



Weekly Briefing

**Hungary external relations briefing:
In the aftermath of the Hungarian emergency law
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In the aftermath of the Hungarian emergency law

In the recent weeks, the Hungarian foreign policy has come under severe attacks from several fronts. On the one hand, the emergency law has been discussed and criticized in news outlets and news portals, but at the same time the alleged problem with the emergency law was addressed by the Secretary of the Council of Europe and five Nordic Ministers. Moreover, the issue was also discussed in the European Parliament and a report of the Freedom House that classified Hungary as a non-democratic country the first time has been written. This briefing centers on the details of the ‘emergency law story’ while it also tries to give an analysis of the underlying reasons and motivations of those participating in this political debate. At the same time it focuses on the debate around the European recovery fund aimed at alleviating economic pain caused by the Covid-19 pandemic. The plans of the European Commission to link EU transfer to reforms greening and digitalizing economy are not aligned with the Hungarian strategy to boost the economy boding for a new conflict between the Hungarian government and the European Commission.

1. The details of the ‘emergency law story’

Mr. Szijjártó, the Hungarian Minister for Foreign Affairs and Trade sent a letter to the five Prime Ministers of Denmark, Finland, Iceland, Norway, and Sweden, which he later posted on Facebook. The letter is a reaction to the joint letter of the five Prime Ministers to the Secretary-General, Mrs. Buric in which they endorsed her attempts to draw attention to the alleged threats Hungary would pose to the democracy, rule of law and human right.¹ The prequel of the story is the Annual Report² published by the Council of Europe in which the authors attack the Hungarian and Polish governments and they state “PSM [public service media] in the Russian Federation, Poland and Hungary, have become government mouthpieces, acting as convenient propaganda tools before and during elections.” To make the story more complicated, the annual of the Council of Europe is prepared by partner organizations to the Council of Europe Platform, and “The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council

¹ <https://rm.coe.int/orban-pm-hungary-24-03-2020/16809d5f04>

² <https://rm.coe.int/annual-report-en-final-23-april-2020/16809e39dd>

of Europe.” In other words, the Hungarian government is being criticized by the Council of Europe based on a report where responsibility for the content is basically not taken by the publishers of the report.

It just adds to the row that later five European countries joined the criticism by drawing attention to the Hungarian emergency law which has been criticized several times over the course of the recent weeks. The end of the story was that the Hungarian Minister for Foreign Affairs and Trade summoned the five envoys of the respective countries on the 11th of May since Hungary “*wanted no pitiful hypocritical tutelage*” the Minister put. As we can see criticism came from different directions, moreover, the European Parliament also adopted a document and held a debate relating to the emergency law.

The European Parliament adopted a resolution on the EU’s response to combat the Covid-19 pandemic and its effects on the 17th of April, where the Parliament stated that the decision to prolong the state of emergency without a sunset clause (time limitation) is incompatible with the European values. At this point, it must be clear that the resolutions of the European Parliament are not binding and the EU leaders with the aforementioned Nordic countries have been silent on the issue. The debate in the European Parliament took place on the 14th of May, several MPs requested that the European Commission should launch infringement procedure against Hungary and the Council should proceed with the Article 7 procedure. In addition, according to the proposal of some MPs EU funding must become conditional in the future, hinging on respect for the rule of law. It must be pointed out that the EC Vice-President Vera Jourová might have changed her opinion on the case since she did not find the Hungarian emergency law a problem, however she is now maintaining that Hungarian measures are not in line with EU rules. Another element in the attacks against Hungarian sovereignty was the report of the Freedom House (‘Nations in Transit’), a nonprofit based think-tank in Washington, which did not qualify Hungary as a democracy anymore.

As we could see the Hungarian government was attacked on several fronts due to the adoption and implementation of the emergency law. One of the threads in this evolving story was the question of transit zones that Hungary instructed along the borderline with Serbia. (It is an area where foreigners could initiate asylum procedures and could use the services provided in the transit zones until the asylum procedure is completed.) It might not have been a coincidence that the European Court’s ruling that the Hungarian transit zone is to be considered as detention, was issued the same day as the European Parliament took place. To the surprise of some analysts, the Hungarian government told the media that Hungary is going to close the transit zones after the European Court’s ruling and thus rebutting the argument that Hungary

would not be a democracy anymore. From now on, applicants must apply for asylum at Hungarian consulates in non-EU-neighboring countries.

The irony of the criticism against the Hungarian government in the case of the emergency law is that the domestic political support during this period not only stayed strong but it was even strengthened by several factors; the decisive actions in containing the spread of the coronavirus, and the several measures that were taken to fight against the effects of the virus on the economy. The emergency law has allowed the fast and efficient actions that enable the Hungarian government to give its extra powers delegated to it by the law to be taken. As the Hungarian Prime Minister told the media on the 15th of May, he thinks that the emergency law could be withdrawn due to the success in slowing the spread of the virus so far. The Prime Minister told in his usual Friday radio interview on the 22nd of May that the government will put forward its proposal to withdraw the emergency law next week.

2. The EU recovery plan

The European Commission leaked some details of its recovery plan this week. Based on the leaked information the plan can be called a green deal, very much focusing on greening and digitalizing the economy. The proposed amount is 1 trillion Euro and the second part would come from the rescue fund proposed by Germany and France this week. The amount of the fund would be 500 billion Euro; however, it is still not clear how the fund could be financed. Austria, Sweden, Finland, and the Netherlands are working on pitching a counterproposal. They propose that the fund is to be given in the form of loans and not grant, while the European Commission's proposal contains both loans and grants and the German and French proposal agrees on borrowing the money in international money markets and giving it to the countries in need in the form of grants.

As we can see, the dilemma of the Hungarian government is twofold. On the one hand, green goals do not necessarily serve the interest of those countries whose development is behind the EU-average, but they basically fulfil EU greening indicators (CO₂-emission per capita). Hungary is one of those countries. Obviously the dilemma is that the greening of the economy is an appropriate goal, however, there are still other development goals in the Hungarian economy, so in our opinion it is very likely that the Hungarian government will set the emphasis on digitalization, as it had done over the last two years around. As for the German French proposal, the situation is more complicated, since the Visegrad countries seem to be unsure about the proposal at this point. The German Chancellor, Mrs. Merkel had a video conference

with the leaders of Poland, Slovakia, the Czech Republic and Hungary this week. Both Czechia and Poland signaled that they have many questions about the proposal, the Hungarian position is not clear yet, however, the Hungarian support for the recovery plan might be bargaining chips for the Hungarian government in other debated questions.

3. Summary

To sum it up, we could see that despite the several attacks on the Hungarians' positions, the government's maneuvering room is broad. And not only because it is based on the principle of the pursuit of Hungarian national interest and balancing but the efficiency of the implemented measures that gives room for the political support for the government to continue on the already embarked path. This is the opposite of what often happened before 2010, when the then government was forced to retreat on its policies and promises, since the political support of the public behind the government simply disappeared and it faced the silent or not silent resistance of the broad social layers. What we have in this case is the opposite of that case, since the strong political support enables the government to continue implementing policies and initiating new ones.