



## **Weekly Briefing**

**Hungary external relations briefing:  
The international framing of the Hungarian state of emergency bill  
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## **The international framing of the Hungarian state of emergency bill**

*As we pointed out in our April briefings, the Hungarian Parliament adopted a state of emergency bill in the early weeks of March. According to the basic law of the country, the bill must be renewed every 15 days, which clause is reasonable when it comes to natural catastrophes, however, this regulation is not compatible with the fact the coronavirus epidemic is to last longer, moreover how long we are going to fight against the virus is unpredictable. Thus, the Hungarian government pushed for a bill (adopted March 23, 2020), which gives the government special powers without time limitation. The international interpretation of the bill was extremely negative. This briefing focuses on several international interpretations and the arguments used by the Hungarian foreign policy. We will clearly see that the criticism mainly comes from superficial knowledge of the facts, and biased opinions leading to double standards in the Hungarian case. At the end of the briefing, some conclusions will be drawn as for the long-term implications for the Hungarian foreign policy.*

### **1. International criticism**

One of the most fervent critics of the Hungarian move to boost government powers has been the former Commission President, Jean-Claude Juncker. In an interview to the news portal, Politico, he mainly discusses the possibility of the break-up of the eurozone along the North and South dividing lines, and at the same time, he also hinted to another deep divide in the EU: *“We have not been able to straighten out the East-West conflict, because the Hungarians act outside of any reasonable zone”* <sup>1</sup>he said. At the same time, he admitted that he was disappointed by the reactions of the present European Commission President, who issued a statement warning that said *“Any emergency measures must be limited to what is necessary and strictly proportionate. They must not last indefinitely.”*<sup>2</sup> The statement became public a day after the Hungarian government adopted the law to strengthen government powers, though it did not name Hungary explicitly. Juncker found not naming Hungary in the statement a mistake. A similar approach was used by thirteen EU governments who issued a joined statement with

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<sup>1</sup> <https://www.politico.eu/newsletter/brussels-playbook/politico-brussels-playbook-juncker-speaks-old-vices-returning-the-c-word/>

<sup>2</sup> [https://ec.europa.eu/commission/presscorner/detail/en/statement\\_20\\_567](https://ec.europa.eu/commission/presscorner/detail/en/statement_20_567)

similar content condemning attempts to exploit the emergency to extend political power and distort the rule of law. At the same time, the statement did not name Hungary again. In contrast to these statements, the statement issued by the Civil Liberties Committee of the European Parliament did not avoid naming Hungary when it highlighted the concerns of the Committees about the “*extraordinary measure adopted by the Hungarian government in response to the pandemic*”<sup>3</sup>. Moreover, the Chair of the Committee call on the Commission to evaluate if the bill complies with the values specified in Article 2 of the Treaty on the European Union.<sup>4</sup>

However, we cannot say that the opinion of the Chair of the Committee would reflect the opinion of the whole European Parliament. Vera Jourová, the Vice President of the European Commission for Values and Transparency told in a Euronews interview that she finds the Hungarian law comparable with other European laws adopted in response to the Covid-19 virus. She said: “*So we will have to wait and see, and we will have to look at how the increased emergency powers of the government in this period are applied in practice. And when you read the (Hungarian) law, it is quite comparable with other laws providing for the emergency regimes in the (other) states*”<sup>5</sup> At the same time, she admitted that there is low confidence against the Hungarian government.

## **2. Counterarguments**

John O’Sullivan reacted in an article to the criticism against the newly adopted bill to strengthen and widen the maneuvering room of the Hungarian government in its responses to fight against the spread of the coronavirus.<sup>6</sup> First, he underlines that the adoption of the law is not against the constitution (basic law) since it was passed with super-majority. He adds the emergency law could at any time be rejected by the constitutional court and the Parliament – again anytime – could revoke the law with the same two-thirds majority. Criticism was voiced when it came to fines and prison sentences of those spreading fake news, rumors, or breaking quarantine. Sullivan admits that the fines and sentences might too high, but those sentences will

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<sup>3</sup> [www.europarl.europa.eu/news/en/press-room/20200324IPR75702/ep-stands-up-for-democracy-in-hungary-during-covid-19](http://www.europarl.europa.eu/news/en/press-room/20200324IPR75702/ep-stands-up-for-democracy-in-hungary-during-covid-19)

<sup>4</sup> Article 2: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

<sup>5</sup> <https://www.euronews.com/2020/04/09/coronavirus-an-unprecedented-challenge-to-democracy>

<sup>6</sup> <https://www.nationalreview.com/2020/04/yes-hungarys-emergency-law-is-flawed/>

not be imposed by the government, but courts will decide them. The major point of his criticism is that in his opinion the emergency law should have a sunset clause (time limitation).

He responds to some flaws in the criticism as a matter of fact. No, the Parliament has not been suspended, nor are elections canceled. One strand of criticism is that the Orbán-government will rule with decrees. He points out this statement is true, but so does the French government. Another element of international criticism is that the powers enabled by the law would be too far-reaching and thus not necessary. Sullivan maintains that the Hungarian government's tools are not different from those of other European governments such as "*social distancing, lockdown, quarantine, extreme hygienic care when meeting people*". He also investigates the details of these government measures in several countries and concludes that adopted measures in some countries go deeper and impose more severe restrictions on citizens. F. ex. he puts: "*Regulations under it [the French emergency law] are tougher and more intrusive than under earlier emergencies: People have to stay in their homes except for essential visits outside such as medical appointments or physical exercise.*"

Several Hungarian politicians have already responded to international criticism, which basically was expressed by left-wing, neoliberal political forces in the world. The latest response was delivered by Mr. Zoltán Kovács, the Minister of State for International Communication and Relations. The Minister gave a longer BBC interview (Hard Talk). In the interview, he repeated the same argument, which we can see above in the O'Sullivan article. He said that the Hungarian Parliament can anytime revoke the special powers given to the government to fight against the spread of the coronavirus. Moreover, he added that there are four other European countries where the special powers are adopted without a sunset clause. He also emphasized the opinion of the Vice President of the European Commission for Values and Transparency who thinks that the Hungarian emergency law is compatible with EU rules.

The case of the Hungarian emergency law vividly revealed that the Hungarian foreign policymakers permanently must face double standards when making foreign policy decisions. In our opinion, this situation forces the policymakers to take every cautionary measure to avoid havoc and they apparently do it, however the fact that the Hungarian government protects the close interests of the Hungarian nation, and it places the preservation and strengthening national sovereignty in the center of the foreign policy actions, repeatedly puts the Hungarian government on a collision course with 'post-political' Western elites. The term 'post-political' is being increasingly used in the political sciences to describe a situation in which the bureaucratic elites trying to shape political and economic institutions, shape the political discourse and coin ideas, formulate goals without the necessary social empowerment. In this

case, the term can be used, since the Hungarian government has been empowered by Hungarian voters, while the elite of the consensus was designed and refined in unelected judicial-administrative bureaucracies.

Péter Szijjártó, the Hungarian Minister for Foreign Affairs and Trade responded to the criticism speaking to the Euronews: *"They said there is an unlimited authorization for the prime minister, which is not true – it is fake. This is a lie. ... The Hungarian prime minister and the Hungarian government can only make decrees in accordance with the protection of the people against the pandemic situation."* The remarks of the minister show that it is not only the impression of the observer but the experience of the decisionmakers is that the Hungarian foreign policy is under attack. The minister put it this way in the same Euronews interview: *"The European Parliament keeps Hungary under a continuous attack by political motivation in recent years, basically since 2010 since we have been in office, and since 2015, when the migration crisis has hit"*

We can conclude that though the Hungarian foreign policy decisions are under constant attack, it won't change the course of the policy, as the Hungarian Prime Minister put it in his traditional Friday morning radio interview: *"What they think of Hungary in Berlin, does not interest me too much."* At the same time, he delineated the new battle ground for the Hungarian foreign policy, when he pointed out that the European Union did not provide extra financial funds for Hungary to combat the coronavirus, it just reorganized the existing funds and gave an earlier access to the earmarked funds for Hungary.