНА САРАДЊА, ЕГТС, ЕВРОРЕГИОН, ИНСТИТУЦИОНАЛИЗАЦИЈА.



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MINORITY SAFEPAK – A MILESTONE IN EU MINORITY POLICY

Abstract: The paper examines the Minority SafePack, a European Citizen's Initiative launched in 2013 that called upon the EU to adopt a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. Firstly, we shall briefly describe the legal framework and the political perspective of the different EU institutions regarding the EU-level protection of national minorities. Secondly, we shall analyze the subject-matter, history, and signature collection of the Minority SafePack, its refusal by the European Commission, its achievements, including its legal and political relevance, and possible effects on the improvement of the rights of national minorities in the EU in the future. Finally, we shall explain why this initiative, and generally the protection of national minorities within the framework of the EU, is important from a Hungarian perspective, and why the EU should do more to protect the cultural and linguistic identity of national minorities, and thus, uphold national characteristics of the different regions of the EU, including those inhabited by national minorities.

Keywords: MINORITY SafePack, NATIONAL MINORITIES, IDENTITY, CULTURAL DIVERSITY, MINORITY RIGHTS.

Introduction

Even though there are some 40 million EU citizens who belong to national and linguistic minorities, the EU-level protection of national minorities has been a highly controversial issue. The European Commission ignored the calls of the European Parliament and different member states to initiate the adoption of secondary EU legislation introducing guarantees for individuals belonging to these minorities to preserve their ethnic or national, cultural and linguistic identity. The Minority SafePack is a milestone in the EU's minority policy because through this initiative, EU citizens forced the European Commission to put the issue on its agenda. Even though the Brussels-based institution refused to take any actions, the movement for the promotion of the rights of national and ethnic minorities in the EU continues. What is the general legal and political situation of national minorities in the EU? What is the Minority SafePack about? What are the biggest achievements of the initiative, its legal and political relevance, and why is it important at all to Hungary?

The protection of national minorities in the EU

Terminology

In this paper we shall focus our research on the situation of national minorities. The term “national minority” does not have any generally accepted definition enshrined in a legally binding document of international or European law. Some EU member states have precise legal definitions for their national minorities, while others have not provided such legally binding concepts. Therefore, for several reasons, there has never been a European consensus on the definition of “national minorities”. One of the reasons for this absence of definition and failure to establish an effective system of protection in Europe is that member states are demographically varied and as such, the constitutional status of national or ethnic minorities living in the territory of a member state is mainly determined by that minority's demographic position and history.¹ Accordingly, European decision makers could not find a description of the term minority which would be acceptable for all EU member states.

Notwithstanding the above, in the past few decades scholars and institutions have offered some well-described definitions. A prominent example is the definition proposed by the Parliamentary Assembly of the Council of Europe in 1993 in its Recommendation 1201/1993. In this paper, we shall rely on this definition when discussing national minorities. It states that the expression “national minority” refers to a group of persons in a state who:

¹ Vizi, Balázs (2013): Protection without Definition – Notes on the Concept of “Minority Rights” in Europe; *Minority Studies*, no. 15, 7–24.

- (a) reside on the territory of that state and are citizens thereof;
- (b) maintain longstanding, firm and lasting ties with that state;
- (c) display distinctive ethnic, cultural, religious or linguistic characteristics;
- (d) are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state; and
- (e) are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language.

Legal framework

The respect for the rights of persons belonging to minorities – which also includes national minorities – is one of the EU’s fundamental values. According to Article 2 of the Treaty on the European Union (TEU), which is often seen as the most important point of reference for protection of national minorities under EU law, “the Union is founded on the values of respect for [...] human rights, including the rights of persons belonging to minorities.” The fundamental value status, however, does not create new competences for the EU for the protection of minorities. The rights of minorities fall outside the scope of the EU as listed in Articles 3 to 6 of the Treaty on the Functioning of the European Union (TFEU), and thus, it is considered a competence of the member states.

Even though the respect for the rights of persons belonging to minorities is a fundamental value of the EU, there is no single secondary EU legal act that would provide legal guarantees for the protection of national minorities, to preserve their ethnic or national, cultural, and linguistic identity. According to Ulrike Barten, it is a “first sign of possible schizophrenia. The EU claims to be based on the respect of minority rights; however, it has no competences to protect or further the respect of minority rights”.² The lack of such legislation, however, cannot be seen as a legal issue. Gabriel Toggenburg is of the view that the Treaties provide an opportunity to adopt legal acts for the protection of national minorities.³ This statement is supported by the General Court’s judgment in case T-391/17, *Romania v. Commission*, on the registration of *Minority SafePack Initiative*. The Court found that the Commission may register a proposal for specific acts that aim to complement the Union’s action, in the areas of its competence, in order to increase the protection of persons belonging to national and linguistic minorities and to support the Union’s cultural

² Barten, Ulrike (2016): The EU’s Lack of Commitment to Minority Protection; *Journal on Ethnopolitics and Minority Issues in Europe*, vol. 15, no. 2, 104–123. 107.

³ Toggenburg, Gabriel N. (2012): The Lisbon Treaty: a rich cocktail served in an only half-full glass; *Europäisches Journal für Minderheitenfragen*, vol. 5, no. 2, 78–87. 85.; Toggenburg, Gabriel N. (2018): The European Union and the Protection of Minorities: New Dynamism via the European Citizen Initiative? *Europäisches Journal für Minderheitenfragen*, vol. 11, no. 3–4, 362–391. 389.

and linguistic diversity.⁴

The problem of the non-existent secondary legal acts on the protection of national minorities is made particularly controversial by the fact that, although the EU requires candidate states to ensure “respect for and protection of minorities” based on the Copenhagen criteria, it does not establish any guarantees for the protection of minorities in relation to its own member states. Thus, the protection of minorities within the Union is much less assured than in candidate states outside the Union. In the words of Bruno de Witte, for the EU, “concern for minorities is primarily an export product and not one for domestic consumption”.⁵ The most striking example of this controversial legal situation is Lithuania, where the legal act on minorities, adopted during the Euro-Atlantic integration, was repealed in 2010.⁶

Besides Article 2 of the TEU, there are other legal provisions that can be invoked for the protection of national minorities, like the prohibition of discrimination. Under Article 21 of the Charter of Fundamental Rights of the EU, discrimination based on belonging to a national minority is prohibited. However, the provisions of the Charter are addressed only to the institutions and bodies of the Union, and to the member states but only when they are implementing Union law. Therefore, it cannot be applied to the situations that typically affect national minorities, specifically to violations or deprivations of their rights in the member states. In addition, Article 19 of the TFEU generally provides an opportunity to combat discrimination based on protected characteristics, including “ethnic origin”. However, according to the Fundamental Rights Agency of the EU, Article 19 of the TFEU does not apply to discrimination based on belonging to national minorities.⁷ The primary sources of EU law refer to ethnic origin and belonging to a national minority separately, which implies that the two are not the same. However, there are contradicting professional positions as well.⁸

Another possible legal basis for the protection of national or ethnic, cultural and linguistic minorities under EU law is the respect for the EU’s cultural diversity.

4 Judgment of the General Court of 24 September 2019 in *Case T-391/17, Romania v European Commission*, ECLI:EU:T:2019:672, p. 56.

5 De Witte, Bruno (2000): *Politics versus Law in the EU’s Approach to Ethnic Minorities*; Working Paper, 2000/4, Florence: European University Institute. Online: <http://hdl.handle.net/1814/1644> (accessed: 26 April 2023).

6 Manzinger, Krisztián (2019): A 2019-es európai parlamenti választások nemzetiségi vonatkozásai; *Kisebbségvédelem*, no. 1, 95–132. 124–125.

7 European Union Agency for Fundamental Rights (2010): *Respect and Protection of persons belonging to minorities 2008–2010*; Vienna: European Union Agency for Fundamental Rights. Online: https://fra.europa.eu/sites/default/files/fra_uploads/1769-FRA-Report-Respect-protection-minorities-2011_EN.pdf (accessed: 26 April 2023).

8 Toggenburg, Gabriel N. (2006): A Remaining Share of a New Part? The Union’s Role Vis-à-vis Minorities after the Enlargement Decade; *EUI Working Papers Law*, 2006/15. Online:

<https://cadmus.eui.eu/bitstream/handle/1814/4428/LAW%202006.15.pdf;sequence=1> (accessed: 26 April 2023). de Witte 2000: 19. Varga, Péter (2014): “Racial or Ethnic Origin” vs. “Membership of a National Minority” in EU Law; *Minority Studies*, no. 17, 135–145. 140.

Pursuant to Article 3 (3) of the TEU, the EU “shall respect its rich cultural and linguistic diversity”, while under Article 167 (1) of the TFEU, the EU “shall contribute to the flowering of the cultures of the member states, while respecting their national and regional diversity.” Even though cultural diversity is only an ancillary competence of the EU, where EU legislation can only complement member state legislation, preserving cultural diversity is a treaty-based duty of the EU, and if the member states do not adopt adequate measures in this area, the EU should do so. Even though in several EU documents, the protected value is not the right of persons belonging to the minority (given that in some member states these do not even exist), but minority languages as part of the European cultural heritage, these provisions are crucial to promote the national or ethnic identity of individuals and to help preserve the national or ethnic characteristics of certain regions of the EU.

Political perspectives

Given that there are no legal obstacles to adopting EU legislation that aims to protect and promote national minority cultures in the areas of EU competence, we may assume that the lack of such legal framework is the result of a political decision. In recent decades, the European Parliament (EP) adopted numerous resolutions that urged the development of the EU legal framework on the protection of national minorities. Several of these resolutions called upon the European Commission to submit a proposal for a legal act of the Union that would provide legal guarantees to persons belonging to national or ethnic minorities. This was the exact case with the resolution on minimum standards for minorities in the EU.⁹ In this document, the European Parliament proposed a comprehensive EU protection mechanism and called on the European Commission to draw up a common framework of EU minimum standards for the protection of minorities, consisting of a Commission recommendation and a legislative proposal for a directive including clear benchmarks and sanctions. Even though the Parliament specifically called on the Commission to adopt the missing secondary legal act for the protection of national minorities, the Commission remained inactive.¹⁰ In doing so, the European Commission did not violate the law, because the resolutions of the European Parliament are non-binding, and thus their relevance is more political than legal.

The other co-legislator, the Council of the European Union (Council), never dealt with the protection of national minorities. Even if it were to do so, the protection of national minorities is a very sensitive political issue which the various member states approach very differently. On one side of this scale, as the countries with the

9 European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU. Online: https://www.europarl.europa.eu/doceo/document/TA-8-2018-0447_EN.html (accessed: 26 April 2023).

10 Manzinger, Krisztián (2020): The Question of National Minorities in the European Parliament Between 2014 and 2019: A Hungarian Perspective; *Hungarian Journal of Minority Studies*, no. 2, 7–30.

best practices, we can place the Scandinavian countries, especially Finland, as well as Austria and Hungary, while on the other side we can place France or Greece, as the worst examples in the EU. The former recognize numerous national minorities and provide them with different levels of self-determination, while the latter do not even recognize the existence of national minorities living in their territory, and therefore reject the concept of minority rights.¹¹ In addition, Bulgaria and Greece see the minorities living in their territory as a danger and a national security risk,¹² and in Estonia and Latvia, a significant number of Russian-speaking people who immigrated during the Soviet occupation, do not have Estonian or Latvian citizenship.¹³ Among the EU member states, only Luxembourg, Malta, Portugal and Ireland do not have an appreciable number of national minorities, while a significant number of national minorities live in the other 23 member states.¹⁴

The main reason for the lack of an EU guarantee system for the protection of national minorities, at least from a legal point of view, is that the European Commission had never put the protection of national minorities on its agenda until the Minority SafePack forced it to do so, even though numerous minority protection organizations and European Parliament in its resolutions have repeatedly called for it to do so. This is also the reason why, in the past few years, the advocacy activities of national minorities were increasingly directed at the European Commission.

Minority SafePack

European Citizens' Initiative

The Minority SafePack Initiative (its official name is the “Minority SafePack – one million signatures for diversity in Europe”, also referred to as the MSPI) is a European Citizens' Initiative (ECI). The ECI is a new instrument of the EU's participatory democracy that was introduced by the Lisbon Treaty. Under Article 11(4) of the TEU,

not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

An ECI can therefore be launched in a matter that falls under the competence of the EU. Through this tool, EU citizens can influence EU policy decision-making by

11 Vogel, Sándor (2001): *Európai kisebbségvédelem. Erdélyi nemzetiségpolitikák*; Csíkszereda: Pro Print.

12 Manzinger, Krisztián and Vincze, Loránt (2017): *Minority SafePack – esély az EU-s kisebbségvédelemre? Pro Minoritate*, 2017 summer, 3–21. 15–16.

13 Manzinger 2019: 119–120.

14 Vogel 2001: 63.

initiating specific legal measures in matters that are important to them in the areas in which the European Commission is authorized to submit legislative proposals. For an ECI to be valid, two conjunctive conditions must be met: on the one hand, at least one million valid signatures of EU citizens are required, and on the other hand, a predetermined minimum number of signatures must be gathered in at least seven member states.¹⁵ After the European Commission registers the ECI, the organizers have 12 months to collect the required number of supporting signatures. Statements of support can be collected both in paper format and online. The Commission must then examine the ECI and decide in a reasoned decision whether it wishes to initiate EU legislation on the matter. In the EU, the European Commission has the exclusive right to launch the ordinary legislative process by submitting proposals for legislative acts. The ECI modulates the Commission's monopolistic role in this; if an ECI has at least one million valid statements of support, the Commission must put the matter on its agenda and decide whether to take action. The European Commission, however, is not obliged to propose a legislative act as a result of an ECI.

The aim of the Minority SafePack¹⁶

The Minority SafePack was initiated by the Federal Union of European Nationalities (FUEN), the Democratic Alliance of Hungarians in Romania (DAHR), the South Tyrol People's Party (SVP), and the Youth of European Nations (YEN) at the FUEN's 2012 Congress. The MSPI was submitted to the European Commission by its organizers in 2013.¹⁷ The MSPI itself and the European campaign was coordinated and managed by the FUEN, the main advocate and the largest umbrella organization of Europe's national minorities, nationalities, and language groups.¹⁸

The MSPI called upon the EU to adopt a set of legal acts to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union.¹⁹ The MSPI as a package of originally 11 proposals including policy actions in the areas of regional and minority languages, education and culture, regional policy, participation, equality, audiovisual and other media content, and regional (state) support.

15 Specific number defined by Annex II of the Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative. OJ L 130, 17/5/2019, p. 55–81. (ECI regulation).

16 Tárnok, Balázs (2023): *Mire elég egymillió aláírás?* Budapest: Ludovika.

17 Members of the organizing committee: Hans Heinrich Hansen (Denmark), Kelemen Hunor (Romania), Karl Heinz Lambertz (Belgium), Jannewietske Annie De Vries (Netherlands), Valentin Inzko (Austria), Alois Durnwalder (Italy) and Anke Spoorendonk.

18 It currently unites over 100 member organizations from 36 European countries, with new members joining every year. The current president of the organization is Loránt Vincze, an ethnic Hungarian Romanian citizen, MEP of the party of ethnic Hungarians in Romania, the Democratic Alliance of Hungarians in Romania (DAHR). See more: www.fuen.org (accessed: 27 April 2023).

19 https://europa.eu/citizens-initiative/initiatives/details/2017/000004_en (accessed: 27 April 2023).

The European Commission refused to register the initiative, on the grounds that some of its proposals fell manifestly outside the powers of the Commission to submit a proposal for the adoption of a legal act of the Union for the purpose of implementing the Treaties of the EU. As a result, the organizers could not even start collecting signatures for the MSPI. The decision of the Commission was challenged by the organizers before the General Court. The General Court, with its judgment of 3 February 2017,²⁰ approved the claims of the applicants and annulled the contested decision.²¹ This was the first time ever that the claims of the organizers of an ECI were approved by the CJEU in relation to the rejection of the registration of an ECI. Consequently, the Commission, with its new decision, partially registered the MSPI; the Commission registered 9 out of its 11 proposals.²²

The registered proposals of the package were:

1. a recommendation of the Council “on the protection and promotion of cultural and linguistic diversity in the Union”;
2. a proposal for a decision or a regulation to adapt “funding programmes so that they become accessible for small regional and minority language communities”;
3. a proposal for a decision or a regulation to create a centre for linguistic diversity that will strengthen awareness of the importance of regional and minority languages, promote diversity at all levels and be financed mainly by the European Union;
4. a proposal for a regulation to adapt the common provisions relating to EU regional funds in such a way that the protection of minorities and the promotion of cultural and linguistic diversity are included therein as thematic objectives;
5. a proposal for a regulation to amend the regulation relating to the Horizon 2020 programme for the purposes of improving research on the added value that national minorities and cultural and linguistic diversity may bring to social and economic development in regions of the EU;
6. a proposal for a directive, regulation or decision strengthening the place within the EU of citizens belonging to a national minority, with the aim of ensuring that their legitimate concerns are taken into consideration in the election of Members of the EP;
7. proposals for effective measures to address discrimination and to promote equal treatment, including national minorities, in particular through a revision of existing Council directives on the subject of equal treatment;
8. a proposal for the amendment of Directive audiovisual media services, for

20 Judgment of 3 February 2017, Case T-646/13, *Minority SafePack - one million signatures for diversity in Europe v. Commission (Minority SafePack v. Commission)*, ECLI:EU:T:2017:59.

21 Tárnok, Balázs (2017): European Minorities Win a Battle in Luxembourg. The Judgment of the General Court in the Case *Minority SafePack European Citizens' Initiative*; *Journal on Ethnopolitics and Minority Issues in Europe*, vol. 16, no. 1, 79–94.

22 Commission Decision (EU) 2017/652 of 29 March 2017 on the proposed citizens' initiative entitled 'Minority SafePack – one million signatures for diversity in Europe'.

- the purpose of ensuring the freedom to provide services and the reception of audiovisual content in regions where national minorities reside; and*
9. *a proposal for a regulation or a proposal for a decision with a view to the block exemption of projects promoting national minorities and their culture.*

The signature collection campaign

Starting from 3 April 2017, the organizers had one year to collect the necessary one million statements of support. The Europe-wide signature collection campaign was coordinated by the FUEN and started immediately after the registration of the MSPI. In the different member states the local campaign has been coordinated by the FUEN's local member organizations and partners.

Although the signature collection period began on April 3, 2017, the campaign in Hungary only started in late December, after the Hungarian Parliament unanimously adopted a supporting resolution on the MSPI,²³ and the Hungarian Standing Conference (MÁÉRT), an annual meeting of the political leaders of the ethnic Hungarian communities living beyond the borders of Hungary, invited the Rákóczi Association to participate in the signature collection campaign in Hungary.²⁴ The Rákóczi Association is an NGO in Hungary with 31,000 members and more than 600 local branches that focus on preserving Hungarian national identity in the Carpathian Basin.²⁵ The importance of the Rákóczi Association in coordinating the Hungarian signature collection campaign lies in the fact that it is an independent NGO which has been active in preserving Hungarian identity in the region for the past three decades, and is not attached to any of the political parties in Hungary. In addition to the local branches and partners of the Rákóczi Association, several civil organizations and churches also joined the collection of signatures. A special element of the campaign was the involvement of the Hungarian postal services (Magyar Posta); from January 2018, the signature form and the free reply envelope for its return became available at all post offices in Hungary.

The MSPI created a broad social coalition in Hungary, which is well illustrated by the number of signatures collected. In recent years, a clear political consensus has emerged among political actors in Hungary regarding the protection of national minorities and especially Hungarians across the border. Accordingly, the organizers customized the Hungarian signature collection campaign with national elements, and the main message of the campaign was the protection of Hungarians outside of Hungary. During the campaign, the Rákóczi Association gave the initiative a Hungarian name ("National Minority Protection Initiative" – *Nemzeti*

²³ Decision 24/2017. (X. 31.) of the Hungarian Parliament on the support of the Minority SafePack Initiative

²⁴ <https://bgazrt.hu/wp-content/uploads/2019/03/19.-A-MÁÉRT-XVI.-ülését-Zárónyilatkozata-2017.11.10..pdf> (accessed: 28 April 2023).

²⁵ www.rakocziszovetseg.org (accessed: 28 April 2023).

Kisebbségvédelmi Kezdeményezés) in parallel with the original name (Minority SafePack). The organization also created its own visual design, in which national motifs dominated. Thus, while FUEN emphasized the protection of all European national minorities in the European communication of the initiative, the organizers of the campaign in Hungary paid more attention to the support of Hungarians across the border.²⁶

The initiative was signed by 1.32 million EU citizens by 3 April 2018. After the verification of the signatures in the Member States, the official result of the signature collection was published by the organizers in July 2018. According to this, 1,128,385 statements of support were verified in the EU, reaching the minimum threshold in 11 Member States (Hungary, Romania, Italy, Slovakia, Spain, Bulgaria, Lithuania, Croatia, Denmark, Latvia and Slovenia). In Hungary 527,686, in Romania 254,871, while in Slovakia 63,272 signatures have been verified. In these countries it was mostly the ethnic Hungarian communities that collected the signatures, therefore, the success of the initiative can be considered as a significant success of the Hungarian communities in the Carpathian Basin.

After the successful signature collection, the proposal was submitted²⁷ to the Commission only one and a half years later, in January 2020.²⁸ As a general rule, the European Commission would have six months to examine the proposal and decide whether it wishes to take measures and/or submit a proposal for the legal act of the Union as a result of the MSPI. The coronavirus pandemic, however, significantly subverted this scenario and the official deadline was prolonged. Consequently, the European Commission issued its communication on the proposal on 14 January 2021.

In 2020, the organizers of the MSPI obtained the support of the Bundestag, the Hungarian Parliament, the lower chamber of the Dutch parliament, many regional parliaments, and the European Parliament, too, which adopted a supporting resolution in December 2020 with an overwhelming majority.²⁹

The refusal of the Minority SafePack

26 The author of this article was the coordinator of the Hungarian signature collection campaign. See: Tárnok, Balázs (2019): A Minority SafePack európai polgári kezdeményezés és a magyarországi aláírásgyűjtés tapasztalatai; *Létünk*, vol. 49, no. 2, 131–148.

27 *The Signatures for the Minority SafePack Initiative Have Been Registered Online at the European Commission*; www.fuen.org/en/article/The-signatures-for-the-Minority-SafePack-Initiative-have-been-registered-online-at-the-European-Commission (accessed: 27 April 2023).

28 This was possible because there was no deadline specified for the submission of successful ECIs to the Commission in the former ECI regulation applicable at that time. See: Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative.

29 European Parliament resolution of 17 December 2020 on the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' (2020/2846(RSP)). Online:

https://www.europarl.europa.eu/doceo/document/TA-9-2020-0370_EN.html (accessed: 27 April 2023).

Despite all the support demonstrated by the organizers of the MSPI, the European Commission decided to reject the package in its entirety in January 2021 and decided not to initiate legal acts of the Union with respect to any of the nine proposals of the package.³⁰ The Commission examined the nine proposals of the MSPI and concluded for each proposal that the current legislation provides an appropriate legal framework, and thus, no additional legal act is necessary. Thus, the Commission did not state that there were legal obstacles to put forward appropriate proposals matching the organizers' request, but argued that the existing EU legal framework is appropriate. The Commission made it clear that it did not intend to do anything to protect national minorities at the EU level, and thus, to preserve its cultural diversity, including the autochthonous European languages, cultures and national characteristics that are part of Europe's cultural heritage.

On March 24, 2021, the organizers of the MSPI filed an application at the General Court of the EU requesting the annulment of the European Commission's decision on the initiative. On 9 November 2022, the General Court rejected the application.³¹ According to the General Court, "the action already taken by the European Union to emphasize the importance of regional or minority languages and to promote cultural and linguistic diversity is sufficient to achieve the objectives of that initiative."³²

The organizers argued that the Commission had failed to provide sufficient reasoning for its decision and had thus violated the law. Even though the Commission is not obliged to submit a proposal for a legislative act following a successful ECI, adequate justification must be provided if the Commission decides not to submit a legal proposal. In its judgment, the General Court found that the Commission had clearly and sufficiently explained the legal and political reasons for which it decided to reject the initiative.³³

The organizers also argued that the Commission committed a manifest error of assessment as regards the examination of four proposals of the package, namely the first (Council recommendation for the protection of cultural and linguistic diversity), third (linguistic diversity center), sixth (equal treatment between stateless persons and EU citizens) and the eighth proposal (abolition of geo-blocking). The General Court examined the merits of the Commission's responses to these

30 Tárnok, Balázs (2021): The European Commission turned its back on national and linguistic minorities; Europe Strategy Research Institute, University of Public Service, January 20, 2021;

<https://eustrat.uni-nke.hu/hirek/2021/01/20/the-european-commission-turned-its-back-on-national-and-linguistic-minorities> (accessed: 27 April 2023).

31 Judgment of the General Court of 9 November 2022 in Case T158/21, Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' v. European Commission. ECLI:EU:T:2022:696.

32 *The General Court confirms the Commission communication refusing to take the action requested in the European citizens' initiative 'Minority SafePack – one million signatures for diversity in Europe'*; <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-11/cp220179en.pdf> (accessed: 27 April 2023).

33 Judgment in Case T158/21, p. 23.

proposals and concluded that the European Commission did not make an error of assessment when it rejected these proposals.

In its challenged communication, the European Commission referred to the Council of Europe several times, arguing that the existence of its documents and institutions are sufficient to achieve the objectives of the initiative. This was the case, for example, when the organizers required a recommendation of the Council of the EU on the protection of cultural and linguistic diversity. The General Court ruled that – even though the EU itself and several of its member states are not party to the European Charter for Regional or Minority Languages of the Council of Europe – the EU regularly refers to the Charter as the legal instrument defining the guidelines for the promotion and protection of regional and minority languages, and thus, such references are capable of contributing to the attainment of the objectives pursued by the initiative.³⁴ Among EU member states, however, Belgium, Bulgaria, Estonia, France, Italy, Latvia, Lithuania, Malta, Greece, Ireland and Portugal did not sign or ratify the Charter. Therefore, it is not clear on what basis the General Court concluded that purely political references to the Charter, which has no binding effect on almost half of the EU's member states, can promote the protection of cultural and linguistic diversity in the EU.

On 23 January 2023, the organizers of the MSPI filed an appeal with the Court of Justice of the European Union in the context of the annulment proceedings brought by the MSPI against the European Commission. Thus, proceedings are underway at the second instance court.³⁵

Relevance of the Minority SafePack

Legal and political effects of the Minority SafePack on the EU minority policy

The European Commission, which has the exclusive right to initiate EU legislation, has never before dealt with the protection of national and linguistic minorities. The historical significance of the MSPI lies in the fact that, through the successful signature collection, citizens have forced the Commission to put the

³⁴ Judgment in Case T158/21, p. 55.

³⁵ Appeal brought on 21 January 2023 by Citizens' Committee of the European Citizens' Initiative "Minority SafePack – one million signatures for diversity in Europe" against the judgment of the General Court (Eighth Chamber) delivered on 9 November 2022 in Case T-158/21, *Minority SafePack – one million signatures for diversity in Europe v Commission* (Case C-26/23 P). Tárnok, Balázs (2023): *The fight for minority rights in the EU continues at the Court of Justice*; *Ludovika*, January 25, 2023;

<https://www.ludovika.hu/en/blogs/the-daily-european/2023/01/25/the-fight-for-minority-rights-in-the-eu-continues-at-the-court-of-justice/> (accessed: 27 April 2023).

issue on its agenda. However, this seems to be the “glass ceiling” of EU participatory democracy in terms of grassroots movements. The organizers, with the support of EU citizens, have been able to influence EU decision-making up to this point. Beyond this, however, it is only up to the Commission to decide on the ECI.

Even though the European Commission rejected the MSPI in January 2021, this does not mean that the proposal cannot have legal effect in the future. Regardless of the Commission’s decision, if an ECI managed to successfully thematize its goals in the European Union, it can exert political pressure on decision-makers and thus eventually achieve its goals. In the case of the *Stop Vivisection* ECI,³⁶ for example, although the European Commission refused to submit a proposal for a legislative act, the initiative generated a lively political debate and scientific discourse as well, at the European level, the organizers managed to secure wide media coverage for the initiative, which eventually contributed to promoting and protecting animal welfare in the EU.³⁷ With the MSPI, the protection of national minorities not only appeared on the European Commission’s agenda, but also became a significant topic in the different EU member states. The MSPI became a widely recognized brand in Europe, and as such, a crucial point of reference in the EU when it comes to the protection of national minorities. In this capacity, the MSPI became a milestone of the EU’s minority policy.

Furthermore, even though the European Commission refused to submit a legislative proposal in accordance with an ECI, that does not necessarily mean that the proposal is buried forever, as the Commission may want to take up the initiative again years after rejecting it. This happened in the case of the *Right2Water* ECI.³⁸ The European Commission first rejected the initiative, just as the MSPI, but six years later it submitted a legislative proposal in the scope of the initiative, also citing the will of EU citizens demonstrated in the course of the signature collection. This scenario is thus also possible in the case of the protection of national minorities and the MSPI.

Why the EU-level minority protection and the MSPI is crucial for Hungary?

After WW I, Hungary lost almost 70% of its territories, and consequently, huge Hungarian communities became citizens of other countries. Due to this, there are still significant Hungarian minority groups living in the countries neighboring Hungary: some 2 million individuals who are ethnic Hungarians and/or speak

36 *Stop Vivisection*; https://europa.eu/citizens-initiative/initiatives/details/2012/000007_en (accessed: 27 April 2023).

37 Menache, Andre (2016): The European Citizens’ Stop Vivisection Initiative and the Revision of Directive 2010/63/EU; *Alternatives to Laboratory Animals*, vol. 44, no. 4, 383–390. 386.

38 *Water and sanitation are a human right! Water is a public good, not a commodity!*; https://europa.eu/citizens-initiative/initiatives/details/2012/000003_en (accessed: 27 April 2023).

Hungarian as a native language. Also from an EU perspective, the most important communities of ethnic Hungarians outside Hungary are in Romania and Slovakia (EU member states), and in Serbia and Ukraine (EU candidate countries). Under Article D) of the Fundamental Law of Hungary, the country's constitution,

Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, shall facilitate the survival and development of their communities, shall support their efforts to preserve their Hungarian identity, the effective use of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands.

Therefore, Hungary standing up for the rights of ethnic Hungarians living beyond its borders can also be interpreted as its constitutional obligation.

Since the democratic transition, Hungary became one of the most prominent advocates of the rights of national minorities domestically, internationally and in the European public and political spheres. Hungary was trying to show positive examples for the neighboring countries, also providing political justification for its support of Hungarian minorities.³⁹ In the course of this, the Act on the Rights of National and Ethnic Minorities was adopted in 1993, providing several rights for the listed 13 minorities,⁴⁰ which fall under the scope of the Act. The act established the system of minority self-governments, recognized the right to cultural autonomy of minorities living in Hungary on the basis of collective rights and guaranteed several rights for national minorities.⁴¹

Why do we need EU-level minority protection at all?⁴²

In terms of protecting the rights and promoting the interests of national minorities, three main spheres may be identified: domestic, kin-state (bilateral) relations, and the role of international (multilateral) organizations. By the domestic sphere, we mean that the national minority in question should advocate for its own interests within its state of residence. Both political and civic actors should aim to improve the domestic legal framework applicable to national minority groups and stand up against any violations of minority rights which may occur. Representing the interests of national minorities by their kin-states in bilateral relations with the

39 Schöpflin, György (2000): *Nations, Identity, Power: the new politics of Europe*; London: Hurst. 375.

40 Bulgarian, Gipsy (Roma), Greek, Croatian, Polish, German, Slovak, Slovenian, Ukrainian, Armenian, Romanian, Rosin and Serb.

41 In 2011 the act from 1993 was repealed by the Act CLXXIX of 2011 on the rights of National Minorities, which maintains the rights of national and ethnic communities.

42 Tárnok, Balázs (2022): Protection of the Rights and Promotion of the Interests of National Minorities in a New Era; *Hungarian Conservative*, vol. 2, no. 6, 14–21.

territorial state is also an important aspect. This is obviously an important sphere of action for Hungarians living abroad, given that Hungarian constitutional traditions imply a close attention to ethnic Hungarians living in the neighbouring countries. The third sphere is the international one that is the externalization of national minority claims. This means placing minority claims and the ongoing violations of minority rights on the agenda of international organizations such as the UN, the Council of Europe, the OSCE, or the European Union.⁴³

Hungarians living in the countries neighbouring Hungary have learned over the past three decades that it is best not to rely only on the goodwill of their state of residence. Apparently, the time has not yet come for these states to see their national minorities as an asset to their country and, accordingly, to provide adequate guarantees to preserve their language and identity. Hungarians living abroad have also learned that they cannot fully rely on Hungary, as their kin-state's ability to defend their interests is limited. While bilateral relations might be exceptionally good between the current government of Hungary and the state where Hungarian minority communities live, such relations may change quickly with the change of political preferences. Therefore, national minorities need long-term legal guarantees. These guarantees are truly effective if they are international, and there is international pressure towards the territorial states to respect these guarantees. These experiences also show that national minorities' demands must also be voiced in the international sphere. In this sphere, the law of the European Union is crucial.

Conclusions

The respect for the rights of persons belonging to minorities is a fundamental value of the EU, and yet, in practice it does not have a significant impact. The current legal framework lacks specific and enforceable provisions on the protection of national minorities. The lack of a minimum set of EU rules also allows the Member States to adopt legislation depriving the earlier acquired rights of national minorities. This can give rise to anti-minority manifestations in the Member States, which may jeopardize the political stability of the Union, too.

The MSPI aimed to give a partial solution for this controversy by calling upon the EU to adopt a set of legal acts to improve the protection of persons belonging to national and linguistic minorities in the Union. It was supported by 1,123,422 EU citizens, numerous national and regional parliaments and the European Parliament as well. Despite this, the European Commission refused to initiate EU legislation with respect to any of the nine proposals of the package.

The protection of national minorities is indeed a sensitive political issue in Europe. However, the EU, as a community based on certain fundamental values,

43 Waterbury, Myra A. (2018): Friends in High Places? The Externalisation of Hungarian Minority Rights Claims; In: Bíró, Anna-Mária and Lantos Swett, Katrina (eds.): *The Noble Banner of Human Rights. Essays in Memory of Tom Lantos*; Leiden–Boston: Brill Nijhoff, 150–182.

must not turn a blind eye to these challenges faced by its citizens. If it ignores the voice of citizens who seek better protection for national and linguistic minorities and greater cultural and linguistic diversity in the Union, the European Commission is acting contrary to its obligations under the Treaties to ensure that Europe's cultural heritage is safeguarded. The language, culture and national characteristics of national minorities are part of Europe's cultural heritage. Ignoring the challenges that these communities face each day could lead to the eventual disappearance of regional cultures and national minority identities in Europe.



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МАЊИНСКИ „СИГУРНОСНИ ПАКЕТ” – ПРЕКРЕТНИЦА У МАЊИНСКОЈ ПОЛИТИЦИ ЕУ

Апстракт: У раду се испитује мањински „сигурносни пакет”, Европска грађанска иницијатива покренута 2013. године која је позвала ЕУ да усвоји сет правних аката за унапређење заштите припадника националних и језичких мањина и јачање културне и језичке разноликости у Унији. Најпре ћемо укратко описати правни оквир и политичку перспективу различитих институција ЕУ у погледу заштите националних мањина на нивоу ЕУ. Друго, анализираћемо садржај, историју и прикупљање потписа мањинског „сигурносног пакета”, његово одбијање од стране Европске комисије, његова достигнућа, укључујући његову правну и политичку релевантност, и могуће ефекте на унапређење права националних мањина у ЕУ у будућности. На крају ћемо објаснити зашто је ова иницијатива, и генерално заштита националних мањина у оквиру ЕУ, важна из мађарске перспективе и зашто би ЕУ требало да учини више на заштити културног и језичког идентитета националних мањина а, самим тим, и подржавању националних карактеристика различитих региона ЕУ, укључујући и оне у којима живе националне мањине.

Кључне речи: МАЊИНСКИ „СИГУРНОСНИ ПАКЕТ”, НАЦИОНАЛНЕ МАЊИНЕ, ИДЕНТИТЕТ, КУЛТУРНА РАЗНОЛИКОСТ, ПРАВА МАЊИНА.



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DEMOGRAPHIC AND LABOUR MARKET SITUATION IN HUNGARY IN THE LIGHT OF GLOBAL TRENDS

Abstract: Demographic changes significantly affect a country's economic growth prospects. In recent years, advanced economies have been characterized by aging societies, which can have many macroeconomic effects, including the reduction of labour supply. This makes it necessary to examine demographic and labour market processes in a unified framework.

The purpose of this study is to analyse the Hungarian demographic and labour market processes, and to reveal their relation to global trends and country-specific factors. Demographic and labour market processes also fit into international trends in Hungary, however, unique country-specific factors can also be identified due to the path dependence of development. In addition, the increase in the fertility rate in recent years should be highlighted in Hungary. Mitigating the decline in labour supply as a result of aging and reversing its potential trend is an essential factor in the tight labour market. This tension can be resolved by adapting and extending the achievements of Industry 4.0, as well as through foreign workers. Nevertheless, the long-term maintenance and potential increase of Hungary's labour force reserve is necessary to maintain its current economic growth.

Keywords: AGEING, FERTILITY, POPULATION POLICY, STRICT LABOUR MARKET, HUNGARY.

Introduction

In recent years, many uncertainties have affected the outlook of the global economy. Various exogenous shocks have had a significant impact on small open economies in different ways and to different extents. Apart from these turbulent processes, there are many economic and social phenomena that characterized developed economies, including Hungary, even during the economic cycle preceding the pandemic. One of these processes is the aging society, as seen from a demographic point of view. Aging is a complex demographic process, the social and economic effects of which can occur in the short, medium, and long terms. In this context, it is necessary to analyse global and country-specific connections to ensure appropriate social, economic, and political responses. At the same time, changes in the population often generate labour market consequences. Aging has a direct impact on the labour market by reducing the number of active workers (Marton, 2018). However, the labour market was in a special situation before and after the pandemic. In many economies, the employment rate approached the level of full employment, and a sectoral labour shortage also developed. The tight labour market seemed to be permanent, which could not be diverted by the changed working conditions caused by the pandemic. However, fears of recession caused by uncertainties can deviate from this state, and the negative demographic trends can also affect the labour market in the long term. Without adequate social and economic policy measures, this can lead to sudden rise and permanent unemployment rates in some economies. This is particularly important in light of the fact that the effects of population policy measures rarely appear in the short term, and more often have positive returns in the medium and long term.

The purpose of this study is to analyse the Hungarian demographic and labour market processes in a global context, and to reveal the pattern behind the development of individual factors. Central and Eastern European countries have followed a unique path during their development history. As a result, path dependence is more significant in their case, which relevantly influences the national economic manifestations of global trends through country-specific factors. The established structure follows this logical arc. In this context, the theoretical connections behind aging and to what extent it characterizes the world economy will be examined. As already outlined above, the pandemic did not significantly affect the labour market. After the identification of the theoretical connections, Hungary is examined in the framework of a case study. The country-specific factors of the Hungarian demographic situation, as well as the correlations with the current labour market situation, are examined in detail. The study concludes with a summary and conclusions.

Global demographic and labour market situation

Is an aging society the new norm?

Population policies are constantly changing in accordance with the level of development of economies; thus introducing effective measures requires the establishment and continuous review of country-specific target systems in accordance with local characteristics. This demographic process is also represented by the different stages of the demographic transition. Each section presents different population challenges. These include the issue of the population boom, which mainly characterizes developing economies, which requires intervention from other policy areas in addition to active population policy measures. This includes health and education policy, family policy and other fiscal policies, as well as measures aimed at reducing poverty as well as social and income inequalities. The last stage of the demographic transition is the period characterized by a low death and birth rate, which is combined with better health conditions, higher life expectancy at birth.

Examining the two endpoints of the interval from the point of view of the age group, it can be concluded that the lower part of the age group widens in the country with a population boom, and the younger generations represent a larger share of society. Rapid population growth leads to overpopulation, which can reach global proportions and raise economic, social, and ecological problems such as impoverishment, problems accessing an adequate quality and quantity of food and drinking water, or the exploitation of natural resources. At the other extreme, the population pyramid first takes the shape of a tree trunk, and then the upper part, which includes the older population groups, begins to widen.

Analysing population policy empirically from the point of view of the world economy, it can be concluded that it has been characterized by a certain duality in recent decades. Some societies – primarily developing and emerging economies – have had growing populations, resulting in overpopulation for humanity globally, while other countries – primarily developed economies – had aging societies.

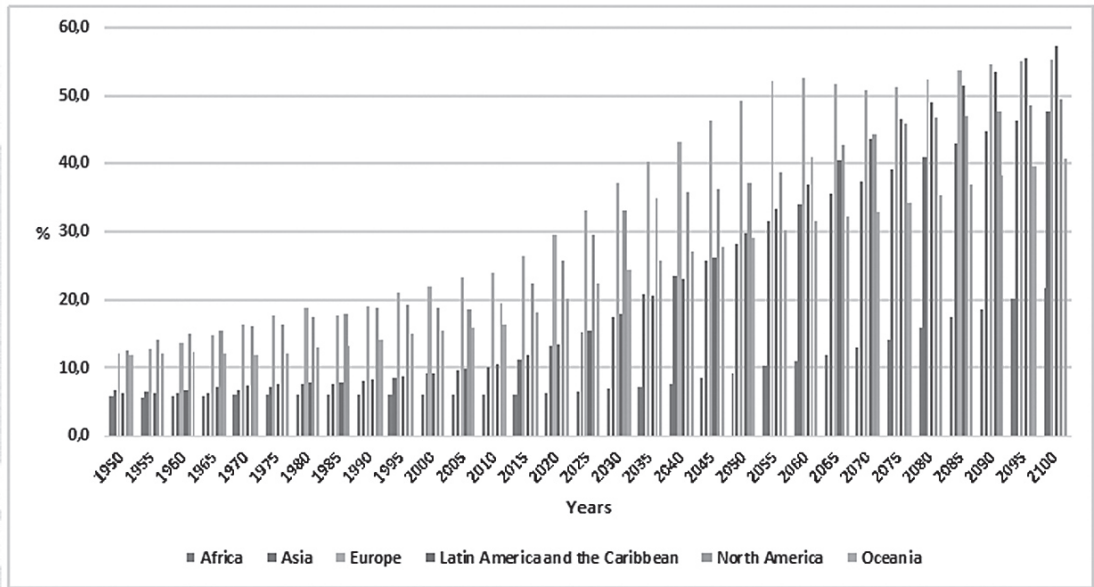


Figure 1: Development of the old-age dependency ratio in individual world economic regions (Source: own editing based on data from the United Nations, Department of Economic and Social Affairs, Population Division)

While the general opinion is that aging is still only a problem of developed economies, this assumption is false. Based on the old-age dependency ratio¹ (Figure 1), it can be stated that the two most developed regions (North America and Europe) stand out in terms of the social proportion of the elderly. Nevertheless, according to the forecasts of the United Nations, Department of Economic and Social Affairs, Population Division, examining the problem area depending on the development of trends, the societies of Latin America and the Caribbean region, as well as Asia, are aging the fastest in terms of age composition. The outlined trend already existed in the 2000s, and it has still not been possible to stop it (not to mention reverse it), which calls into question the assessment of the success of the social policy measures introduced in some developed and developing countries. The importance of the dangers caused by an aging society is underlined by the example of China, where – despite previous trends and social policy directions – the possibilities of state incentives for having children have recently come to the fore again.

When examining the rate of aging at the national level, several interesting features can be identified. In 1950, Ireland had the highest proportion of elderly people: 18.1 people over 65 years of age per 100 people of working age, compared

¹ In the study, the old-age dependency ratio refers to the ratio of the population over 65 to the population of working age between 15 and 64.

to 8.4 for the entire world economy. By 1985, the then highest ratio was already 26.7 people in Sweden (world average: 9.9 people). And by 2020, the value of the indicator rose to 48 people in Japan, where the proportion of elderly people in society almost doubled in 35 years. (In the case of Japan, the rate of growth was even faster, 3.2 times, since in 1985 only 14.8 people over 65 reached the working age per 100 people.) However, according to the forecasts of the UN' Population Division, the trend will continue, and, to take the example of Albania, the most rapidly aging society at the time, the value of the indicator will be 104.1 people by 2100. At the same time, in many economies, in addition to the low birth rate, the emigration rate of young people can significantly influence the age composition of society. Looking at the world economy, the value of the indicator will be 37.7 people in 2100, that is, there will be 4.48 times more elderly people in 150 years, while during this period the world population will rise from 2.5 billion to 10.8 billion people. It can therefore be concluded that an aging society interweaves both present and future social processes. However, aging goes beyond social and population policy aspects. It is a complex social and economic problem area, which has negative growth correlations both fiscally and economically. From the fiscal side, it has an impact on expenditures (health, pension, and social care systems for the elderly) and on revenues (decrease in the proportion of active workers), while from the growth side it can cause a decrease in productivity and capital accumulation (Marton, 2018). The latter rightly raises the issue of secular stagnation.

In addition to the current social trends, the pay-as-you-go pension system in most countries may already become unsustainable² in the medium term, with two potential solutions: reforming the system and reversing social trends. The latter can be achieved by increasing population growth and encouraging people to have children. The two solutions can result in sustainability and positive consequences independently, but even more so by complementing each other.³ In addition, Péter et al. (2020) emphasize that to promote sustainability, in addition to family policy measures (promoting more births and the dual role of women), increasing the labour market activity of the elderly can be crucial. This can be facilitated from an economic policy point of view by encouraging their activity, improving their health, and thereby extending the duration of their working lives, as well as raising the retirement age.

2 Sustainability can be influenced by many factors: trends in the number of elderly and working-age population within a society; macroeconomic factors such as the level of employment and the evolution of real wages; extent of black economy and the willingness to pay annuities.

3 Vékás (2021) synthesized the results of research on the old-age dependency ratio since 2015 related to the sustainability of the Hungarian pension system, based on which the value of the indicator can be put at an average of 37.4% in 2030 based on the forecasts. Regarding the solution options, it should be emphasized that structural reforms may have a limited effect in the short and medium terms (reduction of pensions is political and social, contribution increases cannot be implemented for reasons of economic growth, while the effects of family policy measures on fertility appear in the long term), thus, in the absence of significant changes to the pension system, in the medium term (until 2030) an increase in employment and real wages, as well as the retirement age, can be a solution.

Labour market trends in the light of the pandemic

An aging society is characterized by a decrease in the proportion of the working-age population and an increase in the burden on the social welfare system. Shifts in the economic cycle can have various economic consequences, among which the impact on economic growth can also be derived from traditional growth theories. Growth theories consider population growth to be the driving force behind economic growth. Conversely, the moderation of population growth works against growth activity. This induced the creation of Hansen's original secular stagnation theory, and also served as a breeding ground for the supply-side approach of the new secular stagnation theories that emerged in the early 2010s. The basis of the original theory of secular stagnation is that the slowdown in population growth results in a reduction in the breadth of capital accumulation, the depth of which already slowed down in the United States during the recovery period from the 1929–1933 world economic crisis compared to before (Hansen, 1939). The new theories of secular stagnation were born during the recovery from the 2008 and 2010 crises and provided a range of explanations. In terms of labour market and productivity factors, the supply-side approach is relevant. Based on the theory, the decrease in potential output can be traced back to the slowdown in population growth and the decrease in productivity (Gordon, 2015).

At the same time, these only indirectly explain the slowdown in economic growth due to the decrease in population growth – in parallel with other factors (especially through the overall slowdown in productivity). The problem of aging goes beyond this, however, and affects output through many different channels. The change in the age structure of society, aging, and the parallel decrease in the proportion of people of working age within society all lead to a decrease in the growth factor of the amount of work. This clearly does not reduce the growth contribution of labour productivity, but with a suitable level of technology, it can reduce the contribution of the labour factor to growth.

The aging society is therefore closely linked to the labour market and economic growth in several ways. Since the pandemic, however, it is worth highlighting the special role of the labour market in terms of the factors of economic growth. The developments in the labour market were already of considerable relevance in the period before the pandemic, as we can see from the sectoral labour shortages prior to 2019 – to cite only one example. The pandemic changed this labour market environment: unemployment rates rose suddenly, and new forms of employment appeared. A delay effect in labour market developments prevailed during the recovery period; that is, the increase in economic growth was followed only at a moderate pace by a decrease in the unemployment rate. However, this finding depends considerably on country-specific factors such as the structural characteristics of the labour market, the flexibility of wages, the rigidity of labour

market rules or labour mobility. However, the coronavirus pandemic has created a completely different situation in the labour market. This crisis was different in terms of shock effect, involvement of the labour market and crisis management. This has resulted in various labour market achievements, such as an increase in people working from home, shortened working hours or temporary employment, all of which have indirectly or directly shaped the situation of the workforce and made it difficult to compare the current situation with any other previous one. The Covid-19 pandemic and its various waves have had a cumulative and wide-ranging impact on various segments of the labour market.

Nevertheless, even before the pandemic, tendentious processes affected the situation of the workforce. Among other things, the effects of the achievements of industry 4.0 and the aging society can be classified here. The achievements of Industry 4.0 had an impact on the labour market even before 2020, regardless of the coronavirus. In relation to individual jobs, the complementary effect has become commonplace, and in many cases, there is also the possibility of a substitute effect. However, this depends on country-specific factors, the prevalence of Industry 4.0 achievements in each country, their degree of adaptation, and their economic structural connections. Research conducted on the United States labour market, Acemoglu et al. (2020) showed that while there is a substitution effect for work processes that can be replaced with the current level of artificial intelligence, this is not yet true of the entire labour market, although the pandemic has accelerated this process. In addition, according to research by the ILO (2021), the rise of remote work and various online collaboration platforms can create an opportunity for businesses to employ flexible labour, which might also allow new workers to enter the labour market who were not, or only partly, able to participate in it until now. Linking digitization to structural issues, Baldwin (2020) also emphasizes that the accelerated digital transformation following the Covid-19 pandemic, the changing needs of office space and the resulting higher costs, as well as the debt situation of businesses can encourage remote work, digital work, and automation.

Another relevant labour market factor is the labour shortage. After the recovery, the pre-pandemic trend of labour shortages in certain sectors reappeared in the short term. The decrease in demand caused by the Russian–Ukrainian war and the inflationary effect partly masks the supply inefficiencies, which also reduces the turbulent effects caused by the labour supply. Nevertheless, labour shortages affecting individual sectors are considerable in most economies. This trend is coupled with the endowment of the pandemic, remote work, and hybrid work. The two processes will be the defining labour market trend of the near future, which will act as mutually reinforcing mechanisms.

Based on Marton's (2022) previous analyses, it can be established that, based on the OECD's monthly data on vacant positions, March–April 2022 was the maximum point for vacant positions in most OECD member states, a figure which decreased by May. Examining the proportion of vacant positions (projected on TEÁOR B-S activities), it can be stated that its rate in the EU-27 member states has been

showing a continuous upward trend since the second quarter of 2020, reaching 2.9 in the first quarter of 2022. Comparing the number of unemployed and the number of vacant positions at the level of individual member states, several conclusions can be made:

- *there is no general labour shortage in most countries, but there are sector- and position-specific labour supply problems related to sectors and specific positions;*
- *among the countries examined, in the first quarter of 2022, in the Czech Republic, the Netherlands, Germany and Norway, the number of vacant positions exceeded the number of unemployed, which can thus be qualified as a general labour shortage;*
- *looking only at the number of unemployed without taking into account the quality and qualifications of the workforce, it can be stated that in many countries, the unemployed represent a significant reserve compared to vacant positions, thus strengthening (re)training, mobility and labour market flexibility with targeted economic policy programs could be at least a partial solution;*
- *in the case of some countries (including Southern European states and Bulgaria), the number of vacant positions is low, while the number of unemployed can be considered high, which may indicate structural weaknesses of the given country's labour market and economy.*

As already noted above, the various technological achievements currently only play a complementary role, making work processes more efficient (for example big data) and are already partially replacing certain work processes today (which will increase on the long term), but their impact on the labour shortage is twofold. On the one hand, they cause a decrease in the labour supply, but on the other hand, they require continuous retraining of the workforce and adaptation to changes in individual jobs. In this way, they can partially moderate the negative impact on labour supply, but they will not be able to completely eliminate this. In addition, the narrowing labour supply strengthens the bargaining position of employees.

This process appeared already after the pandemic, which can result in a change in the relationship between “life” and “work” and a shift in the direction of various new labour market trends (for example remote work, hybrid working, four-day work week, etc.). Remote work or working from home, which came to the fore during the pandemic, is still part of the everyday work environment of many companies (even if only in a hybrid form). At the aggregate level of the EU-27, the proportion of people regularly employed in remote work continued to increase in 2021 compared to 2020 and reached 13.4%. Nevertheless, by examining the Eurostat data in more detail, it can be concluded that a double pattern has developed in the member countries in terms of the ratio of telecommuters to the total employed.

A relationship can also be demonstrated between remote work and wages. In the United States, Barrero et al. (2022) confirms that the increase in the comfort value of remote work moderates the pressure of wage growth and reduces the share of work as a production factor in the national income. In addition, the reduction in the

wage distribution gap experienced in the USA since 2020 can also be traced back to the convenience effect of remote work. Regarding the time factor of the effects, the authors' analysis states that the effect on wage growth can be long-lasting, while for the latter two factors, the effect can last until the point where telecommuting appears as a convenience factor.

Debates can and should be held about how remote work affects the efficiency of work, whether it effectively transforms work processes from the point of view of work organization. At the moment, however, research shows heterogeneous results on remote work productivity. The same debates must be conducted regarding the 4-day working week, which is becoming increasingly popular. Nevertheless, the labour market is now under pressure from both the demand and supply sides that fundamentally changes the patterns that have developed over the past few decades. In individual industries, different models may develop in terms of the form and time of work. Ultimately, however, the evolution of the labour market will be directly influenced by only one factor: the evolution of corporate profits.

Demographic and labour market perspectives in Hungary

Following the identification of the global population and labour market processes, the next step will be to analyse the situation in Hungary. The purpose of this structural unit is to examine the development and trends in the Hungarian labour market and population. These analyses are compared to the global context.

In the fall of 2022, the last large population census took place in Hungary, and in the processing and communication phase of the collected data, the preliminary demographic data was published. Based on this data, several conclusions can be drawn regarding the change in population in the light of the global processes outlined earlier.

The population of Hungary reached its peak in the 1980s, and since then its population has been decreasing, having now fallen below 10 million people, and based on the latest census data, it now slightly exceeds 9.6 million (Figure 2.). The underlying factors behind the data are examined, and it can be concluded that it is not just the characteristics of an aging society in the traditional sense, despite what can be seen from the population pyramid. In terms of the death rate, the pandemic resulted in excess mortality which began to return to a level similar to the values of 2019 at the end of last year (HCSO, 2023e).

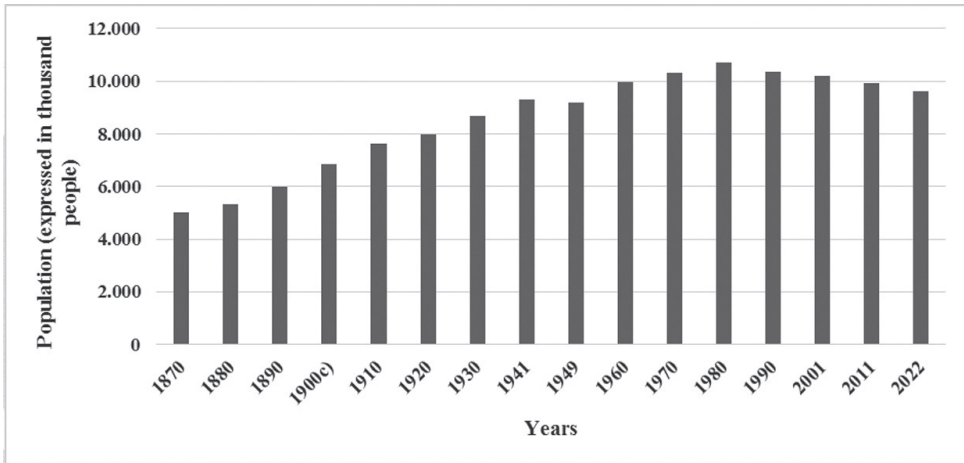


Figure 2: The evolution of the population in Hungary
 (Source: own editing based on data from the Hungarian Central Statistical Office
 Notes: c) Civilian population: 6,804 thousand people.)

Examining the development of old age from a historical perspective, the main characteristics of an aging society are clearly visible. In the 1910s, the country was still in the first stage of the demographic transition, but in the past 110 years, various population policy measures have been implemented, the impact of which is clearly visible in the population pyramid as well (Figure 3).

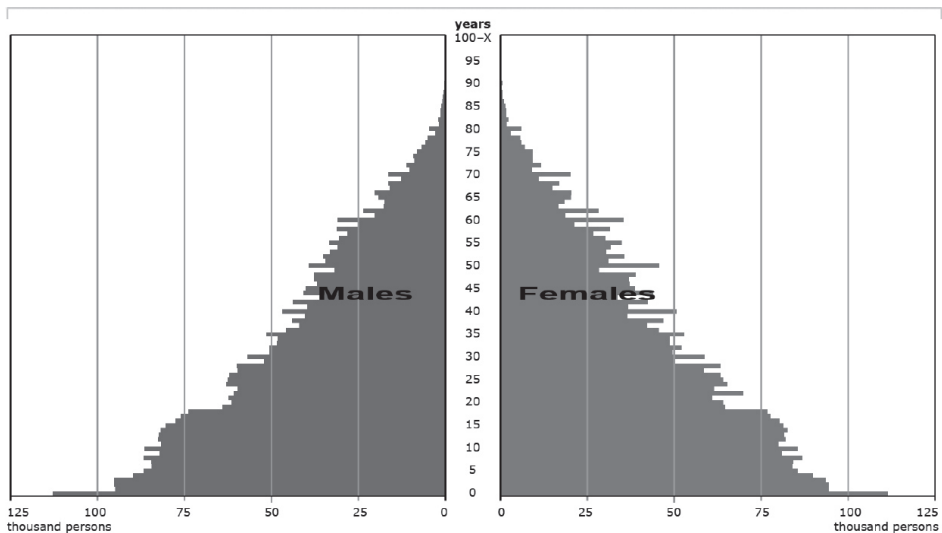


Figure 3: The population pyramid of Hungary in 1910
 (Source: HCSO (2023a))

It must be noted that in Hungary, there was no baby boom after the Second World War, and instead the fertility rate was very low (Őri-Spéder, 2020:490). The population policy measure that can be regarded as a response to this brought about the Ratkó era, which resulted in a population boom period between 1950 and 1956⁴. The effects of this period can be seen to this day, both economically and socially. The increase in the number of births at that time meant a positive return on the labour market and a quantity of labour for the economy for decades. This process involves three factors. On the one hand, examining the issue from a social and population point of view, the effects caused by population growth slowly subsided. The children born between 1950 and 1956 generated yet another population increase – which was combined with the various population and family policy measures of the 1960s, 70s and 80s – however, the further effect was lacking. The grandchildren of the Ratkó era already had a lower willingness to have children, and the fertility rate was determined at a lower level (Őri-Spéder, 2020:500). The second factor that can be highlighted is that children born between 1950 and 1956 have started to reach retirement age in recent years, which is associated with a reduction in the workforce. This negative labour market scenario may put additional pressure on the Hungarian labour market, which will require the involvement of additional labour. As the third factor, it can be highlighted that individuals retiring in large numbers may also place stress on the pension and health care systems. These tendencies can also be identified on the curve shown in Figure 3, which compares the data of the two most recent Hungarian censuses.

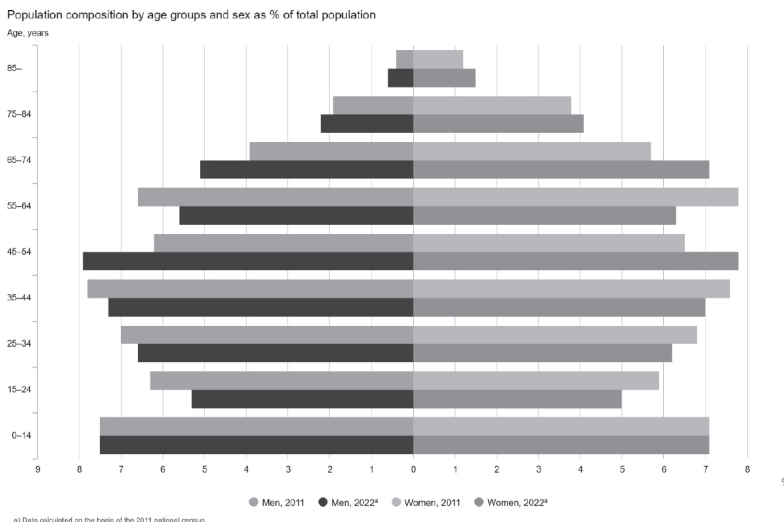


Figure 4: The population pyramid of Hungary in 2011 and 2022
(Source: HCSO (2023b))

4 The Ratkó era actively intervened in people’s private lives, including measures such as the ban on abortion (Pongrácz, 2013).

Based on these, it can be identified that the proportion of people over the age of 65 has increased in Hungarian society, so the number of pensioners has also increased in the last ten years. The growth of the age group born in 1970 is also clearly visible in the middle part of the age group. It also appears that a small gap can currently be observed between the children of the Rátkó era and those born in that era in the age group between 55 and 64. In addition, it appears that a continuously decreasing trend can be observed among the age groups between 15 and 44 years as the age decreases. Óri-Spéder (2020) stated that, just as in other Central and Eastern European countries, the uncertainty caused by the regime change significantly reduced the willingness to have children in Hungary. Compared to 1990, the total fertility rate decreased significantly in the following years, reaching its lowest point (1.23) in 2011. After that, however, the value of the indicator increased and reached its value of 1.59 by 2021 (HCSO, 2023c). Figure 4 also shows that the previous declining trend seems to stop in the younger age groups, and the proportion of those aged 0 to 14 did not decrease from 2011 to 2022.

Population and family policy measures can be multifaceted in terms of their nature, and in terms of their effects, they can exert their effects on population, society and the economy in the short, medium and long terms. Gál et al. (2018) highlights the role of asymmetric statistical visibility, as Europe can be considered an elderly-oriented welfare state and a continent of child-oriented parents. Regarding the goals of the family support policy, Thévenon (2011) identified six goals: reducing poverty and maintaining income; direct compensation for the economic costs of childbearing; promoting employment; improving gender equality; supporting early childhood development and encouraging an increase in birth rates. Kristó (2014) highlights that, in addition to the traditional goals of family policy, an important factor is the provision of choice, that is the flexibility of the established regulations. The OECD member states define different focal points in family policy measures, and based on these characteristics, Thévenon (2011) created individual clusters, based on which the individual countries form a single, homogeneous group. Based on these, the northern model, the Anglo-Saxon model, the continental European model, the southern European country group, supplemented with Japan and South Korea, and the eastern European cluster were created. From the point of view of Hungary, this model can be considered relevant. In the case of the clusters, it could be established that homogeneous groups were formed, however, within the country group, there may be differences in the priority of the family support policy. In addition, it can be highlighted that, based on the studies, no uniform family policy model can be identified for the Eastern European group, and it should be emphasized that they also carry the characteristics of the other models. Nevertheless, a common feature is support based on the financial situation of the family, but to a lesser extent than in the Southern European cluster.

Makkay (2021) emphasizes that, in a European context, the Hungarian family support system can be considered generous towards parents raising children. In terms of the nature of the measures, the family support system is multifaceted,

but in recent years the measures have shifted from individual benefits to the work-related support. Sági et al. (2018) studied several European Union member states and found that increasing the willingness to have children with various tax policy benefits takes more time, as many other factors also play a role in it in the short term. These include, for example, the difficulties of buying a home. In line with this, they point out that a housing subsidy system has also been introduced in Hungary in connection with having children. In addition, it is important to emphasize that when examining the ratio of family allowances to GDP, a significant aspect is the type of benefit categories that are classified as types of family allowances (Makkay, 2021).

In line with this methodological consideration, many studies also include related areas when examining the factors influencing the desire to have children. Successfully increasing birth rates depends to a large extent on the standard of living of young married people, as well as on ethical standards (Sági et al, 2018). The continuation of the active housing program can be considered an indirect family policy measure. In addition, it can be highlighted that housing support also improved the quality of life of existing families with children (Makkay, 2021). Monostori's (2023) studies established that the proportion of three-generation households in Hungary continuously decreased for a period between 1980 and 2016 (except for the economic uncertainty and recession of the years after the regime change, that is between 1990 and 2001). The three-generation life affects a significant part of families with children in a short period of their lives, the reason for this can be traced primarily to social factors and social disadvantages. However, Lentner et al. (2017) highlights that, in addition to factors related to the standard of living (for example housing), employment, and subsidies related to the social care system, factors that significantly influence fertility are factors that increase the social embeddedness of families. Sági-Lentner's (2022) research, based on a representative survey, emphasizes the role of sociocultural factors on the increase in the willingness to have children. Spéder (2020) also points out that parallel to the development of demographic processes, there was a significant change in the timing of having children (depending on the level of education, it was postponed to 29 or 31 years), family size, and the level of fertility. In addition, education can be considered a significant factor in the development of the country's demographic conditions (Őri-Spéder, 2020; Spéder, 2020). For example, the interval between the birth of the first and second child is shorter in Hungary for women with higher education than for women with lower education (Bartus et al., 2013).

Due to the aging society and Hungary's special demographic situation, the large number of retiring workers can have a significant impact on the labour market. In this context, it is essential to analyse the special features of the Hungarian labour market. Hungarian economic policy places great emphasis on the factor of work, which is a key factor in economic growth. In accordance with this, a detailed overview of the country's labour market is essential.

Figure 5 shows the evolution of the unemployment rate. Examining the figure in detail, it can be concluded that since August 2017, Hungary has had an unemployment rate of less than 4%, which in economic terms can be equated to the level of total employment, which was only broken by the pandemic. However, the influence of global and European factors identified in the previous chapter was also felt in Hungary. Accordingly, the labour market measures applied during the pandemic proved to be effective, and the pandemic had a small impact on the labour market. Based on the results of a questionnaire survey conducted in North-Western Hungary, Jenei-Módosné Szalai (2022) determined that employees would primarily prefer the hybrid form of work and would similarly support the option of fully working from home. On the other hand, employers would not consider either solution advantageous. This difference in attitude to work can lead to a conflict of interest between the employer and the employee, which can lead to labour market tensions in Hungary and in general. However, this also depends on the legal background of atypical forms of employment. Based on the data of the HCSO (2023d), in the period between December 2022 and February 2023, the proportion of people working remotely or from home was lower than in the years of the pandemic, albeit significantly more than before the pandemic. Thus, after the end of the pandemic, Hungarian employees returned to onsite work, but hybrid work takes place in many companies. This can promote the technological development and resilience of the Hungarian labour market by making it more flexible in terms of reactions to potential shocks. It should be emphasized that the Hungarian labour market closely follows international trends. Within this framework, the four-day working week was also introduced and tested in some cases, which may result in further reorganization in addition to the previously considered traditional labour market trends.

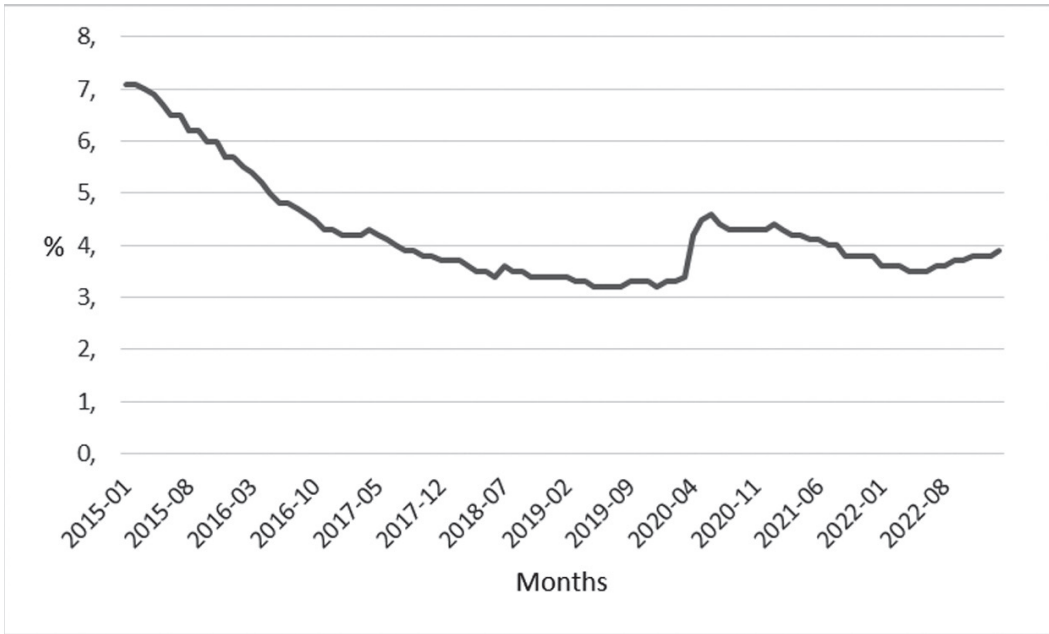


Figure 6: Unemployment rate in Hungary, seasonally adjusted, January 2015 – March 2023
(Source: own editing based on Eurostat data)

In connection with the development of the unemployment rate, it can be concluded that the Hungarian labour market has long been considered tight. Similar to the previous chapter, examining the factor of labour shortage, based on Figure 6, it emerges that there is no general labour shortage in Hungary. The number of unemployed always exceeds the number of vacant positions. Nevertheless, it can be stated that the Hungarian economy is clearly characterized by sectoral unemployment. Examining the number of sectoral vacancies, it can be said that the Hungarian labour market can be said to be extremely tight in several sectors (for example tourism). The labour shortage can induce an increase in wage demands from the employees' side, which can result in an increase in labour costs for employers. To deal with the labour shortage, companies also employ foreign workers, whose number was estimated to exceed 70,000 in February 2023, primarily employed in the industrial and manufacturing sectors (Hornýák-Nagy, 2023). Foreign labour supply is a key factor for economic growth. Nevertheless, the aging society can also affect the productivity of the workforce, so maintaining and improving the level of labour productivity is of prime importance in the future. Together, these can significantly shape the country's competitiveness and economic growth.

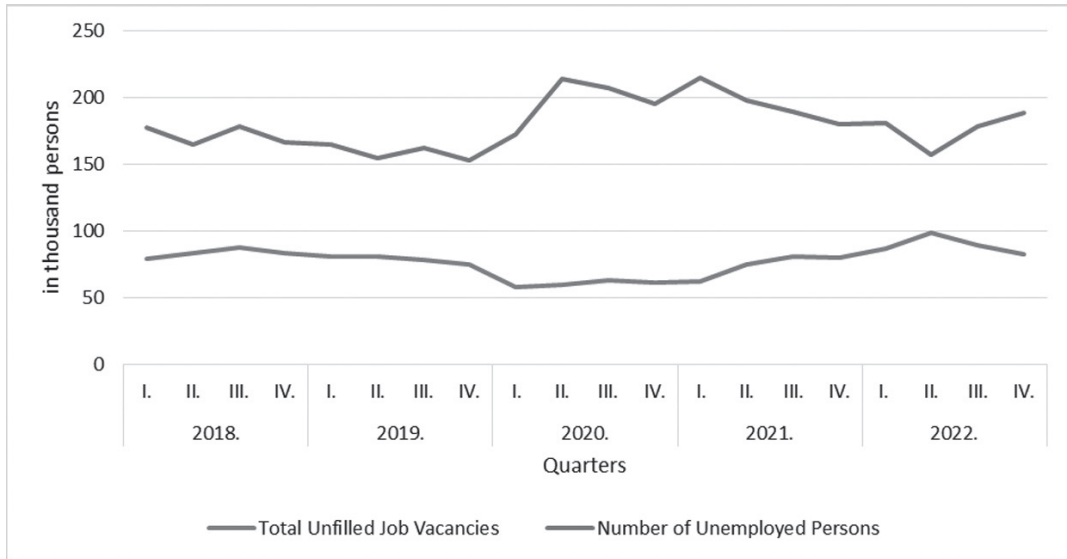


Figure 7: The development of total unfilled job vacancies and the number of unemployed persons in Hungary (Source: own editing based on HCSO data)

Summary and conclusions

Overall, it can be concluded that Hungarian demographic conditions are influenced by the aging society, with which the country fits into the population trends of developed economies. At the same time, country-specific characteristics can bring negative consequences to the surface in a multiplicative way. It is necessary to maintain and strengthen the social and economic policy measures, to ensure that the turn in social processes – which is primarily embodied in the total fertility rate – continues. Maintaining this and further encouraging the desire to have children is an essential condition for demographic processes to become more sustainable in the longer term. Mitigating the decline in labour supply because of aging and reversing its potential trend is an essential factor in the tight labour market. This tension can be resolved by adapting and spreading the achievements of Industry 4.0, as well as through foreign workers. Nevertheless, the long-term maintenance and potential increase of the country's labour force reserve is necessary to maintain its current economic growth. In parallel with this finding, the identification of the economic, social, sociological, and cultural factors that influence the desire to have children outlined in the context of Hungarian characteristics and the examination of their quantitative correlations are essential in future research.



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ДЕМОГРАФСКО И СТАЊЕ НА ТРЖИШТУ РАДА У МАЂАРСКОЈ У СВЕТЛУ ГЛОБАЛНИХ ТРЕНДОВА

Апстракт: Демографске промене значајно утичу на изгледе за економски раст земље. Последњих година напредне економије карактерише старење друштва, што може имати многе макроекономске ефекте, укључујући смањење понуде радне снаге. Због тога је неопходно да се демографски процеси и процеси на тржишту рада сагледају у јединственом оквиру. Сврха ове студије је да се анализирају мађарски демографски процеси и процеси на тржишту рада и да се открије њихов однос са глобалним трендовима и факторима специфичним за земљу. Демографски процеси и процеси на тржишту рада такође се уклапају у међународне трендове у Мађарској, међутим, могу се идентификовати и јединствени фактори специфични за земљу због зависности од путање развоја. Поред тога, у Мађарској треба истаћи повећање стопе фертилитета последњих година. Ублажавање пада понуде радне снаге као резултат старења и преокретање његовог могућег тренда је суштински фактор на скупљеном тржишту рада. Ова тензија се може решити прилагођавањем и проширењем достигнућа Индустрије 4.0, као и преко страних радника. Ипак, дугорочно одржавање и потенцијално повећање резерве радне снаге у Мађарској је неопходно да би се одржао њен садашњи економски раст.

Кључне речи: СТАРЕЊЕ, ФЕРТИЛИТЕТ, ПОПУЛАЦИОНА ПОЛИТИКА, СТРИКТНО ТРЖИШТЕ РАДА, МАЂАРСКА.



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REFORMING THE HUNGARIAN DEFENSE FORCE¹

Abstract: The modernization of the Hungarian Defense Forces started in the mid-2010s after two decades of neglect and underfinancing. The paper maps, explains and assesses the internal drivers of defense modernization within the framework of the Zrínyi Homeland Defense and Armed Forces Development Program, relying on primary open sources on military strategy, planning and budgeting, as well as secondary sources on the implementation of defense modernization, including procurements and the development of the defense industry. As German–Hungarian defense cooperation has become a central element of modernization, now expanding from procurement to joint formations and joint production, a brief case study assessment in the end highlights what is at the core of long-term modernization, where synergies of force development, arms modernization, defense industrial production and international military tasks mutually strengthen each other.

Keywords: HUNGARY, STRATEGY, MILITARY, DEFENSE INDUSTRY, NATO, REFORM.

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The drivers of military modernization for Hungary

After two decades of neglect and underfinancing that was made possible through exploiting a relatively secure environment in Central Europe, Hungary only embarked upon a comprehensive modernization of its defense forces in the second half of the 2010s with the Zrínyi Homeland Defense and Armed Forces Development Program. The program was originally a 10-year long-term defense modernization plan, but now extends to the 2030s in line with the NATO Defense Planning Process, emphasizing the development of national capabilities, including through multinational cooperation, where possible. The underlying factors that on the one hand enabled, and on the other hand forced this decision to modernize can be summarized as the following.

First, the security environment of Hungary – and of Europe in a broader sense – has shown a deteriorating trend since 2008, as part of which first non-military challenges, and then military threats also appeared in the security perception of Hungarian society and the political elite. The 2008 Russo–Georgian war, followed by the global economic crisis, the subsequent events of the Arab Spring (2010) and the resulting crises and civil wars that are still with us today (Syria and Libya), the rise of ISIS in the Middle East (2014) and its terrorist attacks in Europe (2015–2016), migration pressure (2015), then the coronavirus epidemic (2019–2020), the new Armenian–Azerbaijani war (2020), and finally the escalating Russo–Ukrainian war in 2022 which caused an energy and economic crisis have all threatened European stability.

Second, despite such external pressures, joint European action to address crises has not become more effective or stronger due to the different position of the member states, while the increasing popularity of the “Europe of strong nation-states” model also limits the scope for joint action. In the military field, since 2014 (the illegal Russian annexation of Crimea and the destabilization of Eastern Ukraine) and even further in 2022, following renewed Russian aggression in Ukraine, NATO showed more political unity and strengthened its reaction. Although the reinforcement of collective defense and deterrence capabilities in Europe – particularly on the Eastern Flank – became the prime task of allies, we must keep in mind that the foundation of collective defense is the national military capabilities of member states, which can only be strengthened over the medium term. It is no coincidence that one of the cornerstones of recent years’ Hungarian reforms was to ensure that national armed force developments be aligned with allied defense planning in accordance with capabilities earmarked for NATO collective defense, such as a medium brigade by 2023 and a heavy brigade by 2028.

Third, since the 1990s, despite joining NATO in 1999 and the EU in 2004, the Hungarian Defense Forces (HDF) have been moving on an almost unbroken trajectory of reducing their personnel, military equipment and military capabilities

in general. System-level modernization was last carried out in the early 1980s, but since has only been episodic (T72 tanks, MiG-29 aircraft, Mistral MANPADs). In the period since the 1989 change of regime, it has only been possible to keep up with military/technological development on a case-by-case basis, for one weapon system at a time (for example, leasing the multi-purpose JAS 39 Gripen aircraft in 2001). Meanwhile, the extension of the lifecycle of military assets (helicopters, transport aircraft) or the clear loss of capabilities (artillery, tanks) was typical. All of this made the comprehensive modernization of the HDF inevitable by the 2010s.

Fourth, since 2015 the necessary economic background (dynamic and predictable growth of the national defense budget) has also been available for national defense reform and modernization.

Fifth, during the planning phase of the Zrínyi Program, there was a solid governmental and political conviction and commitment to realize a comprehensive military development program. In a broader sense, this fits into the development of the national defense system and can be described with the concept of “strong state – strong military”. This commitment has been sustained despite the economic downturn caused by the coronavirus epidemic and the economic crisis looming since 2022.

Sixth, the development of the armed forces offered an opportunity for procurements connected with the development of the Hungarian defense industry, in major areas (armored vehicles, aircraft, radar technology) as a new investment in international (German, Turkish, French) cooperation and with the perspective of innovation, while in other fields (small arms, explosives) with the extension of national military industrial production.

Last, but not least, the development of the Hungarian military fits into regional trends: although with time differences, modernization has been taking place in all Central and Eastern European armed forces, and even in several cases, coupled with the expansion of the armed forces and including the strengthening of territorial defense capabilities. This means the development of heavy military equipment (armored vehicles, artillery) and the (territorial defense) reserve forces, which are also priorities in Hungary. It is needless to mention that these capability development processes have greatly been intensified due to the ongoing war in Ukraine.

This paper seeks to map, explain and assess the internal drivers of defense modernization, relying on primary open sources on military strategy, planning and budgeting, as well as secondary sources on the implementation of defense modernization, including procurements and the development of the defense industry.

Strategic objectives

The strategic objectives defining the framework for national defense and the pillars of force development, such as the characteristics of the development programs, can be mapped in a comprehensive sense from the 2020 National

Security Strategy (NSS), the 2021 National Military Strategy (NMS) and some policy statements and scholarly articles. In the broad interpretation of national defense, the goal in the period up to 2030 is to make national defense capable of protecting against military threats and hybrid challenges, as well as performing civilian crisis management tasks, embedded in society, or in other words, enjoying popular support (NSS 2020, Para. 126). To this end:

The Hungarian Defense Forces must have well-equipped and well-trained forces, as well as flexible, effectively applicable, deployable, and sustainable capabilities that are interoperable to the necessary extent, striving to improve quality indicators in addition to quantitative ones. In addition to its traditional national defense and international crisis management tasks, it must be equally capable of contributing to the management of crisis situations caused by mass immigration or a terrorist threat situation, to play a role in countering hybrid attacks, and to contribute to the management of natural or industrial disasters. The armed forces must be developed in such a way that they are able to wage effects in the operational space relevant to our country: on land, in the air and in cyberspace. (NSS 2020, Para. 135)

Therefore, the Hungarian military development plans did not aim to create a specialized, but rather a – relatively – broad force spectrum for the HDF. The means of implementation were included in the Zrínyi Program, such as the strengthening of military cyber defense capabilities (NSS 2020, Para. 159) and the development of the defense industry (NSS 2020, Para. 2, 5–6, 28–29, 105, 128, 136).

In accordance with the NSS, the National Military Strategy not only outlines the government's thinking behind the Zrínyi Program and the views of the leadership of the Hungarian Defense Forces on modern warfare, but also summarizes the driving forces of the developments between 2016 and 2021 and sets the agenda for the 2020s. The strategy organizes the tasks of the Hungarian Defense Forces into two comprehensive groups: the national and the international dimensions. The national dimension contains nine comprehensive tasks and several sub-tasks, such as: defense, deterrence, disaster management, national capability for cooperation, resilience, homeland defense (voluntary reserve system – territorial defense –, protection of critical infrastructure, ensuring the logistical background of operations, support to maintaining public order), developing societal (military/civilian) relations (developing the society's awareness to defense, providing patriotic education, transferring the basic knowledge required to fulfill citizens' obligations for homeland defense, recruitment), preparing the national economy for conflicts, representative tasks. The international dimension, meanwhile, includes six comprehensive tasks, with a number of sub-tasks, such as: collective defense within NATO, crisis management within the NATO crisis response system and within the framework of allied missions, Host Nation Support, supporting the mutual assistance tasks of the European Union (in accordance with Article 42.7 of the Lisbon Treaty), undertaking tasks according to the EU solidarity clause (Article 222 of the Lisbon Treaty), strengthening interoperability, participation in multinational (regional) forms of cooperation, including strengthening Hungary's role of initiating such cooperation frameworks.

The defense industry pillar, the development of which has been a government priority since the beginning of the program, strengthens the cooperation related to military technology procurement even further – as addressed in the NMS and the Defense Industrial Strategy (2021, not public). This pillar can also be retrospectively mapped as several elements seem probable and feasible based on the already known official announcements. Thus, Hungarian military industry investments are built around six clusters: 1) combat vehicles; 2) aviation technology (light aircraft, helicopters and drones); 3) radar technology and sensors; 4) small arms and light weapons; 5) production of gunpowder, ammunition and explosives; 6) command, control, communication and cyber.

The NMS also determined the capability requirements and focal points of force development to meet these requirements when it defined the backbone of the Hungarian Defense Forces as a three-brigade land force structure. (This should be expanded to four brigades in 2023.) With regards to the specific modernization priorities, such as capability requirements for military equipment, we can identify guidelines based on the work of Ferenc Márkus and Balázs Szloszjár (Márkus, 2013; Szloszjár, 2017). According to these, systems-based development should cover the equipment and weapons of infantrymen and platoons, infantry fighting vehicles, as well as tanks in the case of heavy brigade, command, control, information, surveillance and reconnaissance systems, IT and cyber defense systems for the battalions that form the basis of the brigades, self-propelled artillery and troops' air defense, devices capable of providing both direct and indirect fire support, force protection, CBRN defense, as well as maintenance assets and logistics vehicles in an integrated way. In 2017, Szloszjár also added that

it is advisable to acquire certain military equipment of high importance – individual military equipment of the soldier, infantry fighting vehicles, motor vehicles – preferably from domestically developed or domestically produced products (purchase of licenses, production based on cooperation). (Szloszjár, 2017: 27.)

As we will see below, these insights have indeed taken shape in the procurements already made, and further developments will most likely follow. Based on the information made public and our experience so far, force development can be summarized and assessed along a few general principles and characteristics:

- Its goal is to create a modernly equipped, high-mobility and fast-reaction all-armed force capable of rapid and effective intervention, even in several locations, with information and decision-making superiority, relying on professional, contracted and voluntary reserve staff, to carry out operations, within national and allied frameworks.
- As a result, in the 2030s the Hungarian Defense Forces will be able to guarantee the security and sovereignty of Hungary, on the one hand, through credible deterrence based on its national capabilities, and on the other hand, within the framework of allied collective defense (enjoying its security guarantees and contributing to its strengthening), as well as in international peace support operations, thus contributing to the stability of the international system.
- A systemic approach is applied in planning from the individual fighter to the brigade level, and in terms of the ability to cooperate between branches, specialized teams,

and weapons systems in both the human and technological dimensions.

- Capability-based force planning takes place.
- Where possible, the procurement of “product families” is preferred in the case of weapon systems.
- Lifecycle planning takes place in terms of costs and operational maintenance.
- A process-based approach is applied and the integrated implementation of procurement, production, maintenance, research, development and innovation with the expansion and development of the domestic military industrial base takes place.
- The establishment and maintenance of the national production and supply base in some highly important military industrial segments is considered as a national economic development measure.
- Acquiring and combining “incoming” (new, even still under development) state-of-the-art and future technologies into new products (such as the Lynx IFV and Gidrán MRAP) has become a practice to develop next-generation military technology with the eventual option of international sales of the new products.
- The “networked” development of the defense industry in the region is a fundamental goal (through German, Czech, Austrian, Hungarian, Turkish cooperations and acquisitions).
- Strengthening regional cooperation within Hungarian initiatives (such as HQ MND-C and R-SOCC²) is a goal.
-

The phases and deliverables of the Zrínyi Program

The most significant Hungarian military development program of the 21st century was formally launched in 2017 (hence the original designation “Zrínyi–2026” used during the first years of the program). Its second phase will certainly cover the 2026–2032 period – matching NATO’s current defense planning cycle –, but will also look forward to 2036, the end of the next ten-year national planning cycle. Based on the events of recent years and the announced medium- and long-term development plans, these two large phases can be further divided into five smaller stages following the planning logic of “program budgeting” (planning – programming – financing) as follows:³

- *First phase* (2016–2026):
- Planning and preparation: 2016–2018
- First stage of implementation: 2018–2023 (medium brigade)
- Second stage of implementation: 2023–2026
- *Second phase*: 2026–2032+

² HQ MND-C: Headquarters Multinational Division – Central; R-SOCC: Regional Special Operations Component Command.

³ This division of the program is solely the subjective opinion of the author based on the functional interpretation of the program, not announced formalized stages.

- Third stage of implementation: 2026–2028 (heavy brigade)
- Long-term developments (2028–2032+)

Within the first phase, the planning and preparatory work of the program took place between 2016–2018, the basis of which was certainly a comprehensive assessment of Hungary's security environment, an analysis of military threats and challenges requiring a partly military/national defense response. Since a national security and/or military strategy was not formally adopted by the government until 2020/2021, the initial government/national defense assessment is not publicly known. But the two strategic documents highlight in retrospect the clear ideas and goals of defense modernization. These not only established the cornerstones of the Zrínyi Program, but also defined the tasks of the economic, societal and technological subsystems of national defense for the following years in the broader spectrum of military development. We can assess that the NSS and NMS subsequently formally “codified” strategic tasks already under realization.

The specific plans for the development of the HDF were mainly carried out in close cooperation of the HDF Command (including the Chief of the Army Planning Group), the National Armaments Directorate of the Ministry of Defense, the Military National Security Service, the Prime Minister's Office and the Ministry of Innovation and Technology, in an elaboration process that was completely closed to external observers. In the period until roughly 2018, the first military technology procurement and defense industrial development decisions were undertaken, the first agreements were concluded, and then, following the early agreements, deliveries also began. These steps – as we will see below – had been supported by a dynamically expanding defense budget.

The first stage of the implementation of the Zrínyi Program both in terms of procurements and defense industrial investments can be placed roughly between 2018 and 2023, the planning endpoint being the achievement of the operational capability of the medium brigade earmarked to NATO collective defense by 2023. Providing the forces for the brigade structure, strengthening national defense capabilities and interoperability with allies, the military modernization that serves these purposes and the integration of new assets into the force structure are the main tasks until then. In this phase, the procurement and delivery of military equipment began in several capability development projects of the air force (for example, H145M helicopters, Zlin training aircraft), in the case of heavy equipment of the ground forces (Leopard-2A4 training tanks, PzH 2000 self-propelled howitzers) and through the modernization of personal equipment (small and light arms). In this period, kick-starting an Airbus factory in Gyula producing helicopter propulsion parts, the assembly and production lines of handguns in Kiskunfélegyháza, the Lynx IFV factory in Zalaegerszeg and the production lines of Gidrán MRAPs in Kaposvár took place. This five-year period lays the foundation for the expansion of military industry production and the partial integration of German and Hungarian military land forces industries. The Hungarian military industry portfolio was expanded to

include two foreign military industry companies (Hirtenberger Defense Systems, Aero Vodochody) as well.

The second stage of implementation falls between 2023 and 2026, when the remaining batch of the major military equipment that was previously contracted for and not purchased off-the-shelf will be manufactured and delivered. Examples include Embraer KC-390 military transport aircraft, L-39NG aircraft, Airbus H225M helicopters for the air force, Leopard2-A7+ tanks and Lynx IFVs for the ground forces, etc. In the light of the currently visible planning, the Hungarian defense budget meets the NATO expectation from the beginning of the period, namely it reaches the level of 2% of GDP already in 2023. The end of this phase can be considered the creation of the heavy brigade offered to NATO and the achievement of its operational capability in 2028. Following the arrival of the military equipment, international cooperation will also intensify – primarily with Germany in the 2023 rotation of the NATO Reaction Forces and through the creation of the German-led EU Battle Group in 2025. These larger formations may enable the Hungarian units, mostly rearmed with German technology, to increase their interoperability and, in the medium term, even their ability to integrate at the subunit level with the Bundeswehr. In the meantime, according to the plans, production will begin at all new military industrial companies – in addition to those mentioned above, for example at the ammunition and explosives factories in Várpalota – first to meet the needs of the Hungarian Defense Forces, and then hopefully also for export purposes. Research and development activities will begin in several technological areas – mainly in the field of combat vehicles, their defense systems and drone technology – so that the upgraded military equipment would become an even more attractive product on the international arms market.

The second comprehensive phase of the Zrínyi Program, as well as the third stage of its implementation, will begin in 2026. The process aimed at establishing the heavy brigade and achieving its operational capability will continue until 2028 with the delivery of previously ordered military equipment, and through the training of the personnel and conducting military exercises. The year 2026 can be the cut-off point not only because this was the endpoint of the original ten-year planning, but also because the national defense leadership must make another strategic decision about the continuation in 2026 at the latest, when the current Gripen leasing contract expires. Considering the already contracted Gripen software modernization and the extraordinary need for resources for a potential replacement type (especially F-35) in addition to already running programs, the retention and further modernization of Gripen equipment seems more likely now.

Finally, after 2028, long-term developments and – depending on resources and the requirements of the security environment – even further quantitative expansions may take place for the equipment types already in service. The second half of the decade will be a period of “fine-tuning” for the operation of modern equipment and systems, cooperation between units in national and international frameworks and the deepening of interoperability, with regards to possible first operational roles. By

the end of this period, defense industry production should be running smoothly, and the first innovation results should be apparent, while allied cooperation increases research and development in the field of emerging and disruptive technologies, at least autonomous systems, cyber defense and in the application of artificial intelligence. Finally, filling the expanded force structure and the related training tasks are the biggest human resources challenges facing the Hungarian Defense Forces until the end of the 2020s.

Providing the necessary resources: Defense spending trends

By the time the strategic drivers triggered the planning of comprehensive defense modernization in the 2010s, the HDF had to face the grim effects of residual funding for two decades: lost capabilities (artillery, armored vehicles) and the calculable obsolescence of some large weapon systems at the end of their lifecycles (essentially all Soviet/Russian manufactured helicopters). As Figure 1 shows, nominal defense spending remained practically flat between 2004 and 2015, with the 2008/2009 financial crisis taking a heavy toll.



Figure 1: Hungarian defense spending trends: main drivers and obstacles, 1998–2023⁴
 (Source: author)

4 The source of data are national Budget Acts and Accounting Bills.

In 2014, the Hungarian defense budget was HUF 54.5 billion (or 0.83% of GDP), 17.5% lower than in 2004, the year of EU accession. In the trend outlined above, 2014/2015 was the turning point, which, in addition to the change in Hungarian security perception and the improvement of the economic situation, was also reinforced by the incentive that at the Newport NATO summit all member states made a political commitment that in the next ten years they would increase their defense spending in the direction of the 2% of GDP expected by the alliance. The Hungarian budget jumped in 2015 with an initial annual increase of 14.74%, and to maintain the momentum of the process, a government decision extended the planned period of growth until 2026, by which time the new goal was to reach 1.79%, calculated with an annual GDP growth of 0.1% (Csiki Varga – Lázár 2021: 3). Again, the target date of 2026 was no accident – it represented the defense planning horizon of the Zrínyi Program, which had already been under planning at that time. Finally, the significant resource requirement of the Zrínyi Program was to be covered by Government Decree No. 1283/2017, bringing forward the target date of reaching the 2% defense spending level in relation to GDP to 2024. Moreover, the government set the goal of maintaining this level from 2025 onwards.

In accordance with these goals, a significant increase in resources was allocated in 2016 (16.29%) and 2017 (34%). The solid political commitment to strengthening defense capabilities was also proven by the fact that, even in 2020–2021, when the coronavirus epidemic caused an economic shutdown and another extreme recession, the increase in defense spending continued unabated. It is worth keeping in mind that the large-scale modernization programs and investments already underway in 2020 could only have been stopped with great loss and damage, especially because the purchases were also connected with targeted industrial development in six clusters, and economic damage and loss of trust from partners would have also resulted in the probable loss of restarting, so we consider this decision to be rational even under the given dire circumstances.

The increasing trend of Hungarian defense spending has therefore remained dynamic: in the seven years between its lowest point (2014) and 2020, it nominally almost tripled, and based on the 2021–2023 budget laws, another 213% increase is expected in just two years. The increase in resources is absolutely justified: the comprehensive modernization of military technology, the related development of the defense industry and innovation, and the planned expansion of the contract and reserve personnel, while raising salary levels to remain a competitive employer, require an extraordinary abundance of resources.

The national defense portfolio of the 2023 budget, announced on July 28, 2022, allocated 1,642 billion forints to the Ministry of Defense to cover national defense, including the financing of military modernization programs, as well as sport as a new element of the Ministry's policy portfolio. Thus, the sports portfolio takes HUF 149.940 billion out of the gross sum, so the value of the actual 2023 defense budget will be HUF 1,492.06 billion based on current plans. This still represents a year-on-year increase of 48.75% compared to 2022 (Csiki Varga, 2023: 8–9). The growth

will therefore remain with us in the coming years, to a great deal as a constraint arising from sealed purchases (insofar as we wish to finance the contracts already concluded), and it will also be fueled by the forced extra financing needs of personnel expenses.

A focal point: German-Hungarian defense industrial cooperation

In line with the previously outlined strategic goals and planning guidelines, the German–Hungarian defense cooperation projects that are at the core of Zrínyi Program in many respects, clearly highlight the synergies and intersections of force development, arms modernization, defense industrial production and international military. As we have assessed earlier:

When looking forward in a broad sense, it is very likely that in the foreseeable future the HDF will be the most interoperable partner of the Bundeswehr in the Central and Eastern European region, which will make Hungary an indispensable partner for Germany, if Berlin seriously aims to scale up its efforts with regards to European defense cooperation. Conversely, Hungarian defense policy will inevitably rely and depend on Germany for decades to come. Although this partnership – just as in the case of bilateral economic relations – will always remain asymmetrical (due to the basic characteristics of the two countries' relationship) and more vital from a Hungarian perspective, it still means that German–Hungarian defense policies will be deeply intertwined. (Etl – Csiki Varga, 2021: 67)

Depending on how deep and elaborate a cooperation framework is – what we call pooling and sharing of capabilities –, it can range from simple joint operations through the ever more complex tasks of creating joint formations to in-depth military industrial cooperation, even to the joint production, research, and development of military technologies. In Hungary's case, Germany has become the best example: the "level" of creating joint formations (previous embodied in the 2014 creation of the V4 EU Battlegroup with Central European allies) will be reached within the German-led EU Battlegroup (2024) and the NATO Response Force (2025). The most profound joint activity, the joint production, research, and development of the defense technology, is founded upon the activities of Rheinmetall, Krauss-Maffei Wegmann (KMW), and the established German–Hungarian joint ventures.

Such ventures with an international background and Hungarian companies should play a role in the development of combat vehicles, with the inevitable role of Rheinmetall in many areas. Rheinmetall Hungary will manufacture Lynx combat vehicles in Zalaegerszeg, and the nearby ZalaZone off-road vehicle test track will be able to support the testing. The value of the investment related to the establishment of the Lynx factory was already estimated at HUF 70 billion in 2022. "The investment, including suppliers, will create more than half a thousand jobs", said László Palkovics in 2020 about the project's role in stimulating the economy (Trautmann, 2020).

Other development opportunities for the Lynx include the adaptation of the Israeli Rafael company's Trophy active defense system to combat vehicles, and the further development of the turret weapon.

It is also possible to forecast the adaptation of Rheinmetall's next-generation 35-millimeter anti-aircraft machine gun system, the Oerlikon Skyranger, to Hungarian combat vehicles, which is a combination of a 30-millimeter automatic machine gun, guided missiles and a high-energy (20 KW) laser. Another large group of combat vehicles will be the Gidráns produced in Kaposvár in cooperation with Turkish company Ejder Yalcin and Rheinmetall. A joint German–Hungarian development program with Rheinmetall and KMW for a next generation automated 8x8 hybrid-drive IFV, based on the German Boxer, may also be started in Kaposvár. If manufacturing goes ahead, this new vehicle could even be the successor of BTR-80s for the second half of the 2030s. The University of Óbuda also conducts related military industry research in Kaposvár. The development of autonomous operation would also rely on the possibilities of the ZalaZone track in Zalaegerszeg, and Rheinmetall's Mission Master XT, for example, could be the “technological model” (Huszák, 2021).

Conclusions

In 2023, the goals and modernization programs of the Zrínyi Homeland Defense and Armed Forces Development Program are reaching the end of the first implementation stage. With sustained political commitment and currently abundant financing, the conclusions we can draw for this first stage are rather optimistic: the comprehensiveness of the program is well reflected in the across-the-board procurements and the defense industrial projects kick-started in these first few years, with a good chance of continuing according to the plan. Fielding the medium and heavy brigades earmarked for NATO in the next five years and ensuring high interoperability within joint formations with the German Bundeswehr will be the next milestones for assessing results.



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РЕФОРМА МАЂАРСКИХ ОДБРАМБЕНИХ СНАГА

Апстракт: Модернизација мађарских одбрамбених снага започела је средином 2010-их након две деценије занемаривања и недовољног финансирања. У раду се мапирају, објашњавају и процењују унутрашњи покретачи модернизације одбране у оквиру Програма развоја домовинске одбране и оружаних снага „Зрињски”, ослањајући се на примарне отворене изворе о војној стратегији, планирању и буџетирању, као и на секундарне изворе о имплементацији модернизације одбране, укључујући набавке и развој одбрамбене индустрије. Како је немачко-мађарска одбрамбена сарадња постала централни елемент модернизације, која се сада шири од набавке до заједничких формација и заједничке производње, кратка процена студије случаја на крају наглашава шта је у сржи дугорочне модернизације, где синергије развоја снага, модернизација наоружања, одбрамбена индустријска производња и међународни војни задаци међусобно јачају.

Кључне речи: МАЂАРСКА, СТРАТЕГИЈА, ВОЈСКА, ОДБРАМБЕНА ИНДУСТРИЈА, НАТО, РЕФОРМА.



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LOCAL AUTHORITIES AT THE FOREFRONT OF CLIMATE POLICY

Abstract: Preparing for and adapting to the impacts of climate change depends fundamentally on local communities, whether in a large city or a small rural area. In many cases, activities, measures and interventions related to mitigation and adaptation are difficult to implement without social cooperation. Today, it is becoming increasingly clear that climate policy measures can be seen as a key to the future success of municipalities. In this paper, we review the strategic basis for municipal climate policies and present a case study of Hungary to illustrate how municipalities' decarbonization performance can be measured and evaluated. We then present a crucial element of climate adaptation at the municipal level, the vulnerability assessment of drought risk at the county level. We will analyse the municipal adaptation options and then review urban development projects' climate performance assessment methodology. In the context of municipal climate policy integration, we present a preliminary climate impact assessment methodology for municipal legal and strategic documents. Finally, in conclusion, we summarise the success factors of municipal climate strategies and make recommendations for the implementation of municipal climate strategies.

Keywords: MUNICIPAL CLIMATE CHANGE POLICY, MITIGATION, ADAPTION, CLIMATE VULNERABILITY, RISK REDUCTION.

Introduction

There is a widespread scientific consensus that humans are significant contributors to causing climate change, notably through the burning of fossil fuels, the expansion of large-scale agriculture, inadequate waste management and some industrial production processes. As a result, the most abundant greenhouse gas in the atmosphere, carbon dioxide, has increased more than one and a half times since the industrial revolution. The atmospheric concentration of other greenhouse gases, such as methane, which has a much stronger warming effect than carbon dioxide, has more than doubled over the last 200 years.

The Earth's average surface temperature has risen by about 0.9°C since the beginning of the 20th century. However, the rate of atmospheric warming is not uniform across our planet. Hungary, for example, has experienced a 1.2°C rise in temperature since the beginning of the last century, exceeding the global rate of change. Hungary is one of the most vulnerable countries in Europe to the likely consequences of climate change: we need to prepare for more heat waves and more extreme water events than at present. However, the adverse effects of climate change will vary from one municipality or region to another, and each locality will adapt to the impacts of climate change in a different way depending on its specific circumstances. For this reason, it is vital to review municipal climate protection responsibilities and develop a municipal climate policy.

The fundamentals of municipal-level climate policies – Hungarian experiences

An effective response to the increase in extreme weather events and the spill-over of local adverse impacts can only be achieved through a comprehensive preparedness and adaptation framework, bringing together local governments, the public, local businesses and civil society organizations. Municipal climate action should be linked to other plans in the municipality or region and national and international climate documents. By establishing these links, local authorities can achieve a coordinated assessment of the situation, rapid prevention and the selection and management of effective adaptation options in the face of adverse impacts (IPCC, 2022).

The three main pillars of municipal climate policy are decarbonization, adaptation to climate change and awareness raising. All three areas require the development and planning of concrete action plans, the first and increasingly urgent step being the preparation of a municipal/regional climate strategy and the establishment of a local stakeholder forum to prepare decisions. In 2018, a methodological guide for developing municipal climate strategies was produced in Hungary, providing municipalities with a practical “guide” (ACFM, 2018).

Since greenhouse gas emissions are primarily linked to the residential sector (household heating, electricity consumption and the use of cars), emissions should

be reduced locally. Climate change objectives are interlinked with environmental protection and sustainability objectives in numerous ways and should therefore be included in municipal environmental programs. However, climate change presents not only challenges but also opportunities. The latter can also be considered in local development to make our communities more attractive places to live and offer a better quality of life for their inhabitants. Municipal climate strategies should ideally be a community decision, reflecting the views of a majority of the population, public institutions, business organizations and NGOs. A community-driven climate strategy encourages the municipality to make efforts to protect and adapt to climate change.

Another tool for local climate policies is the development of energy-climate action plans. The Covenant of Mayors for Climate and Energy has more than 6,600 member cities worldwide, including 65 from Hungary. Member municipalities are now required to plan local climate adaptation interventions. The new, expanded document is the Sustainable Energy-Climate Action Plan (SECAP). The municipalities that join the alliance commit to developing a comprehensive adaptation strategy and action plan in addition to emission reduction planning. This will include a climate risk and vulnerability analysis, which will identify the climate vulnerability of the municipality and help identify adaptation interventions through a SWOT analysis. SECAP can also support municipalities' efforts in transport electrification and smart city development. The action plan will also identify vulnerability to climate change and critical areas for adaptation (e.g. flood/runoff protection, preparation for heat waves, adverse ecological impacts, damage to the built environment, etc.). Moreover, SECAP will also provide an opportunity to develop an energy and climate-aware approach among residents and to involve local stakeholders "early".

Decarbonization performance of regional (county-level) and local (city-level) emission reduction plans

The key question is to identify the regional climate policy "baseline", i.e., what is the actual "baseline" climate policy performance of each region (region, county)? A key challenge in preventing climate change is the capacity of municipalities and regions to engage in national and international decarbonization efforts. A significant national development in recent years has been the preparation of climate strategies by counties and the capital of Sustainable Energy Climate Action Plans (SECAPs) by many municipalities. The aim of research conducted in 2019 (Pálvölgyi and Esses, 2019) was to explore the domestic "spatial structure" of greenhouse gas (GHG) emissions and visions based on municipal (county, municipality) climate strategies and municipal SECAPs. We found that county-level GHG emissions have a specific typology, which is explained, among other things, by the region's economic development and natural and social characteristics.

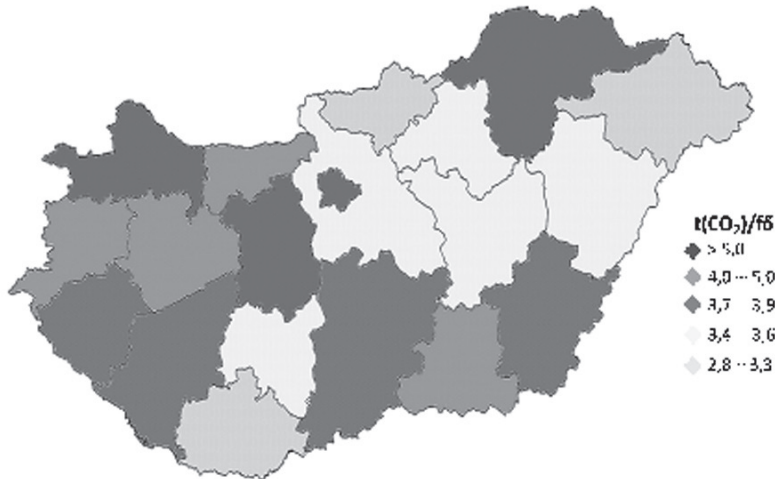


Figure 1: CO2 emissions per capita (2018, tonnes per capita)
(Source: Pálvölgyi and Esses, 2019)

The main drivers of emissions are high population densities, many prefabricated buildings and significant transport traffic. The smallest per capita emissions are found in the more backward and less industrialized small rural areas. Analysing the municipal climate strategy documents, we show that decarbonization performance (i.e., the ability to meet their commitments) leads to a characteristic dichotomy: mitigation interventions in larger cities should focus mainly on the municipal building stock and urban transport, while for many small towns, industry, transit and tourism are the most effective areas for emission reduction. Finally, the 2030 decarbonization commitments of counties and municipalities and planned mitigation measures are analysed. One of the lessons learned is that mitigation measures are often insufficient to achieve the set decarbonization targets. Another conclusion is that mitigation measures do not sufficiently support the transition towards regional sustainability and a circular economy.

Municipalities, climate change impacts and adaptation: a case study on county level drought-related vulnerability

Agriculture is a significant sector in Hungary, and climate change and agricultural drought are particularly important areas of analysis. In a research study (Buzási, Pálvölgyi and Esses, 2021), we investigated the extent to which counties are vul-

nerable to the expected impacts of drought. The aim of the research is twofold. On the one hand, to develop and apply an indicator-based complex vulnerability assessment model that takes into account both the variability of expected precipitation and evapotranspiration, the different physical properties of soils (drought), their sensitivity and the various adaptive capacities of agriculture (e.g., irrigation) in different counties. On the other hand, we aim to compare the drought vulnerability of counties with the drought mitigation adaptation interventions planned by the County Municipalities in their climate strategy. The drought vulnerability assessment model is based on an international methodology and draws, among others, on the National Adaptation Spatial Information System (NATÉR) and the agricultural statistics data sources of the Central Statistical Office. Figure 2 shows the complex drought vulnerability of the counties.



Figure 2: Drought vulnerability of counties in Hungary
(Source: Buzási, Pálvögyi and Esses, 2021)

It can be concluded that the most vulnerable counties are located in the south of the country, except for Baranya County, where the topography, soil type and land use justify a more moderate vulnerability. It is noteworthy that Szabolcs-Szatmár-Bereg county, despite being less affected by climate change, shows the highest vulnerability due to a combination of its unfavourable sandy soils and its lower adaptive capacity (relative economic underdevelopment). Our lowland agricultural regions (Jász-Nagykun-Szolnok, Hajdú-Bihar and Békés counties) are resilient (i.e., low vulnerability), mainly due to their excellent soil endowments and significant irrigation development. Central Transdanubian counties are less vulnerable primarily

due to more moderate precipitation losses. Still, e.g., Győr-Moson-Sopron county is moderately vulnerable due to its soils and relatively weaker agricultural sector. We compared the drought vulnerability and the planned expenditure on drought measures in the county climate strategies. These expenditures reflect county government climate priorities and preparedness for drought. Counties can be grouped into four types:

- *“Alert” type counties.* The counties of Heves, Tolna and Nógrád are characterized by relatively high vulnerability and moderate preparedness for droughts. These counties are among the least developed regions of Hungary and have a relatively low share of agriculture. Their county climate strategies have not adequately reflected drought’s complex natural and socio-economic risks. It is recommended to strengthen drought-related objectives and measures in the revision of the climate change strategies of these counties.
- *“Forward planning” type counties.* The counties of Bács-Kiskun, Csongrád, Szabolcs-Szatmár-Bereg and Somogy have a solid drought policy, while their vulnerability is in the top quartile. These counties are already suffering from the effects of drought on agriculture, and their policy priorities in drought prevention are well established.
- *“Over-estimating” type of counties.* Several counties (Pest, Békés, Hajdú-Bihar, Veszprém, Zala and Fejér counties) show low vulnerability but would place a significant emphasis on drought mitigation. In these counties, it should be considered that over-planned drought mitigation resources could be reallocated to other adaptation measures.
- *“Relevant reply” type counties.* The strategies of the counties of Jász-Nagykun-Szolnok, Vas, Győr-Moson-Sopron, Borsod-Abaúj-Zemplén, Baranya and Komárom-Esztergom reflect the relatively low vulnerability to drought and their policy responses are relevant. No further review is needed in these cases.

Overall, it can be concluded that modelling the drought vulnerability of the counties and comparing it with climate policy interventions can reveal regional differences in climate-related risks.

Climate risk reduction and the feasibility of planning for municipal adaptation

Disasters with significant consequences, whether industrial or natural, have drawn the attention of researchers and professionals to the importance of mitigation. At the same time, the focus has shifted from mitigation to preparedness and adaptation (Buzási et al., 2022). The main objective of planning local-level preparedness and adaptation processes is to reduce the vulnerability of a given region or settlement to disasters through systematic analysis of the drivers, causes of disasters, the wise use of the environmental resources and land, and preparation for adverse events.

To explore the options of preparation and adaptation and the possibilities to minimize risks, it is essential to focus on risk prevention as a first step. In this case, measures should aim at reducing or avoiding potential hazards. The next step is to as-

sess the vulnerability of the affected area or municipality and, based on the results, plan the necessary interventions, reduce vulnerability and increase the chances of resilience to a likely disaster. Vulnerability is, based on these models, a complex indicator combining expected impacts and adaptive capacity, which can also consider local specificities, thus allowing local authorities to consider the different regional and municipal characteristics. The third step aims to improve the actions, response mechanisms and structures in the event of a disaster to prepare effectively for the response. The final stage of the process focuses on facilitating effective recovery from a disaster, for which the knowledge, availability and implementation of appropriate recovery mechanisms, resources and structures are essential (Wamsler et al., 2013).

Preparedness is the adaptation part of the municipal climate strategy, and it is essential to integrate all sectors (e.g., urban planning) in its work. The adaptation strategy aims to increase the resilience and sustainability of municipalities to various expected impacts by shifting the focus from prevention and control to the importance of learning to live in an ever-changing, occasionally dangerous environment.

Planning for municipal preparedness and adaptation

The characteristics and endowments of municipalities influence the options for mitigating risks and the development of preparedness and adaptation processes. Rethinking urban planning in light of the climate change challenges is a key element in shaping the effectiveness of plannability. In the case of urban adaptation, a number of different urban characteristics should be taken into account, all of which influence the effectiveness of planning. An approach based on municipal characteristics can be applied in practice and made easily understandable and tangible for local authorities, residents and stakeholders, thus contributing to effective implementation. These characteristics generally vary according to the physical space and environmental, sociocultural, economic and political factors. The physical presence of cities can also be assessed in various ways, such as architectural features, population density, the extent of land cover and vegetation, the spatial structure and characteristics of buildings and infrastructure. These factors can all be part of the characteristics of a city, which can be affected to varying degrees by different risk factors. Many of the environmental, social and economic aspects that distinguish urban areas from rural areas can be found in the physical space-related factors described above. (Pálvölgyi et al, 2016). Among the urban environmental factors, the specific climatic conditions of cities are noteworthy. In this case, the characteristics to focus on in the assessment include precipitation, wind, temperature, air quality, humidity, soil, water bodies, flora and fauna, noise, waste and wastewater. A city's social and cultural characteristics are fundamentally determined, for example, by the aspects of families, social cohesion, social inequality, social participation, values, health and

safety. The characteristics of a city's economic and governance system may include differences in governance based on particular principles, the availability and accessibility of resources, the features of the institutional system and public services, etc.

For effective risk drivers, reducing hazards and vulnerability and developing mechanisms for response and recovery may be the right direction, interacting with the characteristics of a given city. Urban planning and development focusing on preparedness and resilience should rethink institutional, inter-institutional, organizational, educational, technical and other aspects to move towards a liveable, sustainable and future-proof city and settlement. Integrating preparedness and adaptation into settlement planning can also provide adequate public protection.

Assessment of the climate change performance of urban development projects

Urban areas worldwide play a key role in reducing greenhouse gas emissions and adapting to the adverse effects of climate change, so climate-friendly, climate-resilient urban planning is an indispensable component of municipal climate protection. Climate-proofing of urban development projects can reduce complex climate vulnerability and exploit the potential of decarbonization at the project level.

A comprehensive methodology and case study was developed to assess the direct and indirect impacts of urban development activities, taking into account the compliance with municipal climate strategies (Buzási, Pálvölgyi and Szalmáné Csete, 2021). The main objective of applying the climate-oriented assessment framework is to assess and improve the climate change performance of interventions for complex rehabilitation and renewal of specific urban areas. The evaluation framework identifies the strengths and weaknesses of the urban development projects under assessment in decarbonization, adaptation and climate adaptation. It will also allow the identification and avoidance of adverse lock-in effects.

In a case study, the climate change performance of the complex rehabilitation plan for Goldmann Square and its surroundings in the 11th district of Budapest was assessed in terms of compliance with 16 evaluation criteria based on the objectives of the Budapest Climate Strategy. The assessment framework is based on a methodology widely used in the literature and developed to identify complex environmental, sustainability and climate change performance indicators. Although the analysis has focused on the "Budapest" context, the methodology can be easily adapted to other municipalities by focusing on local (even city-to-city) climate strategy aspects. The methodology allows for formulating recommendations to improve the climate performance of specific urban planning projects, thus achieving climate change mainstreaming in practice. As municipalities play an exceptional role in the development of "good climate governance", the following general recommendations for urban planners and decision-makers can be made.

- *Recommendations for urban planners.* It is essential to treat expected climate change as an implementation risk in local development plans. It also means that

these plans need to consider the changing climate and physical and regulatory risks, for which the climate performance assessment method can be used as a “quick-test” tool. Climate performance assessment should be used early in development planning to avoid “lock-in” effects that could lead to costly corrections later on. As the climate performance of a specific development plan is highly dependent on local specificities, the assessment criteria (i.e., against which the climate-proofing and climate resilience of the plan is “measured”) should be based on the local (regional, municipal, urban) climate strategy.

- *Recommendations for mayor’s offices, municipal administration and institutions.* On the one hand, local authorities’ climate change objectives and commitments must be incorporated into their strategy and legislation, particularly in their budget planning, management of municipalities and public services, and efforts to strengthen public participation. On the other hand, preparing or revising urban climate change strategies, programs and action plans should adequately reflect the critical issues of climate-related assessment of urban development projects.

A key success factor for municipal climate policy is a meaningful dialogue between stakeholders (i.e., people living and working in the municipality, NGOs, development planners, decision-makers, etc.). It has also been shown that the developed climate-oriented assessment framework can effectively facilitate stakeholder dialogue and improve social awareness and attitudes toward climate change.

Climate impact assessment of municipal legislation, strategies and plans

Integration is a low-cost, effective tool for climate action in local governments; it is strongly recommended by several international organizations (e.g., Covenant of Mayors, ICLEI, Under2). A climate impact assessment is a municipal climate policy’s primary planning and decision-support tool. Its aim is to provide a climate screening of the municipality’s activities and lay the foundations for climate-friendly and climate-resilient municipal action. In essence, climate policy objectives should “permeate” the whole of the municipality’s activities, integrating, among other things, the following areas:

- Municipal regulations and strategies (e.g., business development, energy management, transport development, green space management, environmental protection, education, social relations, etc.)
- Urban development and planning (e.g., zoning plans, building regulations, infrastructure development)
- Municipal tenders, support mechanisms (environment, culture, grassroots sports, social support)
- Operation of municipal institutions and public utilities (e.g., education, health, sports and cultural institutions, public sanitation, park maintenance, etc.)
- Operation of the mayor’s office, its activities (e.g., investments, public procurement, tenders (where the municipality is a tenderer), operating rules)
- The adequacy of municipal climate policy should be assessed in decarbonization, adaptation and awareness-raising “dimensions”, in the following impact categories:
 - heating energy use
 - electricity consumption

- electricity generation
- transport, transport infrastructure
- health risks associated with heat waves
- increased frequency of sudden rainfall events, flood-risk
- green spaces, natural values, wildlife
- tourism
- general climate awareness
- energy awareness

In a joint peer review meeting, the document under evaluation will be assessed against the criteria in the table below. The 36 “evaluation questions” form the rows of the scoreboard-type evaluation matrix. The columns of the matrix are made up of the rating assigned to each row, e.g., on a 1 to 5 point scale. The overall score reflects the degree of climate integration and provides a way to track progress over time.

Mitigation: Assessing the impact on the building’s energy use

1-4.	Does it contribute to reducing the heating energy demand of the building stock? (4 separate questions for residential buildings, municipally managed public buildings, publicly managed public buildings, commercial and service buildings)
5-8.	Does it contribute to substituting fossil heating fuels in the building stock by renewable or electric heating? (4 separate questions for residential buildings, municipally managed public buildings, publicly managed public buildings, commercial and service buildings)

Mitigation: Assessing the impact on electricity consumption and production

9-12.	Does it contribute to the reduction of electricity consumption in buildings (4 specific questions for residential buildings, municipally managed public buildings, publicly managed public buildings, commercial and service buildings)
13-16.	Does it contribute to the uptake of solar photovoltaic (PV)? (4 separate questions for residential buildings, municipal public buildings, publicly managed public buildings, commercial and service buildings)
17.	Do you contribute to the modernization of street lighting?

Mitigation: Assessing the impact on transport and transport infrastructure

18.	Does the measure lead to reduced/increased traffic for passenger vehicles?
19.	Does the measure lead to a reduction/increase in parking spaces?
20.	Will the measure contribute to a shift to lower carbon public transport?
21.	Will it contribute to replacing the municipal fleet with low-carbon vehicles?
22.	Does it contribute to the uptake of e-mobility?

Preparedness and adaptation: Assessing the impact related to water, storm damage and heat waves

23.	Does it help stormwater management and increase drainage and storage capacity?
24.	Does it help to improve the storm resilience of the municipal building stock?
25.	Does it help to further develop the health and social care system from a climate protection perspective?
26.	Does it help municipalities prepare for heat waves (heat alert plan)?

Preparedness and adaptation: assessing the impact of green areas

27.	Are green areas growing?
28.	Does it lead to tree felling/planting?
29.	Does it promote the adaptability of vegetation in parks, institutions with large green areas or residential gardens?

Awareness-raising impacts

30.	Does it contribute to developing climate and energy awareness and climate-friendly transport among the local population (2 evaluation questions for climate and energy awareness separately)?
31-32.	Does it contribute to developing climate and energy awareness and climate-friendly transport among visitors (tourists, leisure activities, commuters) (2 evaluation questions for climate and energy awareness separately)?
33-34.	Does it contribute to developing climate and energy awareness and climate-friendly transport among pupils (primary and secondary education) and preschool children (2 evaluation questions for climate and energy awareness separately)?
35-36.	Does it contribute to developing knowledge and attitudes towards climate change and sustainable energy management among employees in municipal institutions and municipal public service enterprises (2 evaluation questions for climate and energy awareness)?

Table 1: Assessment criteria for climate change policy integration in municipal strategic documents, plans, projects

Conclusions

Success factors for municipal climate strategies

Based on the national and international scientific literature, the following success factors can be identified:

- *The need to reduce hazards.* In formulating their climate protection strategy, municipalities react reactively to an event or damage that has already occurred. It may encourage municipalities to introduce preventive measures. For example, this can be seen in municipal water management (e.g., stormwater disposal).
- *Cost reduction.* Cost savings can also be a significant incentive for municipalities. For example, saving energy can reduce expenditure, but adaptation can also significantly reduce future spending on damage repair.
- *Reputational benefit.* Municipalities successful in climate action gain a national or cross-border reputation, which can sometimes motivate others.
- *Past experiences, good practices.* The municipality has previously implemented measures that can be linked to or form the basis of a climate programme (e.g., environmental, energy efficiency). At least a designated person in the municipality is committed to the programme and helping implement it.
- *Institutional staffing conditions.* The municipality has institutionalized climate protection and employs at least one person to coordinate and organize the climate programme.
- *Networking.* It involves local partners and actors, linking up with organizations of climate-friendly municipalities, which can facilitate the flow of information and the exchange of experience. Networking can also help to stimulate local actors (citizens, businesses, NGOs) to take climate initiatives.
- *Funding.* Although municipal climate protection interventions are not always costly, they require some secure – not contingent and therefore predictable – funding. Public and EU funding has a key role to play in ensuring that the necessary financial conditions are in place. International practice shows that municipalities running a climate programme often set up climate funds.
- *Develop a municipal climate policy.* Strategic planning for climate protection in the municipality (setting up a climate strategy and integrating climate policy objectives into other strategies and development plans). Introduction of planning and regulatory instruments (urban development plans, building codes, transport regulation, utility tasks, etc.).

Recommendations for the implementation of municipal climate change strategies

The following general recommendations are made for municipal and regional climate actions:

1. It is recommended that the need to reduce carbon dioxide emissions and other greenhouse gases is considered in preparing and revising local strategic documents (e.g., spatial and urban development plans, integrated urban development strategy, environmental programme, sustainability strategy, etc.). In many cases, this will not mean introducing new measures but examining and quantifying the targets and orientations set out in the local/regional climate strategy in the strategy documents. The county climate platforms should develop mechanisms to coordinate climate change interventions at the local level.
2. Local and regional economic development strategies should identify and consider locally relevant activities (local green economy) that can significantly contribute to improving local competitiveness and economic growth in the face of increasingly stringent environmental and climate protection standards.
3. In all districts and municipalities with more than 50,000 inhabitants, it is recommended that a climate and energy officer be appointed within the district's working structure (mayor's office, district working structure, etc.).
4. Setting an example at the local (municipal) level is essential by launching complex building energy and climate protection programmes in municipalities, covering a wide range of residents and public institutions.



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ЛОКАЛНЕ ВЛАСТИ НА ЧЕЛУ КЛИМАТСКЕ ПОЛИТИКЕ

Апстракт: Припрема и прилагођавање утицајима климатских промена у основи зависи од локалних заједница, било у великом граду или малом руралном подручју. У многим случајевима активности, мере и интервенције које се односе на ублажавање и прилагођавање тешко је спровести без друштвене сарадње. Данас постаје све јасније да се мере климатске политике могу посматрати као кључ за будући успех општина. У овом раду разматрамо стратешку основу за општинске климатске политике и представљамо студију случаја Мађарске да бисмо илустровали како се учинак декарбонизације општина може мерити и проценити. Затим представљамо кључни елемент климатске адаптације на општинском нивоу, процену рањивости ризика од суше на нивоу округа. Анализираћемо опције општинске адаптације, а затим размотрити методологију процене климатских перформанси пројеката урбаног развоја. У контексту интеграције општинске климатске политике, представљамо прелиминарну методологију процене утицаја на климу за општинске законске и стратешке документе. На крају, у закључку, сумирамо факторе успеха општинских климатских стратегија и дајемо препоруке за спровођење општинских климатских стратегија.

Кључне речи: ПОЛИТИКА ОПШТИНСКИХ КЛИМАТСКИХ ПРОМЕНА, УБЛАЖАВАЊЕ, ПРИЛАГОЂАВАЊЕ, КЛИМАТСКА РАЊИВОСТ, СМАЊЕЊЕ РИЗИКА.



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HUNGARIAN UNIVERSITY REFORMS ON TRIAL Boards of Trustees and the Paradox of University Autonomy

Abstract: This study investigates the possible negative effects that boards of trustees (BoTs) of private universities have on academic autonomy. Over time, Western universities have developed a model with a reasonable degree of shared responsibility between BoTs and the university community. Recently, Hungarian public universities that are transitioning to a private model have been learning how to better share responsibility between BoTs and their universities. This study aims to devise a new test of academic autonomy based on an analysis of the experience of the QS top 100 universities with BoTs. This test will help to reach a better understanding of the situation of the 21 Hungarian public universities recently transformed by the government into private institutions. Examining these Hungarian cases may enrich theoretical and legal debates on the effect of BoTs on the academic autonomy of private universities, although this may in turn lead to further paradoxes.

Key words: ACADEMIC AUTONOMY, UNIVERSITIES, BOARD OF TRUSTEES, HUNGARIAN HIGHER EDUCATION, HUNGARIAN GOVERNMENT, UNIVERSITY POLICY.

Introduction

Between 2019 and 2021, the Hungarian parliament transferred the majority of the country's state (public) universities from public ownership to the ownership of public interest trusts (PITs), established by the Hungarian state as foundations. The European University Association (EUA) has recently expressed its deep concern about "the steady decline in university autonomy observed in Hungary that has damaged university communities in the country".¹ The EUA has argued that the reform of university governance in Hungary has led to significant divergences from European universities' governance practices, notably concerning the configuration of the boards of trustees of the public interest trusts, which is undermining the autonomy of the universities in Hungary. The EUA claims that

- the transfer of substantial decision-making powers to a body consisting exclusively of members appointed by the government for life can be considered as a reduction of institutional self-determination and is not in line with practices observed in Europe regarding university governance. The model fails to find a balance between the university's accountability to society and the state through the involvement of external members and the university's self-governance.²

As a consequence, the EUA – which provides a scoring and comparative analysis of 35 European countries – excluded Hungary from the 2023 edition of the Autonomy Scorecard.³ As grounds for its decision, it cited the above criticism, i.e. Hungary has developed a governance model for "21 foundation universities" that does not exist in any other system in Europe. Accordingly, it is beyond the scope of the Scorecard method's comparative assessment and cannot be compared in this framework. The EUA recommended that the university community should play a formal role in the selection of trustees and that exclusive and irrevocable decision-making rights connected to core academic issues should clearly be held by the university senate. In February 2022, the European Commission ceased to provide legal commitments on Erasmus and R&D funding to the 21 public interest trusts that maintain 21 universities in Hungary. This has affected the participation of Hungarian higher education institutions, representing around 85% of the Hungarian student population, which are maintained by such trusts, in vital EU programmes such as Erasmus+ and Horizon Europe.

Since the EC took this measure, the Hungarian government has taken steps towards the resolution of the issue, as a result of which ministers and government-party politicians resigned from their positions on the boards of the public interest trusts managing these (formerly public) universities. As of May 2023, the position of European Commission has not yet changed, however. The government has also expressed its willingness to make legislative changes regarding the current lifetime mandate of board of trustees.

1 <https://eua.eu/news/998:eua-board-urges-hungarian-government-to-address-autonomy-concerns-to-ensure-universities%E2%80%99-access-to-eu-programmes.html>

2 The Evolution of university autonomy in Hungary: A complementary analysis to University Autonomy in Europe IV: The Scorecard 2023. 3.

3 EUA University Autonomy in Europe, The Scorecard IV. March 2023.

So as to better understand the EC's measures and the EUA's concerns it is worth examining some details of the so-called "model-change" experienced by the Hungarian universities, in particular some changes regarding the authority of the new bodies maintaining them (the BoTs) and the senates of the universities. The reform has been criticized by several scholars (see, e.g. Polónyi, 2022: 83), too, however the 21 rectors involved have repeatedly made public statements on the necessity and expected benefits of the reform.

“Public-to-Private” Model Change of Hungarian Universities

The new legislation introduced between 2019 and 2021 changed the status of 21 universities from public to private institutions and transferred the responsibilities for their maintenance and the property rights of the universities from the state (government) to public interest trusts (PITs) newly founded by the Hungarian state. The board of trustees of the PIT, as maintainer, decides on the university's budget, organizational and operating regulations, asset management plan, business activities, and on submitting the rector's appointment to the head of state. A long-term framework agreement between the government and the PITs sets out how the state will finance the university, applicable for a period of 15 to 25 years. In this respect, the government provides detailed task financing agreements for a period of five years, setting out a performance indicator system of the relevant activity for each PIT and each university, as well as the exact corresponding amount of state support.

At this point, it is important to clarify the reasoning provided by the Hungarian government for ceasing to directly maintain the "model-changing" universities by the state as public maintainer. According to the government, the purpose of these reforms was to develop "higher education that is more beneficial and competitive in all respects". The change of model is expected to make four important changes for universities: (a) the end of the bureaucratic system of ministerial supervision; (b) their exit from the direct financing system of public finance regulations and the state budget; (c) they will cease to be state property; (d) their employees will no longer be within the scope of the civil servant regulations. The previously public status of these institutions (i.e. state maintenance) meant that the designated minister ensured the necessary conditions for the operation of these universities, issued their charters, and determined the main items of their budgets, while supervising their management, the legality and efficiency of their operation and the effectiveness of their substantive work. In addition, the minister was responsible for nominating and dismissing rectors and chancellors, and acted as their employer.

In the new "private" model universities, the Hungarian state established special PITs, whose first trustees were appointed by the minister, although the founding rights of the PITs were transferred to the BoTs themselves by the founding legislation. The PITs thus took over the founding and maintenance rights of the university from the Hungarian state. According to the government, this will lead to a qualitative change whereby the decision makers will be boards of trustees dedicated to each university, instead of the universities being under the authority of the ministry.

Compared to state universities, the competitive advantage of PITs running the universities is that they can manage them more flexibly outside of state budget regulation, i.e. the PITs have their own property and finances instead of depending on public property and public money. The main reason for the change of model is, therefore, the expectation that these universities will be better managed by BoTs made up of autonomous individuals having political or economic backgrounds, with proven managerial skills and an “ownership approach”. In other words, instead of professional public servants taking decisions on the operation of the universities in the public interest, as was the case with the former (state) maintainers, it is expected that decisions taken in the interest of the university, aligned with the market reality and driven by “owners” (BoTs) will lead to more motivated and competitive operation.

From 2019 to 2020, the model change started at those public universities whose senate requested the introduction of the new PIT-run private status. The government promised these universities better chances of receiving EU and national development funds. The government policy arguing against the effectiveness of state management (!) was unusual, especially because, since 2010, there has generally been an expansion of state responsibility and strengthening of state management in all areas of Hungarian society and economy. However, from the point of view of higher education, the change in model appears to have been a rational decision. For decades, the management of state universities has had a paralyzing effect, deepening the historically entrenched paternalistic thinking: “the ministry will tell you what to do”. The “state” and the rules of public finance have often fed the spirit of bureaucratic cultures, which has weakened creative and innovative forces. After several decades of half-baked reforms, the new foundation ownership (PIT) model represents an exciting new opportunity to improve universities. The impact of the model change on the academic and economic performance of the universities that have undergone it is still fluctuating, and its effect on their efficiency and long-term results may only become apparent in three to four years.

The economic and operational autonomy of the model-shifting universities was an important part of the justification for the new policy. However, the impact of BoTs on academic autonomy has increasingly become a matter of concern. To understand how the change from a public to a private model challenged the universities’ academic autonomy, it is worth studying western private universities, where responsibility for organizational, academic and financial matters is traditionally shared between BoTs as external maintainers and senates. Academic autonomy means that the senate has the right to decide or agree on academic-related matters, e.g. the curricula of degree programmes and subjects, the goals of research and the activities of the university’s faculties and departments. The concept of autonomy should make a distinction between the autonomy of the individual university and of its academic staff (Tapper, Salter, 1995: 59).

To some extent, the external BoT necessarily limits academic autonomy, and as long as this restriction is reasonable and proportionate, it is acceptable. The authority of the BoT in limiting academic autonomy should be subjected to tests of reasonableness and proportionality. For this reason, this study will evaluate the levels of autonomy of top global universities, then examine the autonomy of universities in the new Hungarian model with regard to the operation of the BoTs. In this regard, the axiom of the study is that, on the one hand, the university’s

educational effectiveness and scientific impact are directly proportional to the degree of academic autonomy it enjoys, at least in the long run, while on the other hand, the authority of the BoT should never violate the academic autonomy of the university community.

The 5-item research-education autonomy test (5-REACT)

Academic freedom requires a certain degree of institutional autonomy, thus academic autonomy derives from organizational, operational and financial authority. The concept of academic autonomy covers decision making on study fields, student numbers, student selection, structure and the content of degree programmes and also extends to the conditions and circumstances of research and education. The 5-item research-education autonomy test (5-REACT) evaluates the operation and powers of the BoTs operating at the QS World University Ranking 2022 TOP 100 universities in relation to five critical factors that directly or indirectly affect the conditions of academic freedom and university autonomy. The essence of the university's research and teaching autonomy requires that the senate has a meaningful influence on organizational, personnel or financial issues relating to the institution's teaching and research activities (Kollár, 2021). In this study, the research and educational autonomy of universities is interpreted on the basis of Article X (3) of the Fundamental Law of Hungary (Hungary's constitution), which states that universities shall be "independent in terms of the content and methods of research and teaching". This autonomy with regard to the research of universities is complemented by Article X (2) of the Fundamental Law, according to which "the State is not entitled to decide on the issue of scientific truth, only scholars are entitled to evaluate scientific research". These sections of the Fundamental Law directly impose on the state the obligation of neutrality towards the evaluation of scientific research, which also precludes state involvement in deciding on the research curriculum of higher education institutions (21/2021. (VI. 22.) Hungarian Constitutional Court - HCC point 22). These legislative interpretations are in full compliance with the general meaning of academic autonomy.⁴ However, in our view, the "obligation of neutrality" should apply to every entity that is not qualified as a representative of science. It should apply to the board of trustees of a university foundations unless they are scholars or a majority of them are scholars. According to the Hungarian Constitutional Court (HCC), respecting the research and teaching autonomy of universities requires the state to create an institutional system safeguarding the autonomy of the universities (21/2021. (VI. 22.) HCC point 23), namely a regulation that "ensures the enforcement of research and teaching autonomy free from non-academic influence" at the university. For this reason,

⁴ International University Association Policy Statement 1998: Academic Freedom, University Autonomy and Social Responsibility.

university legislation stipulates that the senate is the supreme decision-making body for all universities.

However, this does not mean that a university's senate – as the custodian of its autonomy – should be exempt from all external influence on decisions concerning research and education activities. Moreover, according to the HCC's logic, decisions of BoTs on matters affecting research and educational issues meet the requirements of university autonomy as long as there is a real opportunity for the senate to influence them. In the new legislation, BoTs have broad decision-making powers on the university budget, organizational and operational regulations, the asset management plan, business activities, and nominating candidates for the position of rector. These decisions directly affect the conditions of research and teaching autonomy, thus our test was devised for the purpose to examine the factors which could weaken this autonomy or even heighten the risk of it being harmed. These factors are as follows:

1. The composition of the BoT: ratio of academics/scholars on the Board of Trustees. The proportion of academic trustees on the board indicates the extent to which decisions are made by scholars. These academics are not necessarily affiliated with the university managed by the given BoT. The risk of restricting academic autonomy is assumed to be proportionate to a lower ratio of academic trustees on the BoT. Comparative analysis shows that most BoTs are composed of a combination of non-academic stakeholders and academics affiliated with the university. The degree of risk to research/education autonomy can be measured along the following scale: an entirely pure non-academic BoT (only non-academic trustees), a board with a minority of academics, a board with a minority of non-academics, and an academic-type BoT (containing academic trustees only).
2. The quality of regulation of the criteria for trusteeship (merit-based criteria, election, transparency) can show the extent to which trusteeship is based on professional merit, transparency, and open and democratic selection criteria.
3. The critical number of board trustees may enhance the professional and democratic decision-making of the board, based on the diversity of stakeholders. Universities have become large and complex institutions, with the result that over time, the diversity of BoTs has increased, growing to include a wide range of professionals. This can be accounted for by both governance experience and a representative democratic culture. It is fair to say that fewer trustees, and a greater uniformity among them carries a proportionate risk of unreasonable decision-making.
4. Rules for trusteeship rotation: a fixed-term mandate may increase both the accountability and the chance of maintaining the level of motivation of trustees. Modern governance cultures, whether in political, corporate or academic contexts, prefer fixed-term mandates for decision-makers to enforce principles such as accountability and responsibility. The risk of bad decisions can increase if there is no turnover among trustees due to the excessive duration of their mandate (including lifetime appointments).
5. The BoT's decision-making power factor means the extent to which the board of trustees can decide on the organizational, operational and financial conditions of the university. Giving boards of trustees overly broad powers to decide on organizational and operational matters relating to education or research is risky.
 - 5.1. The main elements of organizational autonomy include the capacity of the academic community to decide on academic structures, their operational rules

and the establishment of organizational units.⁵ This capacity is key to creating the appropriate conditions for education and research. Other elements of autonomy may include the selection procedure for the heads of organizational units, setting nomination and dismissal criteria for university executives and for external trustees in university bodies. The risk of an unreasonable limitation to organizational autonomy can increase if the BoT has overly broad powers to decide on organizational and operational matters related to education or research. For most of the top 100 universities, the power of their Boards of Trustees does not extend to organizational and operational details and rules. As policy-makers, they mostly serve as a bridge between the university and the world by bringing in experience and perceptions gained outside the university. They provide leadership in capacity-building initiatives and oversee the university's relations with other stakeholders. To help meet these goals, the trustees determine the long-term allocation of resources, making decisions in the context of the needs and expectations of the university.

5.2. Financial autonomy is the capacity of the academic community to decide on the amount and type of public and private funding, to maintain a budget surplus, to borrow money or to charge students tuition fees.⁶ The risk of an unreasonable limitation on financial autonomy may increase if the BoT has overly broad powers to decide on budgetary matters related to education or research.

To sum up, for organizational, operational and financial matters, the assessment of the scale of authority depends on the extent to which a BoT is obliged to take into account the opinion and proposals of the academic community, namely the senate. In theory, there are different degrees of risk that coexist with factors that may possibly harm the research and educational autonomy of the university. Purely non-academic boards of trustees and those where academics are in the minority can be considered risky. If there is no (or only weak) rules on merit-based criteria for BoT membership, this may result in an unpredictable quality of the decisions it will take, due to uncertainty as to the professional quality of the trustees. Another uncertainty regarding the professionalism and operational stability of the board may result from a low number of trustees, while appointing trustees for life or for an unreasonably long time (10 years or more) can lead to other governance problems such as weak accountability.

The results of the research on the external BoTs of the top 100 universities of the QS World University Ranking 2022 can be summarised as follows: Trustees representing the university's scientific community are usually included on the boards, and, indeed, on most of the boards they are in the majority. Only a few of the BoTs were composed entirely of non-academic members, nor were many of them all academics. Among the world's top 100 universities with purely non-academic BoTs, or with BoTs in which academics are in the minority, Harvard, UCL, Imperial College London, the University of Pennsylvania and Stanford (US) are included. BoTs where academics are in the majority or where all the trustees are academics include Oxford University, Cambridge University (UK), the University of Chicago and the National University of Singapore.

5 EUA University Autonomy in Europe, The Scorecard IV. March 2023. 20.

6 EUA University Autonomy in Europe, The Scorecard IV. March 2023. 30.

The board trusteeship is partly based on the co-optation of the trustees and partly on the delegation of the university, but in all cases merit-based criteria are regulated in detail in the board's founding documents. The number of board trustees varies between 20 and 40 persons, which aims at enhancing both professional diversity and the legitimacy of decisions taken. Trusteeship is based on fixed-term mandates, thus periodic rotation, accountability and renewal of motivation are ensured. The activities of the BoTs include devising strategies for development, deciding on university policy issues and maintaining funding security. The board rarely takes decisions on the organizational, operational and financial details of the university.

Among the world's top 100 universities, there is a wide range of authority models from policy-maker-type to ruler-type BoTs. For most of non-academic type BoTs, however, the rules provide for mandatory co-decision-making, for a consultation process with academics or with the senate of the university, in particular in research and education matters, e.g. at UCL (UK), Stanford and Harvard.

The remainder of this study will analyse concerns about the research and educational autonomy of universities in relation to excessive authority of BoTs to make operational, organizational and financial decisions, in the Hungarian context.

The research-education autonomy test applied to the new Hungarian university governance model

As discussed above, the EUA has argued that the new university governance model in Hungary implemented since 2019 has shown significant divergences from the governance practices of European universities. This study has examined in detail the divergent points of Hungarian BoTs from the general practices of the top 100 universities. It is worth noting that the BoTs of the "model-changing" Hungarian universities are still in the learning stage, and that the frameworks provided by the law and the practice of new governance are still developing. Based on the current situation, the following conclusions can be drawn from the 5-REACT test:

1. In Hungary academic trustees on the BoTs are usually in the minority, usually 1 or 2 out of 5 trustees. Between 2019 and 2021, board members were appointed by the minister responsible for Higher Education at the time of the establishment of the BoTs, while in the future new trustees will be selected (co-opted) by the BoTs themselves. There are no legislative or internal regulations on the professional qualifications of trustees. However, due to the EU Commission's concerns about the board membership of ministers and active government politicians, many of them resigned from the BoTs in February 2023.
2. Currently there is no legislation setting the criteria for BoT membership, nor is there any internal regulation of BoTs, although the founding document may set requirements regarding the qualifications, educational and professional backgrounds of BoT trustees. In 2022, some minor legislative changes were made to provide conflict of interest rules for trustees: "[a] person who is unable or only limited to carry out

his duties impartially, objectively and impartially due to his economic interest or any other direct or indirect personal interest or circumstances (including family, emotional reasons, political or national affiliation) is obliged to refrain from any activity which may be contrary to the interests of the foundation or the affiliate, or directly or indirectly providing assets to all of them.” (IX. Act of 2021 sec 15 (3))

3. According to the Act, the mandatory number of trustees of the BoTs shall be five.
4. The term of membership is not limited by law, and due to the lack of regulation the founding charters stipulate trustee mandates of indefinite durations. However, in March 2023 the government announced a proposal for new legislation which would set a time limit for the mandate of trustees, in response to criticism from the EU Commission in this regard.
5. The decision-making authority of the BoTs applies to all organizational, operational and financial issues of the university, including educational and research programmes. In 2021, the HCC requested that the legislator restrict the decision-making authority of the BoTs so that they can only decide on the budget and the rules of the organization and operation of the university if the senate may have a “substantive influence” (the right of opinion) on the decision-making of BoTs. The legislator amended the regulation accordingly [IX. Act of 2021 sec 22. (4)].

In its report, the EUA recommended that Hungarian universities be formally involved in the selection of the members of the board of trustees. It also urged the Hungarian state to re-design the balance of powers between the BoT and the university senate to ensure a clear allocation of competences, guaranteeing that the university senate can rule on academic matters without being subject to a derogation clause in the law.⁷

The following section analyses how the authority of newly established BoTs over the organizational, operational and financial matters of the universities having “changed models” is being subjected to constitutional scrutiny by the Hungarian Constitutional Court.

University autonomy on constitutional trial

A recent HCC decision, mentioned above, ruled that in universities maintained by PITs, BoTs can take decisions on major issues related to the operation of the university on the strict condition that they provide “mere influence” in the decision-making of the university’s senate.⁸ Based on this case law, it is worth investigating the autonomy requirements of constitutional compliance in cases where the BoT rejects an opinion or proposal made by the senate. The HCC developed the concept of the “limited autonomy” of universities. Limitations may result from parliamentary legislation, from the university’s maintainer (BoTs or government) or from other stakeholders. A university and its senate are never “totally autonomous”, since the responsibility for education and research is always shared with other stakeholders. The maintainer has a primary liability that cannot prevail if the maintainer is not

⁷ The Evolution of University Autonomy in Hungary: A Complementary Analysis to University Autonomy in Europe IV: The Scorecard 2023. 11.

⁸ Hungarian Constitutional Court Decision No. 21/2021. (VI. 22.)

given ultimate decision-making power. The HCC concludes that the responsibility of the maintainer “precedes” the responsibility of the senate, therefore the BoT should be given decision-making powers extending to all essential matters of the university. The question that remains concerns the “minimum of autonomy” i.e. the minimum rights of the senate to express its opinion on the decision-making process of the BoT. The “relativist” interpretation of university autonomy means that university autonomy constitutes a certain level of independence from stakeholder intervention that is necessary for the university to independently regulate its own internal organizational functioning (internal allocation of financial resources, acquisition of non-state revenue, hiring of staff, provision of educational conditions, organization of education and research). At this point it is worth referring to the definition of the IAU: “The principle of Institutional Autonomy can be defined as the necessary degree of independence from external interference that the University requires in respect of its internal organisation and governance, the internal distribution of financial resources and the generation of income from non public sources, the recruitment of its staff, the setting of the conditions of study and, finally, the freedom to conduct teaching and research”.⁹

The central idea is that the “necessary degree of independence”, i.e. the independence of the university, can be limited to this level. The HCC developed a minimum requirement for the “necessary degree” in such a way that the senate must be given a right to give an opinion on and influence those BoT decisions that affect academic autonomy. The question is whether the maintainer has the right to decide differently or contrary to the opinion of the senate. According to the HCC, the BoT is entitled to do so, although the senate’s proposal “must be taken into account in a transparent manner by the maintainer in its decision-making”. Accordingly, the BoT is obliged to demonstrate that the senate had an opportunity to “merely” influence the BoT’s decision on the operation of university (HCC p. 25) as well as on matters relating to research and teaching autonomy (HCC p. 26).

It remains unclear whether the maintainer must accept the substantive opinion or proposal of the senate or whether it can reject them in whole or in part. In our view, the HCC’s decision did not clarify this issue, as it remains open to two interpretations. One approach would be that the maintainer is bound by the senate’s proposal; i.e. the BoT must accept and enforce the senate’s proposals (obligation of enforcement). The other reading would be that the maintainer’s obligation to “take into account” the senate’s proposal means that it is allowed to reject a proposal if it does so in a transparent and reasonable manner (obligation of consideration). The substantial difference between the two kinds of obligations of the BoT is evident. However, both can be seen as “mere influence” of the senate on the decision-making of the BoT. For example, if the senate expresses its opinion that the university should have a History of Science Department, but the maintainer (BoT) replies that it is not necessary

9 International University Association Policy Statement 1998: Academic Freedom, University Autonomy and Social Responsibility.

and rejects the proposal with appropriate reasoning, the HCC will find that the BoT acted in accordance with the principle of academic autonomy, as it took the senate's proposal into consideration. The concept of "obligation of consideration" seems to be the "reasonable degree" of limitations on academic autonomy cited by the HCC. This concept refers to two conjunctive conditions. First, the BoT must conduct a meaningful exchange of views with the senate and consider its proposals in a documented manner. Second, if the maintainer makes a decision that differs from or rejects the opinion of the senate, this should be based on substantive reasons.

At this point, however, we must return to the constitutional content of research and educational autonomy. If the disagreement of the maintainer and the senate concerns the content and methods of research and teaching (under Article X (3) of the Fundamental Law), or scientific matters and the freedom of researchers (protected under Article X (2) of the Fundamental Law), it would be contrary to the Fundamental Law if the opinion of the senate, as the custodian of educational and research autonomy, were to be rejected or distorted by the maintainer. This brings us back to the paradox of how educational and research autonomy can prevail if the maintainer decides differently from the position of the senate. The answer depends on the content of the decision of the BoT and the reasoning for it. Based on the "substantial senate influence" requirement developed by the HCC, the reasoning of the maintainer's decisions must be subject to a double substantive criterion: a decision by the maintainer that differs from or rejects the senate's opinion can only be considered constitutional if (1) it has documented reasoning of essential interests related to university research and education, and (2) the decision does not affect the content, methods and scientific issues of research and teaching. Both aspects require a very thorough formulation of the justification and assessment provided by the BoT.

Conclusions

It is increasingly important to understand the changing social roles of universities and higher education policies reflecting to these changes. Recent changes are heading in two dimensions: the nature of production (product/process), and the relation to the social, economic and political system (consensus/dissensus) (Kováts, 2021: 76). The above trend, seen in universities changing from a public to a private model, heightens the importance of assessment frameworks and academic autonomy tests to scrutinise the authority and activities of university BoTs. The evolving Hungarian situation may enrich theoretical debates on how the authority of BoTs affects academic autonomy and also highlight the threats that BoTs may pose to universities' academic autonomy. Currently, Hungarian BoTs still seem to be in the critical range of the research and teaching autonomy, and it would be desirable to enhance the influence of the university senates on BoT decisions. However, despite risks arising from the current regulatory framework for the operations of BoTs, one cannot predict how the culture and practice of the newly established BoTs will evolve over time in terms of academic autonomy in Hungary.

In a constitutional analysis, the enforcement of academic autonomy through both the senate and the autonomy of the maintainer at the same time seems to be paradoxical if there is a difference of opinion between the two bodies. This study aimed to develop the preconditions and a conceptual framework for resolving this paradox. The answer ultimately depends on the interpretation to be delivered by the ordinary court in the near future. If judicial practice follows the “formal” approach to university autonomy, the “obligation of consideration” of the senate’s proposal by the BoT may satisfy the constitutional requirements even if the maintainer does not agree with the senate. The “constitutional requirement” imposed by the HCC left the above question open for judicial interpretation to some extent. We might prefer a situation in which there was no need to set another precedent and where maintainer/senate “tandems” could build universities together in collaborative way. A constitutional interpretation of university autonomy would require clear legal concepts and ordinary courts, or ultimately another constitutional court decision that would end the current autonomy debate.



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ИСКУШЕЊА МАЂАРСКИХ УНИВЕРЗИТЕТСКИХ РЕФОРМИ Управни одбори и парадокс аутономије универзитета

Апстракт: Ова студија истражује могуће негативне ефекте које управни одбори (BoTs) приватних универзитета имају на академску аутономију. Временом су западни универзитети развили модел са разумним степеном подељене одговорности између управних одбора и универзитетске заједнице. У последње време мађарски јавни универзитети који прелазе на приватни модел уче како да боље поделе одговорност између управних одбора и њихових универзитета. Студија има за циљ да осмисли нови тест академске аутономије заснован на анализи искуства 100 најбоље рангираних универзитета на QS листи са управним одборима. Овај тест ће помоћи да се постигне боље разумевање ситуације у којој се налази 21 мађарски јавни универзитет који је влада недавно трансформисала у приватне институције. Испитивање ових мађарских случајева може обогатити теоријске и правне дебате о ефекту управних одбора на академску аутономију приватних универзитета, иако то може довести до даљих парадокса.

Кључне речи: АКАДЕМСКА АУТОНОМИЈА, УНИВЕРЗИТЕТИ, УПРАВНИ ОДБОР, МАЂАРСКО ВИСОКО ОБРАЗОВАЊЕ, МАЂАРСКА ВЛАДА, УНИВЕРЗИТЕТСКА ПОЛИТИКА.

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It is followed by Enter key.

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(The surname, the year: page (s))

(The surname, the initial (s) of the name. The year: page (s)) when two identical surnames appear in the literature)

(The surname, the initial(s) of the name and surname, the initial(s) of names. The year: page (s)) when co-authors with the same surnames appear in the literature

(The surname and others, the year: page (s)) when there are more than two authors)

(The surname, the year: page (s); The surname, the year: page (s); The surname, the year: page (s), etc.) for indirect citations that summarize data, ideas, attitudes, opinions, predictions, etc. of more than one author)

(The surname, the year: web address)

(The surname, The name of a daily or periodicals, the year / number: page (s)) from other sources

(Document name, the year: page) for other sources.

(Ibid: page (s)) for direct and indirect quotations from the same source that follow one another

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The surname The name (the year of publication): The full title of the book (italics); The place of publication: The publisher.

The surname The name, The surname The name and The surname The name (the year of publication): The full title of the book (italics); The place of publication: The publisher.

О часопису

У часопису „Друштвени хоризонти” објављују се радови који су резултат појединачних и групних (највише три коаутора) истраживања у области друштвених наука.

Часопис се публикује у штампаној и електронској форми два пута годишње, у јуну и децембру.

Часопис објављује:

1. оригиналане научни радове (у којима се саопштавају претходно не-објављивани резултати сопствених истраживања) – ОНР;

2. прегледне радове (који садрже оригиналан, детаљан и критички приказ истраживачког проблема или подручја у коме је аутор остварио одређени научни допринос, видљив на основу аутоцитата) – ПР;

3. кратка или претходна саопштења (оригинални научни рад прелиминарног карактера) – КС, ПС;

4. научне критике и полемике (расправе о одређеној теми засноване искључиво на научној аргументацији) – НК, НП;

5. стручне радове (у којима се представљају и промишљају искуства корисна за унапређење професионалне праксе) СР;

6. информативне прилоге (уводнике, коментаре, осврте, белешке) – ИП, и

7. приказе публикација (књига, зборника, часописа, научних догађаја и сл.) – ПП.

Радови се објављују на српском језику и ћириличком писму или на енглеском језику и латиничном писму.

Рокови за слање радова су: 1. фебруар и 1. август. Радове слати на имејл адресу: dh.office@fdn.edu.rs

Услови за објављивање радова

Сви радови се анонимно рецензирају. Могу бити објављени само радови који су позитивно рецензирани.

Аутори су у обавези да уз рад доставе потписану и скенирану изјаву да рад није претходно објављен или понуђен другој публикацији за објављивање и да у целини или у деловима није реч о плагијату или аутоплагијату. Образац изјаве може се преузети са интернет-странице часописа: <https://www.fdn.edu.rs>

Аутори су дужни да доставе лекторисан текстове у складу са овим упутством, у супротном неће бити разматрани за објављивање.

Радови под редним бројевима 1, 2. и 4. могу имати највише 40.000 карактера

са размацама, укључујући фусноте и ендноте, не узимајући у обзир наслов и сажетке на српском и енглеском језику и списак референци.

Радови под редним бројевима 3. и 5. могу имати највише 25.000 карактера са размацама, укључујући фусноте и ендноте, не узимајући у обзир наслов и сажетке на српском и енглеском језику и списак референци.

Радови под редним бројевима 6. и 7. Могу имати највише 10.000 карактера са размацама, укључујући фусноте и ендноте.

Изузетно, ако Уредништво процени научну, стручну или информативну оправданост, рад може бити и обимнији.

Стандарди за припрему рада

- Рад мора да садржи: 1) податке о аутору или коауторима, 2) наслов 3) апстракт и кључне речи на српском језику, односно енглеском језику ако је њиме написан, 4) текст, 5) најмање два међунаслова, 6) литературу и 7) податке о аутору или коауторима, наслов, сажетак и кључне речи на енглеском језику, ако је написан на српском језику, односно податке о аутору или коауторима, наслов, сажетак и кључне речи на српском језику, ако је написан на енглеском језику и 8) фотографије аутора и коаутора у JPG формату и биографије до 15 редова, које обавезно садрже, после имена и презимена, годину рођења у заградама.

- Рад може да садржи: поднаслов, илустрације (тебеле, графиконе, шеме, фотографије, цртеже и сл.), фусноте, ендноте, вебографију и остале изворе.

- Рад мора да буде припремљен у програму Microsoft Word, формат странице А4, све маргине 2,54 центиметра, врста слова Times New Roman, величина слова (Font size) 12, једноструки проред (Line spacing: Single).

- Подаци о аутору или коауторима: име и презиме јединог или првог аутора (прва страница, први ред, леви блок - Align); пун назив институције у којој ради (други ред, без прореда, леви блок); седиште институције у којој је ради (трећи ред, без прореда, леви блок); по истом начелу следе подаци о коауторима; уз име аутора и сваког коаутора ставља се звездица¹ која упућује на могући контакт са њима.

Иза следи једнокорачна белина (Enter).

- Наслов рада пише се великим а, евентуални, поднаслов малим словима (и наслов и поднаслов: средина (Center), без прореда ако су у више редова). Наслов и поднаслови пишу се црним словима (Bold).

Иза следи једнокорачна белина (Enter).

- Апстракт садржи од 150 до 200 речи и пише се иза одреднице Апстракт (Bold) која почиње новим редом (First line 12.7), а иза ње стављају се две тачке (:).

* Контакт: e-mail

После две тачке прво слово је велико, а текст је Regular.

Кључне речи садрже од 5 до 10 речи или синтагми иза одреднице Кључне речи (Bold) која почиње новим редом (First line 12.7), иза ње стављају се две тачке (:), пишу се великим словима, текст је Regular, а свака кључна реч је од других раздвојена запетом, са тачком на крају наведених кључних речи.

Иза следи једнокорачна белина (Enter).

- Текст у целини пише се Regular, са изравнатим маргинама (Justify), започиње новим редом (First line 12.7), као и сваки следећи пасус у тексту, без проред (Line spacing: Single).

- Међунаслови су не обележавају редним бројевима и пишу се на средини (Center) црним словима (Bold). Међунаслови су од претходног и текста који следи одвојени једнокорачним белинама (Enter).

- У фуснотама се дају краћа објашњења делова основног текста (до пет редова), а у енднотама (на крају текста, пре литературе) шире експликације (до 20 редова) које се односе на одређени део основног текста. Фусноте и ендноте почињу новим редом (First line 12.7) и пишу се величином слова (Font size) 10, без проред (Line spacing: Single).

- Илустрације (тебеле, графикони, шеме, фотографије, цртежи и сл.) дају се одвојени од претходног текста једнокорачном белином (Enter) и имају обавезан потпис који је од илустрација одвојен истом таквом белином. Потпис садржи врсту илустрације са редним бројем, написану курзивом (Italic), следе две тачке (:), иза којих се пише објашњење илустрације (Regular) са великим словом на почетку. Илустрација и потпис дају се на средини (Center). И иза потписа следи једнокорачна белина (Enter). Пример:

Табела 1: Објашњење табле

- Директни и индиректни цитатати, укључујући аутоцитате, дужи од једног реда, визуелно се издвајају једнокорачном белином од претходног и текста који следи (Enter), као и ширењем бочних маргина за 0,6 центиметара. Примери директног и индиректног цитата:

„Директан цитат почиње новим редом (First line 12.7), обавезно садржи наводнике, који су написани по правопису српског, односно енглеског језика. У тексту написаном на српском језику наводници се пишу на следећи начин: „цитирани текст”, наикако другачије (нпр. „цитирани текст„ или »цитирани текст« и сл). (Извор директног цитата)

Индиректни цитат подразумева коришћење у тексту одређеног података, идеје, става, мишљења, предвиђања итд. који није дословно преузет, али не

представља резултат самосталног истраживачког рада (ко)аутора текста. Такође почиње новим редом, али се не користе наводници. (Извор индиректног цитата)

- Извори директних и индиректних цитата дају се у загради на крају цитата, после наводника, код директних, и тачке, код индиректних цитата, на писму публикације из којих су цитати коришћени. Потун библиографски податак публикације из које је директан или индиректан цитат коришћен даје се у литератури, вебографији или осталим изворима на крају рада. Примери:

(Презиме, година: страница/е)

(Презиме, Иницијал/и имена. година: страница/е) када се у литератури појављују два иста презимена

(Презиме, Иницијал/и имена. и презиме, Иницијал/и имена. година: страница/е) када се у литератури појављују коаутори са истим презименима

(Презиме и други, година: страница/е) када је више од два аутора

(Презиме, година: страница/е; Презиме, година: страница/е; Презиме, година: страница/е; итд.) код индиректних цитата којима се сажимају подаци, идеје, ставови, мишљења, предвиђања итд. више од једног аутора

(Презиме, година: веб-адреса)

(Презиме, Назив дневних или периодичних новина, година/број: страница/е) код осталих извора

(Назив документа, година: страна) код осталих извора.

(Исто: страница/е) код директних и индиректних цитата из истог извора који следе један за другим

- У литератури, која се пише малим словима са великим почетним словом – Литература, и две тачке без белине (:), црним словима и курзивом (**Bold** и *Italic*), на средиини (*Center*), са једнокорачним белинама од последње реченице у тексту и од прве библиографске јединице (*Enter*), наводе се искључиво публикације – књиге, часописи, зборници радова – које су директно или индиректно цитиране у раду. Литература садржи потпуне библиографске податке о свакој коришћеној публикацији на језику и писму на којима је објављена. Редослед публикација даје се по азбученом реду презимена јединог или првог аутора, са редним бројем испред сваке публикације.

Пример библиографских података о књигама које се наводе у литератури:

Презиме Име (година објављивања): Пун назив књиге (*Italic*); Место издања: Издавач.

Презиме Име и Презиме Име (година објављивања): Пун назив књиге (*Italic*); Место издања: Издавач.

Презиме Име, Презиме Име и Презиме Име (година објављивања): Пун назив књиге (*Italic*); Место издања: Издавач.

Пример библиографских података о часописима који се наводе у литератури:

Презиме Име (година објављивања): Пун наслов текста; Назив часописа (*Italic*), вол. римски број, бр. арапски број; Место издања: Издавач; стр: почетна – завршна објављеног текста.

Презиме Име и Презиме Име (година објављивања): Пун наслов текста; Назив часописа (*Italic*), вол. римски број, бр. арапски број; Место издања: Издавач; стр: почетна – завршна објављеног текста.

Презиме Име, Презиме Име и Презиме Име (година објављивања): Пун наслов текста; Назив часописа (*Italic*), вол. римски број, бр. арапски број; Место издања: Издавач; стр: почетна – завршна објављеног текста.

Пример библиографских података о зборницима радова који се наводе у литератури:

Презиме Име (година објављивања): Пун наслов текста. У: ур. или пр. Презиме/на, Иницијал/и имена. Пун назив зборника радова (*Italic*); Место издања: Издавач; стр: почетна – завршна објављеног текста.

Презиме Име и Презиме Име (година објављивања): Пун наслов текста. У: ур. или пр. Презиме/на, Иницијал/и имена. Пун назив зборника радова (*Italic*); Место издања: Издавач; стр: почетна – завршна објављеног текста.

Презиме Име, Презиме Име и Презиме Име (година објављивања): Пун наслов текста. У: ур. или пр. Презиме/на, Иницијал/и имена. Пун назив зборника радова (*Italic*); Место издања: Издавач; стр: почетна – завршна објављеног текста.

- У (евентуалној) вебографији, која се пише малим словима са великим почетним словом – Вебографија, и две тачке без белине (:), црним словима и курзивом (**Bold** и *Italic*), на средиини (**Center**), са једноструким белинама од последње библиографске јединице у литератури и од прве библиографске јединице у вебографији (**Enter**), наводе се искључиво електронски објављене публикације – књиге, часописи, зборници и текстови на веб-порталима или веб-сајтовима – које су директно или индиректно цитиране у раду. Редослед публикација даје се по азбученом реду презимена јединог или првог аутора, са редним бројем испред сваке електронски објављене публикације на језику и писму на којима је објављена.

Примери библиографских података о електронским публикацијама које се наводе у вебографији:

Презиме Име, Пун наслов текста (*Italic*); веб-адреса (приступљено: дан, месец, година)

Пун наслов текста (*Italic*); веб-адреса (приступљено: дан, месец, година)

- У (евентуалним) осталим изворима, који се пишу малим словима са великим почетним словом – Остали извори, и две тачке без белине (:), црним словима и курзивом (**Bold** и *Italic*), на средиини (*Center*), са једноструким белинама од последње библиографске јединице у литератури, односно (евентуалној) вебографији и од прве библиографске јединице осталим изворима (*Enter*), наводе се искључиво остале публикације – документи, дневне и периодичне новине и сл.) – које су директно или индиректно цитиране у раду. Редослед публикација даје се по азбученом реду назива публикације, са редним бројем испред сваке, на језику и писму на којима је објављена.

Примери библиографских података о публикацијама које се наводе у осталим изворима:

Презиме Име (година): Пун наслов текста; Назив дневних или периодичних новина (*Italic*), бр. арапски број; Место: Издавач; стр. арапски број.

Пун наслов документа (година); Место: Издавач; стр. арапски број.

- Ако је рад написан на српском језику и ћириличном писму, после литературе (евентуално вебографије, односно осталих извора) завршава се именима (ко)аутора и афилијацијама, насловом и, евентуалним, поднасловом рада, апстрактом и кључним речима на енглеском језику и латиничном писму по истом упутству за српски језик. За Апстракт се користи израз – *Abstract*, а за кључне речи – *Keywords*.

Ако је рад написан на енглеском језику и латиничном писму, после литературе (евентуално вебографије, односно осталих извора) завршава се именима (ко)аутора, афилијацијама, апстрактом и кључним речима на српском језику и ћириличном писму по овом упутству.



ЧАСОПИС ЗА ДРУШТВЕНЕ НАУКЕ
**ДРУШТВЕНИ
ХОРИЗОНТИ**

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