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# RUSSIAN DISINFORMATION THREAT: COMPARATIVE CASE STUDY OF CZECH AND SLOVAK APPROACHES<sup>1</sup>

Marek RECHTIK and Miroslav MAREŠ<sup>2</sup>

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*This comparative case analysis focuses on the approaches of the Czech and Slovak governments to Russian disinformation activities, with particular attention to the securitization of the threat. The paper argues that the extent of energy relations with Russia plays an important role in the securitization of the threat posed by the said state. It employs a rational model of policy-making to better understand the rationale for the decisions of the actors leading to the different approaches taken by the governments of the examined states. The analysis shows that while the Czech approach seems to be driven mostly by security interests, in Slovakia, the economic goals are of primary importance, with the primary factor being the importance of energy relations with Russia. The Czech approach is considered as an appropriate one in this paper, as it allows for more objective threat assessment and consequently better preparedness and resilience, whereas a rather pragmatic approach of Slovakia leads to increasing vulnerability of disinformation activities.*

**Key words:** disinformation; Russian Federation; securitization; energy relations; rational model.

## 1 INTRODUCTION

In 2014, after the armed intervention of the Russian forces, a referendum and the subsequent declaration of independence, the Russian Federation officially annexed Crimea (Grant 2015). This unprecedented aggression from Russia marked a significant turning point in the post-Cold war European security order (Averre 2016). A fundamental change came also with the new form of the Russian hybrid warfare during the intervention which employed cyber, kinetic and information operations dimension (Giles 2016). Since Russia's illegal annexation

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of Crimea, there has been a significant increase in disinformation aimed at Western as well as other European states and Russian hybrid warfare activities have been described as “one of the main threats to the security of Europe as well as NATO since the end of the Cold War” (Oğuz 2016, 171).

At the Wales summit, NATO condemned Russia’s aggression and decided to respond to the threat of hybrid activities leading in development of the Readiness Action Plan and a strategy for combating hybrid threats (NATO 2019). European Union’s response was no different from NATO’s, as the European Parliament accused Russia of waging an undeclared hybrid war against Ukraine (including information warfare) and called for a strategy to counter the Russian propaganda campaign directed towards the EU and its eastern neighbours (European Parliament 2015). Both NATO and EU almost immediately began to securitize the Russian disinformation campaigns. At national level, however, member states’ responses were more diverse. The article will therefore try to answer the following research question: *Why have two both NATO and EU member states adopted different approaches to the Russian federation?*

To better understand the motives behind these differences, this paper will examine the issue through the lens of a rational policy-making model. This model is “based on the idea that political behaviour reflects the choices made by individuals working to maximize their benefits and minimize their costs” which implies that the government should choose policies that maximize societal gains and minimize costs (Hague, Breslin and Harrop 2016, 84). Instead of focusing on the actions made by particular actors, the rational model analyses the rationale behind those actions (ibid.).

As the dependent variable (i.e. different outcome) for this analysis was chosen the securitization of the Russian disinformation threat. Further clarification of the understanding of securitization in this context is needed here. According to the Copenhagen school, matters become security issues when a securitization actor (government, bureaucratic apparatus, etc.) identifies them as a threat by means of a speech act and requires them to protect the referent object by adopting extraordinary measures (Buzan, Wæver and De Wilde 1998). The securitization is an intersubjective process that is directly linked to security threat assessments for which different countries have different thresholds (Eichler 2002) and the speech act is an essential part of this process. “A discourse that takes the form of presenting something as an existential threat to a referent object does not by itself create securitization—this is a securitizing move” (ibid., 26) To successfully complete the securitization process, the securitization move must be accepted by the relevant audience, which means that effective securitization is audience-focused (ibid.).

In this paper, the variable will refer to the securitization move itself (i.e. to a speech act that aims to recognize the Russian disinformation campaign as a threat) because the author aims to examine the decisions of the policymakers rather than the reactions of relevant audiences. Our variable will be differentiated on a simple dichotomous scheme meaning that the securitization move is present or not. As an indicator for this variable, we choose explicit statements of the Russian disinformation threat in the key strategic documents of the examined countries (for the securitization move to be present, the documents must name both the threat of disinformation campaigns as well as the actor posing a potential threat).

The independent variable will be the energy relations with the state, which poses a potential threat. Given the scope of this work, the key and only indicator of this variable will be the import share of the energy supplies (namely solid fossil fuels, oil and petroleum products, natural gas and nuclear fuel) from the given state.

The following hypothesis emerges from the selected variables: *The greater the energy relations with another state, the less willing the government will be to securitize a potential threat from the said state.*

This paper uses a comparative case analysis, as it will aim to compare the specific security policy in two selected states. Since the analysis focuses on different approaches to the Russian disinformation threat, the author will use the Most Similar Different Outcome design. The logic of the chosen design is to select as similar cases as possible to be able to “control” most of the unobserved variables (Berg-Schlosser and de Meur 2009).

The Czech Republic and the Slovak Republic were chosen as the most similar cases due to their differing outcomes in terms of approach to the Russian disinformation threat, while sharing a number of similarities. Following the logic of the research question, both states are members of NATO and the EU. In addition, both states also participate in Visegrad Group (and other Central European initiatives). As for one of the limits of chosen rational model which is sometimes described as „inadequately sensitive to the historical, political and cultural context“ (Levi 1997, 21), the selected cases partially alleviate this limitation because both countries share large part of common history since they formed one state until the end of 1992.

Regarding the time frame of the analysis, the paper will focus on the five-year period from February 2014 (marking the beginning of the events leading to annexation Crimea) to February 2020. The analysis will therefore include official strategic documents issued since 2014, most of which are published on the official webpages of the Ministries of Defence of both countries. The author will mainly use Eurostat data for the analysis of energy relations.

## 2 RATIONAL CHOICE THEORY

As this work will focus on the interests and rationale which stand behind the actors' decisions to choose different approaches to the same threat, rational choice theory will help to guide our analysis. For this reason, further explanation of the theory and its fundamental assumptions is needed. Rational theory is derived from neoclassic economic theory, which views particular outcomes as the result of aggregated decisions of many rational individuals who seek to maximize their egoistic interests (Levi 1997). However, a rational approach should not be viewed merely as a pursuit of monetary assets that set aside social and other values. Rationalism allows for calculation of all political, social and economic values, not only those that can be measured by money (Dye 2013).

Rational choice theory may come in many varieties; however, the key elements of all rational explanations remain the same. They consist of preferences, beliefs and constraints. Simply put, actors choose between alternatives and act consistently in relations of preference or indifference taking into account constraints and anticipated reactions and subsequently act in accordance with their beliefs (De Mesquita 2010). Our objective is to identify the actors' goals and

identify how they can achieve their goals in a given situation. In doing so, we aim to explain only the fundamentals, not a complete explanation of human motives (Hague, Breslin and Harrop 2016).

For this reason, rational choice theory employs a number of simplifying assumptions. First, rational choice assumes that individual behaviour is motivated by utility maximization. It is the basic premise that individual as well as institutional actors strive to maximize their goal achievement (Tsebelis 1990). Hence, rational policy is one that achieves „maximum social gain“ (Dye 2013, 18). In other words, governments should opt for policies which will result in gains to the general public that exceed costs by the greatest amount and in the same manner abstain from policies when the costs exceed the gains (ibid.).

The second assumption is that of self-interest of the actors. It says that actors make choices which they believe will lead to the most feasible outcome for them as defined by their personal values or preferences (De Mesquita 2010). However, this assumption can be somewhat misleading. As Levi (2009) points out, the rational choice does not require the assumption that individuals are self-interested, and interests of others can be taken into account. Hague, Breslin and Harrop (2016) argue that people also pursue altruistic projects because they sometimes take satisfaction from seeing other people achieving their goals. Accordingly, many decision makers may for example pursue national interests (De Mesquita 2010).

Other assumptions of the rational choice theory include „complete agreement on goals, knowledge of alternative policies, and the ability to calculate and select the policies with the greatest benefits and least costs“ (Dye 2013, 20). The assumption of rationality limits how actors choose their actions according to their preferences and beliefs, but it does not limit the identity of the actors. Therefore, the studied actors can be individual citizens, elites, leaders as well as states, IGOs, NGOs and other entities (De Mesquita 2010).

### **3 APPROACHES TO THE DISINFORMATION THREAT: CASE OVERVIEW**

#### **3.1 Czech Republic**

Shortly after the annexation of Crimea, the Czech Foreign Ministry issued a statement condemning Russia's actions and refused to recognize the independence of Crimea (Ministry of Foreign Affairs of the Czech Republic 2014). After that, the Czech Republic joined the EU sanctions and since then has maintained a critical stance towards Russia, which is also reflected in the strategic documents. The Czech Security Strategy (Ministry of Foreign Affairs of the Czech Republic 2015a), despite its publication prior to the beginning of Russian intervention, highlights the threat of hybrid warfare. It is implicitly aimed at Russia, as it states that some countries seek to alter the current international order and build exclusive spheres of influence by destabilizing neighbouring countries, and are ready to use hybrid warfare methods (employing unconventional military means such as propaganda, disinformation or cyber-attacks) to achieve their power goals.

A few months later after the annexation of Crimea, the Concept of the Foreign Policy of the Czech Republic (Ministry of Foreign Affairs of the Czech Republic 2015b) was published and it stated that Russia has been fundamentally destabilizing the European security architecture. In spite of highlighting Russia as an important political and economic partner for the Czech Republic, the Concept declares that Czech foreign policy will depend on the Russian Federation's respect for international law and the territorial integrity and sovereignty of its neighbours.

In 2016, the Czech government approved an important document called the National Security Audit (Ministry of the Interior of the Czech Republic 2016), which aimed to find out how the Czech Republic is prepared to face the current serious security threats and assess the state's resilience to the presented threats. In this document, hybrid threats and foreign power influence have been identified as two of the top ten most serious threats to the state. For the first time in one of the Czech official strategic documents, the Russian Federation is mentioned here as an actor who employs disinformation campaigns as a means of information warfare, through which it tries to influence the state in various areas.

In accordance with the Audit, the Czech Republic established Centre Against Terrorism and Hybrid Threats as a specialised analytical and communication unit responsible for monitoring, evaluating and countering disinformation campaigns related to internal security. The centre's activities include the dissemination of information and spreading awareness about the given issues among the general and professional public (Ministry of the Interior of the Czech Republic 2019).

In the Defence Strategy of Czech Republic of 2017, Russia is presented as an actor responsible for deteriorating security situation in Europe, which is openly realizing its power ambitions and does not hesitate to violate the norms of international law. In addition, the document points out that Russia uses a number of hybrid campaign tools against EU and NATO member states, including disinformation campaigns and cyber-attacks (Ministry of Defence of the Czech Republic 2017). The last two examined documents are the Long Term Perspective for Defence 2035 and the Concept of the Czech Armed Forces 2030 (Ministry of Defence of the Czech Republic 2019a, 2019b). Both documents build on the Defence Strategy and designate Russia as an assertive actor guided by its power ambitions while increasingly employing hybrid means (including disinformation campaigns) to weaken cohesion of NATO and EU members.

We can see that the political acknowledgement of the Russian disinformation threat is at a high level in the Czech Republic and the securitization move is clearly present. In its key strategic documents, we can observe the explicit proclamation of the threat posed by Russian hybrid activities, including the disinformation campaigns. The credibility of government documents and measures is further enhanced by annual reports of the Security Information Service which point out to Russian influence activities on the state territory (Security Information Service 2019). The establishment of the Centre Against Terrorism and Hybrid Threats further increases resilience to disinformation campaigns.



### 3.2 Slovak Republic

The initial reaction of the Slovak Republic to the events in Ukraine was much the same as the Czech one. Slovakia condemned the gross violation of international law by the Russian Federation (Ministry of Foreign and European Affairs of the Slovak Republic 2014) and subsequently joined the EU sanctions (despite subsequent criticism from then Prime Minister Robert Fico) (Vilček 2014). However, Slovak strategic documents show a different trend. The first of the Slovak strategic documents we will focus on here is the White Paper on Defence of the Slovak Republic published in 2016. This document reflects the changing security environment, which is characterized by increasing importance of non-conventional means of warfare such as hybrid threats. It also highlights the change of the revision of the European security architecture which is the „...result of the system of international law ... being questioned, as well as of the developments taking place in bilateral relations of the Russian Federation with Ukraine on the one hand, and with NATO and the EU on the other“ (Ministry of Defence of the Slovak Republic 2016, 33).

The year 2017 marks the creation of three key strategic documents, namely the Security Strategy of the Slovak Republic, the Defence Strategy of the Slovak Republic and the Military Strategy of Slovak Republic (Ministry of Defence of the Slovak Republic 2017a; Ministry of Defence of the Slovak Republic 2017b; Ministry of Defence of the Slovak Republic 2017c). However, the inclusion of the following documents can be viewed as quite problematic as neither of them is currently considered in force.<sup>3</sup> The Security Strategy is somewhat more critical than the White Paper as it describes the annexation of Crimea by the Russian Federation as an extremely worrying case of violation of the fundamental principles and standards of international law. Nevertheless, it still emphasises the importance of dialogue with Russia. With regard to hybrid threats, the strategy acknowledges that the armed conflict in Europe need not take the form of direct military confrontation between states, but it can take the form of hybrid warfare. The Defence Strategy conversely does not mention Russia or its activities, but it accentuates increase of hybrid activities and it assumes that the armed forces should be able to use their specific capabilities against hybrid threats. The Military Strategy is limited only to mentioning of the possibility to countering information-psychological operations or hybrid warfare.

The adoption of the Concept for Combating Hybrid Threats in 2018 (Government Office of the Slovak Republic 2018) brought a major breakthrough in the Slovak approach. The purpose of the Concept is to establish a mechanism for the exchange of information and cooperation between relevant authorities to be able to evaluate and counter hybrid threats. It states that Slovak Republic, as a part of the European security environment, faces the same threats as other members of EU and NATO, and therefore cannot ignore this type of threat. It also highlights that an ongoing disinformation campaign spreading various narratives is taking place on Slovak territory.<sup>4</sup> The concept also mentions that authorities of foreign powers are often involved in propaganda and influence activities.<sup>5</sup>

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<sup>3</sup> Despite being accepted by the Government in 2017, the document still has not been submitted to National Council for approval yet.

<sup>4</sup> For a detailed analysis of various narratives spread by pro-Kremlin media in Slovakia, see Ižak (2019).

<sup>5</sup> The Concept authorized the Situational centre of Slovak Republic as a National Focal Point for Hybrid Threats and main communication channel towards EU Hybrid Fusion Cell. It also designated National Security Analytic Centre of SIS as a National Cooperation Centre for Hybrid Threats with the objective of detecting and evaluating hybrid threats. However, so far there is no

Despite Slovakia's progress in recent years, there are still several problematic points regarding the securitization of Russian disinformation campaigns. In none of the examined documents are Russian disinformation activities explicitly proclaimed as a potential threat. The 2017 Security Strategy, being the only document critical to Russia here, still remains officially unapproved. Hybrid threats are mentioned in all of the examined documents, not to mention the separate document addressing this issue. However, in the Concept, we can observe the avoidance of naming the potential threat actors. Instead, the Concept refers to changes in the security environment that require action to be taken. Slovakia therefore remains silent to the Russian disinformation threat, in spite of intelligence services reporting on Russian hybrid activities against the Slovak population (Slovak Information Service 2019).

Given that the successful completion of securitization process entails acceptance of the threat by the audience, another drawback can be observed in terms of presentation of the disinformation threat to the general public. Although Peter Pellegrini (Prime Minister at the time) stated that he considered the non-adoption of the new Security Strategy to be simply a technical problem (as all the respective authorities follow its provisions), he misses the importance of the officiality of this fundamental strategic document and its presented threats to the public.<sup>6</sup> Moreover, the Concept should not be considered as a document aiming for a public recognition. As an amusing example of relatively poor accessibility (and possibly low impact on the general public) of the document, we can mention interpellation of one of the parliament members asking whether any document for combating hybrid threats has been already released a year and a half after the publication of the Concept (National Council of the Slovak Republic 2019).

We can see that Slovakia not only remains reluctant to label Russia as a potential threat, it also fails to present the disinformation threat in general to the public, which is not only a prerequisite for a successful securitization process but also for "...increasing the level of security awareness of the public and public officials about the risks associated with the manifestations of hybrid threats" to cite one of the main goals of the mentioned Concept (Government Office of the Slovak Republic 2018, 7). All these factors subsequently lead to a state where Slovak Republic lags behind in strategic communications capabilities with many other potentially exploitable weaknesses in resilience against disinformation campaigns (Štepanovič 2019).

## 4 ENERGY RELATIONS WITH RUSSIA

### 4.1 Czech Republic

Economic relations between the Czech Republic and Russia are nowadays relatively modest, as the share of Russian import and export has declined since the start of Crimean crisis and the subsequent imposition of EU sanctions (see Figure 1).

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authority responsible for monitoring and evaluating disinformation campaigns, as in the case of the Czech Republic.

<sup>6</sup> As stated in the Security Strategy of the Slovak Republic 2005 (currently in force), „[t]he effectiveness of the security policy of the Slovak Republic is by conditioned by ... the degree of identification of citizens with security goals and the ability of the government to gain the support of the general public for these goals” (Ministry of Defence of the Slovak Republic 2005, 8).

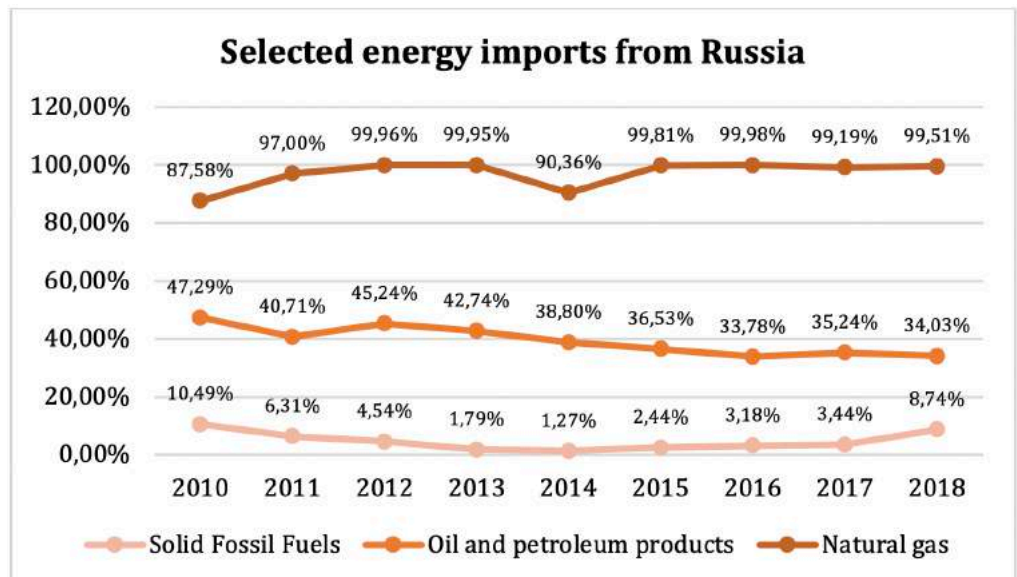
FIGURE 1: CZECH MERCHANDISE TRADE WITH RUSSIA



Source: World Trade Organization (2014; 2018) and ČSÚ (2019).

The total energy dependency of the Czech Republic has fluctuated between 30 and 37% in recent years (Eurostat 2020a), i.e. below the EU average (55%) (Lavička and Kačer 2019). This state is due to the Czech Republic’s long-term efforts to diversify the import portfolio and transit routes of oil and gas beginning in 1996 (Jirušek, Kuchyňková and Vlček 2020). The Czech Republic benefits from its substantial coal resources, which cover most of the total primary energy supply (see Annex A). Russia accounted for a maximum of 8% of total imports (see Figure 2). However, the situation in oil and petroleum products is completely different because approximately 98% of oil demand is met by imports (IEA 2016). Nevertheless, due to successful diversification, Russia’s share of total imports counts for roughly 35% in the last few years. The Czech Republic’s dependence on Russia is most evident in the natural gas supplies, as Russia accounts for more than 99% of total imports over the last three years (despite the ability to secure alternative supply in case of crisis) (Ministry of Industry and Trade of the Czech Republic 2015). The situation is similar in the nuclear sector, where the Czech Republic is currently 100% dependent on Russian supplies of fuel assemblies (European Commission 2019).

FIGURE 2: CZECH ENERGY IMPORTS FROM RUSSIA



Source: Eurostat (2020b, 2020c, 2020d).

Russia's influence in the Czech energy sector was also discussed with regard to planned building of a new nuclear units. After the annexation in 2014, the Russian Rosatom was excluded from the tender, however, the company is being considered as one of the possible contenders again (Investiční web 2020). The plans to engage Rosatom have been met with many security-related arguments (Havlíček et al. 2019).

Russia's aggressive stance towards Ukraine and other Western states, together with the ongoing sanction regime, have made it difficult to achieve any deeper economic or political cooperation (Kratochvíl and Svoboda 2018). An exception in this regard were the efforts of President Zeman to create a Czech-Russian Discussion Forum. This platform however failed to meet its expectations (Havlíček et al. 2019). The Czech Republic has decided to take an unyielding approach towards Russia, pointing out its violations of international law and threats in the foreign policy. Perhaps for this reason, Russia stopped viewing the Czech Republic as a partner with a potential for further development of the energy relations (Tichý and Dubský 2020). Altogether, the energy sector in the Czech Republic is characterized by relatively low level of politicization. There are no fears of negative Russian influence over its gas and oil supplies due to the existence of alternative supply routes. Nevertheless, the potential increase in Russia's presence in the energy sector is still viewed with caution (Jirušek, Kuchyňková and Vlček 2020).

#### 4.2 Slovak Republic

Slovakia's economic relations with Russia follow the same trend as Czech-Russian relations after the annexation of Crimea due to Slovakia's participation in EU sanctions. Russia's privileged position as a monopoly supplier of raw materials and at the same time as the main customer of Slovak production decreased after 2014 (see Figure 3), but the level of dependence on energy supplies remains high as the cooperation in the field of energy and fuel complex is the basis of Slovak-Russian economic relations (Kašťáková 2017). Despite Slovakia's efforts to diversify oil and natural gas supply after the gas crisis in 2009, its total energy dependence approximates 62% (Eurostat 2020a).

FIGURE 3: SLOVAK MERCHANDISE TRADE WITH RUSSIA

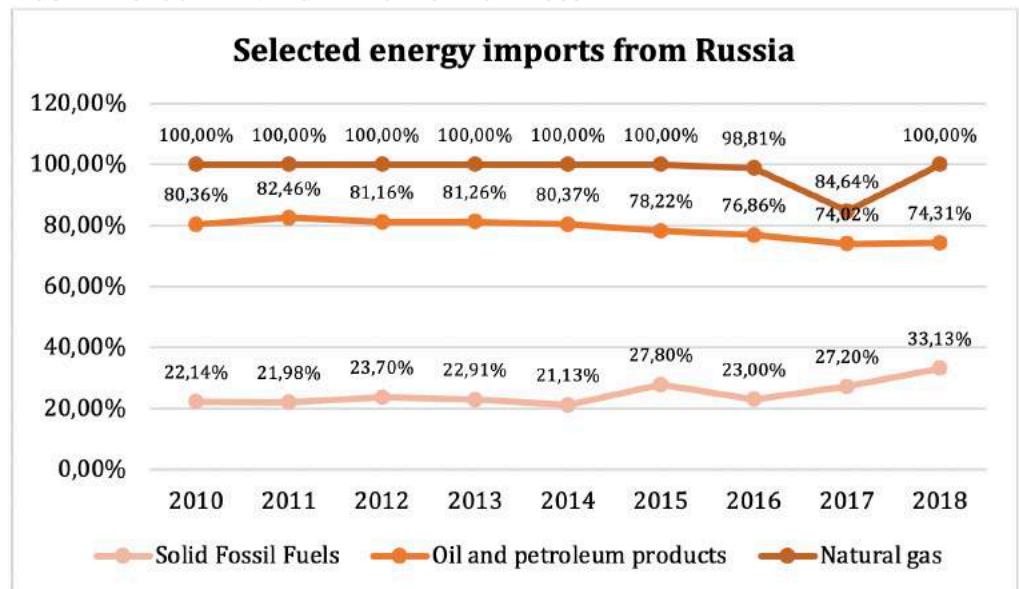


Source: World Trade Organization (2014, 2018).

Due to the fact that Slovak coal production has halved in the last two decades, it remains highly dependent on imports (OECD 2019). Russia is a main importer of solid fossil fuels (IEA 2018) and also a majority supplier of oil and petroleum products and natural gas (see Figure 4). Despite the successful diversification of both commodities, the potential disruption of Russian supplies remains a major economic risk (Bučka and Žentek 2019). Slovakia has therefore been among the EU countries most vulnerable to Russian supply cuts (Takáč 2018). In 2014, the government took over the dominant gas supplier Slovenský plynárenský priemysel which could provide further leverage to the Russian side (ibid.).

The vulnerability to Russian supply cuts is further increased by Slovakia's position as a major transit country. The Slovak government is interested in maintaining the country's transit which is viewed as an important part of Slovakia's energy security (Diallo et al. 2018). Gas transit generates substantial revenues to the state budget and the interest of the Slovak government is to keep this revenue at a maximum (Takáč 2018). Despite the construction of Nord Stream I in 2011 the Slovak position as the main transit route to the Russian gas remained. However, Gazprom's new Nord Stream II project could possibly make the Ukrainian and Slovak transit routes redundant and the government fiercely opposes this project. Consequently, the completion of this transit route would allow Russia to „play the transit countries against each other” (Takáč 2018, 225). Similarly to the Czech Republic, Slovakia is also 100% dependent on Russian supplies of fuel assemblies (European Commission 2019). In Slovak case, this dependency is further aggravated by the fact that the share of nuclear energy in total electricity production is more than 50% (IAEA 2019).

FIGURE 4: SLOVAK ENERGY IMPORTS FROM RUSSIA



Source: Eurostat (2020b, 2020c, 2020d).

Slovak-Russian relations are therefore characterized by a rather appeasing approach, by which Slovak politicians try to ensure favourable terms of supply and maintain transit revenues in the area of gas and oil (Takáč 2018). Although Slovakia joined EU sanctions, the then Prime Minister Fico persistently criticised their meaning (Novotný 2015; HNonline 2016). This was accompanied by the foreign policy that continuously emphasised the mutual dialog and the importance of economic relations with particular attention to energy (Ministry of Foreign and European Affairs of the Slovak Republic 2020). Russia has been eager to maintain these relations and has regularly emphasised that positive



cooperation with Slovakia will continue with a potential for its deepening (regardless of any “short-term disagreements”) (Tichý and Dubský 2020, 6). All this should be viewed alongside the fact that Russia inclines to use its energy sector as a political tool (as with Russian retaliation to Slovakia for enabling reverse gas flow to Ukraine in 2014) (Mesík 2015; Takáč 2018), which puts Slovakia in a subordinate position implying vulnerability to Russian influence and potential indifference to the Russian disinformation threats.

### 4.3 Summary

If we look at the Czech Republic’s approach, we can see that the decision-makers have decided to put the security interests clearly first and began the securitization of Russian disinformation campaigns. All proclamations and steps were taken regardless of Russia’s potential response, as the ultimate goal was to achieve maximum resilience to the Russian hybrid activities. This was made possible not only by the Russia’s subordinate role in the Czech Republic’s overall trade, but also by successful diversification leading in significant reduction of energy dependence on Russia (despite still relying on imports of natural gas and nuclear fuel assemblies). Compared to security interests, economic gains were of secondary importance to the decision-makers when assessing the threats posed by Russia. This is also illustrated by the fact that potential increase of the Russian capital in the energy sector has been viewed with cautious approach rather than with anticipation of potential profit.

While the Czech Republic has decided to take a firm stance against Russian hybrid activities and disinformation campaigns in particular, Slovak Republic has taken a somewhat more lenient approach. It can be argued that Slovak policy towards Russia is ambivalent to a certain degree as it aims to maintain cooperation with Russia while also imposing sanctions and accepting countermeasures to its hybrid threats (in accordance with EU and NATO policies). This pragmatic approach is characterized by accentuating importance of energy relations with Russia while underemphasising threats which Russia poses to Slovakia’s national security. The economic motives for this behaviour are clearly visible as they are often highlighted in official documents.<sup>7</sup> The potential costs of adopting more critical approach to Russian hybrid activities were arguably seen as too high by the decision-makers given the level of energy dependence to Russia which is further aggravated by its position as a major transit country.

In conclusion, the Czech approach is seen as an appropriate one in this work, as it allows for more objective threat assessment and consequently for better preparedness and resilience to disinformation threats. While the Slovak approach can be advantageous especially from an economic point of view, it might have negative implications for the national security. Hence, the author’s recommendation for Slovakia’s policy is threefold. Firstly, Slovakia should take a more critical approach to Russia and should not prioritize economic gains over security interests in order to be able to objectively assess and effectively counter Russia’s hybrid activities. Secondly, decision-makers should make greater efforts to raise the awareness about Russian hybrid and disinformation activities to achieve greater resilience among all parts of society. Consequently, the government should direct its statements and intentions related to disinformation campaigns more towards the general public.

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<sup>7</sup> The primacy of the economic rationale in mutual relations is also visible on the example of Slovakia’s decision to enable gas reverse flow to Ukraine after Russian cut-off despite the potential threat of retaliation by Russia (Deutsche Welle 2014).

## 5 CONCLUSION

The aim of this comparative case study was to find out why two EU and NATO member states have adopted different approaches to the disinformation threat. The rational model of policy-making was chosen as the most appropriate since it allowed us to better understand the rationale behind the decisions of the actors leading in visibly different outcomes. This model, however, allows only a limited interpretation of political reality, and therefore alternative explanations that would be reached on the basis of a different theoretical anchorage cannot be ruled out. For example, the chosen model did not allow for consideration of an ideological dimension, which undoubtedly represents an important aspect in the relations between the two countries examined and Russia. Nevertheless, the employment of rational model provided us with understanding of how the extent of energy relations with another state can affect the securitization of the threat from the given state.

This was demonstrated on the cases of the Czech and Slovak Republic. While these countries share a number of similarities, their approaches to the Russian threat of hybrid and disinformation activities differ significantly. Looking at the motives of the actors standing behind the differences, the Czech approach seems to be driven by security interests, while in Slovakia, the economic goals are of primary importance. As this work argues, this is due to the extent of energy relations with Russia, as the Slovak Republic is largely dependent on energy imports from Russia and gains substantial revenue from its position as a major transit route for Russian gas and oil. The current Slovak approach may have several negative security implications however (such as the vulnerability to Russian influence and disinformation threats), and therefore its modification needs to be considered. Change for the better may come with a new government elected in 2020 which committed itself to actively combat disinformation and hybrid threats (Government Office of the Slovak Republic 2020a). Most recently, Igor Matovič's Cabinet proposed an ambitious plan to set up a Coordinated mechanism of the Slovak Republic's resilience to information operations which could fundamentally help Slovakia in the fight against Russian disinformation and hybrid threats (Government Office of the Slovak Republic 2020b).

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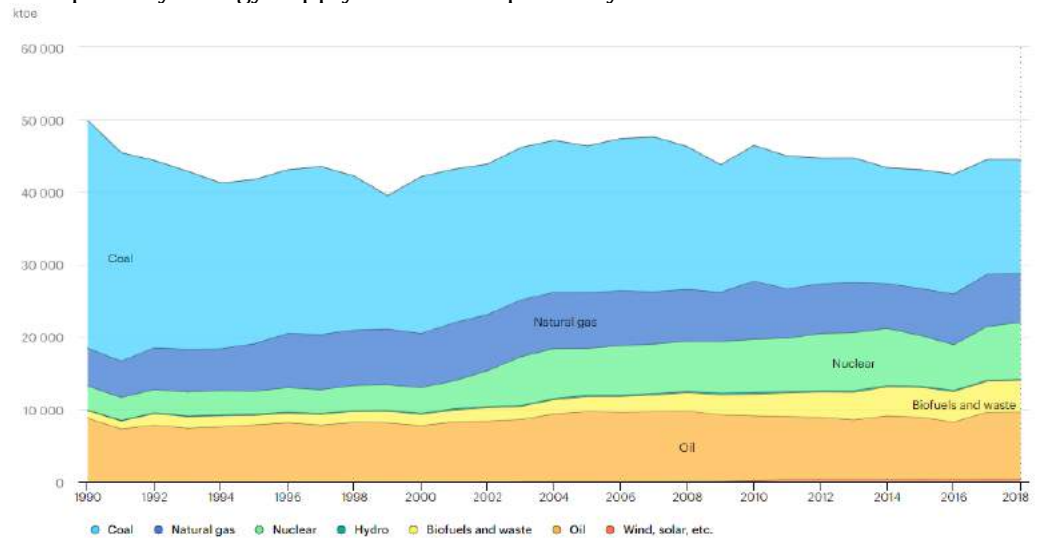
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## ANNEX

Total primary energy supply of Czech Republic by source



Source: IEA (2019).



## RUSKA DEZINFORMACIJSKA NEVARNOST: PRIMERJALNA ŠTUDIJA ČEŠKIH IN SLOVAŠKIH PRISTOPOV

*Primerjalna analiza se osredotoča na pristope češke in slovaške vlade do ruskih dezinformacijskih dejavnosti, s posebnim poudarkom na grožnji listinjenja. Avtorja prispevka trdita, da ima obseg energetskih odnosov z Rusijo pomembno vlogo pri grožnjah listinjenja, ki jo predstavlja navedena država. Prispevek uporablja racionalen model oblikovanja politik za boljše razumevanje utemeljitev odločitev akterjev, ki vodijo do različnih pristopov vlad obravnavanih držav. Analiza kaže, da češki pristop večinoma temelji na varnostnih interesih, medtem ko so na Slovaškem primarnega pomena ekonomski cilji, pri čemer je glavni dejavnik pomen energetskih odnosov z Rusijo. Češki pristop se v tem prispevku šteje za ustreznega, saj omogoča bolj objektivno oceno nevarnosti in posledično boljše pripravljenost in odpornost, medtem ko precej pragmatičen pristop Slovaške vodi do večje ranljivosti dezinformacijskih dejavnosti.*

**Ključne besede:** dezinformacija; Ruska federacija; listinjenje; energetski odnosi; racionalni model.

## THE EMERGENCE OF THE EUROPEANIZED PARTY SYSTEMS IN ECE: THE TURNING POINT AT THE 2019 EP ELECTIONS IN HUNGARY

Attila ÁGH<sup>1</sup>

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*The paper puts forward the hypothesis that the ECE parties until the 2019 EP elections were inward-looking or nationally oriented, but the 2019 EP elections indicates an important turning point in East-Central Europe with the emergence of the Europeanized party system. Accordingly, earlier at the EP elections the internal-national issues dominated, and the European dimension of the elections was low, i.e. in the EU context they were “second order elections”, while for the first time at the 2019 EP elections the EU issues mattered, and in some ways they became central in the electoral fight. In my former papers I have argued that the original ECE party systems collapsed around 2010 under the pressure of the global financial crisis, and the first party system turned to the second one in the early 2010s. Now I would argue that after this turbulent decade the second party system also underwent a serious change in 2019 that resulted in the emergence of the third ECE party system. This change took place under the dual pressure of the extremely polarized political camps in the ECE countries and the new global crisis in the late 2010s that strongly determined the electoral behaviour of their populations. This paper describes this turning point first in general terms in the ECE region, then it illustrates and documents this development at length in the Hungarian case.<sup>2</sup>*

**Key words:** European dimension of elections; third ECE party systems; second order elections; European salience; polarized political camps.

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<sup>2</sup> This paper relies on my latest book on the democracy decline in ECE (Ágh 2019a) and on my analysis of the Hungarian party system in an ECE context (Ágh 2018). At the same time it continues the analysis of my paper on the 2014 EP elections (Ágh and Kurtán 2016). It has been based on the Commission's *Report* on the 2019 EP elections (EC 2020b) as well as on the large international literature about the 2019 EP elections in ECE, e.g. Janebová et al. (2019). The Tables in this paper have been prepared by Sándor Kurtán.

## 1 THE EUROPEANIZATION OF THE ECE PARTY SYSTEMS

The ECE parties and citizens in the first EP elections had no clear position on the EU issues, therefore the EP elections were a learning process for them in the EU affairs. Still the pressure of the domestic issues was so big that their dominance was overwhelming in these elections until the late 2010s. This was particularly true for the very first EP elections in 2004, some days after the EU accession. At the time of the usual EP elections, in the atmosphere of global crisis all parties usually had some kind of the double talk, since the leftist parties propagated Social Europe, but they were unable to demonstrate it, while the rightist parties tried to combine their official pro-EU rhetoric with strong anti-EU messages on some issues to win the support of the frustrated strata in the crisis. In general, the ECE populations project their internal problems and domestic cleavages to the EU level and they formulate their relationship with the EU membership and the EU institutions through the prism of their domestic perceptions. Actually, in the period of the EU membership the ECE citizens have been unsatisfied above all not with the EU, but with the increasing polarization within their own county between the winners and losers as the deepening political tension at home. Altogether, this is a complex system of views that can be called cognitive dissonance - i.e. accepting and cherishing contradictory opinions at the same time. It may be termed "hate-love relationship" with very intensive feelings in both respects: deep disillusionment in and close attachment to the EU that has gone through all EP elections campaigns.<sup>3</sup>

The ECE party systems have followed two main megatrends in the first and second party systems: first, the deep gap between the external and internal Europeanization in their institutional "hardware", and second, the conflicting traditional-national and transnational-modernization narratives in their ideological "software". It means that they have built a Europeanized institutional façade, including some established contacts with their EU party families, but their domestic party structure as the relationship between the party and the membership, as well as between the party and civil society has not been Europeanized. Similarly, the ECE parties have imported the EU values and borrowed the slogans from their party families, but they have been imprisoned into their past, the inner debate of the traditionalist versus modernist narratives. They have not been engaged in the current ideological debates of the EU about the participatory democracy, sustainable development, innovation driven society, well-being, social and human investment and so on. Therefore, the ECE parties have not been real partners of their relatives in the party families, just to the contrary they have been more and more marginalized in the European political life like their governments in the EU forums without an enduring interest representation capacity, except for some *ultima ratio* at the European Council. All in all, the ECE developments in the 2010s have shown "the limits of the EU's transformative capacity" (Önis and Kutlay 2019, 12) that has been particularly evident in Poland and Hungary.<sup>4</sup>

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<sup>3</sup> The overview about the 2014 EP election campaign across the EU can be found in Berge (2014), on the 2019 EP elections see e.g. the long analysis of Fella et al. (2019). It is characteristic that in the V4 states the national rules do not permit the display of European party logos on their national party ballot papers (EC 2020b, 13).

<sup>4</sup> Of course, it is easy to point out that the EU capacity in ECE varies somewhat from country to country and from policy to policy. Altogether the ECE region has been marginalized in the EU and the relevant decisions have usually been made through the compromises between the North and the South, as it has happened in the case of coronavirus crisis management.

The ECE party developments in the last 30 years can be explained by the conceptual framework of the “triple crisis”, namely in the terms of the subsequent transition, post-accession and global crises. In the 2000s there were already two generations of losers in ECE, the first one with the socio-political transition in the early nineties and the second one with the EU entry in the mid-2000s. These two monster waves of mass social exclusion were reinforced by the global crisis and in the early 2010s the Golden Age of populism came as a response to the social backsliding. The impact of global financial crisis on the EU has reproduced the deep divide between the old and new member states that began to fade away before the crisis, and due to this global financial crisis, it returned with a vengeance. Right or wrong, the big “losers” in ECE – about one third of population - felt abandoned by the EU in the global crisis. Many citizens considered that the EU economic integration was too much to the benefit of the large companies located in the old member states. This malaise may indicate overdriven fears, but it reflects the new socio-political tension in ECE and it demonstrates that the large part of losers have usually blamed the EU membership for their impoverishment. The key to understand and to compare the results of the 2004 and 2019 EP elections is identifying the emerging new, third generation of the losers after the global crisis, both the relative “urban” losers as an increasing “precariate” in the middle class and the absolute – mostly “rural” – losers as the widening impoverished strata.

The interference between the EP and the national elections has played a big role in the ECE electoral history, since they have strongly influenced each other. In general, between 2004 and 2014 the EP elections were still domestic battles, and these “second order elections” were influenced basically by the concerns of the national elections. However, as the experts have argued in the case of the latest EP elections, “The European Parliament election results, and the debate that preceded the vote, have had an impact on the national political dynamic in many countries.” (Dennison et al. 2019, 12). In the late 2010s due to the protracted global crisis management the EP arrived at a crossroads (Brack and Costa 2018). Namely, in 2019 there were already clear indications by the experts of the European Council on Foreign Relations (ECFR) that the anti-European parties “plan to wreck Europe”, therefore “no ordinary EP election” would take place (Dennison and Zerka 2019, 2). All in all, the party landscape nowadays can be best described in ECE as a deep contrast and fierce fight between “sovereigntists” and “federalists”.

Thus, the public opinion of the ECE citizens about the EU can be best summarized in the late 2010s as a hate-love relationship with the EU, which has been much more complicated issue than that of the support for the EU membership. Its basic contradiction can be explained through the Eastonian terms of the diffuse versus the specific support. The diffuse support is an enduring support for the political regime in general, originating from the socialization and connected with the general political attitudes and values, whereas specific support depends on the performance of the given government and other organizations in their particular policy fields. In the Europeanization of the ECE countries we have witnessed in the last decades a big gap between the diffuse and specific support, namely between the support for Europeanization in general and the dissatisfaction with the specific EU policies in particular. The enduring general-symbolical support for the EU in ECE has been accompanied on the other side by strong criticisms of the particular EU policies with its ups and downs and with a large variety of cognitive dissonance in the ECE populations between/among the several policy fields. But the centuries-long feeling of belonging to Europe cannot be hurt by any policy confrontation, therefore, the diffuse support has not been weakened for

Europe. "Europe" has remained the sacrosanct value, it is still a basic normative term as the real anchor for the ECE populations in the last centuries.<sup>5</sup>

In the prolonged EU crisis, the 2019 EP elections were a special case in ECE, since in the campaign of the 2019 EP elections a sudden and drastic turn took place in the EU affairs "from nothing to everything", i.e. from the "under-politicization" to "over-politicization" of the European dimension. Earlier the EU issues were very marginal for the public discourse, but due to the strong party polarization the change of the public attention in the EU awareness was dramatic. In 2019 the EU issues became the main controversial topics in this polarized political world between these two divided, inimical cultural and political camps. Far from remaining marginal, the EU issues were transformed by the parties into the most discussed topics between the government and opposition in the media as well as at the political forums like the parliamentary debates. Moreover, a new generation entered since the accession that was ready to fight for the further Europeanization with a high sensitivity for the global ecological crisis. The fresh energy and the new political style of the young generation compensated to a great extent in the electoral campaign for the damages caused by the lack of the media freedom through the widespread use of the social media. There was an eruption of anger within the young people due to the permanent and disgusting anti-EU campaign of the governments that reached its peak before the 2019 EP elections. Even more, the millions of ECE citizens working in the old member states were also mobilized and most of them voted for the pro-EU parties.

All in all, in the 2019 EP elections the opposition parties initiated an intensive EU campaign, and the large part of the ECE citizenship had receptivity for the EU issues, even for the campaign slogan of the Federative Europe. The real question concerning the EP electoral campaign was not whether the public itself turned attention to the EU affairs by the time of the EP elections, since this breakthrough in the public discourse was not only caused by and initiated at the popular perception level, but also by the deepening party confrontations. Actually, the main campaign topics were proposed the opposition parties, and they finally reached and mobilized the citizens. As a result, at the 2019 EP elections both the governments and oppositions have framed all domestic political issues in the EU terms with mutual accusations. Thus, they used "Europe" as the legitimizing or de-legitimizing device, and in such a way, due to the loud political party quarrels every day, the public could not manage "not to know" about the relevant EU issues. Similarly, the general public was not able "not to take part" in the discussions and deliberations of the EU affairs because they were permanently bombarded from both sides with value-laden and politically oriented EU information.

The 2019 EP elections have changed the political landscape across the EU in three respects: (1) the party-political family map, (2) the new political geography and (3) the new policy agenda (Dennison et al. 2019, 3). It means that the party structure has changed in EP with the relative loss of the two biggest party families (EPP and S&D) and some gain of Liberals and Greens on one side, but it has remained stable with the defeat of the mobilized Eurosceptic parties on the other.

This has also changed the regional support of the party families within the EU, first of all by the Brexit. Finally, the policy agenda has been transformed almost beyond recognition with the climate change super-project that has also involved

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<sup>5</sup> I have discussed this issue of the hate-love relationship to the EU in Eastonian terms of diffuse and specific support at length in my book (Ágh 2019), see the Eastonian concept in Bang (2020).



the increasing confrontation with the US policies in the global arena (Dimitrova 2020).<sup>6</sup>

Although some analysts still think that the European integration is a low salience issue for the populations in the EU member states, and it will remain so, as it was also in the case of the 2019 EP elections: “More like 28 national elections than one European election” (Bolin et al. 2019, 9). However, the international literature after the 2019 EP elections has shifted from the “second order election” theory to the “European salience” theory, and it applies very much also in the ECE case. The EP elections in ECE between 2004 and 2014 confirmed to a great extent the Second-Order Election Theory, but the 2019 EP elections were already not of “second order”, since it turned from the narrow national contests to the genuine, large European contests. Altogether, the participation level at the 2019 EP elections was closer to an average national election than earlier and the main campaign issues were fought about the future of Europe. Hence the experiences of the EP elections in ECE have not confirmed this statement about the second order elections, since the “Europeanization” of the EP elections took place also in ECE, and pro-European parties produced a good result by promoting the idea of Federative Europe. Of course, the national character of the EP elections could have been felt also in ECE, but due to the emerging autocratic governments all domestic political fights have been more and more “Europeanized”.

The 2019 EP elections have demonstrated that “European politics is change-driven” (Dennison et al. 2019, 26), but for the fate of the ECE within the EU there are two options. On one side, “Central and eastern European governments are already weakly represented in the main political groups in the European Parliament – and may become even more so if Czech party ANO is expelled from Renew Europe, Fidesz from the EPP, and Romania’s Social Democrats from S&D. Given the already weak political position of central and eastern Europe in the Council, there is a separate risk that the sensitivities of the region will not be properly reflected in the EU’s list of priorities in the next five years. This, in turn, may give ground to even deeper frustrations and resentments in that part of the continent” (Dennison et al. 2019, 12–13). On the other side, however, the new political geography may also produce positive transformation in the Core-Periphery relations, since the results of the 2019 EP elections have also shown a new map of political generations in ECE. Thirty years after the systemic change a new, Europeanized young generation has entered into the political life of the ECE countries and their voice was heard very loudly already in the latest EP elections. The young generation has been brought up in the hope of the emerging system of democracy. Due to the decline of democracy in ECE, however, they have felt cheated as the “orphans of the EU”, being abandoned and “parentless” in the EU in the worst period the crisis. This deep divide between the old and young generations as between “the tired migrants into democracy” and “the energetic natives of democracy” contains a promise for the ECE redemocratization in the 2020s and for the recognition of the special ECE interests in the EU.<sup>7</sup>

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<sup>6</sup> See the results of the 2019 EP elections in the edited volumes of Bolin et al. (2019), De Sio et al. (2019), Fella et al. (2019) and Novelli and Johnson (2019). As it is well known, after the Brexit the number of the MEPs has been readjusted to the EU27 (see Verger 2020).

<sup>7</sup> In fact, the main obstacle to the proper recognition of the ECE interests are the authoritarian governments with a divergence from the EU mainstream developments that I have discussed at length in my latest publications (Ágh 2019b; Ágh 2020a; Ágh 2020b).

## 2 THE HUNGARIAN-EU RELATIONSHIP ACROSS THE EP ELECTIONS

The Hungarian political landscape in general and the party system in particular has also changed to a great extent in the late 2010s. Although both in the April 2018 national parliamentary elections and in the May 2019 the EP elections Fidesz kept its dominance, still the opposition parties in 2019 for the first time organized already some kind of a coalition against it that was a big turning point in the Hungarian party system, indeed. The Orbán regime declared a “freedom fight” against the EU in the 2010s and the pro-EU democratic parties were weak and fragmented, however, by the late 2010s they became more cooperative, they formed a pro-EU alliance, and in the 2019 they declared their own freedom fight against the Orbán regime in the spirit of Federative Europe. This electoral alliance of opposition parties proved to be very effective in the October 2019 municipal elections that transformed the political landscape fundamentally, since the opposition parties defeated Fidesz in Budapest and bigger cities. These opposition parties, governing the large part of the country through the municipal governments of “urban Hungary” in coalition, have decided to prepare together for the 2022 parliamentary elections in order to remove the authoritarian and anti-EU Fidesz from the power. Thus, in the 2020s a new Hungarian polity and party system may emerge, and similar trends can be observed in the other ECE countries.

TABLE 1: NATIONAL ELECTIONS- HUNGARY 2002–2018

Party	2002	2006	2010	2014	2018	02-06	06-10	10-14	14-18
	%	%	%	%	%				
Fidesz	41.1	42.0	52.7	44.9	49.3	0.9	10.7	-7.8	4.4
MSZP	42.1	43.2	19.3	25.6	11.9	1.1	-23.9	6.3	-13.7
Jobbik	-	-	16.7	20.2	19.1	-	-	3.5	-1.1
LMP	-	-	7.5	5.3	7.1	-	-	-2.2	1.8
Centrum	3.9	-	-	-	-	-	-	-	-
MDF	-	5.0	2.7	-	-	-	-2.3	-2.7	-
MIÉP	4.4	2.2	0.0	-	-	-2.2	-1.2	-	-
SZDSZ	5.6	6.5	0.0	-	-	0.9	-6.5	-	-
DK	-	-	-	-	5.4	-	-	-	5.4
Momentum	-	-	-	-	3.1	-	-	-	3.1
KK	-	-	-	-	1.7	-	-	-	1.7
Munkáspárt	2.6	0.4	0.1	0.6	0.3	-2.2	-0.3	0.5	-0.3
Others	0.4	0.6	1.1	3.4	2.1	0.2	0.5	3.3	1.3

Fidesz–Polgári Szövetség (Fidesz) Alliance of Young Democrats–Civic Alliance with Kereszténydemokrata Néppárt (KNDP) Christian Democratic Peoples’ Party; Magyar Szocialista Párt (MSZP) Hungarian Socialist Party; Jobbik (Jobbik) “The Better”; Lehet Más a Politika (LMP) Politics Can Be Different; Centrum Összefogás Magyarországért (Centrum) Centre Party; Magyar Demokrata Fórum (MDF) Hungarian Democratic Forum; Magyar Igazság és Élet Pártja (MIÉP) Party of Hungarian Justice and Life; Szabad Demokraták Szövetsége (SZDSZ) Alliance of Free Democrats; Demokratikus Koalíció (DK) Democratic Coalition; Momentum; Magyar Kétfarkú Kutypárt (KK) Hungarian Two-tailed Dog Party; Munkáspárt (Munkáspárt) Workers’ Party; Others: Együtt (Együtt) Together; Párbeszéd Magyarországért (PM) Dialogue for Hungary; Magyar Liberális Párt (MLP) Hungarian Liberal Party; Mi Hazánk Our Contry (MH). The MSZP support in 2014 (25.6%) in fact reflects all support for the leftist party alliance.

In Hungary there have also been two consecutive party systems with a sharp turning point in 2019 producing a third-party system in 2019 closely connected with the EP elections. The *first* party system was organized in the late eighties, it played an important role in systemic change, but its dominant parties (MDF and SZDSZ) became weak by the late 2000s and finally disappeared from the political landscape, whereas in the nineties the MSZP and Fidesz appeared as the leading centre-left and centre-right parties. Due to the global crisis the *first* party system collapsed and a *second* party system was formed after the 2010 parliamentary elections with the dominance of Fidesz throughout of the 2010s and with the deeply fragmented smaller opposition parties (MSZP, DK, Jobbik, LMP and

Momentum), including a series of mini parties. In the 2010s Fidesz as the strongest neopopulist party in ECE has developed a double game, like the other ECE centre-right parties, it has been open to the radical right, even sometimes to the militant right. Fidesz has shown a European face to the EU with a balanced, moderate conservatism, at the same time it has sent coded messages to the domestic audience – above all to the radical and extreme right – to widen its electoral support. This double discourse as a common denominator has been greatly facilitated by the slogans of national and social populism that has also provided continuity between the moderate and extremist statements. Accordingly, Fidesz has also refused to distinguish itself unambiguously from the anti-systemic right and it echoed slogans for the extremist mob, keeping its strategy of belittling its importance and of accusing the Left for exaggerating the size, influence and danger of the extreme right. With this strategy Fidesz has hoped to recruit the voters of extreme right to its own electorate, therefore it has not been ready for any kind of the meaningful confrontation with the extreme right.<sup>8</sup>

Altogether, despite its traditionalist nativist narrative Fidesz presented itself as a pro-EU party at the 2004 EP election, and it has turned more and more openly against the EU as a governing party in the 2010s. The present opposition parties have become more and more intensively pro-EU and their attitude towards the EU has been the main issue of their electoral and political cooperation by the late 2010s. In the party history of the 2010s there was been a significant change, since as Fidesz embraced more and more also the position of extreme right, and, just to the contrary, Jobbik transformed itself from an extreme right, anti-European party to a moderate centre-right and pro-European party. The party landscape nowadays, in the early 2020s can be best described in Hungary as a deep contrast and fierce fight between “sovereignists” and “federalists”.

The Hungarian public opinion was profoundly divided on this change in Jobbik, since the Fidesz supporters at least tolerated the rise of Jobbik, as an extremist-nationalist party in the 2000s, whereas the supporters of the Left-Liberal parties considered it as the biggest danger for the country. Jobbik was born as a group originally in the Fidesz family and it became the *enfant terrible* within this party, finally turning against its own parent-party. Fidesz developed a nationalistic agenda, which overlapped with many demands of Jobbik both politically and culturally, even in some municipal governments Fidesz cooperated with Jobbik. Actually, Jobbik grew out of Fidesz and it continued the Fidesz type of discourse and symbolism, just shouting more loudly the anti-European as well as anti-Jewish or anti-Roma slogans stemming originally from the coded Fidesz messages. The main slogan of Jobbik was “Hungary for Hungarians”, mobilizing the “real” Hungarians against the “traitors” and putting all the blame on minorities (Roma and Jews). Above all, those deeply concerned with the “law and order” type of security were Jobbik supporters, since the islands of poverty were situated in the small settlements with high social tension and usually having high percentage of Roma population. Jobbik had close connection with the Hungarian fascist traditions and this worst kind of traditionalism was combined with the “modernity” using the instruments of the internet mobilization.

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<sup>8</sup> See Table 1 about the national elections. The short list of Hungarian parties: Fidesz – (originally: Alliance of Young Democrats), nowadays Fidesz – Civic Alliance, together with KDNP (Christian Democratic People’s Party); MSZP – Hungarian Social Democratic Party; Jobbik – For a Better Hungary; DK – Democratic Coalition; Momentum – a new liberal party; E-PM – Together and Partnership for Hungary; LMP – Politics Can Be Different (Green); SZDSZ – Alliance of Free Democrats; MDF – Hungarian Democratic Forum; MH – Our Homeland; KK – Two-Tailed Dog Party.

In the 2014 EP elections the party landscape was very similar to that of the 2009 EP elections with some kind of competitive partnership of Fidesz with Jobbik, and the internal fight between the fragmented leftist, pro-EU parties that secured the large Fidesz victory. However, between 2014 and 2019 the behaviour of all-party actors changed profoundly that can be formulated in the relationships between Fidesz and Jobbik with the terms of the soft and hard Euroscepticism, elaborated by Szczerbiak and Taggart (2016). Previously, Jobbik was the hard and Fidesz the soft Eurosceptic party, but they gradually changed place, Fidesz became a hard and Jobbik a soft Eurosceptic party, or even, by 2019 a pro-EU party. Paradoxically, the biggest change in the second party system was felt in Jobbik that tried to shift to the centre-right and later to become a pro-EU and anti-Fidesz party. Therefore, after a long process it has been accepted as a partner in the pro-EU and anti-Fidesz coalition of the opposition parties.

TABLE 2: EP ELECTIONS IN HUNGARY

Party	2004 votes	2004 seats	2009 votes	2009 seats	2014 votes	2014 seats	2019 votes	2019 seats
Fidesz	47.40	12 (EPP)	56.36	14 (EPP)	51.49	12 (EPP)	51.14	13 (EPP)
MSZP	34.30	9 (S&D)	17.37	4 (S&D)	10.92	2 (S&D)	6.68	1 (S&D)
Jobbik	-	-	14.77	3 (NI)	14.68	3 (NI)	6.44	1 (NI)
DK	-	-	-	-	9.76	2 (S&D)	16.26	4 (S&D)
Momentum	-	-	-	-	-	-	9.92	2 (REU)
E-PM	-	-	-	-	7.22	1 (GR)	-	-
LMP	-	-	-	-	5.01	1 (GR)	2.19	-
SZDSZ	7.74	2 (ALDE)	2.16	-	-	-	-	-
MDF	5.33	1 (EPP)	5.31	1 (ECR)	-	-	-	-
MH	-	-	-	-	-	-	3.33	-
KK	-	-	-	-	-	-	2.63	-

Thus, the structure of the Hungarian party system and its relationship to the EU has altered fundamentally in the third-party system. Altogether, in East-Central Europe the global crisis was the deepest in Hungary, therefore since the 2009 EP election the split between traditionalists and modernizers as well as that between the winners and losers of the EU accession was also the biggest, so the first autocratic regime emerged. In Hungary this dissatisfaction with the domestic democracy generated the strongest “Kulturkampf”, which produced a bipolar party system with a protracted value war. Taking the opportunity of the widespread *malaise*, Fidesz used the method of “populism from above” as a combined social and national populism in the electoral campaigns. On one side, Fidesz has begun an open confrontation declaring a “freedom fight” against the EU and it has organized a series of anti-EU campaigns like the “Stop Brussels” project. By the early 2019 Fidesz so diverged from the mainstream EU centre-right parties that on 20 March 2019 its membership in the EPP party family was suspended, and this membership issue has remained undecided for a long time. On the other side, the opposition parties have increased their pro-EU profile and it has created a strong cooperation among them in the municipal elections. In the late 2010s they have begun their own “freedom fight” against the Orbán regime for the restoration of democracy that has produced the *third* party system in Hungary.

### 3 THE INTERFERENCE OF THE NATIONAL AND EP ELECTIONS IN HUNGARY

The electoral law in Hungary on the national elections was passed in 1989 (Act XXXIV of 1989) and slightly modified later several times, but basically remained the same between 1990 and 2010. It was amended on 23 December 2011, and the number of MPs was reduced from 386 to 199. The electoral law on EP

elections, in turn, was passed on 26 April 2004 (Act XXXII of 2004), just before the 2004 EP election and the entry of Hungary to the EU. These electoral systems differ to a great extent, since the national one is a mixed system, while the EP electoral system is proportional. It is rather similar to many other systems in the EU member states, in which the whole country forms one single constituency. In 2004 24 seats and in 2019 21 seats were allocated for Hungary with ten million people. The d'Hondt formula is applied in the EP elections and there is a threshold of five per cent.

TABLE 3: NATIONAL AND EUROPEAN ELECTIONS 2002-2019

Party	NA 2002	EP 2004	NA 2006	EP 2009	NA 2010	NA 2014	EP 2014	NA 2018	EP 2019
	%	%	%	%	%	%	%	%	%
Fidesz	41.1	47.4	42.0	56.4	52.7	44.9	51.5	49.3	52.6
MSZP	42.1	34.3	43.2	17.4	19.3	25.6	10.9	11.9	6.6
Jobbik	-	-	-	14.8	16.7	20.2	14.7	19.1	6.3
LMP	-	-	-	2.6	7.5	5.3	5.0	7.1	2.2
Centrum	3.9	-	-	-	-	-	-	-	-
MDF	-	5.3	5.0	5.3	2.7	-	-	-	-
MIÉP	4.4	2.4	2.2	-	0.0	-	-	-	-
SZDSZ	5.6	7.7	6.5	2.2	-	-	-	-	-
Együtt-PM	-	-	-	-	-	-	7.3	-	-
DK	-	-	-	-	-	-	9.8	5.4	16.1
Momentum	-	-	-	-	-	-	-	3.1	9.9
KK	-	-	-	-	-	-	-	1.7	2.6
MH	-	-	-	-	-	-	-	-	2.6
Munkáspárt	2.6	1.8	0.4	1.0	0.1	0.6	-	0.3	0.4
Others	0.4	1.1	0.6	0.5	1.1	3.4	0.9	2.1	0.0

The 2004 EP election was not yet a real European election, but in fact it was the midterm between two national elections in 2002 and 2006. This statement means that the 2004 EP election was indeed a second order election where the EU issues did not figure high on the agenda, since the first EP elections were exclusively fought about domestic issues. The 2004 EP election was right after the EU entry in May 2004 and the Hungarian citizens were not yet aware the EU issues. On the other side, in the midterm when the popularity of the incumbent governments is usually at the deepest point, all domestic issues gain importance. It was even more so in Hungary in 2004 because Fidesz lost just marginally at the 2002 national elections and looked for revenge in 2004, when the popularity of the governing MSZP-SZDSZ coalition was at the lowest point. Thus, Fidesz wanted to make the 2004 EP election into a dressed rehearsal of the next national elections. Although Fidesz won the 2004 EP election, this model still did not work in the next national elections, since the governing leftist coalition was re-elected and received even more support in 2006 than in 2002. However, the domestic political fight was so strong in the very polarized Hungarian political life that the European character of the 2004 EP election was completely marginalized and the motives of national elections absolutely dominated. In 2004 and due to the 5 per cent threshold only Fidesz, MSZP, SZDSZ and MDF received seats.<sup>9</sup>

Thus, the first ever EP elections in Hungary in 2004 was fought as a domestic battle for two reasons, first, because of the midterm situation between two national elections, and second, because of the too early date after the EU entry. In the 2009 EP elections the interference with the national elections was also reinforcing the domestic character of the EP elections. The EP election on 7 June 2009 was too close to the national elections in April 2010, so it proved indeed to be the pre-elections for the national elections. Although in 2006 the MSZP-SZDSZ coalition was re-elected with a rather large majority, but right after these

<sup>9</sup> See Table 2 about the results of the EP elections. Given the high relevance of the interference between the two kinds of elections, Tables 3 and 4 to present this interference at a closer look.



elections the Left-Liberal government was forced to introduce painful austerity measures due to the high state indebtedness that radically weakened its popular support and it lost the 2009 EP elections. During the whole period between 2006 and 2010 Fidesz had a twenty per cent lead over the MSZP in the public opinion polls, whereas the SZDSZ declined further after 2006. In such a way, in the 2009 EP elections as the prelude of the 2010 national elections, Fidesz was supposed to win. In the 2009 EP elections again four parties (Fidesz, MSZP, Jobbik and MDF) succeeded in getting seats, and this time SZDSZ already failed. Beyond the defeat of the liberals there were still two other surprises, since the loss of the MSZP was bigger than expected, and Jobbik had a very good result, which showed the strong impact of global crisis on Hungarian politics.

The political atmosphere of the 2009 EP elections was determined still by the negative popular perception of both the twenty years of systemic change and the post-accession climate of the five years of the EU membership. The ongoing global crisis provoked a much deeper shocking effect than the usual crisis cycles. The results of the 2009 EP elections showed a widespread apathy as well as an upsurge of various kinds of extremist movements. All in all, there was a political turbulence with high government instability, since the global crisis hit Hungary particularly badly. On 20 April 2009 Ferenc Gyurcsány resigned as prime minister, and in spring 2009 the Bajnai government introduced the second crisis management package of the left-liberal governments with austerity measures causing further disillusionment or malaise. The growing unease and protest against the crisis management appeared also in the results of the 2009 EP elections, and the crisis management discourse dominated also the 2014 elections. In the 2014 elections there was a confrontation of the dominant Fidesz with the fragmented opposition parties that resulted in the overwhelming victory of Fidesz versus the five opposition parties elected into the EP (Jobbik, MSZP, DK, Együtt-PM and LMP).

It would be too easy to say that in Hungary there was a low turnout at the EP elections between 2004 and 2019 (38.42, 36.28, 28.92 and 43.36 per cent respectively, see the Hungarian National Election Office, 2019) compared to the national elections, since the participation at the EP elections in the Hungarian case was usually much higher than in the other new member states. The turnout at the EP elections was around or above 30 per cent, lower than at the national elections with around or above 60 per cent. In 2009 the participation was somewhat lower than in 2004, and in 2014 at the EP elections was at the deepest point that indicated the pressure of global crisis management. The key issue for the Hungarians in the 2014 EP elections was the role the EU played in the Hungarian crisis management. The dominant reaction was controversial with many features of cognitive dissonance. As the typical EU fatigue reaction, the population usually paid close attention to the EU affairs only when such a concrete EU issue emerged in the national media that was directly related to Hungary. This sharp political confrontation, however, produced a very high turnout at the national elections, around 60-70 per cent, usually higher than in the other new democracies. In general, the media coverage of the EP elections between 2004 and 2014 had been large and hectic, but almost no direct concern with the EU issues.

Both the national and EP elections have reflected the public opinion on the EU, but the parties have framed the debates in these elections in different ways. The Hungarian citizens have been regularly among the least satisfied people in the EU as to their socio-economic situation. The public opinion surveys in 2009 indicated the shift of preferences among the Hungarian population to the social security as a basic value and to the fears about the durable socio-economic crisis.

According to Eurobarometer survey after the 2009 EP elections only 42 per cent of Hungarians were satisfied with their lives (followed only by Bulgaria with 38 per cent), while the EU average was 78 per cent. Most Hungarians (53 per cent) trusted in the EU institutions (the EU average was 48 per cent), much less in the Hungarian institutions, for instance the trust in the Hungarian parliament was 15 per cent, in the government 14 per cent, in the parties 9 per cent, while the EU average was 30-29-16 per cent respectively. In the structure of the Eurobarometer surveys usually the first block of population supports the membership and the second block considers that it is good and bad at the same time, and the third block opposes it. In Hungary the first group had a relative majority among the citizens until 2007, but in 2008 there was a turning point, since the second group became dominating (45 per cent), whereas the first group of supporters declined to 34 per cent and the third block of opposing the membership increased to 21 per cent (EB 72 2010).

The Eurobarometer surveys proved in the 2010s that the preferences in the policy-making process were rather similar in all member states. Some basic policies - like protecting the environment, fighting terrorism, scientific research, defence and foreign affairs, support for the least developed regions, energy, immigration and fighting crime were considered as transnational or global issues. The overwhelming majority of the EU citizens still think that these issues should be dealt with jointly within the European Union. The basic policies of socio-economic character, according to the majority of EU citizens, have to be pursued mostly by the national governments. The opinion of the Hungarian citizens has been similarly structured and their support for this bifurcation of policies falls into this general direction. The domestic problems projected to the EU level have produced some paradoxes, first of all the Hungarians have become more and more unsatisfied with the EU in some policy fields, although they have still maintained their EU preference versus the domestic polity. It has also appeared as a higher trust in the EU institutions than in the Hungarian ones. Actually, there has been a general tendency of growing systemic distrust in the political order that has affected the national institutions much more than the EU institutions. Most Hungarians take the EU institutions for the models of the mature, well performing institutions, so there has been no large public debate on the EU democratic deficit, and the Hungarians have basically remained comparatively EU enthusiasts.

No wonder that Orbán has fiercely attacked not Europe in general, but “the declining liberal Europe” as “Brussels” by creating the narrative of the weakening modern Europe due to the dominance of the recent Western liberal values versus those of the traditional Christian Europe. Thus, the main front in the recent value war in Hungary is around the image of Europe in the identity politics, since in this “remote Eastern rimland” the only hope of the democrats is that “we trust in the EU”, hence they have begun to wage of their own freedom fight against the autocratic Fidesz because of its hostility to the EU. In the Flash Eurobarometer (EB 2019a) before the 2019 EP elections Hungary belonged to those eight member states where the dominant approach to the EU was the “confidence” versus the “doubt” or “hope”. Altogether the 82 per cent of Hungarians agreed that what brings European citizens together was more important than what separated them, with the EU average of 80 per cent. After the 2019 EP elections, in the late 2019 (EB 2019b) the majority of Hungarians trusted in the EU (52 per cent versus 43 per cent EU average), they were satisfied with the democracy in the EU (61 per cent versus 52 per cent) and felt to be proud European citizens (80 per cent versus 70 per cent).

#### 4 THE DEEP TURN IN THE 2019 EP ELECTORAL CAMPAIGN TO THE EUROPEAN AGENDA

The 2019 EP elections in the prolonged EU crisis was a special case in Hungary (Tóka 2019) that was also predicted by the ECFR experts: at the EP elections “this time turnout may be higher than usual, largely due to Prime Minister Viktor Orbán’s transnational efforts to frame the election as a referendum on whether pro- or anti-migration forces will dominate the EU in years to come. The ruling party seeks to strengthen its legitimacy in Europe, including on controversies about the rule of law in Hungary.” (Dennison and Zerka 2019, 30). The Hungarian political life developed a deep polarization before the elections between the pro- and anti-EU parties, hence for the first time the EP elections followed the logic of the total political confrontation that resulted in the dominance of the EU agenda in the electoral campaign.

The 2019 campaign in Hungary was fought about the vital EU issues with a great popular interest, unlike in the previous campaigns since 2004. In the EP elections between 2004 and 2014 the domestic socio-economic problems were so overwhelming in the electoral campaigns that the electoral programs of the transnational party federations were not visible at all, and the EU issues concerned played little role in the campaign. For these elections Fidesz elaborated its “Eupopulism” narrative based on fake news, in which “Brussels” was the basic reason for all evils in Hungary. Although the Fidesz indicated its position also on some EU issues, it still focussed on the national resentment campaign with a wide range of its vague EU policies, given that domestic politics provided them with more powerful ammunition. In the 2014 EP elections Jobbik had still a strong anti-EU campaign, its main campaign message was similar to the Fidesz project that the EU was responsible for all bad that hit the real Hungarians. Between 2004 and 2014 even the MSZP did not campaign intensively for the EU – usually with no reference to PES Manifesto – and accordingly received less and less seats in the EP – and the other smaller opposition parties then (DK and LMP) were not active in the campaign either.

Therefore, the 2019 EP elections meant also a sharp turn in the national political campaign because the EU issues were already high on the agenda with references to the transnational EU parties, especially in the case of Momentum and DK. The Hungarian parties have usually prepared party manifestos or electoral programs for the national elections, but very rarely for the EP elections. In this case, instead of a party manifesto, PM Orbán summarized the Fidesz electoral program on 5 April 2019 in a speech for the party activists, focusing in all 7 points on the refugee crisis, criticizing the EU policy on this issue (Mraw 2019). The opposition parties had no long party manifestos either (see the summary of their party platforms in Management Forum 2019), just emphasized their support for the EU integration. However, Momentum as a very new party produced a long manifesto, actually it was its first party program (Momentum 2019). The other opposition parties had usually a much shorter declaration and specified their messages mostly on the campaign trail (Hungarian Spectrum 2019).

The key issues raised in the former EP campaigns were the economic crisis, unemployment, and increasing poverty. This list indicates basically the same top items as the general priorities of the EU citizens reported in the Eurobarometer surveys, although the Hungarians felt in some cases more concerns on many issues, hence much bigger percentage of Hungarians worried about them than the EU average. This reflects a situation that may be called “the trap of materialist

needs” focusing on direct socio-economic problems. This means also that the Hungarians usually worried much less about the “post-materialist” issues. Hungarians were less sensitive to the old international security risks than most European citizens and they considered that the new security risks have to be tackled by the EU. Hungarians for instance supported the European Defence Policy, but these issues were not prioritized by them. Their interest in foreign affairs was centred on the East Central European region and on the plight of the Hungarian minorities abroad. There was also a positive attitude toward the further EU enlargement in the West Balkans. In this socio-economic crisis situation, the general environmental interest was not in the centre of the public opinion, although the environmental awareness increased in the last decade. All in all, the Hungarians supported the further European integration and there was a large popular support for the EU before and after the elections (EB 2019a; EB 2019b).

Two issues were high on the agenda in the opposition campaign, the utilisation of the EU transfers in Hungary and the rule of law violations by the Orbán government. The first issue focused on the systemic corruption of the Orbán regime abusing the EU transfers and diverging them to the Fidesz oligarchs, the second one on the ongoing confrontation of the government with the EU institutions due to the authoritarian developments in Hungary. This dominance of the EU issues emerged despite the lack of campaign resources of the opposition parties. In the electoral campaigns parties get some state support for their budgets proportional to their former election results, even those parties, which receive more than 1 per cent of votes in the elections, but less than the 5 per cent threshold, so they are not parliamentary parties. Parties may get a limited amount of support from private persons and firms, and they have to declare it. The party finances are controlled by the State Audit Office and the party financing is a very delicate issue at the time of election campaigns. Fidesz regularly used the huge state resources for its own electoral campaigns, therefore also in 2019 its resources were many times bigger than the campaign expenditure of the opposition parties taken together. Moreover, the State Audit Office harassed often the opposition parties at both the national and EP elections, and punished them for their supposedly unfair accounts, further weakening their budget and damaging their campaign.

The official beginning of the campaign was 6 April 2019 and it went until the day of elections on 26 May 2019, although actually it began much earlier from both sides. The campaign rules that parties had to follow, were set by the electoral law, but these rules of free and fair campaign remained on the paper on the Fidesz side. Actually, the government did not provide the necessary conditions for the opposition parties and their candidates to get a fair and equal chance in the media and public events to compete (see Reporters Without Borders 2019). Some months after the campaign period of the EP elections, the Report of the International Press Institute summarized the results of its fact finding mission in Hungary in late November 2019 as follows: the Orbán government “distorted the media market and divided the journalist community in the country, achieving a media control unprecedented in an EU member state” (International Press Institute 2019).

The electoral campaign of the Orbán government continued its previous hysterical narrative with the “Phantom Menace” of migration (Kucharczyk and Meseznikov 2018), blaming “Brussels” for the support of the “invasion of Europe by the aliens”. The biggest provocation from the Orbán government came in February 2019, well before the official campaign, when they posted the portrait of Jean-Claude Juncker – in the background with George Soros – on many

billboards country-wide accusing them of promoting the migration from outside Europe and claiming that the Hungarian citizens “have the right to know about it”. This billboard created angry responses in the EU and led to the suspension of the Fidesz membership in EPP, in its party family on 20 March 2019. This was not the only provocative step of the Orbán government in the campaign. On 6 April 2019, one day after the Orbán campaign speech about the refugee crisis, new billboards appeared with the slogan: “Let us support the Orbán program of stopping the migration”, which also had an anti-EU message about the “migration friendly” EU and first of all about the Commission allegedly supporting the migration (Lázár and Sík 2019). In the style of the usual double speech of Orbán, he presented himself as the defender of the European values, but underlined in his campaign speech on 21 May 2019 that “Europe can only be saved if she returns to her Christian identity” (Orbán 2019).

Altogether, the campaign situation in 2019 drastically changed, due to four main reasons: (1) the coalition of the opposition parties against Fidesz, (2) the polycrisis in the EU, (3) the colonisation of media by the Orbán regime and (4) the entering young generation.

*First*, the conflict between the EU and the Orbán government deepened in the late 2010s, since Fidesz waged a war against the EU and the opposition parties by fighting back emphasized more and more the EU integration, even by repeating the slogan of the Federal Europe. For the first time, the EU policies were not only high on the agenda of the EP election campaign, but the EU integration was presented in the campaign as the vital issue for Hungary, in its extremely contrasted form as the fight between sovereigntists and federalists. The Orbán regime in the campaign period - beyond its general hostility towards EU, and apart from the xenophobic drift - built a special ideological platform based on Christian values. It banned the gender studies at the universities and launched an international project of Christianization of Europe, although Hungary was among the most secularized countries of Europe, with around only 10 per cent of regular churchgoers. In general, the main effort of the Orbán government is creating a political and cultural hegemony, playing a geopolitical game in the alliance of the neopopulist parties and becoming a role model of authoritarian governments in the EU.<sup>10</sup>

*Second*, in the EU polycrisis or multiple crises some EU policies became particularly important for the Hungarian citizens, since many of them were of their direct concern. A long series of other EU-related policies can be mentioned in the confrontation between the government and the opposition, but the main clash between the Orbán government and the opposition was upon the issues of refugee crisis, the rule of law and the climate change. The refugee crisis was the main campaign issue for the Orbán government since 2015 and the democratic opposition parties refused the official policy of non-cooperation with the EU in this field. Moreover, the V4 governments had a similar approach like the Orbán government, therefore the refugee crisis was a central question not only in the EU relationship, but also that of the neighbourhood policy of the Orbán government. The rule of law also stands out from them, since the EU had a long process of investigation in the case of the rule of law violations by the Orbán government. Finally, the climate change became the central issue that was been high on the agenda before the EP elections and reinforced later by the victory of the “green-leaning” parties at the municipal elections in the big cities. All

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<sup>10</sup> Beyond the usual attacks on “Brussels”, the billboard campaign was the most aggressive move of the Orbán government towards the EU, right before the 2019 EP election, and the EU officially protested against it.

opposition parties supported the EU approach in this process because they suffered a lot from this “illiberal democracy” of the autocratic Orbán regime.<sup>11</sup>

*Third*, the Orbán regime has strongly controlled the public media and colonised large part of private media by organizing about 500 media outlets into one huge conglomerate called KESMA (Central European Press and Media), altogether controlling about 90 per cent of the media market. This was a decisive issue in the election campaign, moreover Fidesz used the state resources for its campaign budgeting, while the opposition parties had very small resources, estimated altogether only around 10 per cent of Fidesz. Moreover, Fidesz monopolized the big campaign vehicles like the huge billboards across the country. Just before the EP elections the international agencies reported about the lack of media freedom in Hungary, like the Reporters Without Borders (2019) that was published in the international press (see e.g. Media Center 2019). After the elections the International Press Institute (2019) sent a delegation to investigate the press freedom and they strongly criticized the Hungarian government for its unfair practices. Otherwise, beyond the structural violations of the media freedom, an independent investigation team (Open Democracy 2019) presented fresh evidences about the vote rigging cases by the Orbán government (see also Mares and Young 2019).<sup>12</sup>

*Fourth*, a new generation entered since the Hungary's accession that was ready to fight for the further Europeanization, as it has been discussed above at the EU level. The fresh energy and the new political style of the young generation compensated to a great extent in the electoral campaign through the widespread use of the social media for the damages caused by the lack of the media freedom. There was an eruption of anger within the young people due to the permanent and disgusting anti-EU campaign of the government that reached its peak before the 2019 EP elections. Momentum was a very new movementist party of the young generation, established in 2017, and it turned to its advantage at the 2019 EP elections. Before the EP elections they got a national fame even by campaigning against the government plan of the Olympic Game in Hungary and this “Nolimpia” campaign was successful. The government had to give up this project, and Momentum as a movementist party was in fact organized during this campaign. The other bigger opposition parties – first of all DK - introduced the Federal Europe as the main campaign slogan. This pro-EU cooperation produced also a breakthrough on gender issue, namely two opposition parties – Momentum and DK - campaigned with the leading female candidates who played a very active role in the EP campaign and were elected as MEPs.<sup>13</sup>

## 5 THE RESULTS AND THE AFTERMATH OF THE 2019 EP ELECTIONS IN HUNGARY

Although Fidesz has been successful in the elections, these party changes have brought a series challenge to the Orbán regime for the long run. The results of the Hungarian EP elections in 2019 were outstanding in three respects and their

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<sup>11</sup> The refugee crisis was the most important “media drogue” of the Orbán regime after 2015, the rule of law violations were the deepest conflict between the Orbán government and the EU. Finally the climate crisis debate has recently been high on the political agenda (see Ágh 2020b).

<sup>12</sup> In the late January 2020 the Supreme Court (Kúria) declared the formation of the KESMA, this Fidesz media Golem as unconstitutional, deeply violating the free market relations in the Hungarian media, nonetheless the government still completed the deal.

<sup>13</sup> It is not by chance that only Momentum produced a long manifesto for the EP election, since this document was a strong entry of the new party to the politics.



analysis may shed a new light also on the electoral fortunes of the pro-EU and anti-EU parties. *First*, the electoral turnout in Hungary has regularly been the high compared to the other new member states. Therefore, the usual lazy argument has to be excluded that everything can be explained in East-Central Europe by the low and decreasing participation. Certainly, due to the deep party polarization on the EU integration, in the Hungarian case the protest votes played a big role in all EP elections. Namely in 2004 and in 2009 there was a protest vote against the left-liberal coalition because of the socio-economic problems, while in 2019 against Fidesz punishing it for turning to an anti-EU party.

*Second*, owing to the ongoing social polarization and the increasing precariate there was a constant rearrangement in both party camps in the EP elections. In the group of pro-EU parties there was a process of fragmentation with the weakening role of MSZP and the entry of the new left-liberal parties (DK, LMP and Momentum). From the late 2000s the former dominant parties (MDF and SZDSZ) disappeared, and Jobbik joined first the anti-EU group, later the pro-EU group. In the group of the anti-EU parties Fidesz was the only long-term player and the strongest party at all EP elections. However, Fidesz radically changed its profile from a timidly anti-EU party in 2004 to an aggressively anti-EU party in 2019 that can also be described in the movement from the soft to the hard Eurosceptic party. Jobbik participated at the 2009 and 2014 elections in this anti-EU group rather vehemently, representing the hard Eurosceptic profile, but it turned to the opposite direction in 2019. This electoral trajectory shows that although the Fidesz dominance was kept in 2019, yet there were marked signs of the recovery of the pro-EU parties as well.<sup>14</sup>

The big historical resentment of Hungarian citizens supported the traditionalist-nation-centric narrative versus the integrationist-EU-centric narrative that can be clearly seen in the EP elections results. The results of the EP elections between 2004 and 2019 are the following:

- **2004** – 4 participants in EP, balanced result (12-12 seats for both groups, 12 seats for Fidesz, and MSZP received 9, SZDSZ 2 and MDF 1 seat);
- **2009** – 4 participants in EP, 17 seats (Fidesz 14 and Jobbik 3 seats) versus 5 seats (MSZP 4 and MDF 1 seat) between the anti-EU and pro-EU parties;
- **2014** – 6 participants in EP, 15 seats (Fidesz 12 and Jobbik 3 seats) versus 6 seats (MSZP 2, DK 2, EG-PM 1 and LMP 1 seat);
- **2019** – 5 participants in EP, 13 seats for Fidesz versus 8 seats for the pro-EU parties (DK 4, Momentum 2, MSZP 1 and Jobbik 1 seat).

As to the gender proportion among the Hungarian MEPs, it has been relatively balanced comparatively. The 2019 EP elections stand out also in this respect, since the female candidates played an important role in the election campaign and they gave about 40 per cent of MEPs. The female and male MEPs were in **2004**: 9-15 (24 MEPs), **2009**: 8-14 (22 MEPs), **2014**: 4-17 (21 MEPs), **2019**: 8-13 (21 MEPs).

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<sup>14</sup> In the 2019 EP election nine parties took part (five parliamentary and four extra-parliamentary parties). Finally, five parties were above the five per cent threshold and received seats in EP, whereas three parties had electoral support between one and five per cent, and one party well below one per cent. Fidesz has received 13 seats. See e.g. the papers of Jámbor (2019), Kovács (2019) and Merkóvity and Stumpf (2019).

TABLE 4: NATIONAL AND EUROPEAN ELECTIONS 2002–2019 – VOLATILITY

Party	NA 2002	EP 2004	NA 2006	EP 2009	NA 2010	NA 2014	EP 2014	NA 2018	EP 2019
	%	%	%	%	%	%	%	%	%
Fidesz	-	6.3	5.4	11.4	3.7	7.8	6.6	2.2	3.3
MSZP	-	7.8	8.9	25.8	1.9	6.3	14.7	1.0	5.3
Jobbik	-	-	-	-	3.4	3.5	5.5	4.4	12.8
LMP	-	-	-	-	4.9	2.2	0.3	2.1	4.9
MDF	-	-	-	0.3	2.6	-	-	-	-
MIÉP	-	2.0	0.2	-	0.0	-	-	-	-
SZDSZ	-	2.1	1.2	4.6	-	-	-	-	-
DK	-	-	-	-	-	-	-	4.4	10.7
Momentum	-	-	-	-	-	-	-	-	6.8
KK	-	-	-	-	-	-	-	-	0.9
Mi Hazánk	-	-	-	-	-	-	-	-	2.6
Munkáspárt	-	0.8	0.4	0.6	0.9	0.5	-	0.3	0.1
Others	-	0.7	0.5	0.1	0.6	2.3	2.5	1.2	1.2

Source: [www.https://www.valasztas.hu](https://www.valasztas.hu).

In the 2019 EP elections the opposition parties blamed the incumbent Orbán government for the worsening situation of Hungary in the global competitiveness in general and for its backsliding among the new member states in particular. As it was discussed above, even before the 2019 EP elections the European Studies indicated that the deep confrontation between the federalist-reformist efforts and the neopopulist-nativist tendencies would make this election crucial for the future of the EU. Especially for Hungary, where the Orbán regime made serious efforts to organize the extreme right and the neopopulist forces across the EU and had a hope that the growing role of this group in the next European Parliament could stop and even turn back the further integration (Orbán 2019). The governing parties of Hungary and Poland – Fidesz and PiS (Law and Justice) – moved in the terms of Sczerbiak and Taggart (2016) from the soft to the hard Euroscepticism in their electoral campaign. In the 2019 EP elections these neopopulist-sovereignist efforts were defeated that had a particular importance for Hungary in the fight of pro-European forces against the autocratic rule of Fidesz.

The incumbent Orbán government in the last years has been engaged so much in a permanent “freedom fight” against the EU on many policy issues, which have been therefore sharply politicized. As a reaction, the opposition has organized pro-EU mass demonstrations and mobilized the populations against the Orbán government on these issues. Thus, this deep party polarization has eroded the elite-centred view of European integration. The public attitude towards European integration have been intensified in Hungary that proves the validity the European Salience Theory with the emerging tendency of the importance of the EU issues in the EP elections in a historical approach. Nowadays in Hungary all domestic issues *ab ovo* have been formulated in a European context and in a politicized way. The Hungarian parties have a clear position on Europe, and the Left and Right divide has been reformulated in this context, since Fidesz has had a conflicting course with the EU, and the left-liberal opposition has supported the EU demands against the Orbán government. The Hungarian party structure as a whole has also been Europeanized to a great extent because Fidesz as the “Eupopulist” party has become the strongest party by mobilizing the anti-EU – both hard and soft – Eurosceptic feelings. The opposition parties, in turn, have

strengthened their pro-EU positions and the “green” tendency has recently become an important part of their party profiles.<sup>15</sup>

The electoral history has shown that there have been two stages of the Hungarian party system so far. The *first* party system gave the national background of the 2004 EP elections and it collapsed at the 2009 EP elections. The *second* party system produced the overwhelming victory of Fidesz in the 2010s, but the 2019 EP elections indicated the emergence of the *third* party system. Hungary as a young democracy by the end of the 2010s has become an autocracy with a quasi “one-party rule” of Fidesz. The deep party political polarization between the hard Eurosceptic, anti-EU Fidesz and the opposition parties with their intensifying support for the EU integration reached its peak at the latest EP elections. The clear result of the EP 2019 elections produced a pro-EU party bloc of the democratic opposition parties, and their alliance may give the chance to defeat the Orbán regime in the 2022 national elections. Their pro-EU engagement was already the main campaign slogan in the October 2019 municipal elections and the bigger cities were “liberated” and prepared for an active EU cooperation with their partners.<sup>16</sup>

The final conclusion about Hungary is that it has developed one of the widest gaps between the winners and losers in the EU, therefore this historical resentment and deep disillusionment in the Europeanization process has produced Fidesz, as the strongest anti-EU party. Nonetheless, as all public opinion surveys have shown that despite its deepest political polarization, Hungary is still a pro-EU and pro-integration country. The overwhelming majority of Hungarians has a positive view on the EU’s role in answering the globalization challenge and considers that the EU membership is offering a shield against the global disturbances. Hungary before the 2019 EP elections was a stubborn pro-integration country in the EU, and it has remained so after the elections (EB 2019a; EB 2019b). All in all, the Hungarians feel that the EU is a community of values, and most Hungarians support these common EU values.

## 6 CONCLUSION: THE FUTURE HAS BEGUN IN THE EUROPEANIZED ECE PARTIES

The 2019 EP elections have been especially relevant for the future of the EU after the series the shocking events in the world system and with the deepening of the transatlantic drift between the EU and USA, parallel with the internal tensions within the EU leading to the increasing attack of the populist parties. Therefore, the Commission’s *Report on the 2019 elections to the European Parliament* issued on 19 June 2020 (EC 2020b) has valued very much the positive outcome of these elections in the spirit of the new Commission’s working plan (EC 2020a) for the next five years: “The record high turnout in the 2019 European Parliamentary elections was a clear sign of renewed engagement with European politics in Europe. A genuine European policy debate emerged. Building on this strong turnout ... the Europe stepped up to the challenge of securing free and fair

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<sup>15</sup> Paradoxically, many losers supported Fidesz hoping for some kind of social security. This social paradox, the wide support of Fidesz in the “rural Hungary” and/or by the poorer part of Hungary has been discussed at length in my former papers, see e.g. Ágh (2020a) and Ágh (2020b).

<sup>16</sup> Strangely enough the conflict between the government and opposition has shifted in the new political situation to the fight between the central government and the “liberated” municipal governments, which have tried an intensive Europeanization by building their own EU connections with the assistance of their MEPS who have been very active also in domestic politics.

elections from interference, and to increasing citizens' confidence and trust in democracy." (EC 2020b, 29).

At the same time, the Commission's evaluation has underlined that "There is still progress to be made on the inclusiveness of the European democracy overall. While some advances have been made in increasing the European dimension of the elections, the link between national and European parties remains generally unclear for voters. In most Member States, ballots still display only the names and logos of national parties, leaving out their European party affiliation. European parties' manifestos have also largely still not entered the mainstream political debate in the Member States" (EC 2020b, 29-30).

Thus, the main message of the Commission's *Report* has been the further strengthening of the European dimension of the EP elections for promoting the EU integration as a reaction to the coronavirus crisis: "One of the six headline ambitions for the von der Leyen Commission is a new push for European democracy. This implies fostering the European dimension of the elections and increasing the link between citizens and European decision-making, making best use of appropriate linguistic and cultural tools. EU citizens will have a stronger role in decision-making, a greater say and a leading and active part in setting European priorities and level of ambition.". The *Report* has dealt seriously with the elaboration of concrete proposals for the next elections in order to enhance the European dimension of these elections: "In good time before the 2024 elections, the Commission will also present proposals to strengthen the rules applicable to European political parties and foundations, including clarifying their financing. In this context, the Commission will consult, including the Authority for European Political Parties and European Political Foundations, European political parties and liaise with the European Parliament. It will also examine the possibility to entrust the Authority for European Political Parties and European Political Foundations with additional tasks." (EC 2020b, 16).

This "widening and deepening" of the EP elections has been so important for the Commission that this document has returned several times to this issue of Europeanization. This message means that the Commission has realized the exceptional relevance of the EP elections in its complexity, from the preparations for the elections through the role of the EP in launching the new institutional cycle in the EU to its functions in the creation of consensus in the crisis management and the common European perspectives: "For the 2024 elections, the Commission will continue working to promote high turnout, inclusiveness and the European dimension of the elections, and to exercise its role as guardian of the Treaties. It will strengthen its partnership with the European Parliament and the other European institutions to strengthen the European dimension of the next elections." (EC 2020b, 16).

The Europeanization of the ECE party systems at the 2019 EP elections has been part of this megatrend in the EU and it has help a lot to close the gap in this respect between the new and old member states, since in the long decades before the Eastern enlargement the parties of the old member states cumulated their experiences in the cooperation on the European scenery. Nevertheless, despite the advances of the new member states in this respect the East-West gap is still very large, which is particularly important in the interest representation of the member states in the ongoing global crisis management. It leads us, however, to

the new topic of the incoming history of the new Commission and to the general task of the management of the unprecedented crisis.<sup>17</sup>

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<sup>17</sup> In the next paper I will extend the analysis of the ECE parties’ Europeanization to the period of the coronavirus crisis, since the crisis management with the widening common EU policies in fiscal and health matters has certainly strengthened the tendency of Europeanization of the ECE party systems. See on the decline of the democracy the recent publications of Gagné and Mahé (2020) and Schlumberger and Schedler (2020).



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## NASTANEK SISTEMOV EVROPEIZIRANIH STRANK V VZHODNI IN SREDNJI EVROPI: PREOBRAT NA VOLITVAH ZA EVROPSKI PARLAMENT 2019 NA MADŽARSKEM

*Prispevek postavlja hipotezo, da so bile stranke na območju vzhodne in srednje Evrope do volitev v Evropski parlament (EP) leta 2019 usmerjene vase ali nacionalno, vendar omenjene volitve kažejo na pomembno prelomnico v vzhodni in srednji Evropi s pojavom evropeiziranega strankarskega sistema. V skladu s tem so na prejšnjih volitvah v EP prevladovala notranjenacionalna vprašanja, evropska razsežnost volitev pa je bila nizka; v kontekstu EU so bile to "volitve drugega reda", medtem ko so se na volitvah v EP leta 2019 EU politike prvič pokazale kot pomembne in na nek način v volilnem boju tudi osrednje. Avtor v svojih prejšnjih prispevkih trdi, da so prvotni strankarski sistemi vzhodne in srednje Evrope propadli okoli leta 2010 pod pritiskom svetovne finančne krize in se v začetku leta 2010 spremenili v drugi strankarski sistem. Avtor v prispevku zato trdi, da je bil po preteklem turbulentnem desetletju tudi drugi strankarski sistem leta 2019 resno spremenjen, kar je povzročilo nastanek tretjega strankarskega sistema držav vzhodne in srednje Evrope. Ta sprememba se je zgodila pod dvojnimi pritiskom izredno polariziranih političnih taborov v državah vzhodne in srednje Evrope in nove svetovne krize konec leta 2010, ki je močno določila volilno vedenje njihovega prebivalstva. Članek opisuje prelomnico v državah vzhodne in srednje Evrope ter nazorno ilustrira in dokumentira ta razvoj v madžarskem primeru.*

**Ključne besede:** evropska razsežnost volitev; tretji strankarski sistemi v vzhodni in srednji Evropi; volitve drugega reda; evropska prepoznavnost; polarizirane politične skupine.

# THE QUALITY OF FREEDOMS ACROSS THE AFRICAN SMALL ISLAND DEVELOPING STATES

Victoria GRAHAM and Suzanne GRAHAM<sup>1</sup>

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*Apart from Mauritius, five of the six African small island developing States (ASIDS) are relatively new to democracy with several only transitioning from one-party states to multiparty states in the early 1990s. As signatories to the Banjul Charter and several other international and regional conventions that promote democracy and human rights, the ASIDS are committed to upholding and promoting the fundamental freedoms of their people. This article examines, by way of a comparative analysis, the extent to which citizens within the ASIDS are free (including freedom from personal indignities and intimidation), that is the degree to which their civil and political rights are guaranteed in practice. In pursuit of this, a research sub-questions is: To what degree are de jure civil and political rights guaranteed in practice (de facto)? Findings reveal that both vital legislation and political will do exist to protect islander freedoms. However, real, practical enjoyment is impaired by a lack of capacity and a tendency by some to count immovable traditions as preferable to advancement and recognition of equal freedoms.*

**Key words:** quality democracy; civil liberties; discrimination; political liberties.

## 1 INTRODUCTION

The African Charter on Human and Peoples' Rights (also known as the Banjul Charter) is an international human rights instrument that is intended to promote and protect human rights and basic freedoms across Africa. Of the 53 African states that have ratified this Charter, six are African small island developing

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states (ASIDS): the Union of the Comoros (hereafter the Comoros), the Republic of Guinea-Bissau (Guinea-Bissau), Republic of Cabo Verde (Cabo Verde), Republic of Mauritius (Mauritius), the Seychelles and the Democratic Republic of São Tomé and Príncipe (São Tomé and Príncipe), also known as the ASIDS grouping. Emerging under the then Organisation of African Unity (Now African Union/AU) the Banjul Charter came into effect on 21 October 1986 and was inspired by various existing international human rights instruments. The ASIDS have long acknowledged, via various international platforms, that observance of human rights is a key tool for promoting sustainable development and therefore place great value in the protection of the universal values of democracy, good governance, and the rule of law, while drawing on their own cultural and ethnic diversities (Human Rights Committee, Mauritius 2017). At the third International Conference on Small Island Developing States in September 2014, the SIDS adopted the Small Island Developing States Accelerated Modalities of Action (S.A.M.O.A Pathway) in which they reaffirmed, *inter alia*:

*the importance of the Universal Declaration of Human Rights, as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status (Sustainable Development Knowledge Platform 2015).*

The purpose of this article, therefore, is to compare the quality of civil and political liberties (freedoms) in the ASIDS grouping. It will examine, by way of a comparative analysis, the extent to which citizens within the ASIDS are free (including freedom from personal indignities and intimidation), that is the degree to which their civil and political rights are guaranteed in practice. In pursuit of this, it asks: To what degree are *de jure* civil and political rights guaranteed in practice (*de facto*)?

As fundamental concepts in quality of democracy literature, freedom and equality encompass the entire possible set of basic rights including civil, political, and socio-economic rights (Diamond and Morlino 2005: xxv; Morlino 2011, 205). Formal equality is widely accepted and surmises both equality before the law, and the prevention of discrimination on the basis of, *inter alia*, sex, race, language, religion, and social conditions. The second, which is more complex, pertains to the pursuit of substantive equality. It concerns the necessity of removing obstacles that limit social and economic equality, and therefore also, “the full development of the human person and the effective participation of all workers in the political, economic, and social organization of a country” (Morlino 2011, 20). While substantive (socio-economic) equality is equally as important as formal equality (civil and political freedoms) in the ASIDS, the focus of this article is on the latter only.

Fundamental civil rights include, *inter alia*, the right to personal dignity, personal liberty, security, and a whole manner of freedoms including freedom of expression, and information; freedom of religion; freedom of assembly; association, and organisation, including the right to form and join trade unions and political parties; freedom of movement and residence (Diamond and Morlino 2005, xxv). Political rights comprise the right to vote, stand for office, to campaign and to organise political parties. The important point here is the ability of each individual citizen to be free to make their own decisions and to have a choice between potential parties and candidates. Unfortunately, a common feature of many states is that rights that appear completely secure in legal or constitutional

terms are not always upheld in practice. In other words, there is a significant gap between the *de jure* protection and *de facto* realisation of these rights (see, for example, Graham and Graham 2016). In addition to civil and political, the assurance of overall equality in society is equally as important. As such, it is also important to note the existence of gender, cultural and ethnic discrimination, among others. It is important to note at the outset that this article cannot investigate all of the civil and political liberties deemed important in ascertaining the quality of these freedoms in the ASIDS, for example, privacy and property rights are excluded from this discussion. Therefore, only a certain number have been selected for review across the ASIDS.

## 2 THE QUALITY OF FREEDOMS ACROSS THE ASIDS

In examining the quality of freedoms in the ASIDS, this article examines the extent to which civil and political liberties are upheld in these small states. The criteria for assessment are derived from the International Institute for Democracy and Electoral Assistance's State of Democracy Framework<sup>2</sup> and Leonardo Morlino's Tool for Empirical Research on Democratic Qualities.<sup>3</sup> In pursuit of the above, the following indicators are examined: International commitments to rights protection; Freedom from intimidation and physical violation of the person (torture) and the right to liberty and security of the person; Freedom of expression and in information and degree of interference by government; Freedom of assembly and association; Women's rights, gender equality and freedom from discrimination; and The right to participate in public life/public affairs. Two aspects are assessed in each indicator of democracy: procedure and democratic outcome. Procedural aspects refer to, for example, constitutional directives in place and legislation; whereas outcomes refer to the degree to which such constitutional directives and legislation have been upheld in practice.

### 2.1 International commitments to rights protection

The Constitutive Act of the African Union (2000), of which all ASIDS are members, provides for a plethora of civil and political rights. Objective (h) promotes and protect human and peoples' rights in accordance with the Banjul Charter and other relevant human rights instruments; and Principle (l) promotes gender equality and (m) respect for democratic principles, human rights, the rule of law and good governance; n) promotion of social justice to ensure balanced economic development. At a regional level, the ASIDS are subject to the aforementioned objectives and principles as laid out in the AU constitutive Act. Internationally, as UN members, the ASIDS are subject to the oversight of various UN human rights bodies, including the Human Rights Council.

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<sup>2</sup> See International IDEA (2010).

<sup>3</sup> See Morlino (2011).



TABLE 1: ASIDS’ REGIONAL AND GLOBAL HUMAN RIGHTS CHARTERS AND INSTRUMENTS

	CVer	Como	G-Biss	Maur	ST&P	Seych
African Charter on Human and Peoples’ Rights (Banjul Charter)	✓	✓	✓	✓	✓	✓
African Charter on the Rights and Welfare of the Child	✓	✓	✓	✓		✓
2004 Solemn Declaration on Gender Equality in Africa	✓	✓	✓	✓	✓	✓
AU Convention Governing Specific Aspects of Refugee Problems in Africa	✓	✓	✓	✓		✓
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol)	✓	✓	✓	✓	✓	✓
Protocol to the African Charter on Human and People’s Rights on the Establishment of an African Court on Human and Peoples’ Rights		✓	Signed not ratified	✓	Signed not ratified	Signed not ratified
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Older Persons in Africa		Signed not ratified				
Universal Declaration of Human Rights	✓	✓	✓	✓	✓	✓
International Covenant on Civil and Political Rights (ICCPR)	✓	Signed not ratified	✓	✓	✓	✓
International Covenant on Economic, Social and Cultural Rights (ICESCR)	✓	Signed not ratified	✓	✓	✓	✓
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	✓	✓	✓	✓	✓	✓
Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)	✓		Signed not ratified	✓		
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	✓	✓	✓	✓	✓	✓
Convention on the Rights of Persons with Disabilities (CRPD)	✓	✓	✓	✓	✓	✓
Convention on the Rights of the Child (CRC);	✓	✓	✓	✓	✓	✓
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	✓	✓	✓	✓	✓	✓
International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)	✓				✓	✓
International Convention for the Protection of All Persons from Enforced Disappearance	Signed not ratified	Signed not ratified	Signed not ratified			✓

Source: Compiled by the authors.

Articles 1-14 within the Banjul Charter refer to civil and political rights. These are the rights and freedoms that protect people from any other member of society, including governments or social organizations or private individuals, from infringing on their rights as well as being able to participate in political society, within the law, and without being discriminated against or repressed. From Table 1, it is apparent that the ASIDS are signatories to most, if not all, of the international instruments and conventions on rights protection. Ratification, however, is still required across a number of these charters.

### 2.2 Freedom from intimidation and physical violation of the person (torture) and the right to liberty and security of the person

Citizens are entitled to feel secure and protected in their daily lives. A country may embrace *de jure* constitutional rights but to what extent are these rights upheld and protected in practice? Are there transgressions by the state in the form of torture or other cruel, inhumane, or degrading treatments or punishments? As noted in Table 1, all six of the ASIDS have signed and ratified arguably the most significant international and regional treaties and covenants that prohibit torture and ill treatment, including the United Nations Convention against Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment (UNCAT) and the Banjul Charter. Articles 5 and 6 of this African Charter pertain specifically to human dignity and the prohibition of threats, such

as torture, to liberty and security of the individual.<sup>4</sup> However, only Cabo Verde and Mauritius have ratified the 2006 Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT establishes a monitoring mechanism in order to prevent torture and other cruel, inhuman, and degrading treatment or punishment at places where a person is denied his or her liberty. Ratification, and subsequent legislation of OPCAT, would be a critical indication and commitment of the government to the eradication of torture.

Prohibition of torture is entrenched in Section 7 of the Mauritian constitution, which provides that “no person shall be subjected to torture or to inhuman or degrading punishment or other such treatment”. Article 78 of the country’s Criminal Code makes torture a crime with those liable being subject to a fine not exceeding 150,000 rupees and to imprisonment for a term not exceeding 10 years. Furthermore, Mauritius has fulfilled its OPCAT obligation to establish National Preventive Mechanisms, which are independent national bodies for the prevention of torture and ill-treatment at domestic level. Established under the country’s National Human Rights Commission, Mauritius’ National Preventive Mechanism Division investigates any complaints made by a detainee (Ninth to Tenth Combined Periodic Report of the Republic of Mauritius on the Implementation of the African Charter on Human and People’s Rights 2019, 59). In Cabo Verde, both the constitution and law prohibit torture and cruel, inhuman, or degrading treatment or punishment.<sup>5</sup>

Although São Tomé and Príncipe has not yet ratified OPCAT, Article 23 of its constitution prohibits torture or mistreatment or cruel, inhuman, or degrading treatment or punishment and paragraphs 3 and 4 of Article 215 of the country’s Criminal Code includes provisions on torture and other cruel, degrading and inhuman treatment (Human Rights Council 2015, 4). In Article 16 of the Seychellois constitution, every person has a right to be “treated with dignity worthy of a human being and not to be subjected to torture, cruel, inhuman or degrading treatment or punishment”. This constitutional guarantee has not yet, however, translated into legal provisions. Seychelles has yet to adopt legislation that expressly criminalises torture and it has not yet established a National Preventive Mechanism in compliance with international standards (Report of the Human Rights Promotion Mission to the Republic of Seychelles 2015, 67). As with the other ASIDS, Guinea-Bissau also prohibits torture in its constitution; Article 37 states that “No one shall be submitted to torture or to cruel, inhuman or degrading treatment”. Similarly, the Comorian constitution and law also prohibits torture and the like.

While torture may not be prevalent in practice, other aspects of individual insecurity and intimidation are evident in some of the ASIDS. For example, within

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<sup>4</sup> Article 5 of the Banjul Charter states that “Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”. Article 6 of the Banjul Charter states that “Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.”

<sup>5</sup> Article 29 of the Cabo Verdean constitution states that: 1. Human life and the physical and moral integrity of the human person shall be inviolable. 2. No one may be subjected to torture, punishments or treatments that are cruel, degrading, or inhumane, and under no circumstance whatsoever shall there be a death penalty.; Torture was criminalized and was classified as a crime against human dignity. It carried sentences ranging from two to six years in prison, or from five to 12 years in case of aggravated crime.

Guinea-Bissau prisons, the lack of punishment for abuses by detention officers' results in often extremely poor conditions for detainees. In Seychelles, and Cabo Verde too, prisons are overcrowded and impunity for excessive force by security officers is problematic. Despite some progress, security remains a problem along the porous borders of Guinea-Bissau and actors within the illicit global economy exploit weak institutions and corruption within the armed forces (Freedom House 2020a). Police corruption is also evident within Seychelles, especially in terms of soliciting bribes (Freedom House 2020b). In the Comoros, the constitution and law prohibit cruel, inhuman, or degrading treatment, but there have been reports that law enforcement officials have employed these methods. Fishermen in Ouani on the island of Anjouan were suspected of being involved in smuggling and were arrested by police who allegedly tortured them. Rather telling is the fact that the UN Special Rapporteur on Torture, Nils Melzer, was denied access in June 2019, to three areas under the administration of the Gendarmerie and the judiciary in Moroni and the island of Anjouan (United Nations Human Rights Office of the High Commissioner 2019). This example of obstruction to external review of its internal procedures in relation to torture, speaks more to the failure of the Comoros to align its domestic actions with its declared commitment to universal norms and values, then it does to an example of the Comoros exercising its sovereign rights.

Cabo Verde authorities might be seen to be taking their commitment to fundamental freedoms more seriously as allegations of abuse are investigated and action is taken against human rights abusers by the National Police Council and the National Commission for Human Rights and Citizenship (CNDHC) if abuses are allegedly at the hands of police officers. In 2019, 21 cases were registered with National Police Council including allegations of rape and cruelty by a woman detained in October 2019 of three police officers in Santa Catarina de Santiago (US Department of State, Cabo Verde 2019).

### 2.3 Freedom of expression and access to information

The ASIDS are signatory to several international declarations where freedom of expression is supported and actively promoted, for example, the AU's 2002 Declaration of Principles on Freedom of Expression in Africa which expounds the importance of media freedom: "freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print ... is a fundamental and inalienable human right and an indispensable component of democracy". It is a challenge trying to affect a balance between freedom of expression on the one hand, and the protection of people from injury and hurt as a result of these freedoms on the other.

Cabo Verde has the constitutionally protected, procedural policies and institutions in place that ensure that freedom of expression is promoted, namely: an independent press, a democratic political system that is operational, and a working judiciary. Evidence of censorship within the press is generally self-imposed and linked to career goals in the public sector media or social connections which makes exposés difficult. In a recent development the Media Regulatory Authority (ARC) and the Cabo Verdean Association of Journalists (AJOC) responded in protest to a newly published Code of Ethics and Conduct, attributed to the Cabo Verde Television and Radio (RTC) board of directors, considering it an abuse of freedoms of the press and expression. The code undermines journalist freedoms and violates the constitution, according to the ARC and the Community of Portuguese-Speaking Countries (CPLP) Federation of

Journalists. AJOC characterized the code as censorship and called for its suspension. The rule of law was threatened in Cabo Verde as the RTC board refused to acknowledge the opinion of the ARC about its processes, when it is the duty of the ARC to regulate government policy (US Department of State, Cabo Verde 2019).

In the Comoros, nobody is allowed to criticize the government or share unrestricted public opinion contrary to the goals of the state and libel is punishable. Independent media are active but restricted and self-censorship is evident. Journalists have been arrested for allegedly insulting government officials and inciting hatred and public disorder through defamation. Daily newspapers have been blocked from printing stories concerning the harassment of journalists (US Department of State, Comoros 2019).

Chapter II of the Mauritian constitution protects the freedom of expression of individuals, for example the right to hold opinions and receive information without interference. However, this freedom has been threatened by an amendment of the Information and Communication Technologies (ICT) Act, in late 2018, which allows for the Mauritian government “to systematically silence ... Internet users” (Sowkhee 2018). Debate in parliament swung from accusations of the government becoming a censorship machine to the need for the legislation as a protection against online child abuse. Critics of this amendment argue that this is a clear violation of freedom of expression and that the increased penalties of up to 10 years imprisonment for wrongdoing is disproportionate. Similarly, in the Comoros, there is also concern that the penalty for defamation is disproportionate - 18 months’ imprisonment - and yet there is also a recognition of the need to balance freedom of expression with the protection of other rights (US Department of State, Comoros 2019). The same is evident in Cabo Verde, where freedom of speech is generally upheld, but the government does not permit hate speech (US Department of State, Cabo Verde 2019).

Balancing freedoms across different areas of society can be challenging. For example, Seychelles now has a Speaker’s Corner, in Freedom Square in the capital city Victoria, where citizens can exercise their fundamental right to freedom of expression, but citizens are expected to use and not abuse this platform. This initiative was approved by Cabinet under the Public Assembly Regulations 2019 Act. President Danny Faure announced this undertaking in part in response to an increase in public demonstrations in Seychelles since 2016 and declared that the Seychellois: “live in a free country, in a democratic country. Protesting is a right under ... [their] Constitution, but it needs to be done with responsibility, upholding order and peace. This is essential in the maintenance of stability, which is what allows the country to progress” (Laurence 2019).

Guinea-Bissau’s constitution protects a free press and allows for media diversity. Although in the past journalists have been intimidated and harassed for any negative reporting on politicians, this and other forms of censorship have decreased in recent years (Freedom House 2019b). São Tomé and Príncipe has similar constitutional protections in place. Media outreach is limited but not restricted. This is especially true of online media, although this is not due to censorship but simply lack of adequate infrastructure. A small percentage of the population has access to the internet (Freedom in the World 2018).

The right of access to information is protected in Article 9 of the African Charter but states without access to information laws, make it difficult for citizens to

request public information in practice. According to the 2020 Global Integrity Report, Mauritius has a patchy record regarding public access to information. While a request for information can be made in writing or via email to the appropriate public authority, the process lacks transparency, can take several weeks to fulfil, and requests have, on occasion, been lost. Positive progress has been made, however. Traditionally lacking any law on access to information, the Mauritian government finally considered a Freedom of Information Bill in 2019, although progress on the Bill has been slow. The Seychellois constitution makes provision for the right to information although it was only in 2018 that an Access to Information Act was enacted and it took further prompting by the Association for Rights, Information and Democracy to begin implementing the policy. Like Mauritius, public requests for information can take weeks to fulfil but the first ever commemoration of Universal Access to Information Day in September 2019 by the Seychellois government, would seem to indicate an increasing appreciation for this right. In Cabo Verde, a lack of consistency of information delivery standards across institutions is reflective of an ineffectual public information process. In Guinea-Bissau, São Tomé and Príncipe, and the Comoros, access to public information is difficult, made worse by a lack of online presence in São Tomé and Príncipe and, in Guinea-Bissau and the Comoros, a general culture of non-transparency. A lack of capacity also persists in these ASIDS, since the majority of public entities and state institutions do not have websites and those that do, do not update their information regularly.

#### 2.4 Freedom of assembly and association

Article 45 (1)(b) of the Banjul Charter, declares that the African Commission on Human and Peoples' Rights is mandated with the task of identifying principles and rules involved in the legal protection of fundamental rights and freedoms on the continent. In Niger, in May 2017, the Guidelines on Freedom of Association and Assembly of the African Commission were adopted. Freedom of assembly and association refers to: civil society groups, both formal and informal, who are engaged in aspects of public policy in political, social, or cultural life in advance of a common purpose, who gather in public or private to advance this purpose. The right to assembly could be through "demonstrations, protests, meetings, processions, rallies, sit-ins, and funerals, through the use of online platforms, or in any other way people choose" (Guidelines on Freedom of Association and Assembly in Africa 2017, 9).

In Cabo Verde, the constitution allows for assembly and association as long as they are peaceful, however, in the Comoros there is evidence of the government preventing the right of groups to gather. After the 24 March 2019 presidential elections, for example, protestors outside the election commission office were disbursed by police using tear gas, gunfire, and barricades. Throughout the year, the Interior Ministry banned all union and social demonstrations and when public school teachers planned a peaceful protest for 7 March 2019, the area was blocked by security forces (US Department of State, Comoros 2019). Similarly, in Guinea-Bissau the right of groups to gather freely has often been restricted in the past. For example, a student march in protest of striking teachers and school closures in February 2019 was violently suppressed by police. Moreover, similar planned marches for May 2019 were prevented from taking place. However, despite these incidents, political rallies linked with the elections were carried out peacefully suggesting some improvements in the right of people to assemble freely (Freedom House 2020c). Section 13(1) of the Mauritian constitution states that "no person shall be hindered in the enjoyment of his freedom of assembly



and association.” In the Seychelles, the constitution protects freedom of assembly and association. However, state authorities have banned public gatherings before, and the police commissioner may deny the right of assembly to groups on various grounds. Civil servants have also reported feeling intimidated and victimised for attending opposition party activities (United Nations High Commissioner for Refugees 2016).

## 2.5 Women’s rights, gender equality and freedom from discrimination

As AU members, the ASIDS have all reaffirmed their commitment to gender equality as enshrined in Article 4 of the Constitutive Act of the AU through adopting the 2004 Solemn Declaration on Gender Equality in Africa and other African Charters, as well as ratifying both the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Convention Against all Forms of Racial Discrimination (CERD). As with other international conventions, the CEDAW and the CERD take precedence over domestic law in the signatory country so each country is obliged to harmonize its national legal framework with these Conventions. Several of the ASIDS have made significant progress in both gender equality and the protection of peoples from discrimination. Women’s rights and gender equality will be discussed first.

Procedurally, progress has been made in improving *de jure* gender equality across the ASIDS. Women are protected from discrimination through provisions in their constitutions and through various gender-relevant pieces of legislation.<sup>6</sup> The Cabo Verdean constitution goes beyond a general acknowledgement of equality to prohibit, specifically, discrimination based on sex, and actively mandates the government to remove the obstacles to equal opportunity – “whether economic, social, cultural and political, especially those that discriminate against women in the family or in society. Article 47 prohibits words or behaviour that advocate discrimination against women; and Article 54 endorses equal participation of women and men in political life” (African Development Bank 2018, 8–9). Women’s rights are also solemnly enshrined in the revised Comorian constitution. Article 30 guarantees women the right to protection by the public authorities against neglect, exploitation, and violence in all their forms. Article 34 recognizes women’s right to stand for election to local and national political bodies, and Article 36 provides for the fair and equitable representation of men and women in the government. In the São Tomé and Príncipe constitution, Article 15, paragraph 2 espouses that “women are equal to men in rights and obligations. Women are entitled to fully participate in political, economic, social and cultural life”.

In 2008, Mauritius adopted a National Gender Policy Framework intended to bring together all relevant stakeholders under one unifying framework and set of principles (African Gender and Development Index (AGDI), Mauritius Report 2018, 53). National gender machinery exists to oversee the implementation of gender policies, most prominently, the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW).<sup>7</sup> Cabo Verde has established the Cape Verdean Institute for Gender Equality, and in Guinea-Bissau, the Instituto

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<sup>6</sup> See Article 1.2 of Cabo Verde’s constitution; Articles 24 and 25 of Guinea-Bissau’s constitution; Article 16 in the Mauritian constitution; preamble of the Seychellois constitution; Article 15 in the ST and P constitution.

<sup>7</sup> Other institutions are the National Steering Committee on Gender Mainstreaming, National Women’s Council, National Women Entrepreneur Council, Social Action Committees, Women’s Associations and the Gender Unit.

da Mulher e Criança (Institute for Women and Children) is the government institution responsible for advancing gender equality and women's empowerment with oversight and guidance from the Ministry of Women, Family and Social Cohesion (African Development Bank 2015, 16–17).<sup>8</sup>

In 2011, Cabo Verde adopted a law that criminalized gender-based violence, the *Lei VBG*, and has since conducted training and awareness-raising activities (Human Rights Committee, Cabo Verde 2019; Committee on the Elimination of Discrimination against Women, Cabo Verde 2019). Like Cabo Verde, São Tomé and Príncipe passed a law strengthening the legal protection mechanisms for victims of crimes and domestic and family violence (Act No. 12/2008). Guinea-Bissau has also passed a landmark law against domestic violence (2013), and another banning the practice of Female Genital Mutilation (2011). A key provision of the 2013 law lies in its definition of domestic violence as a public crime, meaning that even if a woman does not or cannot file a complaint, other household members or neighbours can do it on her behalf. The Comoros too has adopted a national strategy to combat violence against women and minors as well as a national gender equality and equity policy, which was revised and approved in 2018. Notably though, a lack of funding has impeded the plan of action for this policy (Human Rights Council 2019, 13). The Seychelles has also responded to the domestic violence situation in its country. Following a study conducted in 2016 that revealed the overwhelming number of Seychellois women that experienced some form of gender-based violence, the government committed itself to “strengthening legislative protection, gender justice, service response and awareness raising on this matter”. It developed a Domestic Violence Bill, which criminalizes domestic violence as well as provides protection to male victims of domestic violence (Committee on the Elimination of Discrimination against Women, Seychelles 2019). In 2019, this Bill had yet to be enacted.

Substantive progress in *de facto* gender equality across the ASIDS is more varied and much work still needs to be done to improve gender equality. Cabo Verde has succeeded in adopting a gender mainstreaming approach and prioritized issues such as the fight against gender-based violence, the promotion of economic empowerment, including employment and decent work for women, and positive discrimination of women in rural areas (Committee on the Elimination of Discrimination against Women, Cabo Verde 2019; Human Rights Committee 2019). Both the Seychelles and Guinea-Bissau have also created national policy and action plans to promote gender equality and equity. In São Tomé and Príncipe, the education policy has been changed, in part thanks to the lobbying of the Global Partnership for Education, removing the Disciplinary Act prohibiting pregnant girls from attending classes or school activities. “This is an important step in the right direction, showing that São Tomé and Príncipe is investing in girls and gender equality” (Ramos 2020).

Despite some limited success, various concerns remain. It seems a slow task to eradicate the cultural norms and traditions that impose gender roles and contribute to *de facto* gender based discrimination. In Guinea-Bissau, for example, women's basic rights are still violated across many aspects of Bissau-Guinean society including access to education, health, justice services, and inheritance (African Development Bank, Guinea-Bissau 2015, 17). Women's access to land

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<sup>8</sup> In Guinea-Bissau, the National Policy of Equality and Gender Equity which provides national authorities with a policy framework to ensure women's access to political, social, and economic structures.

and economic resources is also limited. Women farmers make up the primary cashew labour force and also farm rice and horticulture for family consumption and market sales. Despite being the main users of the land as farmers and producers, and despite domestic law confirming the equality of the sexes, in practice women do not have secure land tenure (Human Rights Council, Guinea-Bissau 2019, 6).

In Cabo Verde, the UN Committee on the Rights of the Child (2019) noted concern about the prevalence of discrimination against girls rooted in “patriarchal attitudes and stereotypes concerning the roles of women and men”. Moreover, São Tomé and Príncipe has a history of child marriage to confront and eliminate by 2030 in line with target 5.3 of the SDGs. In 2018, more than a third of girls were married before the age of 18 and 8% were married before their 15th birthday, driven largely by gender inequality and the belief that women and girls are somehow inferior to men and boys (Girls Not Brides 2018). In Mauritius too, patriarchy remains embedded in society so that “prevailing norms, values and culture constitute barriers to the promotion of and realisation of gender equity in the country. Moreover, the lack of expertise at the level of institutions, especially with regard to gender issues, has resulted in a slower implementation of gender sensitive policies, projects, and activities” (AGDI 2018, 7). Moreover, conservative values govern notions of ‘respectable femininity’. Women are discouraged from adopting what is considered to be ‘masculine behaviour’ which is one of the reasons why, for example, women do not often enter into politics as a career in Mauritius (Ramtohl 2019).

The World Bank reports that in Comorian society too, gender inequalities remain entrenched. As a Muslim country, Comorian culture is firmly anchored in religious traditions and customs which tend to emphasize male interests and male power. As a result, a women’s position is largely seen as that of the ‘homemaker’, focusing on the family, with little power and lower status as compared to men. Despite strong patrilineal traditions, the Comoros is also matrilineal which gives women a certain presence in society in terms of asset ownership, since all inheritable property is in the legal possession of women (Green Climate Fund 2019). However, while women generally inherit land and houses according to custom, they do not always have usufruct rights, which tend to go to their husbands, maternal uncles, or brothers. Moreover, women are under-represented in the civil service (where a gender-biased patronage system works against them), in local politics, in administration, and in the legal and judiciary profession (The World Bank 2019, 28).

A common theme also emerging across the ASIDS manifests in women’s economic inequality, lack of agency and limited access to wealth-generating opportunities. In Guinea-Bissau, for example, the widespread gender inequality in the country continues to be a major obstacle to sustainable economic and social development and the gender inequality gap continues to be very wide (Human Rights Council, Guinea-Bissau 2019, 2). In Cabo Verde too, women still have lower economic status and, in some sectors, still receive lower salaries than men for equal work (US Department of State, Cabo Verde 2019, 22).

Whatever the stage of progress of gender equality improvement across the ASIDS, women must be recognized as the driving force of each country’s sustainable development and the ASIDS must continue to adopt *and implement* relevant policies and strategies to that effect.

## 2.6 Anti-discrimination

Among the ASIDS, Mauritius appears to be leading the way in promoting inclusive equality and protecting vulnerable groups from discrimination. Article 19 of the Banjul Charter states that “All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another”. In compliance with the Charter, the Mauritian constitution firmly establishes the right of every citizen to be treated equally and to live a life free from discrimination. It prohibits discrimination on, *inter alia*, the ground of caste, colour, creed, sex, and race. It also provides that no law shall be discriminatory either in itself or in its effect (Section 16). In addition, citizens who believe their rights to be contravened because of discrimination may apply to the Supreme Court for redress (Section 17). This is supported by the Mauritian Criminal Code which also makes provisions for offences, and related penalties, in relation to discrimination in general. Mauritians found guilty of “stirring up racial hatred” are subject to a fine not exceeding 100,000 rupees and penal servitude for a term not exceeding 20 years.

In an effort to enhance social justice, promote national unity, and bring economically vulnerable communities into mainstream society, Mauritius passed the Social Integration and Empowerment Act in 2016 to promote social integration and empowerment of persons living in absolute poverty. Through the Act, programmes have been established that provide both financial assistance and emotional support to impoverished families.

When it comes to discrimination against the lesbian, gay, bisexual, transgender, questioning/queer and intersex (LGBTQI) community, the ASIDS face a dilemma manifesting in a clash of values: international norms promoting non-discrimination on the basis of sexual orientation, on the one hand, and arguments promulgated by Africans that homosexuality goes against African values and traditions, on the other (Viljoen 2019). Polling by Afrobarometer between 2016 and 2018 found that 78 percent of Africans across 34 countries were still intolerant of homosexuality (Council on Foreign Relations 2020). Regardless of feelings amongst some African governments and citizens on the ground, the African Commission on Human and People’s Rights, to which the ASIDS are a party, espouses the protection of sexual minority rights (Resolution 275). This *de jure* regional mandate has, *inter alia*, encouraged the majority of the ASIDS grouping to align their legislation. Over the last 10 years, all of the ASIDS, apart from the Comoros, have sponsored declarations in support of LGBTQ+ rights either in the UN General Assembly or in the UN Human Rights Commission, or both.

The Mauritian government has demonstrated much support for LGBTQI community at large. In November 2018, the Ministry of Justice, Human Rights and Institutional Reforms sought technical assistance from the Human Dignity Trust, a UK-based member of the Equality & Justice Alliance, to assist in advancing the rights of LGBTQ people. The assistance provided includes “the undertaking of sensitization activities, engaging with international networks of experts and champions, and receiving support to develop resources, knowledge and capacity to draft and amend legislation with a view to enhancing protection of the LGBTQ people in Mauritius.” While medical sex change is not possible in Mauritius, government hospitals provides hormone treatment for trans people, free of charge.

Mauritian efforts to ensure non-discrimination seem to have borne fruit in several ways. Apart from reports by some women and members of the AfroMauritian and Muslim communities, the overwhelming majority of Mauritians do not experience ethnic, religious, or gender discrimination and harassment. Most Mauritians show tolerance for people of a different ethnicity, religion, or nationality and increasing public tolerance of the LGBTQ community finds expression in public respect for the rights of the LGBTQ community to conduct legally authorized marches annually (Afrobarometer 2018).

Cabo Verde's constitution prohibits discrimination on certain grounds. However, comprehensive anti-discrimination legislation that covers all the grounds prohibited under the ICCPR, including the protection, and safeguarding of human rights of lesbian, gay, bisexual and transgender persons, is lacking. In 2019, the United Nations Human Rights Committee expressed concern that individuals belonging to certain groups "continue to face forms of discrimination, in particular, persons living with HIV/AIDS, persons with disabilities, and lesbian, gay, bisexual and transgender persons" (Human Rights Committee, Cabo Verde 2019, 3). Persistent social discrimination generally takes the form of public mockery and appearance-based discrimination (US Department of State, Cabo Verde 2019).

In response to a 2015 United Nations recommendation that Seychelles expedite the decriminalisation of homosexuality; consensual same-sex sexual activity between men was decriminalized in 2016.<sup>9</sup> Despite very few reports of actual discrimination against LGBTI persons, activists argue that discrimination and stigma are common especially in interpersonal interactions and on social media with some still refusing to accept changing social and sex roles and diverse sexual minorities (US Department of State, Seychelles 2019). Some progress has been made by the Seychellois government to allow LGBTQI organisations to join the government's civil society platform and greater efforts have been made to emphasise the human rights of sexual minorities on mass media, through documentaries, live discussion programmes and forums (Committee on Elimination of Discrimination against Women, Seychelles 2019). The creation of the Non-Governmental Organisation, LGBTI-Sey in 2016, has also helped to focus the discussion and raise awareness.

In both Guinea-Bissau and São Tomé and Príncipe, laws no longer criminalize consensual same-sex sexual activity, but antidiscrimination laws do not explicitly extend protections to the LGBTQI community based on their sexual orientation, gender identity, or sex characteristics. Occasionally, social discrimination takes place in São Tomé and Príncipe, with most rejection coming from family and friends (US Department of State, São Tomé and Príncipe; Guinea-Bissau 2019). There are no LGBTQI organizations in São Tomé and Príncipe, but in Guinea-Bissau, activist groups such as 'Big Mamas' fight for the rights of LGBTQI people. Homosexuality in this ASID is slowly becoming more accepted in the community (with reservations). Big Mamas member and activist, Edimilson Silva, stated in 2019 that: "In the past, it used to be dangerous, but now you can walk out and almost nobody does anything to you" (Peyton 2019).

The Comoros remains the only ASID where the LGBTQI community is discriminated against in law. Consensual same-sex sexual activity is criminalised through Article 318 of the 1981 Penal Code. Anyone found guilty of committing 'improper or unnatural' acts faces a penalty of up to five years imprisonment and

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<sup>9</sup> Same-sex sexual activity between women was never criminalized.



a fine of 50,000 to one million Comorian francs. In practice, this law is not generally enforced, and no arrests or prosecutions have taken place in the Comoros in years. However, heavy societal pressure and government's preference for regarding sexual orientation as a "private matter and thus not a priority" has meant that many in the community choose not to publicly reveal their sexual orientation and there are no local LGBTQI organizations (Human Rights Council 2019; US Department of State, Comoros 2019).

### 2.7 The right to participate in public life/public affairs

The Banjul Charter does not explicitly acknowledge the right to vote as a means of political participation, but Article 13 states that "(1) Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law". Article 25 of the ICCPR does explicitly recognise the right of citizens to vote as well as to take part in the conduct of public affairs, directly or through freely chosen representatives. All of the ASIDS are procedurally compliant as all constitutions give citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Interestingly, any residents from a member country of the CPLP which includes, *inter alia*, Guinea-Bissau, may vote in municipal elections regardless of how long they have resided in Cabo Verde.

Whereas the opportunities for women to participate in political life is fairly limited in Comoros, this is not due to legal restrictions and more to do with cultural and traditional factors that prevent women from involving themselves (Human Rights Council, Comoros 2019, 7). Nevertheless, a model for other women in society exists in the person of Sitti Farouata Mhoudine, who won the March 2019 gubernatorial election and is the first female governor representing Grande Comore). Women and minorities do participate in political life in Cabo Verde. Indeed, parliament adopted a Gender Equality Law (Lei de paridade) on 28 October 2019 which intends to strengthen gender equality in electoral participation and management positions in public service (EU Annual Report on Human Rights and Democracy in the World, 2019, 80).

No laws limit participation of women in Guinea-Bissau or São Tomé and Príncipe either, although some election observers have suggested that, like the Comoros, traditional and cultural factors do limit the political participation of women as compared with men. A gender parity law (2018) exists in Guinea-Bissau that requires that 36 percent of candidates be female, but no political party complied with this requirement in the last legislative elections. On a positive note, the cabinet of the newest government reflects equal gender representation, with eight of the 16 ministries led by women (US Department of State, Guinea-Bissau 2019). Mauritius adheres to its ratification of the Southern African Development committee decision that women's participation in politics be increased by 30% although this is a slow process in reality. Although the law promotes the participation of women at local level by requiring that at least one of three candidates contesting elections in each ward or village be of a gender different from the others; this gender balance does not extend to national legislative elections. A progressive step came in 2015 when Ameenah Gurib-Fakim became the first female president of the country, however, this positive step was undermined when she resigned in 2018 due to allegations of corruption (US Department of State, Mauritius 2019).

### 3 CONCLUSION

The aim of this article was to examine the extent to which citizens within the ASIDS are free (including freedom from personal indignities and intimidation), that is the degree to which their civil and political rights are guaranteed in practice. In pursuit of this, research sub-questions are: To what degree are *de jure* civil and political rights guaranteed in practice (*de facto*)? Do certain rights outweigh others and what are the potential trade-offs if this is the case? The following indicators were examined: Freedom from intimidation and physical violation of the person (torture) and the right to liberty and security of the person; Freedom of expression and in information and degree of interference by government; Freedom of assembly and association; Women's rights, gender equality and freedom from discrimination; and The right to participate in public life/public affairs.

Common problems are a lack of state funding, a consequence of which is inefficiency, and in the case of São Tomé and Príncipe, a lack of independence from government interference. All ASIDS have ratified international treaties that prohibit torture and the majority of the ASIDS have harmonised their domestic legislation with these international commitments. In cases where no domestic policy exists to actively criminalise torture, there are other measures in place that prohibit its occurrence. However, there continue to be allegations of police abuse as well as overcrowding in prisons across the ASIDS. All ASIDS guarantee freedom of expression and access to information but the Comoros remains more rigid in its interpretation of freedom of expression in particular. The public cannot easily access state information, largely as a result of infrastructural and logistical challenges, not because of a lack of legislative guarantees. The ASIDS have ratified all of the international conventions that promote gender equality. However, substantive implementation remains slow where cultural and traditional norms and values persist, especially in relation to patriarchy and economic suppression of women. Lack of agency among women and girls further compounds the problem. As regards the LGBTQI community, all of the ASIDS have legislation in place that promote equality, even though there are still deeply held negative beliefs about same-sex relationships (across African culture generally) that continue to be difficult to dispel. There are positive signs though that ASIDS publics are growing more tolerant of differences. All ASIDS have legislation and constitutional guarantees in place that allow for participation in public life. However, in practice, many women still do not participate as much as they could, mostly again as a result of prevailing societal and cultural beliefs and traditions about perceived roles of women.

Procedurally, all ASIDS are aligned with African and other international conventions on civil and political liberties. However, persistent cultural traditions continue to play a role in preventing full realisation of rights in practice. Local realities mean that substantive adherence to these liberties is often slow or, in some cases, ineffectual, and wider international support is required in the form of, *inter alia*, financing, capacity building, expertise, peer review, and monitoring. Movement towards increased *de jure* freedoms is evident but *de facto* implementation is lacking in areas and this needs attention if the actual experiences of *all* of the island people are to improve.

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## KAKOVOST SVOBOŠČIN V OTOŠKIH AFRIŠKIH DRŽAVAH V RAZVOJU

*Z izjemo Mavricija je pet od šestih afriških malih otoških držav v razvoju (ASIDS) demokratičnih novincev; večina je v zgodnjih devetdesetih letih prejšnjega stoletja zgolj prešla iz enopartijskih v večstrankarske države. Kot podpisniki Banjulske listine in številnih drugih mednarodnih in regionalnih konvencij, ki spodbujajo demokracijo in človekove pravice, so države ASIDS zavezane spoštovanju in spodbujanju temeljnih pravic in svoboščin svojega prebivalstva. Članek s primerjalno analizo preučuje, v kolikšni meri so državljani znotraj ASIDS-a svobodni (vključno s svobodo pred osebnimi stiskami in ustrahovanjem) in kako so v praksi zagotovljene njihove državljanske in politične pravice. V iskanju odgovorov na ta vprašanja si avtorici zastavljata raziskovalno podvprašanje, in sicer v kolikšni meri so de jure državljanske in politične pravice zagotovljene v praksi (de facto)? Ugotovitve kažejo, da za zaščito svoboščin obstajajo tako pomembna zakonodaja kot tudi politična volja. Vendar praktično uživanje svoboščin ovira pomanjkanje zmogljivosti in nagnjenost nekaterih, da nepremične tradicije cenijo bolj od napredka in priznavanj za vsem državljanom enakih svoboščin.*

**Ključne besede:** kvalitetna demokracija; svoboščine; diskriminacija; politične in državljanske pravice.



## INTERCULTURAL ISSUES IN BORDER REGIONS: THE CASE OF AUSTRIA AND SLOVAKIA

Michaela ČIEFOVÁ and Katarína SERESOVÁ<sup>1</sup>

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*The objective of the present paper is twofold. Firstly, we attempt to examine the existence of possible intercultural problems and conflicts in the Austrian-Slovak border region, and to subsequently propose feasible solutions. Secondly, the research is aimed at ongoing and planned projects of cross-border cooperation. The research is conducted predominantly by the method of key informant interview, which is, by definition, supposed to provide relevant data from people possessing knowledge concerning certain phenomena, or from influential people. Overall, five interviews with the mayors of the municipalities located in the border area were conducted. The research was supported by an extensive literature review of domestic as well as foreign sources and a critical discourse analysis. The interviews did not reveal existence of intercultural disputes, but they did prove the premise of the intention to intensify cross-border cooperation.*

**Key words:** Austria; Slovakia; border region; intercultural issues; cross-border cooperation.

### 1 INTRODUCTION

The intensifying globalisation and internationalisation have resulted in growing prominence of intercultural communication as theory and praxis. Intercultural competence, intercultural conflicts, or intercultural education represent only a fragment of phenomena being more and more frequently covered in academic as well as public discourse and governance. Considering the societal developments of the last decades, the frequency of intercultural encounters and intensifying mobility is expected to continue growing in the future (Čiefová 2016a, 28).

The aim of the current paper is to examine the occurrence of problems and conflicts resulting from differences between the Slovak and Austrian national

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culture in the border area, whereby these can be empirically observed (e.g. an open argument) or even perceived. The principal thought behind the research is that cultural differences may lead to problems and disputes between or among the involved cultures.

One of the motives for selection of the two countries is a previous project proposal, the result of which should have been construction of a bridge connecting two municipalities in the region – Záhorská Ves and Angern. Eventually, the project was cancelled. Our goal concerning this is to investigate whether the reason for failure of the project could have reposed in intercultural problems or misunderstandings. Another incentive for conducting the research is general belief that intercultural problems are possible to eliminate or prevent from happening. Should such issues occur, suitable instruments can be applied to improve the situation.

Due to the fact that Slovakia and Austria are relatively small countries both in terms of their population and the area, we do not consider regional differences in cultures, but rather look at the countries as culturally unified. The countries represent an appropriate model for comparison, as they are characterised by shared historical experience, (labour) migration tendencies (Čiefová and Raneta 2018, 65), as well as by current bilateral cooperation with economic, political, or scientific objectives.

The border between Austria and Slovakia is 106.7 km long. Several municipalities are located in the area on both sides of the border. Moreover, the capital of Bratislava also lies only a few km from the border. As for Vienna, the distance from the border is longer, however, we believe its cultural influence may reach out to the border region, due to the people commuting to work or school in the capital. Despite its closeness to the border, Bratislava as a whole does not represent an ideal model for our research, because of its size and population structure. It is much more reasonable to rather focus on smaller municipalities or individual town districts. Lower Austria (Niederösterreich) consists of 25 districts (Bezirk), however only two thereof border on Slovakia – Bruck an der Leitha and Gänserndorf. Besides, a part of the border is located in Burgenland. As for Slovakia, two districts border on Austria, namely Bratislava and Malacky.

## 2 THEORETICAL BACKGROUND AND LITERATURE REVIEW

Across cultures, the meaning of conflict varies. Cultures are usually described as having several layers, with cultural values being located deeper in the structure. Cultural values largely influence the way people behave and react to certain stimuli. Following this logic, also intercultural conflicts reflect distinct cultural values (Barrios 2016, 252–253).

The notion of conflict usually evokes negative feelings and ideas in the society, which has its roots in the original Latin expression *confligere*, meaning a collision of two opposite forces (Morgensternová and Šulová 2007, 124). We talk about conflicts “*when there is a real or perceived threat or interference in us performing a particular activity,*” (Fisher-Yoshida 2005, 5). Despite the prevailing attitude to conflict as being a destructive, ultimately negative phenomenon, some scholars point out its benefits. Ting-Toomey and Oetzel (2001, 3) assert, effective management of a conflict situation may positively impact the relationship of the involved individuals and illuminate their common interests. This idea is also

promoted by Morgensternová and Šulová (2007, 124), as they believe conflicts may support creativity, help solve problems, stimulate competitiveness and willingness to cooperate. Fisher-Yoshida (2005, 1) views conflict as a transformation opportunity. Nadler, Nadler and Broome (1985, 93–94) distinguish three culture-dependent ways how conflicts can be approached. Firstly, conflicts represent negative events. Secondly, they are positive and common situations. Thirdly, conflicts are common phenomena that can have a positive, negative as well as neutral character.

Cultures and values are undoubtedly reflected in communication processes. We suppose, the more significant the differences between (or among) involved cultures are, the more serious the conflict can be. Hence, the two variables can be considered directly proportional, even though their quantification would be rather difficult to assess. According to Ting-Toomey and Oetzel (2001, 1), cultural values and norms largely influence our expectations concerning how a conflict situation should look like and how it should be resolved. We can further elaborate on that thought, stating our culture-dependent perception and behaviour may even motivate us not to engage in the problem-solving process at all, and rather ignore the existence of the issue.

For the purpose of our paper, the notion of conflict is extended by an intercultural context. Hence, intercultural conflict is quite a complex circumstance (Čiefová 2017a, 72) that can be defined as a state of emotional frustration, accompanied by a perceived disharmony of norms, values or objectives, which involves representatives of at least two distinct cultures (Ting-Toomey and Oetzel 2001, 17). This means, value systems and norms an individual pertains to may considerably impact the interaction. The parties concerned can be individuals or groups. However, not every dispute between (or among) representatives of different cultures is an intercultural one. It is then, when the reason of the conflict can be clearly attributed to cultural differences and diverse cultural systems (Morgensternová and Šulová 2007, 126). Intercultural conflicts and difficulties to achieve communication goals can emerge due to a failure to comprehend the prerequisites and the basic principles of a successful intercultural communication process (Čiefová 2016a, 27). An important tool for effective management of intercultural conflicts is critical thinking (Martincová and Lukešová 2015), as well as other characteristics falling under the construct of intercultural competence. Furthermore, it is often forgotten that intercultural communication does not necessarily occur between (or among) representatives of different national cultures, but also professions, generations, or regions (Čiefová 2016a, 28).

Austrian and Slovak national culture are obviously not identical, even though they are much more similar than for instance European and East Asian cultures, which is a result of their shared historical experience and co-existence in the Central European area. On the other hand, the common geographical space does not necessarily guarantee adherence to exactly the same values (Čiefová and Seresová 2018, 216, 221). As for the mutual perception, Slovaks usually regard Austrians in a positive way, associating Austria with pleasant, positive objects and realities (Čiefová 2016b, 189). Similarly, Austrians generally do not tend to engage in intercultural conflicts with Slovaks (Čiefová 2017b, 94). However, Central and Eastern Europeans do frequently compare themselves with the citizens of the richer countries of Western Europe in terms of their well-being. Even if the perception of well-being may be far from the reality, it can exacerbate feelings of injustice and social tensions (Matejova 2018, 74). Such states of mind

and dissatisfaction in the society can easily provoke intercultural conflicts.

In contact with Austrians, German language command may appear as a valuable asset. In Bratislava and the region, German certainly is a great advantage, as also many Austrian (or German) enterprises have their offices in the town (Čiefová and Seresová 2017, 33). Citing Newerkla (2011, 9), the meeting point of the Slavic and Germanic world has belonged to the most significant zones of language contacts in Europe for centuries.

Bennett's (2017) Developmental Model of Intercultural Sensitivity (DMIS) assumes that people's perception creates the experience of reality. Intercultural events we are participating in are influenced by our drawing a line between "self" and "other". Moreover, one's own empirical experience may crucially influence their attitude towards others. For instance, previous experience with working abroad and being exposed to dissimilar cultures can be even a more prominent factor impacting attitude towards others (e.g. migrants) than encountering them at home (Puškárová and Dancáková 2018).

Intercultural disputes are sometimes handled by means of mediation (Salmon et al. 2013), with the aim to solve the problem in a cooperative way (Barrios 2016, 259). According to Fisher-Yoshida (2005, 14), in order to become more flexible in communication with others and more understanding of them, it is necessary to extend our *frames of reference*. This should allow us to view the world from a broader perspective. Mandáková (2019, 73) asserts that co-existence with representatives of other cultures and nations may be beneficial for all sides involved. According to Némethová (2019, 79), cultural differences may be marked as *compelling challenges* people from all around the globe are currently facing, and, as Helmová (2018, 17) points out, they need to be regarded in a sensitive manner. Certain challenges also need to be handled by municipalities and respective communities (Heinisch, Lehner and Mühlböck 2019, 31). These include, in our opinion, also the need to participate in diverse projects, e.g. those of cross-border cooperation.

The topic of cross-border cooperation can be considered a dynamic, constantly developing area. Numerous projects involving both Slovakia and Austria have already been implemented; other projects are currently ongoing. Their focus varies, ranging from the infrastructure, the environment, educational or cultural activities to business development. Moreover, they operate on various levels, such as regional or the level of municipalities.

Perhaps the most complex and well-known project scheme is Interreg, joining Slovak regions of Bratislava and Trnava, and Austrian federal states of Vienna, Lower Austria, and Burgenland. The framework 2014-2020 consists of five priority axes, which are as follows:

- contribution to a smart cross-border region;
- protection of natural and cultural heritage and biodiversity;
- support of sustainable traffic solutions;
- enforcement of cross-border administration and institutional collaboration;
- technical support (Interreg 2018).

We can state, the priority axes of the project indeed reflect the multidimensional focus of activities and goals of cross-border cooperation. Hence, individual projects falling under the Interreg framework are diverse, which is one of its advantages, as several areas can be improved simultaneously.

### 3 METHODOLOGY

The research presented here is mostly qualitative. The hypothesis that cultural differences can produce conflicts or disputes was tested by means of key informant interviews supplemented by an extensive literature review, followed by a synthesis of the gathered data.

The method of key informant interviews was the primary research method utilised herein. This method was selected due to the presupposed expertise of the respondents, or their competence and responsibilities resulting from their position. Hence, key informants are expected to have more information about a certain subject. The key informant interview method is discussed by Marshall (1996) very thoroughly. He marks the concept as *expert source of information*. Key informant interviews are preferably applied in social sciences and the individuals interviewed are usually in a position of power, responsibility, or influence. The technique allows to gather a fair amount of data in a relatively short period of time. Moreover, key informant interviews may be used separately, or as a complement to other qualitative research methods, which makes them an ideal choice for our research.

The interview questions were compiled with the aim of their reflecting objective realities, not subjective standpoints of the respondents. The interviewees were instructed to provide as thorough responses as possible, enabling formulation of valid results. The interviews were conducted in Slovak and German, respectively. Overall, three interviews with representatives of the Slovak side and two interviews with Austrian counterparts were conducted, whereby the research can be divided into two stages.

Within the first phase, interviews with mayors of two villages with immediate geographical proximity were undergone, namely Záhorská Ves in Slovakia and Angern an der March in Austria. The municipalities create an interesting model for research, as they are only divided by a river, however, without the existence of a bridge. On the other hand, a ferry operates rather frequently, hence intercultural encounters may be expected to happen daily. Furthermore, the two municipalities are comparable with regard to their total population. According to the Statistical office of the Slovak Republic (2020), the population of Záhorská Ves amounted to 1870 at the end of the year 2019. The population of Angern was slightly above 1400 at the beginning of 2018, as stated on the portal [Bevölkerung.at](http://Bevölkerung.at) (2020).

The second round of interviews took place in April and May 2019 and contained three additional interviews, allowing for a wider geographical area to be explored. One interview thereof was conducted with the mayor of Berg in Austria; two interviews with the mayors of Bratislava districts of Jarovce and Rusovce. The reason for extending the research basis was twofold. Firstly, the results of the first round of interviews were to be verified; secondly, the empirical basis concerning the research subject was to be enlarged.



## 4 RESULTS AND DISCUSSION

Due to the research having been conducted in two stages, the results presented in this section will also be categorized accordingly, and consequently synthesised.

The first stage of research includes interviews with the mayors of two villages, namely Angern and Záhorská Ves. As presupposed, the interviews confirmed the similarity of the population structure in Angern and Záhorská Ves, as 2% of inhabitants of Záhorská Ves are of Austrian nationality, and 2-3% of Angern's population represent Slovaks. Based on the interview in Záhorská Ves, the imminent proximity of the other nation (or national culture) is perceived absolutely normally and automatically from the Slovak side. The citizens are used to living next to each other; however, this is currently being mildly disrupted by the presence of Turkish immigrants. According to the Slovak mayor, interactions and concrete communication situations happen daily, for instance due to Slovaks shopping in Austria or trips. According to the mayor of Angern, the occurrence of communication situations is less frequent; it probably happens only 2-3 times a month. We believe the distinct answers result from different comprehension of the concept interaction and / or communication situation.

Concerning conflicts and disputes between representatives of the two national cultures residing in the municipalities and surrounding areas, neither of the representatives has witnessed such an event during their terms in the office. The mayor of Záhorská Ves said that an agreement had always been achieved. Besides, they both claim that the two cultures as well as customs demonstrate similarities. In relation to intercultural conflicts and problems, we were interested in the experience of the mayors with such situations in general, not exclusively within the neighbouring municipalities. Neither this has been experienced. Both mayors expressed their opinion that mutual relations were highly satisfactory, positive, and collaborative.

The next part of the interviews was dedicated to the language competence of the citizens. The objective was to find out whether and to what extent the proximity of the foreign language influences the language competence of the citizens, and thus simplifies the communication. According to the mayor of Záhorská Ves, the presence of German language considerably impacts the development of the children, the citizens. The knowledge of German in the municipality is on increase; the children are provided with intensive language education, hence the communications is positive. Slovaks are supposed to speak German more frequently than Austrians Slovak. On the contrary, the mayor of Angern is not fully convinced that the presence of the foreign language improves the language competence. Another goal was to find out whether language competence could prevent intercultural conflicts from happening. According to the mayor of Záhorská Ves, conflicts occur on the basis of insufficient knowledge. Therefore, the ability to communicate lowers the probability of a conflict. The mayor of Angern believes, language competence represents an advantage for those speaking the language of the other country.

The final part of the interviews was targeted at bilateral cooperation, planning and communication processes linked to that. Based on the interviews, bilateral cooperation is established both on the level of citizens as well as municipal offices, for instance on European Union projects. Intercultural encounters occur also at various cultural and sports events.

As mentioned above, Angern and Záhorská Ves are divided only by a river presenting a natural border. The non-existence of a bridge seems to be peculiar. Therefore, also the previous plan to build a bridge connecting both municipalities was discussed. According to the official statements, the reason for the construction being a failure is the insufficient infrastructure in the area. The final decision about not initiating the construction was made on the Austrian side, when the majority of Angern's citizen expressed their disagreement with the bridge in a referendum. The mayor of Záhorská Ves stated there could have been also other reasons for that, such as growing criminality rate in the Austrian border region. In contrast to that, the mayor of Angern claimed that the reason truly was the infrastructure, as the non-existence of a bypass road would be a cause of traffic overload in Angern. Currently, no such bridge is being planned. However, according to the mayor of Angern, a bridge will have to be constructed in the future, but preferably not through the residential areas. Apart from the bridge construction, a new project focused on a biking-bridge near Zwerndorf was mentioned.

In connection to the interviews in Záhorská Ves and Angern, three complementary interviews were conducted. The first interview took place with the mayor of Jarovce, Slovakia; the second one with the mayor of Berg, Austria; and the last one with the mayor of Rusovce on the Slovak side. The questions as well as the objectives of the second round of the interviews were almost identical compared to the first round.

The interview with the mayor of Jarovce supported the premise that Slovak-Austrian intercultural relations in the region are on a good level, with friendly atmosphere and no conflicts or problems, and the cultures are similar. According to him, the borders have ceased to exist, even though many families were split during the totalitarian regime. What is more, Slovaks are perceived by Austrians as a civilised nation. The mayor of Berg believes certain cultural differences resulting from the distinct historical development do exist. This is mostly linked to the Iron Curtain, which has caused different worldviews among generations. He further reports no conflicts between the two cultures. On the contrary, the inhabitants coexist harmoniously; Slovaks living in Berg are well integrated, attend cultural events, Slovak children and the youth are members of a volunteer fire brigade. A Slovak lady is even employed at the municipal office and her work performance is said to be extraordinary. Slovaks in Berg represent approximately 23% of the population; the number is supposed to be even higher in the villages nearby. Slovaks residing there frequently apply for Austrian citizenship, which is in most cases also granted. The mayor of Jarovce asserts, shopping in Austria has become a daily reality for many Slovaks as well as commuting to Austria to work. In Rusovce, mixed marriages have become a common reality; the village has become an attractive life location, which has resulted in its cultural diversity. As for intercultural disputes in Rusovce and its surroundings, no such events have been reported, despite the coexistence of several cultures. According to the mayor of Rusovce, it can be also due to the proximity of the capital and the border.

Language barriers in Jarovce are supposed to be negligible, as many Slovaks speak German, and similarly, Slovak language knowledge is common in the border area. Language competence of the inhabitants of Rusovce is influenced by historical developments and connections, hence more people speak Hungarian than German. According to the mayor, German is spoken predominantly by the elderly generation. As for Austrians, these historically incline to English. The

mayor of Berg thinks this has also to do with the mentality. In Berg, a tandem Slovak – German course used to be offered, meaning the enrolled citizens would learn the other language in a reciprocal way.

Regarding cross-border cooperation in Jarovce, several regular festivals and various events are organized by joint cooperation of both sides (for example *Festival podunajskej kultúry* organized with cooperation of Austrian villages Pama and Neudorf). Moreover, football tournaments are popular. In the context of such occasions, the intercultural factor is sometimes intensified by the presence of representatives of Croatian and Hungarian culture. As far as projects are concerned, particularly BAUM was mentioned, which is oriented on urban planning. The mayor of Jarovce believes that the town of Bratislava aims to reinforce cross-border cooperation, for instance by development of cycle routes within the framework of Interreg, such as a route to Austrian Kittsee. The project BAUM 2020 was also referred to by the mayor of Berg, who stated that municipalities regularly submit project proposals, however, the collaboration with the Capital of Bratislava is sometimes complicated by the fact that many pieces of land are owned by private persons. As for Rusovce, the cross-border cooperation is said to be more frequent with the Hungarian side, even though also cooperation with Austrian municipalities occurs. Cooperation with Austrian municipalities is mostly linked to the historical background, namely the presence of Roman camps remains, and there are attempts to intensify it even more. In Rusovce, associations are rather important as their aim is to facilitate joint activities. So far, the firemen and cultural (dance) associations have joined; certain collaboration exists also between police forces of the countries. Previous projects of cross-border cooperation include, for example, cycle routes extension. The objective is to foster future cooperation also in the field of elementary education, as the mayor of Rusovce stated. The idea is to facilitate mobilities of pupils as well as teachers, with a special focus on language learning by representatives of both countries. Such projects, however, would have to be coordinated by the Austrian partners. In case of cooperation with Hungary, Rusovce is the partner creating strategic plans. The mayor believes, this largely depends on negotiations and willingness to cooperate. Currently, pupils in Rusovce are provided with English and Russian classes, it is therefore the ambition of the mayor to reinforce German and Hungarian as languages being spoken in the border area. This is supposed to be accomplished at least in the form of voluntarily classes, ideally on a reciprocal basis.

With regards to international projects – or rather cross-border projects - it is to note that our goal was not to assess the success of ongoing and previous projects (or possibly their failure as a result of insufficient intercultural competence), but to underline their existence and interest in their intensification for the future.

Analysing the interviews, we can conclude, intercultural conflicts between the representatives of Slovak and Austrian national culture do not occur. Even if they do, their extent and gravity are negligible. In order to sustain the positive situation, or to improve the situation in areas where mutual intercultural relations are not that flawless, certain measures can be taken. Firstly, intercultural education and training may help prevent intercultural problems from happening, while at the same time increasing the level of intercultural competence. Secondly, diverse activities of cross-border cooperation should be supported in the future as well. Bilateral or multilateral exchanges of teachers and lecturers can significantly enhance intercultural sensitivity, and simultaneously promote language and culture-related knowledge, increasing the

level of cognitive component of intercultural competence. Based on the interview in Rusovce, the interest in mobilities of both pupils and teachers aimed at foreign language education is mutual.

## 5 CONCLUSION

Slovakia and Austria are countries characterised not only by their shared geographical area, but predominantly by their historical linkages, intensive economic cooperation, and mutual cultural and language influences. The historical experience has, however, resulted in distinct behavioural patterns and cultural values.

The main objective of our research was to examine occurrence of conflicts and problems resulting from cultural differences. The interviews as the main research method applied herein did not reveal existence of open intercultural disputes or conflicts. On the contrary, the co-existence of the representatives of the two national cultures is assessed as positive, with both sides attempting to intensify bilateral cooperation. Several projects of cross-border cooperation are currently being implemented; others are being negotiated. Notable is the presence of Hungarian and Croatian culture, which often results in intercultural communication situations encompassing not two, but three or even four cultures. In our opinion, such intercultural communication processes are much more complex, hence representing an area for further research.

We are convinced that the approach presented in this paper may be equally applied to studies dealing with other regions. Besides, the occurrence of intercultural conflicts can be examined not only between or among national cultures, but national cultures and subcultures, or solely subcultures as well. In this manner, communication between representatives of various cultures can be facilitated and potential tension mitigated or even eliminated. To ensure smooth and mutually favourable long-term cooperation and coexistence, it is necessary to adhere to the principles of tolerance, respect, and ethics (Rak 2017, 53).

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## **MEDKULTURNA VPRAŠANJA V OBMEJNIH REGIJAH: PRIMER AVSTRIJE IN SLOVAŠKE**

*Cilj pričujočega prispevka je dvojen. Najprej poskušamo preučiti obstoj morebitnih medkulturnih problemov in sporov v avstrijsko-slovaški obmejni regiji ter nato predlagati smiselne rešitve; raziskava pa je namenjena tudi tekočim in načrtovanim projektom čezmejnega sodelovanja. Raziskava poteka pretežno po metodi pogovora s ključnimi informatorji, ki naj bi po definiciji zagotavljali ustrezne podatke od ljudi, ki imajo znanje o določenih pojavih ali vplivnih ljudi. Opravljenih je bilo pet intervjujev z župani občin, ki županujejo v obmejni regiji. Raziskavo smo podkrepili z obsežnim pregledom literature ter s kritično analizo diskurza. Intervjuji niso razkrili obstoja medkulturnih sporov, temveč so dokazali predpostavko namere za okrepitev čezmejnega sodelovanja.*

**Ključne besede:** Avstrija; Slovaška; obmejna regija; medkulturna vprašanja; čezmejno sodelovanje.

# EUROPEAN ENERGY POLICY AND THE EU-AZERBAIJAN ENERGY COOPERATION

Aliyar AZIMOV<sup>1</sup>

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*The lack of sufficient energy resources in the EU region has made this region dependent on imports. The crisis in 2006 and 2009 was an alarming signal for the EU. These crises have led the EU to take serious steps in the field of energy. The main research findings were to find answers the following research questions: First, why is it difficult to establish a common energy policy for the EU? Second, how does the EU pursue a policy for a competitive energy market and ensuring the security of supply? The main aim of the EU to diversify energy routes and to make more competitive prices in the energy market. However, Azerbaijan is a strategic and reliable partner for the EU because of its geographical position and energy resources. Energy resources in the Caspian Sea are important to the EU and Azerbaijan is the ideal destination for the transportation of these resources. Thus, after many years the EU has taken an important step on behalf of energy security by implementing the SGC project in the frame of cooperation with Azerbaijan.*

**Key words:** energy security; EU-Azerbaijan cooperation; EU energy policy; SGC; TAP and TANAP.

## 1 INTRODUCTION

Energy is the utmost important thing that the world challenges since its initial period. In fact, depletion of natural resources is a fundamental challenge. Thus, the International Energy Agency predicts that global demand for primary energy sources will increase by 36% until 2035 (World Energy Outlook 2010).

"On the Eve of World War, I, First Lord of the Admiralty Winston Churchill made a historic decision with shifting power source of British navy's ships from coal to oil" (Yergin 2006). After his decision, energy became the most significant fragment of the industry during World War II. Expanding mass production of energy sources was a historically recurrent phenomenon. Having natural

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resources gave a huge opportunity to develop and extend military power in terms of guns, chemical weapons, and military machinery and equipment. In this regard, during World War II the usage of new energy-intensive machines increased rapidly in the shortest possible period of time. For instance, in August 1914 Britain had only 154 airplanes, however, during World War II Britain produced and used 131549 airplanes, which gave an opportunity to win the war at the end by massive consumption of oil (Cleveland 2009).

Ever since the creation of humankind, human beings have always been in search of energy. Energy plays a vital role in the shaping of society. It is no coincidence that in the two world wars that took place in the last century, the seizure of energy centres, along with military power and strategy, played a decisive role in the course of the war.

As alternative energy sources require new and expensive infrastructure, traditional energy sources are still in the spotlight. The EU ranks third in the world in terms of energy consumption after the USA and China (Eurostat 2020c). However, the European region is poor in terms of energy sources. Therefore, the EU is looking for new opportunities to supply energy sources and ensure security of supply.

The EU tries to establish a common energy policy to meet its energy needs. After the crisis in 2006 and 2009, the energy-economic situation of the Central and Eastern European countries has aggravated. Therefore, energy policy, which will be formed within the common interests of member states, has become even more actual. The EU has tried to implement security policies in the field of energy to ensure the security of supply of the Member States while making competitive prices and forming one single energy market as a priority. On the other hand, political interests are influential in the energy trade. In this regard, the EU particularly aims to diminish energy dependency level of CEE countries from Russia at the initial stage. CEE countries have a significant geographic location by combining energy pipelines as well. Furthermore, being a single actor in this region endangers the energy economy of the region seriously.

One of the most important strategies of EU in the energy policy is to ensure energy security through diversification of energy routes. The resources of the Caspian Sea can be considered an ideal source of raw materials for the EU. In this sense, Azerbaijan is a strategic and reliable partner for the EU thanks to its geographical position and energy resources. The energy cooperation between the EU and Azerbaijan has come up on the agenda with the Nabucco project. Though, the EU-Azerbaijan energy relations have intensified with the Southern Gas Corridor signed in 2011. This article explores the EU's current energy policy and the relations with Azerbaijan in the frame of the Southern Gas Corridor project. The main research question, what is the EU's current energy policy and what SGC promises to Europe, tries to find an answer the geopolitical importance of the projects, which the EU implemented together with Azerbaijan. In this paper, quantitative and qualitative research methods have been used for analysing the current situation and giving more information about the ongoing projects. The main statistical database of this paper comes from Eurostat, one of the most significant institutes of the EU.

## 2 THE EU IN THE INTERNATIONAL ENERGY SYSTEM

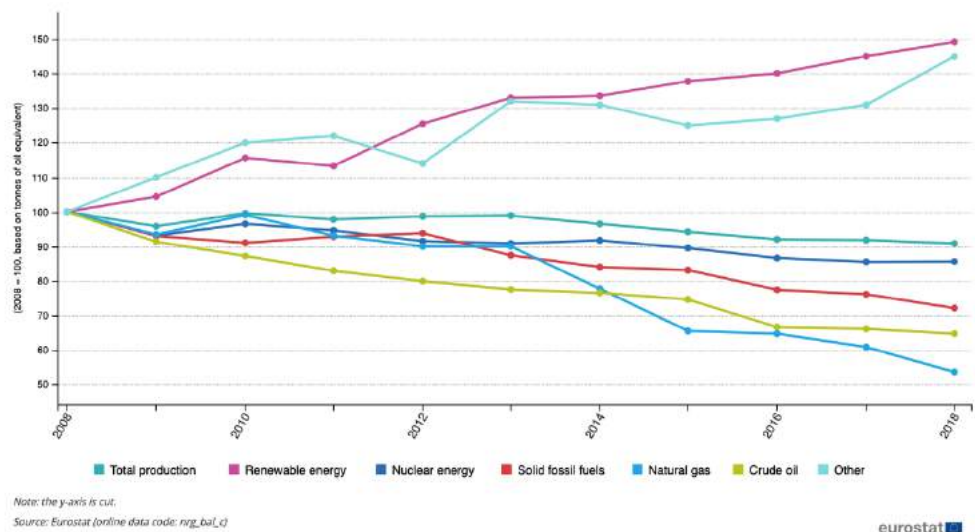
After World War II the establishment of European Atomic Energy community in 1957 with Rome treaty laid the foundation of European energy policy. The main aims of this community were the noncontroversial tasks of improving nuclear safety and maintaining safeguards against escalation as well as nuclear energy research for possible future technologies and energy centres (Szczepański 2017).

Although the subject of energy security first came into sight on the European agenda during the oil crisis of 1973/74 (Closson 2008), it was difficult to forge and implement common energy policy at a union level. As the national interest and policies vary, the EU members have always struggled to agree on common priorities and strategies, which still is up to date. The anti-thesis of this fact, growing global energy demand, declining European energy production, dependence on Russian energy sources and concerns about the reliability, increasing energy prices, threats to energy pipelines, need for ensuring energy security led the EU leaders to adopt an "Energy Policy of Europe" in March 2007. Energy Policy of Europe is three-pillar strategies focusing on the competitiveness, the security of supply and sustainability of energy (ibid.).

The EU's energy demands are covered by the energy produced in the EU and imported from third countries. In 2017, the EU's energy demand and supply were diversified into five categories: petroleum (including crude oil), natural gas, solid fossil fuels, renewable energy and nuclear energy. Oil and natural gas still have a major role in the EU's energy demand. However, oil and natural gas demand differ according to the energy needs of the EU Member States. Despite less production in the EU in recent years, the consumption of energy, especially oil and natural gas, led natural resources to have the largest share in gross inland energy consumption in the EU's industry.

Below, the chart demonstrates a slight difference between 2008 and 2018. Total production of energy in 2008 was 698 million tonnes of oil equivalent (Mtoe); however, by 2018, it was 635 Mtoe decreasing by 9.2% (Eurostat 2020a).

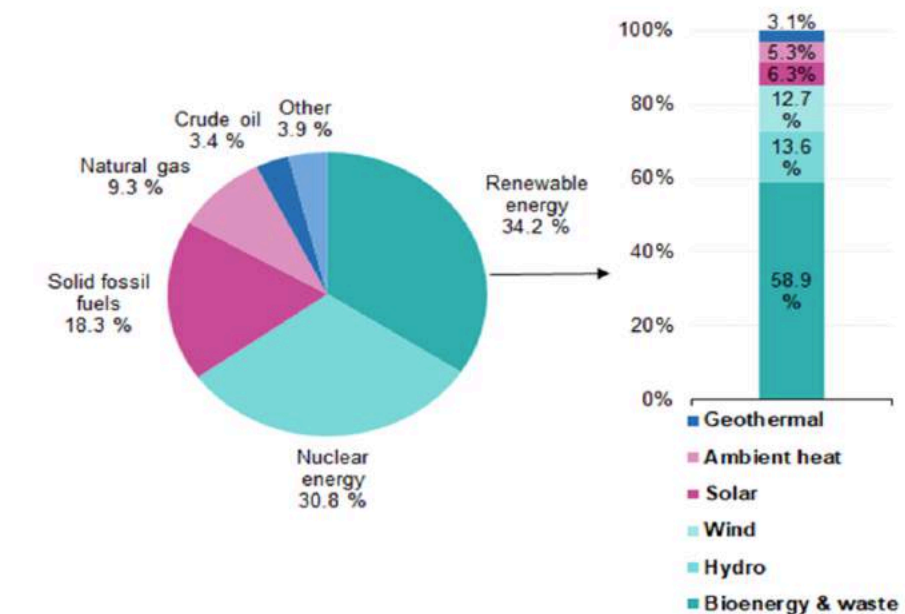
FIGURE 1: PRODUCTION OF PRIMARY ENERGY FUEL TYPE, EU-27, 2008–2018



In 2018, at the EU level the highest primary energy production was observed in France (21.7% share of the EU total), followed by Germany (17.8%), Poland (9,7%) and Italy (5.9%). Within a decade, the level of primary energy production increased in 14 Member States. Compared to previous years, the highest expansion of energy production was observed in Italy (+4.5 Mtoe), followed by Spain (+4.4 Mtoe), Sweden (+4.0 Mtoe), Ireland (+3.4 Mtoe) and Finland (+3.2 Mtoe). On the contrary, in the Netherlands (-31.2 Mtoe), Germany (-23.4 Mtoe), and Denmark (-12.7 Mtoe) primary energy production moderately fell down further than in previous years (Eurostat 2020a).

It is evident that traditional energy sources were the primary energy production in the EU as they have a large share in the industry. However, the EU is looking for alternative ways to reduce its dependence on traditional energy sources. Thus, as shown in the diagram below, the share of nuclear energy and alternative energy in energy production has increased sharply over ten years. Nuclear energy accounts for 30.8% of total energy production. The largest increases in nuclear energy production were observed in France (78.0%), Belgium (63.1%) and Slovakia (62.7%). At the same time, a significant increase in renewable energy production demonstrates that Member States support the direction of the new EU energy policy. The diagram also illustrates the growth of renewable energy production in the total share of energy production of the EU. By comparison, production levels for other sources dropped, with the largest declines in natural gas, crude oil and solid fossil fuels (Eurostat 2020a).

FIGURE 2: PRODUCTION OF PRIMARY ENERGY, EU-27, 2018 (% OF TOTAL, BASED ON TONNES OF EQUIVALENT)



Source: Eurostat (online data codes: nrg\_bal\_c)



Despite a mass-energy production in the EU including nuclear and renewable energy, Member States still remain net importers of external energy sources. The deterioration of primary energy production, especially in the oil, natural gas and recently nuclear energy turned the EU into more reliant on energy imports to meet energy demand. Nevertheless, the primary energy productions are imported from Russia, Norway, Algeria, Caspian Basin countries (Azerbaijan, Kazakhstan), Saudi Arabia and others. In 2018, the import level of primary



energy sources in the EU-27 was 886 Mtoe. The main importers of energy production were Germany, Italy, France and Spain. During 2008-2014 Spain was able to decrease its energy imports from 122.8 Mtoe to 91.5 Mtoe. In the Italy side, import level in 2008 was 155.3 Mtoe; however, in 2014, Italy has managed to decrease its energy imports 115 Mtoe. In the Netherlands, this trend continued with 27.2 Mtoe in 2014 down from 33.1 Mtoe in 2008 (Eurostat 2020b). In 2008, while Denmark was remaining as a net exporter of energy only; since 2014, Denmark also started to import primary energy sources. After energy crisis with Russia and global financial crisis, implementing efficient energy policies led reduction of energy consumption in eight Member States: Estonia (-4.2%), the UK (-1.6%), Ireland (-1.4%), Sweden (-1.6%), Finland (-1.2%), the Netherlands (-0.5%), France (-0.3%), and Belgium (-0.3%). On the other hand, in Malta, Romania, Spain and Slovakia energy consumption was recorded as the highest increase +12.9%, +5.8%, +5.4% and +5.1% respectively. The dependency rate of the EU in 2017 was about 55%, which was the highest rate since 2000. It means that the EU provides half of its energy needs at the expense of external energy sources. However, the dependency rate of Member States varies according to their consumption. Thus, the highest rate is observed in Malta, following in Luxembourg and Cyprus, with the least dependence being in Estonia and Denmark (Eurostat 2019).

The EU has diverse routes and energy policy directions towards import regions. However, the Russian- Ukrainian gas crisis in 2006 and 2008 hit the European energy market. As a result, these two gas disputes brought some important issues upon agenda. After dramatic consequences on individual EU members, three significant issues revealed the importance of new energy policy formation by the EU in the institutional level: 1) need to ensure required investments; 2) the reliability of exporters; 3) security risks on supply and transit countries. The EU is trying to reduce Russia's political and economic influence on Central and Eastern European countries by using geographical proximity advantage to the energy centres. During the Soviet period, Russia implemented a communist regime and policies in the CEE countries by establishing the Russian political and economic system (Wiatr 2018). The political and economic system, which was built by Russia, continued after the collapse of USSR. However, after 2000 CEE countries had a high priority in the EU's political and economic packages. Additionally, the EU is also providing substantial support for the reconstruction and development of the infrastructure of gas and oil pipelines, which passes from transit countries and brings energy resources to Europe. In this sense, relations with transit and producer countries are of particular importance in the EU's foreign energy policy. Moreover, the EU's foreign energy policy focuses on and results in increased social and economic activity, improved living standards and developed cross-regional cooperation in all spheres in these countries.

### 3 EU ENERGY POLICY AND THE CURRENT STATE OF AFFAIRS

Energy plays a crucial role in the evolution of modern society with its core position in lifestyle. On the other hand, it can be considered a strategic tool due to security issues which are in undergoing a process of "securitization." Therefore, energy policy is a more complex and multidimensional issue. For the first time, the energy policy issue came up to the agenda with the 1973/1974 oil crisis. The 1973 oil crisis and OPEC oil embargo undermined the European Community's economy and put Western European countries' economic models at risk. The oil crisis led the leaders of the EC to make strategic decisions around

energy supplies and to start an investigation of low energy technologies and alternative energy sources. However, during that period, some Western European countries, such as France, Great Britain, and Western Germany, preferred to distort different energy policy dimensions (Dyduch 2012). The Council of Europe adopted a strategy for common energy policy and the objectives of the energy policy by decision in 1974 and 1986. The increasing demand for natural resources causes to strengthen the position of resource owners. However, most of the owners of the natural resources have fewer democracies as well as the non-stable political system in the western sense. It makes negotiations difficult, and although the EU corporates mostly state-controlled companies such as Gazprom in Russia, most of the companies in the EU are in private ownership (Geden et al. 2016). On September 1986, the European Council issued a report on the creation of an energy market in and to pursue more liberal energy policy in terms of the future corporation (Ercan 2011). Although the EU is working on real common energy policy, Member States prefer bilateral negotiations to ensure energy supply in accordance with their national interests depending on geostrategic elements and needs.

Since 2004/2005, almost 80% of external gas resources came through Ukrainian gas pipelines (Nichol et al. 2006). The EU entered a new crucial stage in energy policy during the European Council meeting at Hampton Court in 2005. Member States commenced new initiatives on the EU's energy policy and the internal energy market (Sapir 2007). The "Green paper" in 2006, which adopted by the EU Member States in a union level, was the establishment of a new multilateral governance structure, so-called "A European Strategy for Sustainable, Competitive and Secure Energy". To be more precise, it was a significant step in terms of the pan-European dimension and the intention to have a global impact (Westphal 2006). The energy policy consisted of three major pillars: sustainability; competitiveness; and security of supply. Russian - Ukrainian gas dispute was a wake-up call for the EU and the issue was resolved after several days with the EU mediation. But at the same time, it revealed the need for common energy policy within the EU. In March 2007, new objectives proposed by the European Council within Energy Policy aiming to increase the security of supply and ensure the competitiveness of European economies. The initial stage was a push regarding crisis-response mechanisms based on cooperation, effective diversification of energy sources as well as prevention of possible future energy crisis.

Since 2007, the EU achieved some steps such as the implementation of Energy Security Correspondents (NESCO), and formation of the Euro-Mediterranean Energy Market in 2008. At the end of 2008, the European Commission publicized a review of its strategy in the field of energy, containing "Energy Security and Solidarity Action Plan." Energy institutes and instruments play a significant role to develop trust and deeper ties among the EU, producer and transit countries. In this regard, the Energy Charter Treaty, being in force since 1998, is aiming to strengthen the rule of law and to extend the EU's market principles from its own sphere. Since 1998, the treaty was signed by 51 countries; however, Russia has not ratified it yet, while having energy dialogue with the EU. Energy Community is another instrument, which is aiming to integrate many countries of South-East Europe step by step to the internal market of the EU.

On the institutional level, the European Commission is willing to create rules of energy through new proposed regulations and framework strategies. These strategies include revision of the security of supply regulation,

intergovernmental agreements, Clean Energy Package and the Energy Union. Former Polish Prime Minister and President of European Commission Donald Tusk was one of the initiators of the Energy Union. Energy Union is considered an unofficial pan-European umbrella strategy as well as a necessary tool in a bureaucratic struggle between Brussels and the Member States (Bochkarev 2018). Despite many aspects of the national energy policies belong to the Member States, European Parliament and the European Commission has adopted several articles and legislative procedures in terms of security of supply and functioning of the energy market. However, according to the Lisbon Treaty, "such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply" (EUR-Lex 2012).

The current energy policy aims to define, ensure and implement three considerable long-term objectives; security of supply, reducing gas emissions, and maintaining the EU's international competitiveness. However, achieving these three targets simultaneously is not possible at a fast pace. European energy demand is very high in the current period, mostly from Russia. Without new developments on the supply side, this increasing energy desire leads to higher and controlled prices in the long-term periods, which is also posing a real threat to the EU's energy security. The EU supplies most of the energy needs from Russia, which leads to Russia's use of this strategic advantage as a political weapon in many cases. Also, government-regulated investment policy determines the level and effectiveness of possible systems in the future. The technology available in some countries still does not meet modern standards and requires more years for further development due to physical conditions, economic instability and investments.

In the modern era, the prior direction of the state's foreign policy is to ensure security. In a general sense, national security combines several security concepts, and energy security has a matter of utmost importance. Energy security can be described either additional category to the national security or a class which is based on the synthesis of economic and political security. The political aspect of energy security recently became more topical. Thus, individual states that possess and export energy resources use energy factor not only as an economic but also as a means of political influence. Those states put into operation this incentive if they face any moment against their national interests or want to show their power to any country and consequently, achieve their will successfully very soon. Energy security has become an integral part of national security concepts. The crisis in 2009 showed that the cost of building an energy infrastructure is less than the losses as a result of the situation (Šolc 2013).

## 4 GEOPOLITICS AND ECONOMY OF ENERGY

### 4.1 Geopolitical Approach to Energy

Geopolitics can be understood as a study of the effects of geography on politics and international relations (Devetak et al. 2012). Rudolph Kjellen was the first who coined the term "Geopolitics" and defined as "the theory of the state as a geographical organism or phenomenon in space" (Cohen 2003). Nowadays, energy plays a significant role as part of geopolitics because geopolitical landscape and energy factor are always interconnected. The struggle of regional powers with each other has a severe impact on the energy sector and makes it

more vulnerable. Because the crisis, which occurs during the geopolitical confession, has either a direct or indirect effect on the energy markets and disrupts the balance between geopolitical dynamics. In all periods of history, the energy was used as a tool in many geopolitical struggles. Energy is the tactical and strategic weapon in modern politics as well as a tool for negotiation, and indeed political and economic power. The gas dispute between Russia and Ukraine revealed the importance and real power of the use of energy. Besides, energy is a mean for governments to put sanctions and to restrict investments in future oil production (Ladislaw 2014).

Energy issue has geopolitical features from several perspectives. Firstly, the political systems of energy-rich countries are indispensable in terms of ensuring supply and corporation. In some states, such as the Middle East countries and Russia, the process of democratic institutionalization is very slow, and as a result, the lack of democratic values endangers future cooperation. Secondly, the geopolitical positions of transit countries and the standpoint of the political elite affect the formation of relations between energy exporting and importing countries. It seemed clear in the sample of Russian-Ukrainian gas dispute and Russian-Georgian military crisis. Ukraine and Georgia have a crucial position on energy routes as a transit country. Therefore, the crises have slowed down the development of Ukraine and Georgia. Also, it led to the deterioration of political stability and tensions between Russia and the EU. Recent events in Ukraine demonstrated that Russian energy plays a crucial role in European geopolitics. Eastern and Southern European countries, and Balkan states import their entire oil and gas supplies from Russia. Additionally, half of the supplies coming from Russia into the EU through Ukraine, this is why CEE and transit countries play a "gate" role between Russia and the EU, and it is particularly important for Russia to influence the region. From this point of view, the price is the most significant element for uninterrupted energy flows and political, economic cooperation. Russia has been used the pricing regulation as it wished because the energy needs of these countries and lack of alternative routes made Russia advantageous in pricing policy. On the contrary, the European market is high priority for Russia as the vast majority of the Russian economy depends on energy revenues (Wile 2014), which means that any problem in energy transportation and pricing can lead to determinative consequences in the Russian economy. Therefore, the Russian pipeline policy is focused on the dominance of Russia in the energy market of the EU. Alternative energy routes also affect Russian energy prices, and diversity of energy resources reduces Russia's political influence in Europe.

A lack of coordination in the EU's foreign energy policy erodes European abilities to negotiate with other regions on an institutional level. For instance, Nabucco, as an alternative energy route from the Caspian Sea, was the supreme energy project from Azerbaijan to Austria. The definite purpose of the Nabucco pipeline project was to undermine Russian influence over the European region. There are several problems beyond the abandonment of the Nabucco pipeline project. Firstly, those countries, who are heavily dependent on gas sources, did not have a priority objective of gas supply. Secondly, this project was an essential weakness of the EU common energy policy (Thomas 2013). Thirdly, Gazprom was dominant in the energy market of CEE and did not face substantial competition in terms of alternative routes and energy companies. This advantage led the countries in the region to support Moscow's South Stream project, which was proposed to bring Russian gas into Eastern as well as Southern Europe (Palti-Guzman 2014).

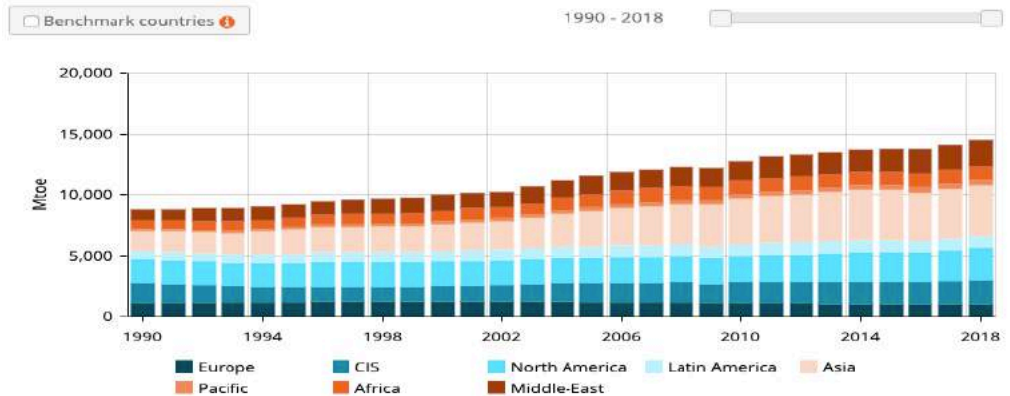
Despite several political difficulties in the South Caucasus, the EU achieved to implement the TANAP pipeline project. It was the replacement of the Nabucco pipeline project by the more sensible plan which was proposed to carry Azerbaijani gas through Turkey into Greece and Italy. TANAP is a central part of the Southern Gas Corridor, which is aimed to bring natural gas through the Southern Caucasus Pipeline, TANAP and Trans Adriatic Pipeline. The strategic importance of this project is very high for the EU and Azerbaijan. Thus, the EU will both meet a part of its natural gas demand by alternative energy route and be closer to the Caspian Sea region, which has the possibility for future cooperation. The Southern Gas Corridor is a project that embodies the EU foreign energy policy. The SGC was proposed by the European Commission to supply gas resources from Caspian Basin and the Middle East to Europe with the US \$ 40 billion (Stoica 2019). The SGC is aimed to reduce Europe's energy dependence from a single supplier, create competitive prices in the European energy market, and ensure market liberalization in this region. This project is the most optimal way to export energy resources of the Caspian region to the European market through Azerbaijan without any intervention of Russia. Due to geographical position, Azerbaijan is involved not only as an exporter, but also a transit country in this sense. The main aim of the Southern Gas Corridor and even future project Trans-Caspian is to reach Turkmen gas and suppress in the European energy market. Also, the legal status of the Caspian Sea is necessary in terms of pipeline politics. On August 12, 2018, the five Caspian littoral states signed Convention on the Legal Status of the Caspian Sea. They agreed that water surface will be legally treated as a sea and will be open for joint use as well as the seabed will be considered as a lake (Brzozowski 2018). This convention gave a ground that other countries cannot intervene in the projects in Caspian Basin unless they are official partners. Nevertheless, with the convention, Moscow has ceded ground on underwater pipelines.

#### 4.2 Economy of Energy

Energy has always played a crucial role in economic development and trade based on fossil fuels. Energy products are crucial for both producer and importer. Because the basis of energy trade relies on investments, energy strategies, consumption level and dependency rate of parties. Energy production should be taken into account in analysing the effects of energy on the economy. Below the figure indicates primary world energy production rates in the regions. According to the table, large oil and gas exporters; Middle East, Asia, and developing countries are the leading suppliers of world energy markets. On the contrary, during the 28 years trend of production in the EU was stable, because there are a few countries which contribute oil and gas as well as coal resources since 1951.

FIGURE 3: WORLD PRIMARY ENERGY PRODUCTION

Trend over 1990 - 2018



Source: <https://yearbook.enerdata.net/total-energy/world-energy-production.html>.

Figure 3 forms the basis of the energy economy. The US and Asian countries were the main contributors to global energy production by 54% of growth in 2018. Energy production in the European Union has continued to decline as a result of the slight downturn in nuclear electricity production, the depletion of natural resources and climate policy that limits the use of coal (Enerdata 2019). In recent years, the fluctuations in gas and oil prices have had a large-scale impact on the EU's economy; especially the Ukraine gas dispute hit CEE countries strongly. At the same time, the role of foreign and local oil companies has increased in line with growing demand.

In this sense, the EU has many advantages regarding maintain stability with producers:

1. The EU has the second largest energy market in the world. The lack of the European Union's natural resources makes the European energy market more important for other regions. The main purpose of the EU to eliminate internal crisis and to liberalize the energy economy by implementing action plans;
2. Protecting national interests and foreign policy of the Member States is the key priority of the European Union;
3. The action plans, which is designed by the European Commission to improve the EU energy policy, make the European energy market more stable (Hrubý 2008).

Analysing energy policy from an economic perspective, the fact occurs that energy is a traded asset on markets (Sovacol 2011). Since 2007 the level and stability of energy prices were on the agenda. Energy prices usually are controlled by governments and firms, especially when talking energy policy of CEE countries, the Russian government and Russian company – Gazprom play a dominant role in their energy market. Energy importer states try to keep stable as well as competitive energy prices to regulate operatively energy economy. In this sense, liberalization, and transparency intrinsically connected with well-developed infrastructure in terms of allocation of energy resources. Therefore, according to action plans drawn up by the EU, a free flow of natural resources should be ensured to complete formation of the fully operating energy market. Well-functioning energy market requires investments by the producing countries because of ensuring the security of supply. For instance, Gazprom is the leading player in the CEE by investing a lot to ensure the security of pipelines as well as uses imposes economic influence in order not to lose its hegemony in the region.



Energy flows are driven by markets and institutions that form those markets. This is widely reflected in the EU's latest market-based strategy towards a single energy market known as the third package, which is adopted in 2009. On February 25, 2015, the Energy Union Framework Strategy was introduced with five pillars:

- Supply security
- A fully integrated energy market
- Energy efficiency
- Climate action (reducing greenhouse gases)
- Research and Innovation in low-carbon technologies (European Commission 2015).

Given all this, the EU aims to create a sustainable, competitive and secure internal energy market. Russia still remains best positioned in the European energy market due to geographical location, which allows Russia to have an economic and infrastructural advantage to intervene in the European energy market. Infrastructure is a structural tool to ensure security and fluidity of supply. However, Russia is also the best option for the EU, because geographical proximity minimizes the traffic distance and reduces the cost of building energy infrastructures.

Energy infrastructures are the main element that forms the energy market before and after deregulation. Well-operated energy market requires all actors to collaborate to manage the market effectively. However, when the only actor in the market participates in all processes ranging from production to retail, the emerging monopoly hinders the effective development of the market and results in an uneven price formation. In a monopoly, big companies are not interested in building an infrastructure for sustainable competition and development. Therefore, the formation of a free market should be prevented from being a state intervention and becoming a single shareholder. On the contrary, the liberalization process results in a competitive environment, which offers to parties to choose their supplier and producer. In the EU energy market liberalization has been shaped differently according to countries' energy demands and foreign policy strategies. The EU offers several energy policies to the Member States to meet their needs with competitive prices and to achieve more efficient energy market. The Southern Gas Corridor is one of the critical projects in terms of the economy of the EU's energy policy. The SGC was proposed by the European Commission to supply gas resources from Caspian Basin and the Middle East to Europe with the US \$ 40 billion (Stoica 2019). This project is aimed to reduce Europe's energy dependence from a single supplier, create competitive prices in the European energy market, and ensure market liberalization in this region.

## 5 AZERBAIJAN AND THE EU ENERGY RELATIONS

In 1991, after the dissolution of USSR Azerbaijani nation got a second chance of independence and the Republic of Azerbaijan was recognized with its sovereign, democratic, political and economic development strategy by the world community. Azerbaijan is an energy-rich country, and it was an ideal choice to bring its energy resources to the world market to revive the economy of Azerbaijan. On September 20, 1994, one of the most political, economic, and strategic necessary contracts – "An agreement on the joint development and production sharing of the Azeri, Chirag and Gunashli fields located in the

Azerbaijani sector of the Caspian Sea"<sup>2</sup> was signed under the leadership of ex-President Heydar Aliyev (Şahverdiyev 2013). For the first time since its independence, Azerbaijan was able to implement an international treaty aiming to revive its economy. The contract had historical, political and international importance for all the joined parties. The agreement was financially beneficial for Azerbaijan. This should have given Azerbaijan access to global oil markets and generate immense revenues for the state treasury. This agreement put Azerbaijan back on the oil map of the world and gave impetus to the revival of political stability and economic independence of the country (Nasirov 2010). Therefore, this agreement has been dubbed the "Contract of the Century" and became one of the vital projects in Azerbaijan's energy history. At the initial stage, the "Contract of the Century" was signed by 11 international oil companies (Amoco, BP, McDermott, UNOCAL, SOCAR, Lukoil, Statoil, Turkish Petroleum, Pennzoil, Ramco, Delta) representing seven countries (Azerbaijan, the USA, the UK, Russia, Turkey, Norway and Saudi Arabia) (Ciarreta and Nasirov 2010). Since 1999, Azerbaijan plays a key role in European foreign policy towards South Caucasus. Azerbaijan was in the constant interest of the EU due to its rich energy resources and geostrategic location. Because the EU was in sought of alternative energy sources to reduce its oil and gas dependence from Russia. In this regard, Azerbaijan was an ideal and reliable partner for the EU to bring Caspian Basin energy resources to the EU. Azerbaijan achieved its economic development through the "Contract of the Century". On the other hand, the European market had strategic importance to Azerbaijan. Firstly, the integration of Azerbaijan into the West promotes the further consolidation of democratic values. Secondly, strengthening Azerbaijan-EU relations boosts the economy and diplomacy of Azerbaijan. Thirdly, from its independence, the absence of internal conflicts in Azerbaijan, continuous promotion of peace, active involvement in international missions resulted in the stable political system. Last but not least, from the beginning of the century, Azerbaijan's economy has risen, and today, Azerbaijan has a solid, durable and stable economy. Azerbaijan connects West and East due to its geographical location and incorporates important potential energy lines. Therefore, strategic cooperation with Azerbaijan in the most pivotal energy projects in Europe is always a top priority.

The Republic of Azerbaijan is now recognized as a reliable partner in the world with its independent foreign policy. The multilateral cooperation with the EU has defined Azerbaijan as one of the salient dimensions of its foreign policy doctrine. As a result, on April 22, 1996, the Partnership and Cooperation Agreement was signed in Luxembourg between the European Union and the Republic of Azerbaijan on cooperation in trade, investment, economy, legislation, culture, immigration and illegal trade. The trade relations between the EU and Azerbaijan started with TACIS<sup>3</sup> programme, which was proposed to help member countries' economies. The INOGATE<sup>4</sup> project has been established within the Eastern Partnership, and this project has played an invaluable role in the development of energy trade since 1996. The main objectives of INOGATE were to emerge energy

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<sup>2</sup> A production sharing agreement on the joint development of marine reserves of Azeri, Chirag and Gunashli was signed at the Gulistan Palace in Baku September 20, 1994. The contract was called the "Contract of the Century" due to its historical, political and international importance and was reflected in 400 pages and four languages.

<sup>3</sup> TACIS is a foreign and technical assistance programme implemented by the European Commission to help members of the Commonwealth of Independent States (as well as Mongolia), in their transition to democratic market-oriented economies, launched by the EC in 1991.

<sup>4</sup> INOGATE is one of the longest-running energy technical assistance programs funded by the European Union. It started in 1996 and worked within the policy frameworks of the Baku Initiative and the Eastern Partnership.

markets with the principles of the EU internal energy market, to ensure the security of supply and to support partner countries' energy industry by attracting investments.

In the context of positive trends in the development of relations over the past period, the Eastern Partnership initiative since 2009 envisages raising the EU-Azerbaijan ties to a higher level and expanding existing partnerships in bilateral and multilateral formats. Azerbaijan has strategic importance for the EU in promoting the potential of the South Caucasus, the Caspian and Central Asian regions, the development of various regional energy, transport, and trade infrastructure projects. This dialogue, which accelerated the integration of Azerbaijan into the European Union, has intensified in the Nabucco project. Originally it was proposed to bring 31 billion cubic meters of gas resources per year to the EU; however, Nabucco failed due to both economic and political reasons. Firstly, due to Russian artificial obstacles the security of pipelines was uncertain. Secondly, full gas supply through this pipeline did not seem possible. Because Baku was not able to supply this pipeline with gas within the available capacities (Gasimli 2015). Therefore, during negotiations, Baku decided to withdraw from the project and as a result, Nabucco pipeline project was abandoned. At the same time, the signing of the "Memorandum of Understanding on the strategic partnership in the field of energy between the European Union and the Republic of Azerbaijan" on November 7, 2006, was one of the crucial steps. The principal purposes of this document are diversification and ensuring the security of energy supply of EU member states, as well as the development and modernization of Azerbaijan's energy infrastructure, and efficiently use of energy-saving and renewable energy sources. As a result of the implementation of the Memorandum, on January 13, 2011, President of Azerbaijan Ilham Aliyev and European Commission President Jose Manuel Barroso signed a Joint Declaration on the Southern Gas Corridor. Total proved gas reserves in Azerbaijan exceed 1,2 trillion cubic meters. Generally, gas reserves are estimated to be close to 3,5 trillion cubic meters, with unexplored fields in Caspian Sea shores (Rzayeva 2015).

In 2011 Azerbaijan and the EU signed a joint declaration on the Southern Gas Corridor.<sup>5</sup> SGC was more an optimal and promising version of Nabucco. At the initial stage, TAP and TANAP, which is an integral part of SGC, will deliver Azerbaijani gas to the South of Europe - Italy and Greece from the Shah Deniz field.

FIGURE 4: SGC PIPELINE MAP



Source: <https://www.tap-ag.com/the-pipeline/the-big-picture/southern-gas-corridor>.

<sup>5</sup> The Southern Gas Corridor (SGC) is a term used to describe planned infrastructure projects aimed at improving the security and diversity of the EU's energy supply by bringing natural gas from the Caspian region to Europe.

The length of the SGC is 3,500 kilometres and costs about the US \$ 40 billion and consists of three main pipelines: South Caucasus Pipeline (SCP), Trans Anatolian Pipeline (TANAP), Trans Adriatic Pipeline (TAP).

Unlike Nabucco, the Southern Gas Corridor is a more promising and strategic start to bring gas resources from Caspian Sea, Middle East, and Central Asia. The primary purpose of this project was to diversify energy routes by using completely new and alternative directions. Initially, it is planned to bring 10 billion cubic meters Azerbaijani gas through SCP and TANAP to Turkey in 2018 and through the TAP to Italy and Greece in 2020.

Even though the Nabucco project failed, with the choice of TAP and TANAP projects, the EU and Azerbaijan proved their pragmatic partnership to deliver natural resources without Russian intervention and increase revenues. Azerbaijan is interested in delivering energy to the West by supporting transit projects. Therefore, the EU does not face any difficulties in the region because of Azerbaijan's positive willing, which promises a secure flow of energy. Moreover, within the framework of the European Neighbourhood Policy and the Eastern Partnership, the EU is committed to protecting its concerns as well as Azerbaijan's national interests.

Currently, Azerbaijan meets 5% of Europe's energy needs through the Southern Gas Corridor by bringing Caspian gas to the EU energy market (Hasanov et al. 2020). The Southern Gas Corridor is a strategic tool in terms of diversification of energy routes and security of energy supply. The Southern Gas Corridor consists of three main pillars which bring Azerbaijani gas from the Shah Deniz field to the European market:

- South Caucasus pipeline – brings gas from Azerbaijan via Georgia to Turkey
- The Trans-Anatolian Pipeline (TANAP) - starts from Georgia, crosses Turkey and connects with Europe
- The Trans-Adriatic Pipeline (TAP) - starts from the Turkish border and connects with Italy via Greece and Albania.

It should be taken into account that its future prospects and economic efficiency determined the choice of gas export routes, and TAP is considered to be the most successful option. Thus, the length of this pipeline is 459 km less than NABUCCO-WEST. Firstly, this means reducing construction costs. Secondly, the shortage of the length of the pipeline is more profitable by reducing transport costs. Thirdly, the TAP consortium is represented by powerful states, such as Switzerland, Norway, and Germany, which is indicating that investment demand is based on severe economies. Fourthly, this project will allow the Azerbaijani gas to be exported to the Western European markets in the future via Italy. Lastly, the provision of direct access to the Italian market will increase the country's huge economic potential. TAP is a strategically important project for Azerbaijan as well. The investment program under the project will provide an investment flow to Azerbaijan, opening new jobs, improving the ecological situation in the Caspian Sea, accelerating the flow of modern technology and Innovation into Azerbaijan. On the other hand, it will increase investment opportunities of the SOCAR in the EU and Italy as a shareholder of Shah Deniz consortium.

Italy will not be the final target for delivering Azerbaijani gas to Europe, and it is planned to be exported gas resources from the Shah Deniz field to Austria, Switzerland, Germany and other countries. From this point of view, TANAP and TAP projects as well as Greece-Bulgaria, Bulgaria-Romania and Romania-

Hungary gas networks supported by the European Union, are significant in terms of establishing the infrastructure of transportation of energy, carrying energy resources, and the integration of the European energy transport system.

## **6 RUSSIAN INTERESTS AND INFLUENCE TOWARDS SOUTHERN GAS CORRIDOR**

The EU is Russia's most prominent energy partner, and the EU depends on Russia in terms of energy supply as well. Russia is the 11th largest economy in the world; however, almost entire of the economy relies on oil and gas revenues. This factor causes Russia to pursue a more rigid policy in the region. Russia is not interested in diversifying energy resources of the EU. Therefore, Russia is trying to prevent the realization of all projects that can be competing with its oil and gas pipelines. For instance, in 2006, the Russian – Ukraine gas dispute affected the EU because, since 2004/2005, almost 80% of external gas resources came through Ukrainian gas pipelines (Nichol et al. 2006). Russian – Ukrainian gas conflict was a struggle over prices and tariffs.

Russian – Ukrainian gas dispute was a wake-up call for the EU, and the European press elucidated it as a foreign policy tool against the pro-Western Ukrainian government. The issue was resolved after several days with the EU mediation, but it showed the need to establish a common energy policy within the EU. The EU entered a new crucial stage in energy policy during the European Council meeting at Hampton Court in 2005. However, after that period, the EU's biggest step was the Southern Gas Corridor. Within the Southern Gas Corridor, TAP and TANAP Pipeline projects are of particular importance, and since 2011, the EU has provided substantial political and economic support for these projects.

Since recent decades, energy is used as a political tool by some countries to be influential and to pursue geopolitical goals for strengthening their international positions. Recent events in Ukraine demonstrated that Russian energy plays a crucial role in European geopolitics and shaped potential risks and responses in the region. Eastern and Southern European countries, and Balkan states import their entire oil and gas supplies from Russia; thus, energy dependency leads to higher threats and risk during the crisis period. On the other hand, Russia provides about 40% of the EU's gas supplies (Eurostat 2020c) and half of the supplies coming from Russia into the EU through Ukraine. This is why CEE and transit countries play a "gate" role between Russia and the EU, and it is particularly important for Russia to influence the region.

These countries are heavily dependent on Russian natural gas. From this point of view, the price is the most significant element for uninterrupted energy flows and political, economic cooperation. Russia uses the pricing policy as it wishes because the energy needs of these countries and lack of alternative routes make Russia advantageous in pricing policy. Besides this, period by period Russia applies or removes price discounts for political aims. The European market is vital for Russia. Because the vast majority of the Russian economy depends on energy revenues (Wile 2014), and any problem that can arise in energy transportation and pricing can lead to serious consequences in the Russian economy. Therefore, the Russian pipeline policy is focused on the dominance of Russia in the energy market of the EU. Alternative energy routes also affect Russian energy prices, and diversity of energy resources reduces Russia's political influence in Europe.

On January 24, 2017, the Deputy CEO of Gazprom Alexander Medvedev has officially demonstrated its enthusiasm to use TAP as a route to deliver Russian gas to the EU in European Gas Conference in Vienna (Gurbanov 2017). On the contrary, this step could prevent future gas supplies and destroy the EU's diversification plans. According to Alexander Medvedev, Russia is able to send more than 100 billion cubic meters of gas annually to the EU; however, the scope of the pipeline project should be further increased because of insufficiency of Turkish Stream. For this purpose, Gazprom signed a Memorandum of Understanding with Edison (Italy) and DEPA (Greece) in 2016 to deliver Russian gas via the Black Sea to Greece and from Greece to Italy via ITGI/Poseidon pipeline, which was proposed as an extension of Turkish Stream (Gurbanov 2017). Russia can transmit gas to Europe through this pipeline without breaching the EU's Third Energy Package (TEP) and join the TAP project. However, TAP is open to Third Party Access, and when TAP's capacity is expanded up to 20 billion cubic meters per year, Russia can request additional space for Gazprom according to Third Party Access regulation in the second stage. But at the first stage, Azerbaijan has already secured 100% of the initial capacity of the TAP for 25 years. In this sense, Russia cannot use TAP as a route unless major market and geopolitical changes take place in this period.

On the other hand, SOCAR does not consider Gazprom as a rival in energy projects. Nevertheless, in the future, Russia's joining this project will create competition between the Russian and Azerbaijani gas in terms of price and market share. In his statements, Medvedev stated that TAP is not likely to fill up in the future, and the production of Azerbaijani gas is expected to decline significantly. With these negative statements and opinions against Southern Gas Corridor, Gazprom does not want to lose its monopoly in Europe's gas supply market. Russia does not want to see a rival in the European gas market and is not interested in the EU's energy diversification. At the initial stage, it is planned to export 10 billion cubic meters of gas through the Southern Gas Corridor and 20 billion cubic meters in the next phase. These numbers are much smaller than the volume of gas exported by Gazprom, and the Southern Gas Corridor will not have a significant impact on Russia's share of the EU's natural gas imports at the initial stage. The Southern Gas Corridor is one of the next and most important steps in diversifying the EU's energy supply. However, the possibility of delivering natural gas from other fields of Azerbaijan, Turkmenistan and from Iran and Northern Iraq, if the events will change positively, to Europe via the Southern Gas Corridor may lead to significant changes in Europe's energy supply at the next stage. In this case, the Southern Gas Corridor can seriously hinder Russia's dominance in the European gas market.

## 7 CONCLUSION

The findings of the energy work can be summarized in a few points: First, strong and effective European energy policy is essential due to global competition, the security of energy supplies and diversification of energy routes. Second, energy policy is at the core of national sovereignty, therefore establishing adequate energy security within national security is the critical priority for the EU. Third, all Member States support existing energy policies, but none of them stands for the integration of the common energy market. There are several reasons behind this unstable stand. Each Member State has its national interests and foreign policies. Also, consumption and import rates of European regions are different. Fourth, after the Nabucco project, the EU has taken more serious steps. The



Southern Gas Corridor is the paramount project in terms of alternative energy sources. Fifth, in the case study of EU-Azerbaijan energy relations, it seems evident that Azerbaijan is a reliable and strategic partner due to economic, geopolitical and security interest of the EU.

Since the restoration of state independence in 1991, the Republic of Azerbaijan has defined integration and expansion of cooperation with the EU as one of the strategic directions of foreign policy. The economic integration interests of Azerbaijan towards Europe are shaped by geopolitical and geo-economic position and socio-economic development of the country. The EU and its Member States recognized the independence of the Republic of Azerbaijan in 1991, and official diplomatic relations were established between the parties since 1992. An analysis of the development features of the Azerbaijani economy shows that the following directions should be preferred within major energy projects; to expand the utilization of modern management and deepen institutional reforms, technical assistance of the EU should be provided in the form of experts, equipment and software products to enhance the capacity of relevant government agencies. In addition, further improvement of the investment environment will make Azerbaijan more active in energy projects.

As a result, relations between the European Union and Azerbaijan are intensifying rapidly. The European Neighbourhood Policy, the Eastern Partnership Program and the Southern Gas Corridor are the main contributors for further integration of Azerbaijan into Europe. Thus, after many years the European Union has taken an important step on behalf of common energy policy. With the TAP and TANAP projects, several European regions will be supplied with energy in the future, and it will lead to the most important thing, which will ensure Europe's energy security by reducing dependence on one source.

On the other hand, Russia is trying to prevent the EU from supplying natural gas from new sources by creating barriers. These barriers vary depending on the course of events in the geopolitical sphere. From this point of view, at the initial stage, Russia is questioning the reputation of the Southern Gas Corridor with its negative comments. At the same time, the Trans-Caspian pipeline, which will form the basis of Azerbaijan and Turkmenistan's energy export infrastructure, will be contrary to the interests of Russia. Future steps of Russia can impede the realization of the project in any form with large-scale geopolitical manoeuvres.

To put it briefly, the EU prefers to cooperate with Azerbaijan due to several reasons. Firstly, Azerbaijan has an ideal geographical location as a producer and transit country by being the perfect point for the transportation of energy resources from the Caspian Basin. In this sense, the cooperation between Azerbaijan and the EU has further intensified with the European Neighbourhood Policy and followed by the Eastern Partnership Program. Azerbaijan plays a significant role between the West and East; this feature makes it strategically important for Western countries in terms of security as well. On the other hand, Azerbaijan is also interested in political and economic cooperation with the EU to reach the global market and to be recognized as a regional power.

The EU has different strategies to reduce its dependency from one supplier and tries to make its direction by implementing several projects. The Southern Gas Corridor is one of the promising projects that in future will become the main route for the European energy market. The main elements of the Southern Gas Corridor are TAP and TANAP projects. The EU will supply gas through these

pipelines from the Caspian Sea. However, the main aim of this project is to provide European regions with energy. The Southern Gas Corridor is an important project for the EU after the Nabucco pipeline project. Because:

- SGC is not long-distance route as Nabucco
- SGC is affordable in terms of price
- SGC will lead to competitive prices and free energy market, especially for the Southern Europe, and later on CEE and Balkan regions
- One of the main aims of this project is to deliver gas to Balkan countries in the future. Thus, Russia's political and economic influence will be somewhat diminished
- SGC will also strengthen the EU-Azerbaijan relations.

The energy is a complex issue, but the following thoughts should be emphasized; there is still a need for a fully integrated EU energy policy. A number of options have been set up to ensure common and fully integrated energy policy. However, these options should be in line with the political, economic, and security interests of the Member States. Also, the liberalization of the energy economy leads to the competitive environment, the free energy market, and a stable economic relationship between producer and consumer.

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## EVROPSKA ENERGETSKA POLITIKA IN ENERGETSKO SODELOVANJE MED EVROPSKO UNIJO IN AZERBAJDŽANOM

*Zaradi pomanjkanja zadostnih energetskega virov v Evropski uniji (EU) je ta regija odvisna od uvoza. Krizi v letih 2006 in 2009 sta bili za EU alarmanten signal. Zaradi teh kriz je EU naredila resne korake na področju energetike. Glavni cilji raziskave so odgovoriti na naslednji raziskovalni vprašanji: Prvič, zakaj je težko vzpostaviti skupno energetska politiko v EU? Drugič, kako EU vodi politiko konkurenčnega energetskega trga in zagotavljanja zanesljivosti oskrbe? Glavni cilj EU je diverzificirati energetske poti in zagotoviti bolj konkurenčne cene na energetske trgu. Azerbajdžan je strateški in zanesljiv partner EU zaradi svojega geografskega položaja in energetskega virov, saj so viri energije v Kaspijskem morju za EU pomembni, Azerbajdžan pa je idealna destinacija za transport teh virov. Tako je EU po dolgih letih naredila pomemben korak v imenu energetske varnosti z izvajanjem projekta SGC v okviru sodelovanja z Azerbajdžanom.*

**Ključne besede:** energetska varnost; sodelovanje med EU in Azerbajdžanom; EU energetska politika; SGC; TAP in TANAP.

# THE EU CONDITIONALITY AND EUROPEANIZATION OF POLICY CO-ORDINATION MECHANISMS IN THE WESTERN BALKAN COUNTRIES

Ivo ROLLIS<sup>1</sup>

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*Almost two decades after start of the Stabilization and Association Process, the Western Balkan candidate and potential candidate countries are still making slow progress in meeting the obligations of EU membership. The main argument of the article is that stronger systems of policy co-ordination functionality in the governments of the Western Balkan countries can foster good governance and the EU accession progress. The article identifies implications of EU conditionality on the national level executives, progress of Europeanization in the Western Balkan countries and the role of policy co-ordination framework and provides comparative success experience from the EU Central and Eastern European member states. The author concludes that the Western Balkans faces combination of higher adjustment costs with lower confidence in EU conditionality and much more far-reaching and uncertain prospects for EU membership comparing to the EU CEE countries, whereas stronger systems of policy co-ordination functionality in the government should facilitate national reform process and the EU accession.*

**Key words:** Europeanization; conditionality; national reforms; policy co-ordination; the Western Balkans.

## 1 INTRODUCTION

The experience of the Western Balkans, with the exception of Croatia, shows that a realistic prospect of EU membership in the face of political challenges has not been a sufficient reason for successful Europeanisation. The reform process in

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these countries has been slower and much more difficult than expected, and the impact of EU *conditionality* has been direct in only a few areas. In 1998, when the European Union (EU) Central and Eastern European (CEE) candidate countries were preparing to start EU accession negotiations, OECD SIGMA raised a number of development issues (OECD SIGMA 1998), which 20 years later remain relevant also to the Western Balkan countries. In particular, the main focus of the EU accession negotiations in the candidate countries should not be primarily on the country's desire to join the EU, but on its ability to meet the essential obligations of EU membership and implement needed reforms. Once the EU accession process is complete, the candidate countries become EU members. This is the beginning of a new phase of Europeanization and an important moment in the further development of the country. The EU membership can even be considered much more difficult and demanding compared to the EU accession process. The new EU Member State needs to develop a well-thought-out national EU policy on how to develop the necessary capacity to function successfully in its new status and, at the same time, to address the temporary challenges of a full transition to it. Absolute prioritization of EU membership risks underestimating the challenges ahead, thus weakening rather than strengthening the country's long-term operational capacity. Therefore, the experience gained in coordinating implementation of national EU policy during the EU accession should also be used as a preparatory attempt in the context of future EU membership, moving from a bilateral negotiating model with the EU to a multilateral model with the EU Member States.

The paper is focusing on national *executives* as they are in the most privileged position *vis-à-vis* the legislator, both in terms of absence of direct role in EU decision-making and available financial and human resources to follow all EU-related issues at an equivalent professional level as the government, and the judiciary, despite national courts at all levels have acquired new functions and become subject to the EU legal system. According to the theory of institutionalism (Cowles, Caporaso and Risse 2001), the work of public administration or its structures and their interaction are essential for the successful Europeanization. The executive is negotiating the reform of the treaty at the Intergovernmental Conference, setting out the EU's medium-term tasks during the EU Council meeting, which makes it possible to explain the greater involvement of the Heads of State and Government. In turn, the EU accession negotiations and the tasks set by the EU require the fulfilment of the conditions of EU membership and the implementation of the national EU policy directly from the executive branch. The EU also demands for managerial competence and central co-ordination trend towards a 'core executive' that has to co-ordinate the work programmes for other line ministries to fulfil the annual 'national programme for the adoption of the *acquis*' (Grabbe 2001).

The main argument of the paper is that stronger systems of policy co-ordination functionality in the governments of the EU candidate and potential countries in the Western Balkan will facilitate fostering good governance and the EU accession progress. First, the article identifies implications of EU *conditionality* on the national level executives in the Western Balkan countries and provides comparative experience from the EU CEE member states. Further on, the article settles progress of Europeanization and main impact on the process of national reforms in the Western Balkan countries. Finally, the role of policy co-ordination framework, quality of co-ordination instruments, institutional and functional capacity of various policy co-ordination models in Europeanization of the executives is argued.



## 2 THE IMPACT OF EU CONDITIONALITY ON THE NATIONAL EXECUTIVES

There are several main explanations for the candidate countries' adaptation to EU norms, namely the "*logic of consequences*" based on "*rational institutionalism*" and the "*logic of suitability*" based on "*constructive institutionalism*" (March and Olsen 2008). First, rational institutionalism involves cost-benefit calculations by both the EU institutions and the national elite. It addresses specific issues, such as the clarity of EU requirements, which is particularly problematic in the area of the rule of law, and the credibility of EU conditions in general. The process participants choose behaviours that increase their benefits and appropriateness in particular circumstances. The "*logic of consequences*" shows that the EU can successfully manipulate the candidate country's cost-benefit calculations through external incentives. The dominant mechanism for the Europeanisation of candidate countries here is *conditionality*, which is based on a reward strategy for the completed work (Schimmelfennig and Sedelmeier 2004).

Credibility of conditions has played an important role in the process of Europeanisation, as it has successfully put pressure on EU candidate countries, at least in the case of the EU CEE member states. At the same time, the success of the *conditionality* generally depended on the direct and indirect costs of taking over the commitments in the countries concerned. Alternative tools to promote the adoption of EU norms, such as socializing and persuading national elites, have been less effective than *conditionality* of political accession to the EU (Sedelmeier 2006), although described as a unique EU strategy. At the same time, some researchers (Schimmelfennig and Sedelmeier 2005) have been sceptical about the future prospects of Europeanization after the countries have joined the EU. EU rules were often adopted very formally in the EU accession process, and when *conditionality* eased after accession, their actual implementation could be suspended or even changed. Alternatively, even if Europeanisation was not slowed down after accession, social and other development processes could have contributed to its sustainability. Following the 2004 and 2007 enlargements, the EU also demonstrated "*enlargement fatigue*" and launched a debate on the impossibility of immediate further EU enlargement, thus undermining the credibility of its EU accession promise to the Western Balkan candidate countries (Schimmelfennig and Sedelmeier 2018). On the other hand, the new candidate countries also had to reckon with higher adjustment costs compared to the CEE countries due to their complex historical heritage, such as recent history of ethnic conflict, weaker statehood, democratic traditions, and so on.

Following the 2004 enlargement of the EU, either *conditionality* has become inapplicable or the conditions for its effective application have significantly deteriorated (Schimmelfennig and Sedelmeier 2018). Although *conditionality* is still the dominant mechanism of Europeanisation in the Western Balkans, its effectiveness has become less credible compared to the 2004 EU enlargement. For the candidate countries of the Western Balkans, the prospect of joining the EU has become a less credible strategy compared to the EU CEE member states' accession due to global economic crisis in 2008, revealing the deep interconnectedness of European banking and financial structure, economic contraction and social hardship, the EC's president's Juncker's enlargement moratorium in 2014 (Juncker 2014) and related EU's priority shift that fundamentally challenged also enlargement ambitions in the Western Balkan region and the EU member states' bilateral vetoes. As result, the EC has produced

several enlargement strategy upgrades: in 2011, 2013, 2015 and 2020. Each of these strategies incorporated aspects of the lessons learnt through previous enlargements and ongoing negotiations, but the approach developed in 2015 represented a fundamentally changed method of assessing the candidates' progress. One of main reason for this was the diminished credibility of the EU's conditionality linked to declining public support for enlargement in existing member states (Dimitrova 2016). Domestic societal acceptance decreased in the EU member states on the EU enlargement from 53% in August 2004 to 35% support in May 2012 and the highest levels of scepticism registered by Eurobarometer (2019) in Austria, the Netherlands, Finland, France and Germany. The EU's ever stronger *conditionality* created also a situation in which benefits for the Western Balkan national elites were likely to only be realized in the intangible future, if at all, given citizen opposition to further enlargement. The national elites, therefore, did not have the incentive to deal with fundamental economic and political problems that would result in reforms and undermine elite potential benefits (Dimitrova 2016). Finally, the EC communication reset the Commission's concrete proposals for strengthening the whole EU accession process again in February 2020 (European Commission 2020a).

There appeared different views among EU Member States on whether enlargement should continue and which countries should be admitted. Enlargement has become a matter of politicization at national level, and referendums on accession treaties with the new Member States can be held in existing EU Member States. These factors undermine the credibility of the EU's enlargement pledge (Woźniakowski, Schimmelfennig and Matlak 2018). Meanwhile, the expenses of national adjustment related to EU accession have increased. The Western Balkan countries have a worse initial situation, further and more expensive fulfilment of the conditions for EU accession. The EU has also become less attractive and able to generously support capacity building in candidate countries. This particularly relates to political and reform costs of Europeanization and national adjustment to the EU. The EU CEE member states were given historical "window of opportunity" – externally stimulated accession process with priority commitment on the EU side at high intensity within short period of time and nation-wide political consensus by national elite. Contrary to the EU CEE member states, the Western Balkan countries faced unsettled state building issues, fragmented different generation of elites for whom the EU may not be the only choice in terms of alliances or models (Dimitrova 2016), territorial disputes, neighbourhood relations alongside a weak regional co-operation, ethnic issues and less strong external pressure – EU enlargement 'fatigue' hampered, global economic crisis in 2008, the EU's priority shift to handle the financial crisis, recession, the "digestion" problems after the 2004, 2007 and 2013 enlargement rounds, the surge of Eurosceptics in the European Parliament, the crisis in Ukraine and the "new Cold War" with Russia, the refugee crisis and Brexit (Minić et al. 2016), leading also to lowering support of citizens for EU accession in EU countries. There has also been a larger role of international actors such as Russia or Turkey, neither of which played a part in the EU enlargement to CEE (Rupnik 2010). Despite Thessaloniki Agenda (2003), this has resulted into a lengthier and stagnating national reform process in the Western Balkan countries, introduction of a more demanding EU accession progress monitoring mechanism, interim benchmarks as a response to the lessons from the 2004-2007 enlargement related to setbacks on a substantive approach to fundamental reforms. The EU accession process in the Western Balkan countries has "simultaneously been endangered due to low levels of economic growth and increasing poverty and institutional ineffectiveness in the implementation of

European standards and values, accompanied by dwindling support for EU accession and accession-related reforms” (Minić et al. 2016).

Admittedly, *conditionality* is also losing its effectiveness as candidate countries move from accession to EU membership, shifting the focus of Europeanisation from institutional and regulatory to political and economic issues. The dominant Europeanisation mechanism of the 2004 EU enlargement countries has changed from *conditionality* to *hierarchical policy* implementation. It is based on legally binding EU directives and regulations, as well as the legal enforcement mechanisms of the EU Commission and the European Court of Justice. However, some policy areas are outside the scope of *hierarchical implementation*. Firstly, issues remain subordinate to the conditions for accession to the EU, such as the prospects for the accession of Member States to the euro and the Schengen areas. Secondly, there are areas of the so-called '*enlargement acquis*', such as democracy, the rule of law, minority rights and administrative capacity, which were part of the *conditionality* of EU accession but not or only to a limited extent covered by the EU *acquis* and cannot be legally implemented in EU Member States. In all these areas, where *conditionality* could still be applied, their effectiveness has also deteriorated (Woźniakowski, Schimmelfennig and Matlak 2018). This is mainly because the 2004 enlargement Member States have already received the most important EU reward in the form of membership, whereas the threat of excluding them from membership or the benefits it brings is not a plausible scenario. At that point, the EU neither had experienced “EU-exit” situation, nor the new EU member countries were undermining Article 7 of the Treaty on EU which are “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.” EU *conditionality* lost its effectiveness once candidate countries shifted from accession to the EU membership model and the focus of Europeanisation shifted from institutional and regulatory to political and economic issues. In policy areas, such as democracy, the rule of law, minority rights and administrative capacity, which were part of the EU accession *conditionality* but with weak EU competences, could have been offset by other international organizations (Ibid.). Nevertheless, enforcement efficiency deteriorated in these areas. Corruption, organized crime and rule of law were sensitive areas for some CEE member states, who consequently resisted too much emphasis on them. The very lack of *acquis* in the field of rule of law still makes enforcing basic democratic principles both difficult and sensitive, as current tensions between the EU and Hungary and Poland illustrate (Dimitrova 2016). As to date, according to Freedom House democracy index, Poland has regressed from consolidated democracy to semi-consolidated democracy but Hungary to transitional/hybrid regime (Freedom House 2020). Both countries have further escalated the deadlock in 2020 by holding back the EU's €1.81 trillion seven-year budget and the recovery fund if the rule of law conditionality is tied to the EU budget (Brzozowski and Radosavljevic 2020). Dimitrova and Toshkov (2009) analysing the administrative capacity of EU CEE member states, concluded on existence of a strong link between coordination mechanisms and the success of change. At the same time, however, it should be noted that even effective coordination mechanisms are not a sufficient precondition for taking over new EU commitments, especially in cases where there are significant political specificities and significant domestic political opposition.

Nevertheless, the candidate countries are trying to emulate the EU by recognizing EU rules and policies as an appropriate development solution. The weak credibility of *conditionality* in the current Europeanisation of the Western

Balkans has a corresponding effect on the reform process, progress and results of these countries (Schimmelfennig and Sedelmeier 2018). Weakly credible EU accession promises to the Western Balkans and the threat of sanctions against those who obstruct democracy explain the lack of progress in Europeanisation and the failure to prevent de-Europeanisation. Less attention is also paid to Europeanisation of *horizontal policy coordination mechanism* that is essential for national reforms' process.

Unlike the EU CEE Member States, the EU is paying more attention to the need for the Western Balkan countries to set benchmarks for the content of reforms to assess progress or failure in the implementation of democratic principles and the rule of law. The countries are required to demonstrate credible progress in a functioning judiciary, an effective fight against corruption, the protection of fundamental rights and the fulfilment of benchmarks in other key areas. In turn, the "*new approach*" announced by the EU in 2011 on setting priorities for justice reform in the candidate countries was perceived also as an effort to draw lessons of preceding enlargements and to escape initiating a verification mechanism after the countries join the EU. The "*new approach*" is based on the principle that issues relating to the judiciary and fundamental rights, as well as justice, freedom and security, "*should be addressed at the beginning of the accession process and the relevant negotiating chapters opened accordingly, based on action plans requiring a convincing accounting of outcomes*" (European Commission 2011, 5). In addition, the "*new approach*" provides for a benchmarking system to assess a country's readiness to open and close a chapter of EU accession negotiations and to introduce safeguards, in particular a general equilibrium clause, to suspend negotiations on other negotiations chapters if progress in sections 23 and 24 is starting to fall behind.

The EU has also stated that it will not see the countries of the Western Balkans as one potential "*round of enlargement*", but will assess each candidate on its own merits. This approach strengthened the credibility of EU *conditionality*, as less suitable candidates do not have the opportunity to hope to "*hide*" behind the strongest candidate countries (Schimmelfennig and Sedelmeier 2018). As a result, the *conditionality* enacted by the EU on the countries of the Western Balkans has become even more demanding and (partly) decisive. The EU has extended the "*enlargement acquis*" beyond the formal framework of the EU *acquis* and included requirements for fundamental state-building, rule of law, economic and administrative reforms. In some of these areas, the description of the conditions set has been improved, as well as the monitoring, feedback and sanction mechanisms of the candidate countries. On the one hand, stricter *conditionality* should improve the chances of successful Europeanisation, on the other hand, more demanding conditions could stimulate the implementation of the requirements for achieving the status of a member state of the EU, thus also strengthening the effectiveness of *conditionality*.

The costs of political and administrative adjustment for current EU candidates are higher than it was for EU CEE Member States. The countries of the Western Balkans have launched Europeanisation from a lower point of development and compliance with the EU level. Some countries, such as Bosnia and Herzegovina and Kosovo, continued to struggle with statehood and state transformation issues. In terms of both democracy and governance capacity, the gap between the EU CEE and the EU has been significantly smaller than the gap between the countries in the Western Balkans and the EU (Börzel and Schimmelfennig 2017). Accordingly, the costs of adjustment at national level for the countries of the

Western Balkans created a much less favourable framework for Europeanisation than in the case of the EU CEE countries. First, the governments of the Western Balkans must relinquish the power and opportunities for greater benefits and adopt more restrictions in order to meet the EU's conditions, especially in the area of the rule of law, where the EU has strengthened its *conditionality*. Secondly, the countries of the Western Balkans have to meet the 'Copenhagen plus' conditions, which address past ethnic conflicts, sensitive issues of identity and thus involve potentially high political costs for governments. The implementation of this type of cost also requires significant and guaranteed compensation (Schimmelfennig, Engert and Knoble 2006; Schimmelfennig 2008). Third, the accession process is dominated by political conditions, which generally require higher adjustment costs. By comparison, while breaches of the political criteria were observed in only a few EU CEE Member States and largely ended before the start of EU accession negotiations, they affect practically all the Western Balkan countries and continue to affect the EU accession negotiations and the enlargement process as a whole. Accordingly, governments that perceive a high degree of uncertainty about joining the EU are unlikely to incur significant political and administrative costs in order to be fully compliant with EU membership and to facilitate Europeanisation. Finally, the *conditionality* of EU accession has not been able to stimulate sufficient and sustainable progress in the political development of the candidate countries in the Western Balkans (Schimmelfennig and Sedelmeier 2018). The fact that Bosnia and Herzegovina and Kosovo remain at the bottom of the Western Balkan candidate countries in terms of democracy and governance confirms the strength of statehood as a key precondition for Europeanisation (Börzel and Sprungk 2007) and the failure of EU *conditionality* in nation-building (Bieber 2011).

### 3 IMPLICATIONS OF EUROPEANIZATION ON THE NATIONAL REFORMS PROGRESS

The EU's relations with the Western Balkans have developed within the framework of the Stabilisation and Association process (SAP) started in 1999. They are based on bilateral Stabilisation and Association Agreements (SAA). At the Thessaloniki Summit in 2003, the European Council stated: "*The future of the Balkans lies in the European Union*" (Council of the European Union 2003). This political commitment by the Heads of State and Government of the EU member states was seen as a strong impetus and promise that the region's future in the EU will be stable and prosperous. The EU membership is a long-term goal that can only be achieved through the hard, responsible and sustained work of all branches of state power. The government is fully responsible for determining the strategic path and the speed of the chosen path of progress. However, with the exception of Croatia, which joined the EU in 2013, seventeen years after the Thessaloniki Summit, the Western Balkan countries still remain far from full EU membership.

Although the SAA between the EU and the Western Balkans has entered into force in all countries in the region, only Montenegro and Serbia, and now Northern Macedonia and Albania, have finally reached the stage of accession negotiations with the EU. Bosnia and Herzegovina prepared its application for EU membership, but it then took almost two more years to answer the European Commission's (EC) EU accession questions. The EU and Kosovo held their first meeting of the SAA Council in November 2016, but Europeanisation has made minimal progress due to a long period of internal political stalemate.

The EU's interest in the EU perspective of the Western Balkans was confirmed at the European Council summit in March 2017, followed by new positive signals following the elections in Northern Macedonia, Serbia, Kosovo and Albania, as well as by European Commissioner J. Hahn's and EU High Representative for Foreign Affairs and Security Policy F. Mogherini statements, which became the basis for greater optimism about the region's future in Europe, including Kosovo. Nevertheless, EU accession talks involving the two leaders in the region, Montenegro and Serbia, have stalled, with the last chapters opening in December 2018. At October 2019 summit, EU leaders could not agree to start accession talks with Albania and Northern Macedonia. In Northern Macedonia, this concerned renaming of the country, which was largely done in such a way as to enable EU accession negotiations to begin. At the same time, national governments had a clear roadmap for action, such as the effective fight against crime and corruption in Albania and reduction of illegal immigration, which would pave the way for the opening of EU accession negotiations. In March 2020, the green light for EU accession negotiations with Northern Macedonia and Albania was finally given.

Stalling of EU accession talks with the Western Balkans due to number of reasons should turn inwards also to EU. First, the EU needed time after 2004 to properly internalize results of expansion which had substantial impact to EU institutions and resources. Furthermore, after the 2007 accessions of Bulgaria and Romania, debate expanded that neither country has done much to change the fundamental problems of governance and state capacity. Second, within the 'old' Member States, there were increasing calls to bound further enlargement and 'protect' the national interest by right to call future referendums on accession to the EU and politicizing enlargement issue in the domestic arena. Third, bilateral demands of separate EU member states such as Greece's dispute over name "Macedonia" and Bulgaria's vetoed decision to open EU accession negotiations with North Macedonia. Finally, complex internal responsibilities between the EU institutions: although the Commission plays a central bureaucratic role in the accession negotiations, this should be balanced with the Council and the European Parliament (O'Brennan 2014).

The speed with which the new elite wins parliamentary elections has been instrumental in the Europeanisation process. It determined the type and duration of political reforms, as well as the differences in the choice of institutions in each country, similar to the duration and scope of economic reforms. By comparison, the EU's most successful CEE candidate state was initially Slovenia, which was able to make the most progress in reforming its economy and whose political culture was very close to the norms and values of the EU's Western European member states. In the case of other EU CEE countries, reforms were complex, but there was an awareness of the need to achieve EU Member States' status as equal partners.

Contrary to initial expectations that the region's rapprochement with the EU will gradually introduce a liberal democratic form of government based on the rule of law, the Western Balkans have experienced a serious deleveraging of democracy and the rule of law over the last decade. According to Freedom House (2020), years of increasing state capture, abuse of power, and strongman tactics employed, for instance, by Aleksandar Vučić in Serbia and Milo Djukanović in Montenegro have rolled those countries over the edge—for the first time since 2003, they are no longer categorized as democracies in Nations in Transit. Democratic consensus average index in the Western Balkans countries has



reduced from 4.2 to 3.65 during 2004 – 2020 period (Kmezić and Bieber 2017; Freedom House 2020) and resulted into change from semi-consolidated democracy to transitional/hybrid regime. The process of EU approximation has become unrelated to progress in democratization. Despite the particular emphasis on democracy and human rights in the Western Balkans the methodology and tools of the EU have not brought the anticipated progress (Kmezić and Bieber 2017; European Commission 2020b). This change came at a time when the EU's accession process was delayed in disagreements between EU member states with Germany consistently supporting the expansion of the EU, while France traditionally been more sceptical (Demsey 2019) and geostrategic shift in the region with increased presence of authoritarian powers like Russia, Turkey and China.

A number of the Western Balkan countries are led by more authoritarian leaders with a moderate attitude toward political change. Although the liberal democratic governments of the Western Balkans seek to identify with the EU, they often contrast with the formal and informal elite power that continues to control the country in an effort to preserve its private economic and political interests. In addition, despite rapid growth at the beginning of the 21st century, effective economic reforms have often been hampered by the failure of regional economies to cope with competitive pressure from the EU's single market. In most of the Western Balkans, the economy is still underdeveloped, dependent on foreign aid, loans and remittances, and characterized by a high level of government intervention. Given current average growth rates, these countries will need at least several decades to reach the average EU GDP per capita (Sanfey and Milatovic 2018).

The countries of the Western Balkans are witnessing an expanded EU approach to the Europeanisation process. It focuses on state-building, security, the legislative process in areas other than the SAP, such as strengthening the rule of law, counterterrorism, organized crime, cyber security, migration, support for socio-economic development, energy, communications, transport, digitization and trade. For the countries of the Western Balkans, the EU's primary pressure on the executive is paramount, mainly through the establishment of comprehensive and centralized functioning policy coordination mechanisms. On the other hand, the level of external functional pressure is lower than in the case of 2004 EU enlargement countries. This opens up greater influence of national structures and party policies, which can affect the role and quality of national EU policy. The EU candidate countries lack political commitment, leading to a shift in government reform priorities and a low-quality reform process, thus jeopardizing the SAA implementation process. On the other hand, the EU lacks competence and resources to manage the complex process of state-building and transformation in the Western Balkans.

In addition to modest progress in meeting the economic criteria, there are significant other differences between the countries of the Western Balkans. The EC's assessment of compliance with the economic criteria puts Serbia, Northern Macedonia and Montenegro at the forefront of economic preparedness vis-à-vis other countries in the region. Albania lags slightly behind, with Bosnia and Herzegovina and Kosovo being the least prepared. Northern Macedonia is the only country that has reached a good level of preparedness for the development of a market economy. Serbia, Montenegro and Albania remain moderately prepared. None of candidate countries is adequately prepared to cope with EU competitive pressures. While Serbia, Montenegro and Northern Macedonia are

only moderately prepared, Albania has reached a certain level of preparedness. Potential candidate countries - Bosnia and Herzegovina and Kosovo - are at an early stage of compliance with both criteria. According to EC assessments, none of the candidate countries has achieved a high level of legal harmonization (European Commission 2016a, 2016b, 2016c, 2016d, 2016e, 2016f, 2016g).

**TABLE 1: LEVEL OF PREPAREDNESS OF THE WESTERN BALKAN COUNTRIES TO TAKE OVER THE OBLIGATIONS OF AN EU MEMBER STATE**

Criteria	Montenegro	Serbia	North Macedonia	Albania	Bosnia and Herzegovina	Kosovo
Capacity to transpose EU <i>acquis</i>	Moderate preparedness in most areas	Moderate preparedness in most areas	Moderate preparedness in most areas	Conditional readiness in most areas	Conditional preparedness in many areas	Initial preparation phase
Public administration reform	Moderate preparedness	Moderate preparedness	Moderate preparedness	Conditional readiness	Initial preparation phase	Conditional readiness

The regional leaders - Serbia, Montenegro and Northern Macedonia - have reached only a moderate level of readiness to commit to the EU *acquis* in most chapters of the EU accession negotiations. Albania is moderately prepared in an even smaller number of areas, while Bosnia and Kosovo are lagging behind and are at an early stage of preparation. These indicators are clearly linked to the capacity of administrative systems to transpose and implement EU law, as a similar situation is with public administration reform. None of the countries has a well-functioning public administration. Serbia, Montenegro and Northern Macedonia are moderately prepared for public administration reform, while the rest of region's countries are lagging behind. The existing mismatch between the transposition and implementation of EU rules, which has to face high implementation costs, weak institutions and human resources, should also be considered as a significant factor.

One of the most important features of the Europeanisation of the Western Balkans is its level of dynamics. At first sight, this may not appear to affect the institutional framework for EU accession, but it is essential to look more closely. The length of the EU accession process allows the participating countries to experiment and change according to national political preferences. On the other hand, the length of the process does not change its overall sense, which means structural reforms that require full political commitment, consensus and strong administrative capacity in the public administration (Lazarević et al. 2014). Thus, a stable and strong institutional environment is a prerequisite for the EU accession process. Almost two decades after the start of the SAP, the candidate countries of the Western Balkans are still making slow progress in meeting the obligations of EU membership.

In the enlargement strategy published in 2018, the EC has pointed to the current lack of progress in the EU candidate countries (European Commission 2018a, 2018b). Contrary to the EU progress reports, the EC explicitly states that *"the countries of the Western Balkans clearly demonstrate the elements of state kidnapping, including the link with organized crime and corruption at all levels of government and administration"* (Ibid.). The EC also notes that the countries of the Western Balkans cannot be considered a functioning market economy, just as they do not have the capacity to cope with EU competitive pressures. The reasons for the almost twenty years of EU enlargement and the failure of the region's Europeanisation to bring about more than superficial reforms lie in both the local elites of the Western Balkans and the EU political *"elites"* responsible for EU enlargement - the failure of EU Member States to take responsibility for promotion of the reform process and its progress.

All EU candidate countries have the same enlargement policy, similar institutional arrangements and are potentially motivated by the same impetus. The countries have experienced a deep-seated system of state capture over the last two decades. This has hampered the consolidation of a liberal democratic society based on the rule of law. The EU *acquis* is anticipated as a "moving goal" and the rule of law held as one main precondition for the EU accession process, which has led to the EU's significant adjustment of its approach to EU accession negotiations in the Western Balkans. This has a direct impact on the institutional environment, as the reform focuses both on key executive bodies and the judiciary and law enforcement agencies. In addition, under the EU's enlargement strategy, the implementation of the EU *acquis* is given as much, if not more, attention than the transposition of the EU *acquis*. This approach further focuses on the reforms at the national level, which require the EU accession countries mainly results in terms of implementation. On the other hand, countries that have not yet started accession negotiations with the EU will have to identify the most important stages of the negotiations and the goals to be achieved in the initial stage. It will also be important to decide on a common national policy on transition periods. The experience and results of the EU CEE Member States vary widely. It is absolutely necessary to follow a single approach in the EU accession negotiations and not to conduct negotiations on a chapter-by-chapter basis. A good agreement in one sector may not be the best outcome for the country as a whole if it is well below the optimal level in another sector. In addition, there is a need not only for the structure of the EU accession negotiations, but also for a parallel system that monitors the fulfilment of all commitments made during the EU accession negotiations and later in the EU membership phase. Such a monitoring system must continue to exist after the conclusion of the EU accession negotiations and before the actual accession to the EU, as the EC also regularly and in detail monitors all the commitments made by the "new Member State" in the EU accession negotiations (Lazarević et al. 2014).

#### 4 THE ROLE OF THE POLICY COORDINATION FRAMEWORK

As the EU accession process imposes a complex reform process on the candidate country's executive, it also requires close coordination at the political and administrative level between line ministries and other public administrations (Ibid.). The development of new national policies in line with EU policies, the transposition of EU legislation into national legal systems, the maintenance of political dialogue with the EU, the planning and implementation of EU accession assistance, and the preparation and conduct of EU accession negotiations are separate processes that public administration should handle (Ibid.). They need mutual coordination between different government institutions, as well as consultations with various external players such as the EU and its Member States. In addition, a number of horizontal reforms are needed to stimulate the government's ability to guide the EU accession process and prepare the country for its obligations. Therefore, development of new institutions, structures and procedures in the EU accession process takes place under conditions of high intensity, as the process of (re)construction of public administration institutions at all levels must take place in parallel and co-ordinated. Institutional arrangements for EU accession are governed by the principle of institutional autonomy: each country can choose its own institutional settings depending on its political and administrative culture and political preferences. However, an effective policy coordination mechanism is needed and, as the practice of the

Western Balkans shows, the models used by these countries are based on the experience of EU CEE Member States (Ibid.).

For a candidate country with insufficient knowledge on EU level and weak form of policy coordination, it would be advisable relying on a single central-level institutional capacity that sectoral institutions perceive as authoritative body on EU issues. At the same time, officials from line ministries dealing with different policy areas, which are also covered by the chapters of the EU accession negotiations, should improve their knowledge and skills. From their qualitative participation in the EU negotiating teams, the outcome of the negotiations in specific chapters can to a large extent be determined. In other words, a clear understanding of EU law and the EU integration process increases possibilities to handle EU negotiations successfully. The development of a comprehensive and realistic National Program for Legal Approximation (NPLA) in accordance with the future requirements of the EU integration process facilitates public administration institutions to prepare well for the implementation of the tasks set by the EU accession negotiation process. The analytical and organizational skills acquired in preparing the NPLAs, as well as in monitoring their implementation, benefit to the smoother operation of the policy coordination mechanism (Engelman and Mrak 2013).

By developing policymaking and coordination mechanisms in the early EU accession process, candidate countries are preparing to act as proactive members of the EU Council from the very first days of membership, thus making the most of their rights and benefits as EU members. Therefore, in order candidate countries could be well prepared for both the challenges and the prospects of EU membership, the EU accession period, and in particular the accession negotiations, should be used as a preparatory time for establishment of effective policymaking and coordination mechanisms that could be operational also in the EU membership framework.

The effectiveness of coordination mechanisms is one of the most important challenges that countries also face in the process of public administration reform. The OECD SIGMA assessments and EU progress reports reaffirm the capacity of the Western Balkan governments to develop and coordinate policies in a sound and evidence-based manner. Namely, the strength of central institutions to develop strategic capabilities depends to a large extent on whether the resources at their disposal give them time to develop strategies and common development policies. The weakness of policy coordination mechanisms leads to many problematic issues and inter-ministerial conflicts, which require the intervention of central government bodies. This, in turn, limits the time resources that governments can devote to policy and strategy development. In such an environment, even with the most effective policy coordination mechanism, the end results will not be effective, as the policies proposed by the line ministries and coordinated by their departments will be of poor quality, thus not achieving the expected results. Evidence-based policies are important, especially in the EU accession negotiations. This is crucial for achieving, for example, transition periods and exceptions for the implementation of specific policies. In comparison, in the context of the 2004 EU enlargement, it was also observed that in some countries central policy coordination structures emerged as "*islands of excellence*" and positive coordination practices and experiences were not used to fully disseminate and implement them in the overall national policy coordination system. This constraint meant that even if the country was successful in the EU accession negotiations, thanks to the intensive efforts of the institutions

responsible for EU accession and coordination, the reorganization of these bodies after accession risked depriving sectoral policy coordination bodies of their ability to continue EU membership effectively (Ibid.).

Coordinating the content of government policy proposals is the most complex function, not only in the public administrations of many EU countries, but also in the Western Balkans. Therefore, in order to ensure qualitative coordination of national and national EU policy, it is necessary to have a specialized institution in the centre of government or in another executive institution, which is able to provide it qualitatively, regardless of the institutional status.

**TABLE 2: INSTITUTIONAL ALLOCATION OF CENTRE OF GOVERNMENT FUNCTIONS IN THE GOVERNMENT**

Country	Centre of Government lead institution	Other institutions performing Centre of Government functions
Albania	Office of Prime Minister	Ministry of Finance (MoF), Ministry of Justice (MoJ), <b>Ministry of European Integration and Foreign Affairs</b>
Bosnia and Herzegovina	General Secretariat of Council of Ministers	Legislative Office, Directorate of Economic Planning, MoF, <b>Directorate of European Integration</b>
Kosovo	Office of Prime Minister	MoF, <b>Ministry of European Integration</b>
North Macedonia	General Secretariat of Government	Legislative Secretariat, MoF, <b>European Affairs Secretariat</b> , Ministry of Information Society and Administration
Montenegro	General Secretariat of Government	Legislative Secretariat, MoF, <b>European Integration Bureau</b>
Serbia	General Secretariat of Government	Public Policy Secretariat, Legislative Secretariat, MoF, <b>Serbian Office for European Integration</b>

Source: OECD SIGMA (2015).

Although all governments in the Western Balkan countries have set up institutions to provide a policy coordination function, they all face difficulties in analysing and managing policy content. This is due to a number of reasons: (1) an administrative culture in which officials do not address policy issues; (2) legal interpretations in which the responsibility of sectoral ministries for sectoral policies is considered to be decisive if the central government institutions have the right to intervene only on the basis of a specific legal reason and (3) limited staff capacity and unclear division of tasks between departments (Vági and Kasemets 2017, 14). The comparative analysis also shows that all government centres in the region have established coordination functions (although not in all cases operational) such as: (1) coordination and approval of the preparation of government strategic priorities and work program; (2) coordination of policy content proposals for government decision-making; (3) coordination of policy availability and public sector resource planning; (4) coordination of government communication activities to ensure a unified government message and (5) maintenance of government-parliamentary relations and national EU policy coordination.

The problem of effective coordination experienced in the EU CEE Member States in the initial phase of EU accession was rooted in national political and administrative elites. As a result of the influence of the political level, senior public administration officials were in a particularly precarious position. This includes a lack of management skills and competences in governing bodies, a lack of civil service ethics and values, a politicization of the civil service, as well as underdeveloped coordination structures and fragmented adoption of international experience. It was based on a lack of experienced, skilled and knowledgeable staff who can provide high-quality policy advice and support to

the government. Evidence of this is the fact that a Secretary of State or a senior official is often replaced by a change of government and head of government. In the Western Balkans, on the other hand, the successful adoption of EU rules at the "macro level" is severely limited by the low administrative capacity of the implementing authorities. There is no evidence of a significant impact of Europeanisation on the public administration arrangements and practices. In contrast, entrenched patterns of informal institutional behaviour, combined with deficient investment in infrastructure and human resources, intensify significant differences between the transposition and implementation of the EU *acquis*. At the "micro level", the EU *acquis* implementation in many cases faces informal practices based on enduring conventional political and administrative cultural patterns that are resilient to the process of adapting the "new" rules created by the EU. This leads to incomplete EU implementation in cases where the responsible authorities choose to apply the rules selectively.

For the coordination of national EU policy, Serbia, Bosnia and Herzegovina and Northern Macedonia have set up a separate independent or Centre of Government affiliated secretariat under the Head of Executive or Deputy Executive. Albania and Kosovo have established a separate ministry in the executive. Contrary to the experience of the EU CEE Member States, the Western Balkans are also driven by specialized ministries working towards the introduction of new, well-functioning policy coordination and governance practices.

**TABLE 3: MODELS OF CENTRAL NATIONAL EU POLICY COORDINATION STRUCTURES**

State/structure	Institutional model		
	Separate ministry	MoF	Central executive body
<b>Albania</b>	-	European and Foreign Affairs ministry	-
<b>Bosnia and Hercegovina</b>	-	-	Directorate of European integration
<b>Kosovo</b>	European Affairs ministry	-	-
<b>North Macedonia</b>	-	-	Secretariat of European Affairs
<b>Montenegro</b>	-	-	European Integration Bureau
<b>Serbia</b>	-	-	European Integration Bureau

Some countries in the region have opted for one policy coordination model, while others have changed over time. For example, Montenegro, when activating the EU accession process, shifted the policy coordination centre from the head of government to the MFA, then established a separate Ministry of European Affairs, but in February 2018, returned the policy coordination centre under the Head of Government. Albania included the Ministry of European Affairs in the MFA, but in Kosovo transformed the Office for European Integration under the Head of the Kosovo Government into a Ministry of European Affairs. The reasons for the institutional changes have been explained either by the formation of a new coalition of government, the optimization of the institutions, their functions and expenditures, or the influence of certain personnel at the political and leading administrative levels.



TABLE 4: ADVANTAGES AND RISKS OF POLICY COORDINATION MODELS

Model	Advantages	Risks
<b>Central coordinating institution (Centre of Government)</b>	<ul style="list-style-type: none"> <li>▪ Strong central position</li> <li>▪ "Island of Excellence"</li> <li>▪ Specialization in performing policy coordination functions</li> <li>▪ Combined national EU policy coordination functions</li> <li>▪ Opportunity to influence line ministries to improve policy-making capacity</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dependence on the support of the leading political force</li> <li>▪ Risk of duplication of policy coordination functions with the General Secretariat of the Government (GSC)</li> <li>▪ Competition with the MFA</li> <li>▪ Limited policy-making function</li> </ul>
<b>European Affairs Ministry</b>	<ul style="list-style-type: none"> <li>▪ Political leader (minister) working exclusively on EU issues</li> <li>▪ Institutional and functional autonomy</li> <li>▪ Building an "Island of Excellence"</li> </ul>	<ul style="list-style-type: none"> <li>▪ EU affairs are not a classic portfolio of a line ministry</li> <li>▪ Equal institutional status with other line ministries</li> <li>▪ Dependence on the strength of the leading political force</li> </ul>
<b>MFA</b>	<ul style="list-style-type: none"> <li>▪ Political leader (minister) with guaranteed political authority</li> <li>▪ Ability to speak "in one voice" with external players</li> <li>▪ Rationalization of resources</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preference for "external" aspects of the Europeanisation process</li> <li>▪ Challenge to take on the role of national reform coordinator</li> <li>▪ Dependence on the central government level and the position of the head of government</li> </ul>

Source: Lazarević et al. (2014)

The key requirements for an executive policy coordination function in the Western Balkans, regardless of the model chosen, are strong political ownership of EU accession and the related national reform process, effective national reform programming and monitoring mechanisms, and the government's ability to speak with one voice. An effective reform planning and monitoring mechanism involves both the political and the administrative level. Sound and professional administrative structures remain a key precondition for an effective EU accession process. While it is crucial that the administrative bodies responsible for accession to the EU receive political support, it is essential that they are free from undue political interference, as the Europeanisation process requires a high level of professionalism and specialization (Ibid.). At the same time, it is important for the institutions to develop a permanent model of cooperation, which is necessary not only for the specific needs of accession to the EU, but also for the day-to-day effective functioning of the executive power. This is particularly the case at a time when the EU's functional pressures have eased and policy coordination structures and their functions need to be reorganized.

## 5 QUALITY OF CO-ORDINATION INSTRUMENTS

Policy coordination in the Western Balkans in the coming years will be guided mainly by two closely related processes: the coordination mechanism for the EU accession negotiation process and the continued implementation of the NPLA, which is an important document in the EU accession period. Policy coordination will not be successful without full coherence between the two processes, as the public administrations of the candidate countries have a number of very important interlinked tasks to play. These include the *screening* process of national legislation and the detailed preparation of a common EU accession negotiating position, and the continuation of the policy impact assessment process; regular review, updating and implementation of the NPLA; planning of EU and other financial assistance; preparation, planning and implementation of EU accession funds; organization of institution building exchange programs; regular work in the Stabilization and Association Committee (SAC) (Mayhew 2005, 20).

The advantage of the NPLA is that it is a national document that is fully controlled by the government. The NPLA also plays a very important role in the EU accession process. Apart from the EU accession negotiation process, also from the EC's point of view, the NPLA is the most important tool that determines the approach to policy implementation activities and planning of financial support. The NPLA is also a direct link to the EU accession negotiations, as it helps to target aid to sectors with significant development challenges, such as agriculture and the environment. Ideally, the government's accession to the EU negotiating position should be fully reflected in the measures described in the NPLA. For example, if a government decides to meet all veterinary and phytosanitary standards before joining the EU, it would be expected that the NPLA would find a complete list of measures needed to achieve this goal, with details of their implementation and financial costs.

While it is clear that there must be full coherence between the EU's accession negotiating positions and the outcome of the negotiations, coherence with national budget planning is equally important. As a general rule, the costs of the position papers of the various chapters of the EU accession negotiations need to be financially assessed to get an idea of the total costs of implementing the EU *acquis*. A realistic assessment of the financial resources required is essential to ensure that the activities envisaged in the NPLA do not become a 'wish list' without real coverage. The NPLA is also a key instrument for implementing EU financial assistance, including pre-accession funds such as IPA.

The NPLA must also be integrated with the positions adopted in the context of the SAC. For example, decisions taken by the SAC must be reflected in the measures approved by the NPLA. The work of the SAC should not be underestimated during the EU accession negotiations either, as a number of important issues between the Western Balkans and the EU will continue to arise in the coming years, directly related to the interpretation of the SAA implementation.

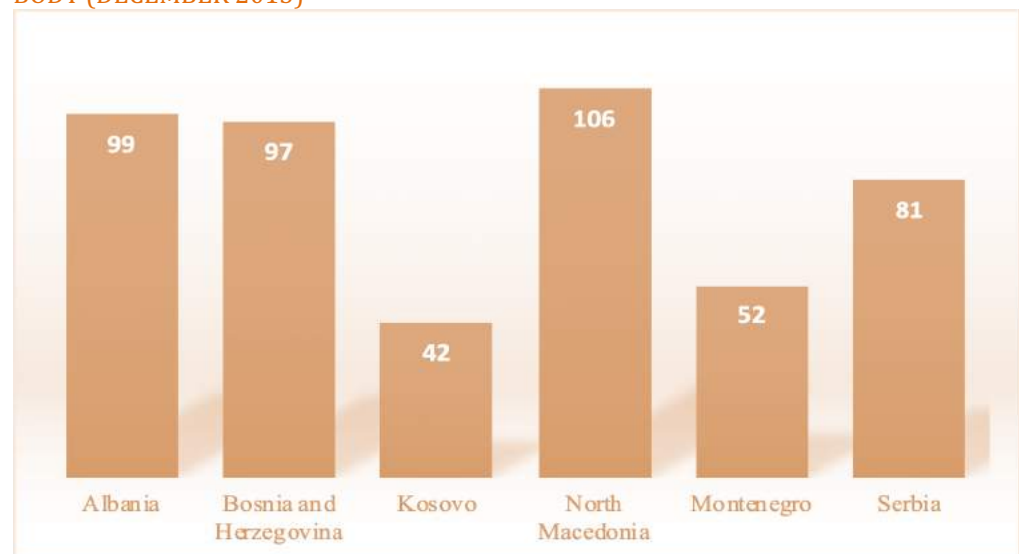
## 6 INSTITUTIONAL AND FUNCTIONAL CAPACITY OF POLICY COORDINATION

The policy coordination functionality primarily concerns the development, implementation planning, management and monitoring of the national EU policy strategy. Policy coordination has a number of key tasks to ensure the country's effective membership of the EU: (1) to develop policies that reduce loopholes in law and are inherently coherent, cost-effective and do not create unnecessary additional regulation; (2) develop policies that are in line with overall government priorities; (3) develop policies that are financially sound and sustainable; (4) to ensure the coherent implementation of decisions; and (5) to support the principles of integrity in government work by promoting transparency in decision-making, interaction with the legislature and consultation with the non-governmental sector. The possibilities for candidate countries to influence the transition periods for the transposition of the EU *acquis* in the EU accession negotiations are limited (Mayhew 2007). In order to develop a strategy for accession negotiations, it is necessary to identify priority needs. It is therefore important that the candidate countries also give serious consideration to the economic and social impact of the EU *acquis* before the start of EU accession negotiations. For example, transposing the environmental and

social policy *acquis* into the EU *acquis* can be extremely costly for both the private and public sectors. At the same time, ensuring the effectiveness of policy coordination requires an integrated approach to policy planning, a precise division of competencies between institutions in planning and monitoring, compliance with planned deadlines in institutions, alignment of budgetary resources with priorities and implementation of OECD Sigma public administration principles developed in 2014 and updated in 2017 (OECD Sigma 2014; OECD Sigma 2017).

All the Western Balkan countries have introduced a policy coordination function, but the number of staff involved in the central coordinating body varies between 42 and 106 (Vági and Kasemets 2017, 16).

PICTURE 1: NUMBER OF STAFF INVOLVED IN THE CENTRAL POLICY COORDINATION BODY (DECEMBER 2015)



In general, the policy coordination function is well resourced compared to other public administration functions. There is no correlation between the country's Europeanisation progress and staff numbers in the central policy coordination bodies. For instance, countries already negotiating EU accession do not operate higher number of staff for policy coordination than countries that have not yet started the negotiation process. There is also no correlation between the increase in the number of policy coordination staff in cases where the state has established a separate Ministry of European affairs in comparison with another type of policy coordination organization. At the same time, foreign technical assistance target institutions have limited capacity to absorb foreign assistance over time and ensure the sustainability of its results. The target institutions do not have sufficient staff qualifications or resources to coordinate the implementation of the SAA, which is also associated with high staff turnover.

Separate structural units have been established in the line ministries, which serve as contact points in EU-related matters. They have added value to the coordination mechanism, serve as a coordinating working group on EU issues in the line ministry, liaise with the central coordinating body and sometimes play a special role in planning and monitoring the implementation of EU financial support. It is important for these departments (European integration units or departments) to ensure the right balance in cooperation with other line departments of the ministry. They should not take over the "regular" role of other bodies responsible for certain EU policies, as they are responsible for a specific

area of national policy in which the relevant EU policy should be included. In addition, there is an unavoidable risk that EU policy coordination functions overlap with those of national strategic planning and policy coordination units in line ministries, unless line ministries optimize the implementation of these policy coordination functions in a single body as in Slovenia. Often, accession to the EU is an incentive to set up various new administrative units and institutions, which also poses new risks to the effectiveness of policy coordination mechanisms if financial and administrative resources are restricted. The experience of the EU CEE member states in this situation suggests a rational approach to building new institutions and optimizing existing functions, which can be a more effective solution than adopting mechanical institutional success models of other countries.

## 7 CONCLUSION

The main difference between the EU CEE member states and the enlargement of the Western Balkans is the blend of lower confidence in EU *conditionality*, higher adjustment costs and more complex domestic political situation. EU's *conditionality* most essentially appears to be linked with its credibility. The Western Balkans countries began to Europeanize from a much lower point of compliance with EU standards, facing the additional preconditions of joining the EU, but in return with much more far-reaching and uncertain prospects for EU membership. This difference has decelerated Europeanisation throughout the region, particularly in countries that have experienced weak statehood and have been embroiled in bilateral disagreements. Nevertheless, experience of some countries in the Western Balkans also shows that compliance is possible even on highly politicized issues, as long as the *conditionality* offered by the EU is credible.

Europeanization is not possible without the prospect of real EU membership (Maniokas 2011, 1). Therefore, the further impact of Europeanisation on the countries of the Western Balkans and the process of their reform also depend to a large extent on the prospect of their accession to the EU and capacity to implement necessary national reforms and institutional change. As in the EU CEE Member States, the EU's influence on adaptation capacity-building is mainly in the form of formal institutional change, which is, however, insufficient to change informal institutions and behavioural practices. Experience of the EU CEE countries tells that stronger systems of policy co-ordination functionality in the government facilitate fostering good governance and the EU accession. Therefore, a number of recommendations based on Europeanization experience of CEE countries can serve for improvement of the policy coordination mechanisms to boost national reforms and institutional change in the Western Balkan countries:

### *1) Stimulating the overall process of Europeanization*

(1) Continue to implement the necessary reforms, regardless of progress in the EU integration process and at a time when the EU is not prioritizing EU enlargement policy, focusing on Europeanization related national reforms; (2) economic development must be one of the main development priorities of the countries in the region, as the EU's enlargement policy is a framework for national and economic modernization and aims to prepare the country for competition in the EU common market; (3) public administration reform is a cornerstone of other national reforms and is one of the basic conditions for the EU accession process and can be more successful and lasting if implemented on the basis of defined operational principles governing the process; (4) to propose

and/or support a larger number of joint bilateral or multilateral projects with the Western Balkans countries aimed at drawing on the specific experience of the analysed CEE countries, which can provide direct experience of the EU accession process; (5) intensification of regional cooperation and the development of a common national position, which would also strengthen the position of the Western Balkan countries in their relations with the EU; (6) contribute to the EU enlargement through precise arrangements as a mutually beneficial process for the EU and the Western Balkans, such as resolution of the EU's energy security challenges and the fight against organized crime; (7) work systematically to persuade the EU Member States to embark on the next stages of their EU integration process, based on a decision on the tangible results achieved and image of the countries; (8) the EU Member States need to forge closer links with the state-building process in the Western Balkans, including the transfer of knowledge and experience, at both national and regional level, developing infrastructure, promoting further democratization, good governance, the rule of law, the fight against organized crime, corruption, the judiciary power and socio-economic development; (9) the "denationalisation" of EU enlargement policy, focusing on a new communication strategy to address the issue of "accession fatigue" in the Western Balkans and emphasizing the EU as an opportunity to stimulate effective and democratic nation-building in the region and (10) the way in which the EU progress reports are communicated needs to be adjusted, using it as a powerful tool for civil society and media to assess achievements and failures of each government, and to stimulate competition between candidate countries to implement the necessary reforms.

*2) Improving policy coordination and reporting on the implementation of the SAA (including EU accession) and bilateral cooperation with the EU*

In order to improve and Europeanize the policy coordination mechanism in the Western Balkans, it would be advisable to: (1) improve the effectiveness of government in coordinating, monitoring, reporting and evaluating SAA implementation and the EU accession process, ensuring its sustainability and linking to joint government and parliamentary work plans; (2) further strengthening the role of coordinating bodies for the European affairs to ensure that all relevant aspects of EU accession are properly scrutinized and reported to the government in all submitted documents; (3) improve the coverage of inter-institutional working groups to ensure that they are properly involved in EU decision-making; (4) strengthen the parliamentary oversight mechanism for the EU accession by improving Parliament's accountability on the SAA related issues, in particular the EU's integration, economic and trade priorities; (5) introduce effective and practical standards for consultation with civil society in sector policy areas and (6) establish a more structured dialogue with the various EC services and provide systematic feedback.

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## POGOJNOST EU IN EVROPEIZACIJA MEHANIZMOV ZA USKLAJEVANJE POLITIK V DRŽAVAH ZAHODNEGA BALKANA

*Skoraj dve desetletji po začetku stabilizacijskega in pridružitvenega procesa države zahodnega Balkana in potencialne države kandidatke še vedno zelo počasi napredujejo pri izpolnjevanju obveznosti članstva v EU. Avtor prispevka izhaja iz predpostavke, da lahko močnejši sistemi funkcionalnega usklajevanja politik v vladah držav Zahodnega Balkana spodbudijo dobro upravljanje in napredek pri pristopu k EU. Članek opredeljuje posledice pogojenosti z EU na najpomembnejših funkcijah na nacionalni ravni, napredek evropeizacije v državah Zahodnega Balkana in vlogo okvira za usklajevanje politik ter ponuja primerjavo uspešne izkušnje držav članic EU iz srednje in vzhodne Evrope. Avtor sklene, da se Zahodni Balkan sooča z višjimi prilagoditvenimi stroški, z nižjim zaupanjem v pogojenost z EU ter veliko bolj daljnosežnimi in negotovimi možnostmi za članstvo v EU v primerjavi z članicami EU iz srednje in vzhodne Evrope, medtem ko bi morali močnejši sistemi za usklajevanje politik v vladah državah Zahodnega Balkana olajšati postopek nacionalnih reform in vstop v EU.*

**Ključne besede:** evropeizacija; pogojnost; nacionalne reforme; usklajevanje politik; Zahodni Balkan.

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