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**THE VOTE ON ACTIVATION OF ARTICLE 7 AGAINST HUNGARY IN THE
EUROPEAN PARLIAMENT: VOTING TRENDS AND EXPLANATORY
FACTORS**

Bachelor's thesis

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Abstract

Hungary is the first country that Article 7 has been used against, since it went into effect in 2003. This thesis has the goal to contribute to the understanding of MEPs' voting behaviour, when it comes to politically sensitive and divisive votes such as the one on Article 7. The analysis aims to highlight the main factors behind the voting dynamics on Article 7 in the European Parliament. Voting trends are looked at in regards of activating Article 7 assess what role MEPs party affiliation and national background has played. The conceptional chapter of the thesis will give overview of the developments in Hungary, the function of Article 7 and lastly the Sargentini report will be discussed. Furthermore, MEPs voting behaviours and what can affect party group cohesion will be discussed. Second part of the thesis is the empirical part, where the analysis will be conducted. The thesis concludes that on sensitive topics such as this one, MEPs tend to vote in line with their national party affiliation which in some cases is the same to political group affiliation.

Keywords: Article 7; Hungary; voting trends; MEPs voting behaviour; party affiliation; national background.

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Introduction

Since 2003, when Article 7 went into force, until 2018, it had never been activated, although there were situations that prompted talks about starting the process of activating Article 7. The first time talks around activation started were even before Article 7 went into function. In 2000, Austria formed a government with a right-wing populist party. The member states in turn imposed diplomatic sanctions on Austria, as activation of Article 7 was deemed unnecessary as there was no serious and persistent breach on European values, it was just a threat to them (Konstantinos, 2013:144-145). Following that, there were two more mentions of activation of Article 7 against a member state. In 2009, when the French government barred thousands of Roma in 2009 and then again in 2012 with the political instability in Romania due to the actions of president Băsescu and prime minister Ponta (Fletcher, 2017). More recently Article 7 has been activated against Poland.

In 2015, the situation in Hungary reached the point where the European Parliament commissioned an investigatory report to understand whether democracy and rule of law are under threat in Hungary and if a vote on Article 7.1 is needed. The report by Sargentini found that Victor Orbans government poses a systemic threat against European Unions' fundamental principles and values. Sargentini concluded with a proposal to trigger Article 7.1 against Hungary based on the findings of the report.

The research interest behind this thesis stems from the backdrop in the process of Europeanization that Hungary has experienced starting from the late 2000 and that has been later framed by the Hungarian prime minister Viktor Orbán as the process of building an "illiberal democracy". In particular, the thesis - taking the issue as a trigger - has the goal to contribute to the understanding of MEPs' voting behaviour, when it comes to politically sensitive and divisive votes such as the one on Article 7. The analysis aims to highlight the main factors behind the voting dynamics on Article 7 in the European Parliament. The author examines voting trends in regards of activating Article 7 to assess what role was played respectively by party affiliation and national

background when it comes to the way Members of the Parliament (MEP) voted. To further highlight the main rationale behind MEPs' voting choices, the author analyses legislators voting declaration ahead of the final ballot on Article 7 and reconstruct the narrative behind such factors.

The thesis commences with a conceptual chapter that gives an overview of the developments in Hungary. First subchapter of the theoretical chapter explains the function of Article 7 is and how it is supposed to protect European Union values. Then the author discusses the Sargentini report, which outlines the main areas wherein Hungary went against European Union values leading to the vote to pursue Article 7 against Hungary.

The last theoretical part gives an overview on MEP voting behaviours and what can affect party group cohesion.

Third part of this thesis is the empirical part, where the case selection of Article 7 activation is explained. The methodology of the thesis' quali-quantitative analysis is explained next. The data for the analysis was collected from VoteWatch and pre-voting declarations of the MEPs is collected from European Parliament website. Voting is analysed by national background and by political groups. Pre-voting declarations are coded by their messages and analysed further. The analysis is divided into three parts based on the steps of analysis described above.

1. Theoretical framework and historical background

1.1 Overview of the developments in Hungary: Europeanization and de-Europeanization?

The process of joining the European Union is often called Europeanization, although the term is much older and has been used to describe the link to the rise of trade and individualism in Europe during the Renaissance (Radaelli, 2004). Europeanization can be described as a process that involves construction, diffusion and institutionalisation “of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms (Radaelli, 2004)”. In the process of Europeanization, domestic structures of Hungary and other future member states transform domestic

structures to fit with the European Union frameworks, norms and rules (Harris, 2007), in which domestic policy becomes increasingly subject to European policy making (Bözel & Risse, 2000). The lower the compatibility between European and domestic processes, policies and institutions, the higher the adaptational pressure (Bözel & Risse, 2000). The pressure to Europeanization can backfire, in which case the country becomes less European than it was before the process even begun and creates opposition towards changes on the domestic level (Radaelli, 2000). Europeanization can pose a question about the purpose and meaning of national identity in the context of joining the Union and integration within Europe (Harris, 2007). The question of national identity is most present in post-Soviet states, where people can feel as they are going from one power to another, thus losing sovereignty over their state, values and identity.

In 1989, the former Soviet Union satellite country Hungary started engaging in a process of democratization and institutional restructuring after being under the Communist rule for almost half a century. The new Hungarian government embraced Western liberal democracy and started making changes in policies. The process of Europeanization started.

After meeting the accession criteria, Hungary joined the European Union in 2004.

However, following the accession, the country experienced internal political turbulence and this negatively affected the factual completion of the processes of Europeanization, which starting from the late 2000 faced increasing challenges. Insufficient economic structural reforms, large domestic and external debt brought Hungary to the brink of bankruptcy in 2006, with national debt of 66.34 percent of its GDP (CEIC Data, 2019) among with a high borrowing percent (9.3% of its GDP) (Korkut, 2010:21). The increasing effects of global financial crisis and political infighting did not help the country (Korkut, 2010:21). Furthermore, a series of corruption scandals arose that involved coalition party politicians, which helped Hungarians to become aware of the problems in Hungarian economy. In mid-September in 2006, a tape leaked of then Prime Minister Gyurcsány telling members of his party that he had intentionally lied to the public about the economy during 2006 election campaign (Stegmaier & Lewis-Beck, 2011). The tape reviled how Gyurcsány's first government failed to push economic reforms and how he has deceived voters with false information about the state of Hungary's economy (Korkut,

2010:22). The leaked tape created unrest and an anti-reform atmosphere (Korkut, 2010:22), that was taken advantage of the opposition.

Viktor Orban called for a referendum to remove the elected government from the office. The referendum passed on March 9, 2008 and in March of 2009 Gyurcsány resigned (Korkut, 2010:22). The crisis greatly affected voters support for the political left and made Hungarians even more sceptical about economic reform.

This crisis led to Viktor Orban, leader of the Hungarian Civic Alliance (FIDESZ), being re-elected as prime minister of Hungary in 2010 and securing a supermajority of seats in the parliament of Hungary. Gyurcsány party suffered major losses in the election, gaining only 15 percent of the seats, compared to winning 48 percent of seats in the Parliament in 2006 election (Stegmaier & Lewis-Beck, 2011). The supermajority gave FIDESZ, led by Orban, an opportunity to change the constitution and to pass laws that reflected FIDESZes worldview. Since 2010, growing pressure towards civic groups and non-governmental organisations (NGO) has been exerted by the government, while according to a number of observers the government is increasingly in control over the media. At the same time, following the explosion of the refugee crisis and the development of a fence border along Hungary's southern border, Budapest has adopted a more confrontational stance towards Brussels (The Economist, 2018). A new constitution, Fundamental Law, was adopted in 2011, which severely affected the legal system in Hungary by partly altering the system of checks and balances (Kovacs & Scheppele, 2018:191-192) The direction of Hungary's democracy or illiberal democracy has made the European Union increasingly concerned with the first report about Hungary's situation published in 2013. The report by Green MEP Rui Tavares was an attention call to Prime Minister Orban's systematic misuse of his power (Tavares, 2013). The Tavares report (2013) among other violations and threats talked about media pluralism, rule of law, independence of the judiciary, minority rights and freedom of religions which continued to be a problem and were highlighted in the Sargentini report in 2018.

The report made recommendations to the Hungarian government, member states, European Parliament and the Commission to take action in order to prevent "a clear risk of a serious breach of the values referred to in Article 2 TEU" (Tavares, 2013). Tavares (2013) called for "a dialogue based on openness, inclusiveness, solidarity and mutual respect between the European institutions and the Hungarian authorities" which would

have been “necessary in the framework of the abovementioned community of democratic values” (Tavares, 2013).

In the light of these concerns the European Parliament has initiated a vote to activate Article 7.1 against Hungary.

1.1.1 The rationale of Article 7

Article 7 is a measure to ensure that all European Union (EU) countries respect the common values of the European Union, including the rule of law.

Article 7 was introduced firstly introduced as Article F.1 in the Treaty of Amsterdam and was supposed to act as a preventive measure so the EU could determine a serious and persistent breach of EU values by a member state (Larion, 2018:540). Furthermore, the Treaty of Amsterdam made updates and clarifications to the Maastricht Treaty of European Union in the preparation of the wave of accession of 2004, which welcomed former Soviet countries to the Union. With the Treaty of Nice in 2001, the Article was amended (Larion, 2018:540) and the article became Article 7 in the Treaty on European Union. Treaty of Nice and Article 7 went into force in 2003 (Larion, 2018:540).

Article 7 was designed to deter current and future member states from advancing policies that could threaten democracy and democratic institutions, moreover Article 7 aims to protect Article 2 in the Treaty on European Union (TEU). Article 2 states: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (EUR-Lex, n.d).”

Article 7 has two parts - Article 7.1 has a preventive mechanism, which can be activated in case of “clear risk of a serious breach”, which is determined by the Council; Article 7.2 is activated when Article 7.1 does not have a desired effect and has a sanctioning mechanism (EUR-Lex, 2015).

Article 7 can be triggered if there is a clear risk of a European Union country preaching the Unions values, which include "human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" (Martin, 2018).

Article 7.1 can be proposed to be activated by the European Commission, the European Parliament or by one third of the member states in the Council (EU affairs, 2018). Then the proposal is voted on by the European Parliament. The proposal of activation Article 7.1 moves forward if the absolute majority (50%+1) of all MEP's votes to give consent on the activation. Lastly, member states representatives in the Council make the final decision by a majority of at least four out of five member states (EU affairs, 2018). The EU country concerned does not take part in the votes in the Council or the European Council.

1.1.2 Sargentini report

The Sargentini report is produced by MEP Judith Sargentini. The report was commissioned by the European Parliament to investigate the worsening situation in Hungary and to clearly see how the Hungarian government is posing a threat against European values and fundamental principles that the European Union is based on. The report is based on international and regional court decisions, statements from local and international NGOs, and many interviews conducted in the field (Köves, 2018). The report was published on 4 July 2018, and accumulated attention from international media, despite that the Hungarian Government continued to violate EU fundamental values and human rights.

The report was created so the European Parliament could clearly see the reasons for the vote on activation of Article 7 against Hungary. Sargentini points out twelve areas in which the government of Hungary has gone against the values of the EU. The report (Sargentini, 2018) focuses on:

- 1) the constitutional and electoral systems functionality;
- 2) the independence of the judiciary, other institutions and the rights of judges;

Problems with the independence of the judiciary first began in 2011, when extensive changes were carried out in the Hungarian legal framework (Sargentini, 2018). These changes gave the newly created National Judicial Office (NJO) extensive power, the office is responsible for the administration of the courts system and its presidents chooses all the new judges (Brand, 2012). This reform was highly criticized by the Venice Commission; however, Hungary did not take extensive action to correct this imbalance

of power and the Commission has identified more shortcomings in the Hungarian judiciary system (Sargentini, 2018).

3) corruption and conflicts of interest;

In a 2014 EU Anti-corruption Report by the Commission, it was concluded that corruption is widespread (89%) in Hungary (Sargentini, 2018) and thus a big problem for the country itself and for the EU. Hungary's GDP consists of 4,4% of EU funding (Sargentini), which is partly used for public investment. It has been reported multiple times that public procurement are very weak and public competition is low, with 36% tenders with only one bid in 2016 (Sargentini, 2018). Contracts are often awarded to people around Orban's family.

4) protection of data and privacy;

5) freedom of speech;

6) academical freedom;

Academic freedom is under threat mostly in foreign universities, such as Central European University, where more stringent rules apply, with strict deadlines. Hungary has introduced new legislations that threaten academic freedom and the freedom to conduct businesses

“the Charter of Fundamental Rights of the European Union (the “Charter”) and the Union's legal obligations under international trade law” (Sargentini, 2018).

7) religious freedom;

8) freedom of affiliation;

9) the right to equal treatment;

10) minority rights, including Roma and Jews, “and protection against hateful statements against such minorities”;

A report published in 2014, expressed great concern about the rise of racism and intolerance in Hungary, especially against gypsies, with most notably “paramilitary marches and patrolling in Roma-populated villages” (Sargentini, 2018). Moreover, it has been reported that Roma people suffer from systemic discrimination and inequality in all fields of life. Lastly, cases of anti-LGBT, xenophobia have been reported and the government has done little to nothing to fight against them.

It is important to mention that Hungary has taken great steps to fight against anti-Semitism with improving dialog with the Jewish community and raising life annuity by

50% in 2012. In 2015-2016, Hungary was awarded the chairmanship of the International Holocaust Remembrance Alliance.

11) basic rights of migrants, asylum seekers and refugees;

Official concerns about the treatment of migrants and refugees, especially minors, has been voiced since 2014 (Sargentini, 2018). In 2017, 69,1 percent of applications for international protection filed in Hungary were rejected (Sargentini, 2018). It has been indicated that asylum procedures conducted in transit zones lack proper safeguards to protect asylum seekers against revision to countries where they run the risk of being subjected to treatment contrary to Articles 2 and 3 of the ECHR (Sargentini, 2018).

12) economic and social rights.

Areas that closely go against the values of the European Union that are stated in Article 2 TEU and points that have gathered more attention among MEPs are explained further.

These violations in these areas were – according to the report - continuous and draw out a trend in which direction the government of Hungary is moving. Sargentini and the other initiators of the report believe that the points that have been brought out are enough reason to activate Article 7.1 against Hungary.

The Sargentini report does not bring out all the violating actions of the Hungarian government, but it summarises the deficient action on behalf of the Hungarian government and the reports of them.

1.2. Understanding voting patterns among Members of Parliament

First, to understand voting patterns among the Members of the Parliament, we must know what parties are in the Parliament and what are their values. More specifically, what are their ideological stance along the left-right and anti-/pro-Europe continuum.

There are 8 parties in the European Parliament. Table 1 presents those parties along with the number of MEPs in the party and the largest national delegations in each group. Knowing, which national delegation has the most MEPs in a certain political group can help explain country votes. Furthermore, some MEP's don't belong to any political group. At the time of the vote on the situation of Hungary, there were 22 such MEP's (VoteWatch, 2018).

Table 1. Political groups in the European Parliament.

Name of the political group	Abbreviation	MEPs*	Largest national delegations
European People's Party (Christian Democrats)	EPP	208	German Christian Democrats with 29 seats
Progressive Alliance of Socialists and Democrats in the European Parliament	S&D	183	Italy's Democratic Party with 26 seats
European Conservatives and Reformist Group	ECR	71	The United Kingdom's Conservative Party with 18 seats
Alliance of Liberals and Democrats for Europe	ALDE	68	Spain with 3 independent MEPs
Confederal Group of the European United Left - Nordic Green Left	GUE-NGL	52	Spain's PODEMOS with 5 seats
Greens/European Free Alliance	Greens/EFA	50	Germany's Alliance 90/The Greens party with 11 seats
Europe of Freedom and Direct Democracy Group	EFDD	38	The Brexit party from the United Kingdom with 14 seats
Europe of Nations and Freedom	ENF	37	France's National Rally party with 14 seats

*Based on the time of the vote on the situation in Hungary (12.09.2018)

Source: compiled by the author; national delegation information: MEPs European Parliament.

Hix (1999:72-74) outlined the two main dimensions of EU politics - left-right and integration-independence. Integration-independence dimension describes decision making, where political groups are positioned on a continuity from more to less integration between the European Union states, which have their own identity and interests, thus more integration might make them feel threatened (Hix, 1999:73). The second dimension of left-right is prevalent even outside the Union on a national (state) level. The left-right dimension can be described as value based between 'intervention in individual social and political relations for a collective good' on the left and on the right 'intervention in individual economic relations for a collective good' (Hix, 1999:73).

Members on the European Parliament choose political groups based on their political affiliation and vote based on that individually or among their political groups in the Parliament. The same dimensions as Hix (1999) presented are present in European Union till this day. Table 2 shows, how the current political groups place on their political views and their ideas on integration. Political groups are divided from left to right and whether their views tend to be Eurosceptic or positive view towards more integration based on political group declarations. The categorization of political groups is based on a study by Heinemann, Mohl & Osterloh (2008). The political groups, that are for a more integrated Europe are S&D, Greens/EFA, ALDE and EPP. These groups consider themselves more or less centrist with a slight lean to left or right. The political groups that tend to be more Eurosceptical are GUE-NGL, ECR, EFDD and ENF. These groups tend to lean on the extreme of right or left.

The political groups in the European Parliament do have different visions about certain problems, but table 2 highlights those parties who wish to see an ever-closer Europe and those who wish for more sovereignty within the Union.

Table 2. Party dimensions

	Left	Centre-left	Centre	Centre-right	Right
More integration		S&D, Greens/EFA	ALDE	EPP,	
Eurosceptic	GUE- NGL			ECR	EFDD; ENF

Source: compiled by the author; data from Heinemann, Mohl & Osterloh (2008).

Knowing, what political parties are in the European Parliament, is important. Firstly, political parties increase the predictability of parliamentary politics and voting cohesion among party members (Hix, Noury & Roland, 2009). Knowledge about parties in the Parliament and their values gives us an understanding of why MEPs in certain parties voted for the activation of Article 7 and why some voted against. Moreover, MEPs are in a political group with other politicians with similar policy stances in a range of issues. By knowing the stance of MEPs party colleague, the MEP is more likely to vote the same as their colleague, ensuring the chances of being on the winning side of the vote on a certain issue (Hix, Noury & Roland, 2009).

Although MEP's choose their political group based on their beliefs and values, it does not mean that party cohesion is high on every vote that takes place in the Parliament. Cohesion within the party depends on many different factors.

Hix (1999) indicated that there are three main interests that influence MEPs voting behaviour. These three interests are office, policy, and re-electing, the latter being most important (Hix, 1999). Faas (2003) analysed those factors further. Faas (2003:841) analyses "party group cohesion and patterns of defections of national party delegations from party group lines in the European Parliament" and brings out factor under which MEP are most likely to defect, which is re-election wishes. MEPs are elected to the European Parliament based on their national parties' political ideology which they must follow in the Parliament in order to be put up by their party to run for the EP again. In the case of re-election, MEPs are dependent on national parties and are more willing to vote against the party group if a conflict between them arises (Faas, 2003:854-846), conflicts

between national parties and party groups come up easy in case of sensitive topics such as voting against a member state.

In addition to those factors, Hix, Noury and Roland (2009) argued that roll-call voting (RCV), among other factors (political group characteristics, the power of the European Parliament), affects party cohesion. In the case of a roll-call vote, each MEPs individual vote, that is cast, is recorded and published in minutes, unless secret ballot voting has been requested (European Parliament, n.d). The author claims that although we cannot exclude that the voting mode of roll-call votes affect the ways MEPs vote; no study, so far, has empirically supported this possibility. For this reason, RCVs are generally considered a good generalization of the reality (Hix, Noury & Roland, 2009).

2. Empirical part

This thesis uses quali-quantitative analysis to understand voting behaviour among political groups and countries. The aim of this study is to recognize voting dynamics of the vote on activation of Article 7 and to understand, what role party affiliation and national background play in the way MEPs voted. To further highlight the main rationale behind MEPs' voting choices, the author analyses legislators voting declaration ahead of the final ballot on Article 7 and reconstruct the narrative behind such factors.

The case of activating Article 7 against Hungary was selected as it was the first time this Article was activated since it went into force in 2003 with the introduction of Treaty of Nice (Larion, 2018:540). Thus, it was also the first time MEPs held a vote reflecting their understanding of what represents a serious breach of Article 2 TEU. Moreover, activating Article 7 is a sensitive topic which could affect party cohesion because it's an issue of national relevance – as Hix mentions – and different national delegations might be tempted to vote along national lines.

The debate over the state of the rule of law, democracy and fundamental rights in Hungary took place on 11 September 2018. The vote on activating Article 7 against Hungary took place on 12 September 2018 and passed with 65% votes for activation.

Following the empirical part is the analysis of data. The first part is methodology, which explains where the data was collected from and how in was analysed. Second part,

analysis of patterns and explanatory factors, is divided into three subsections: country votes on activation of Article 7; party group votes on activation of Article 7; and explanation of voting ways from members of the Parliament. The last section interprets and discusses the significance of the findings.

2.1. Methodology

The quantitative part of this thesis looks at voting records of MEPs to understand, how MEPs political group and national background affected voting ways. The aim is to see, whether MEPs voted along party lines or national lines, in some cases this might collide. We look at Hungary's neighbouring countries and the post-communist countries to see if a trend of voting the same way is presented.

The voting trend differences based on geography position - East versus West and North versus South – is also looked at to analyse the divide of regions in the European Union. The intent is to identify if MEPs whose national parties tend to follow the same political path as Hungary were more likely to vote against the motion or abstain all together.

The voting records for each Member of the Parliament is collected from VoteWatch Europe - The situation in Hungary ¹. VoteWatch collects and presents records of MEPs activities, the website has records of voting, attendance and other activities (speeches, reports etc.) Votes are analysed individually and computed. For each MEP the votes are coded and collectively analysed in order to assess regularities in line with the political groups' affiliation (ideology) or with the members' national delegation (national background).

The data for political groups and member states is presented in charts with “for” and “against” voters, absentees and cohesion line. Cohesion line is presented to see how cohesive party members are and how cohesive are different countries, to see the division in a country.

The qualitative part of this thesis analyses pre-voting declarations of the MEPs. Declarations are individually coded based if the MEPs narrative stresses on European values or integration.

¹Minutiae for the vote on The situation in Hungary: <https://www.votewatch.eu/en/term8-the-situation-in-hungary-motion-for-resolution-vote-text-as-a-whole.html#/>

The coding process went as follows: identifying points that are made in or about the Sargentini report, then identifying points that specify the points. Lastly, points made that are not related to the report are coded, such as Christian roots of Europe. From the debate 61 MEPs speeches are analysed. Written declarations were not included due to the fact that six out of the eight statements were not in English. When creating statistics of the speeches, every topic mentioned is counted in every speech, but counted only once. For example, if a MEP talks about rule of law, migration and minorities, that counts for three topics.

Pre-voting declarations are collected from European Parliament website - The situation in Hungary (debate) ².

Having analysed both the speeches and votes, further conclusions about reasons behind votes can be made.

2.2 Analysis of patterns and explanatory factors

2.2.1 MEP votes on activation of Article 7

Chart 1 presents MEP votes by national delegation, how many MEPs voted for or against the motion, how many MEPs were absent and cohesion line. As seen on chart 1 the majority of the MEPs in 20 countries voted for the activation. Those national delegations are Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Spain and Sweden. Out of those national delegations, all of the MEPs from Cyprus, Ireland, Luxembourg, Malta voted for the activation and also being the most cohesive countries with cohesion of 100 percent, which is explained by the fact that they are small countries and having less delegates increases the chances of higher cohesion.

The majority of the remaining 8 countries, which are Bulgaria, Croatia, Czech Republic, Hungary, Poland, Slovakia, Slovenia and United Kingdom, voted against the motion of activation of Article 7. As Croatia, Slovenia and Slovakia are Hungary's neighbours and these countries the Hungarian way of politics is gaining popularity, that may explain, why the majority of the delegates from these countries voted this way. United Kingdom has

² Minutes for pre-voting declarations from the European Parliament website:
<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20180911&secondRef=ITEM-011&language=EN&ring=A8-2018-0250>

voiced their dislike of EUs way of conducting politics and limiting member states sovereignty.

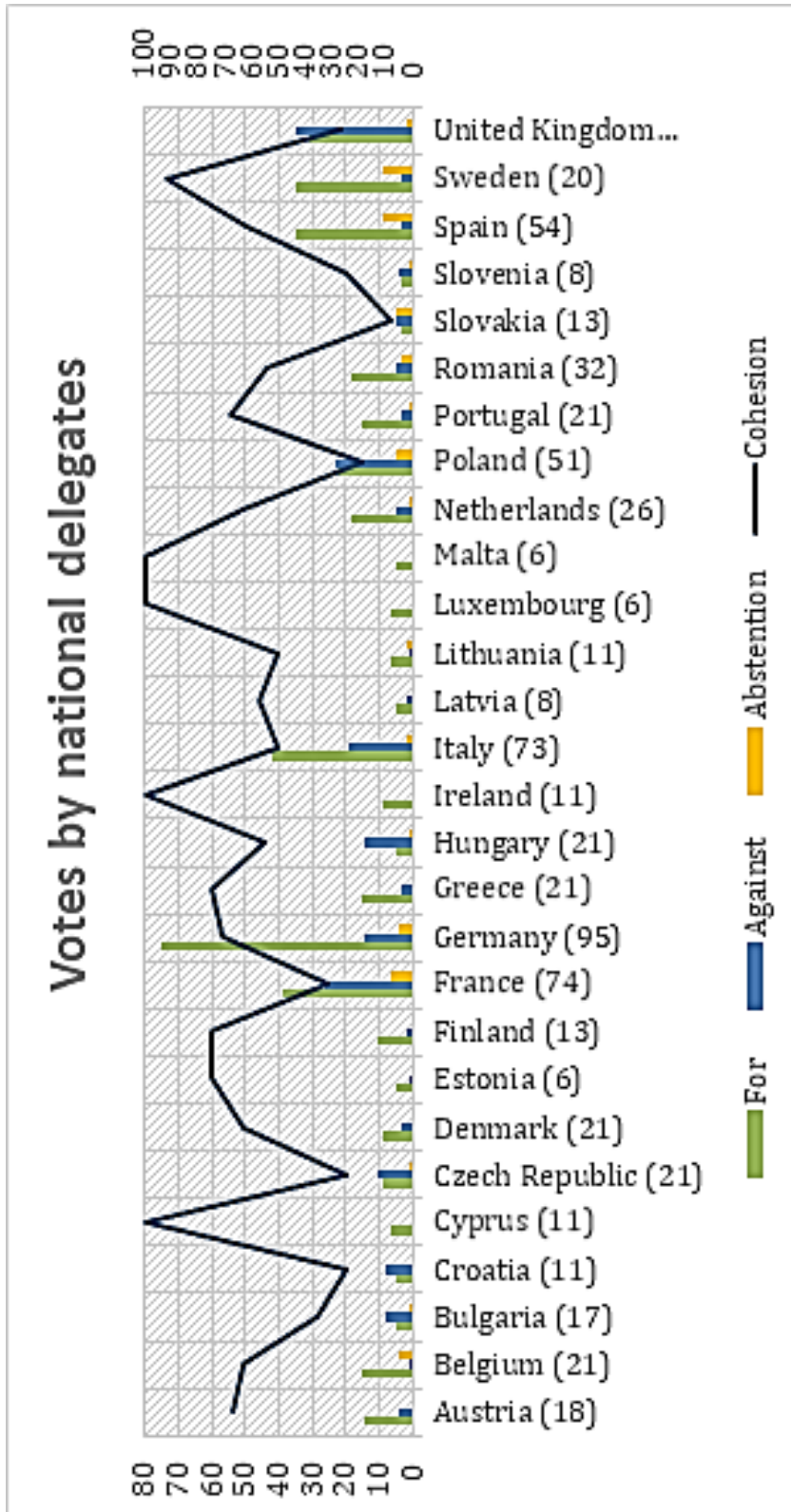
From the national delegations whose countries were formerly part or under the control of the Soviet Union, the majority of the delegates of Estonia, Latvia, Lithuania and Romania voted for the activation of Article 7. The Baltic states follow a more European way of politic, thus they support activating the article. Czech Republic, Slovakia, Poland and Bulgaria voted against the activation, which is explained by the fact that these countries are heading in the same political direction as Hungary.

The majority of Hungarian MEPs (14) voted against the activation of the Article and 5 MEPs voted for the motion; one MEP was absent.

The least cohesive country in the case of activating Article 7 against Hungary, is Slovakia with a cohesion of 7,69 percent. Slovakia had the most absent MEPs (5) based on the number of overall number of delegates. Overall, 48 MEPs decided to abstain from voting. Majority of these MEPs came from Spain (9), Slovakia (5), France (6), Poland (5), Germany (4), which have the similar national political discourse as Hungary and the choice to abstain, can be explained by the fear of the same motion happening to their countries.

When dividing Europe into North-South and East-West, the majority of MEPs that are from North-, South- and West-Europe support the motion with the exception for United Kingdom, Croatia and Slovenia. Eastern and Centre-European MEPs tended to vote against the motion apart from Romania and the Baltic states. The reason for the Baltic states for supporting the motion may be related to a more effective internalization of norms and rules connected to the process of Europeanization, but also to a more pragmatic necessity to position themselves at the centre of the process of European integration.

Chart 1. Votes by national delegation.



Source: compiled by the author; data from VoteWatch – The Situation in Hungary.

2.2.2 Party group votes on activation of Article 7

Chart 2 presents party group votes on activation of Article 7. The chart (2) shows MEP votes for and against the motion, absentees and party cohesion line.

The majority of ALDE/ADLE, EPP, Greens/EFA, GUE-NGL and S&D voter for the activation of Article 7, with all the MEPs in Greens/EFA voting for the motion. Overall cohesion of these parties is quite high, besides in EPP. EPP cohesion is 36.68 percent with 84 rebelling against the political line of the party.

EPP can be described as one of the most divided political group in the Parliament, as also proved by this vote. From EPP 56 MEPs voted against the motion, which comes as no surprise as the political group is Hungary's party FIDEZ and the Alliance for Croatia's home party in the parliament and EPP has other delegates amongst them, who have a harsher stance of migration. Majority of the rebel delegates in EPP come from Central (such as Slovakia, Germany and Czech Republic), Southern (such as Italy) and South-eastern Europe (such as Bulgaria, Romania), where similar movement is gaining popularity.

GUE-NGL has a soft Eurosceptic stance and are leftist. The group supports the European integration which is based on peace, sustainability and international solidarity and their Euroscepticism is targeted towards market policies and the elite (Tahmiscioğlu, 2017). The groups leftist stance stands for social equality, egalitarianism and post-modern, thus giving reason not why they do not support Orban and his curtailing of civil liberties GUE-NGL has the opinion that European integration should base on solidarity, workers' rights, peace, gender equality, civil liberties, democracy and environmental responsibility (Tahmiscioğlu, 2017).

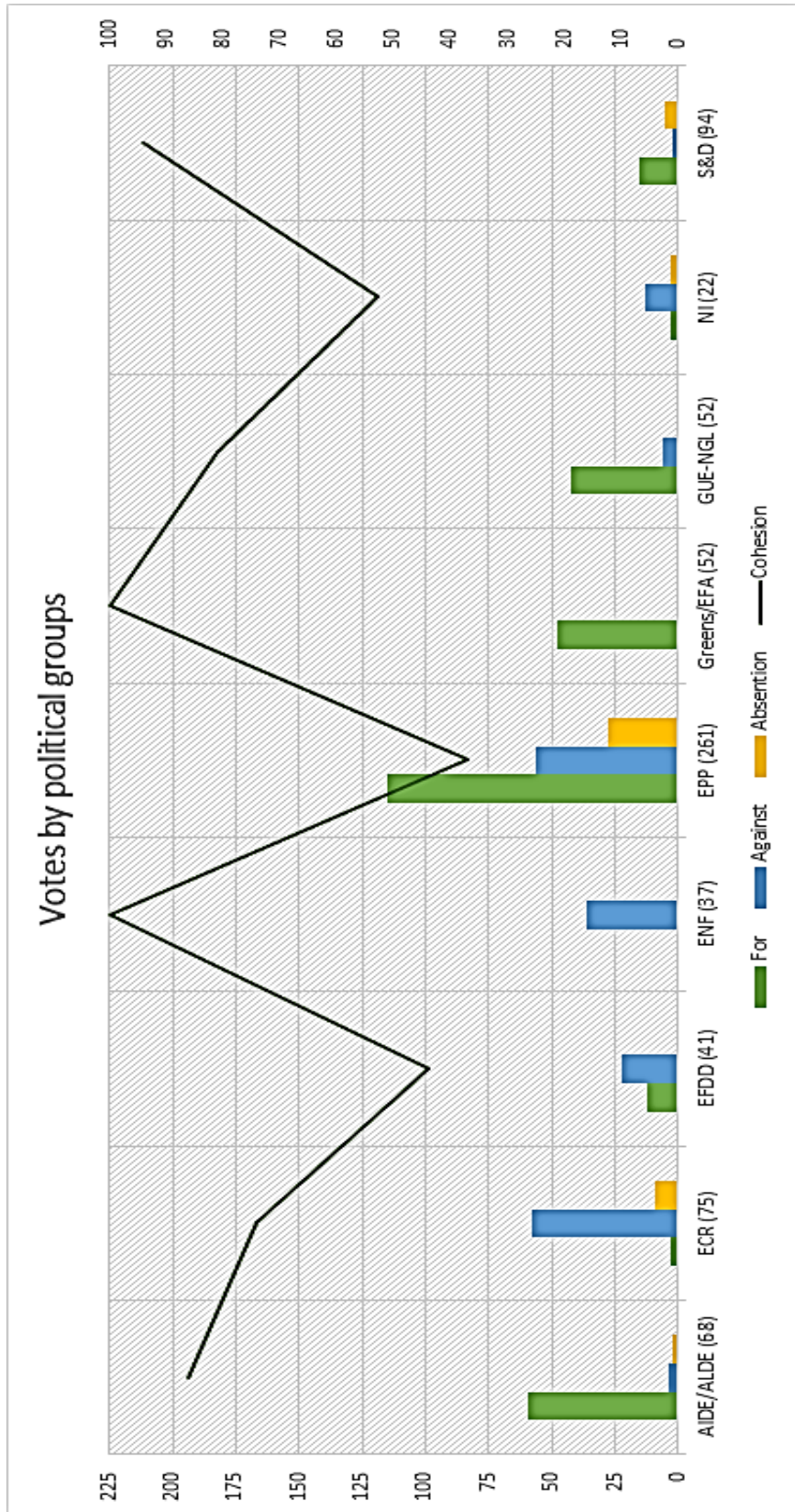
The majority of ECR, EFDD and ENF voted against the motion. All the MEPs besides one absent MEP in ENF voted against activation of Article 7. The least cohesive party is EFDD (44.29 percent), in which 14 members rebelled against the party's political stance, one rebel abstained from voting. All the rebels, but two, belong to the Five Star Movement in Italy. The Five Star Movement is commonly described as anti-establishment and anti-elitist, which is illustrated in the way they chose to vote in this case.

When it comes to non-attached members the majority of the delegates (13) voted against the motion, three voted for the motion and three abstained. The delegates that are non-attached are mostly in far-right national parties, such as Jobbik, Popular Association –

Golden Dawn and National Front, which have the similar political ideals as Orban's FIDEZ party. Jobbik is a Hungarian radical nationalist party, whose main goal is to protect the people of Hungary and their values and principles. Jobbik and FIDEZS may be competitors, but as both parties wish for more sovereignty over national political decisions, it gives a reason for Jobbik MEPs to vote against the motion.

The delegates who voted against the motion or abstained belong to Eurosceptical right-wing national parties.

Chart 2. Votes by political groups.



Source: compiled by the author; data from VoteWatch – The Situation in Hungary.

2.2.3 Explanation of voting ways from members of the Parliament

In the debate 61 delegates had a chance to express their opinion. The debate started out with Sargentini introducing the report. Prime Minister Orbán had two chances to defend his government and answer to the criticisms.

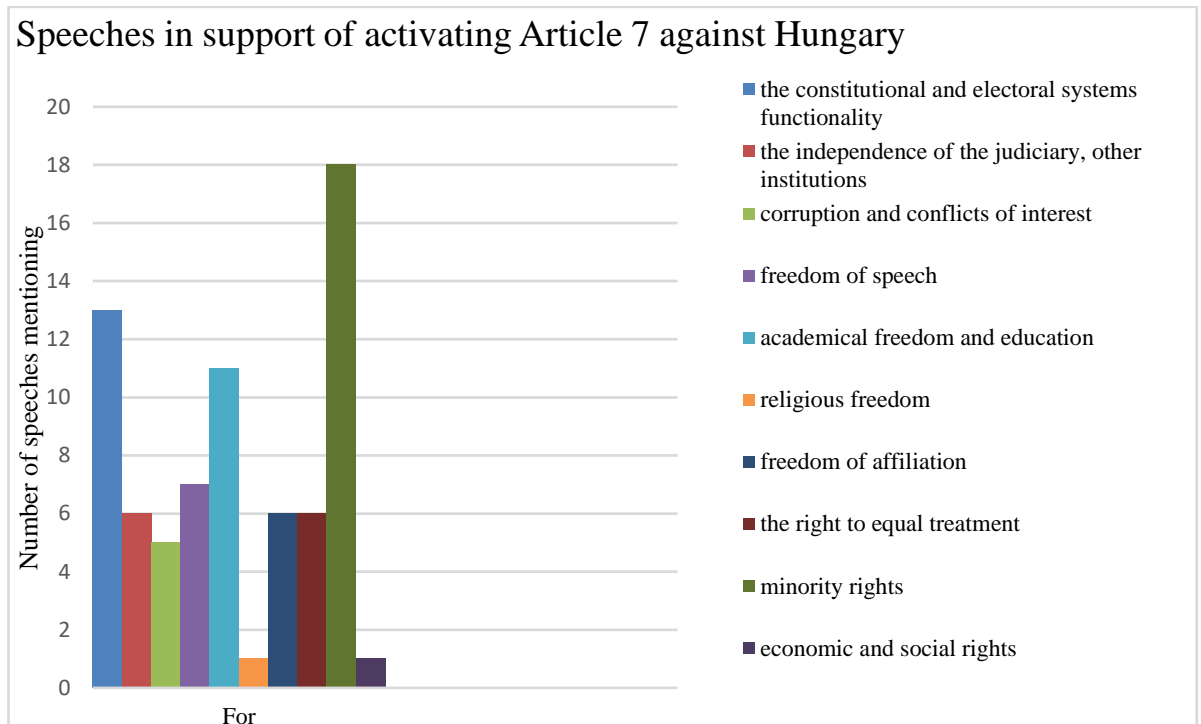
Of all the speakers 34 delegates expressed their support for activating Article 7.

Chart 3 presents the number of times topics from the Sargentini reports were mentioned among speeches that support the motion. The topic of protection of data and privacy is not presented as it was not mentioned in any of the speeches. The most troubling action of Hungary was the treatment of minorities in Hungary, more specifically MEPs pointed out the way Hungary has dealt with refugees - not accepting them and their treatment while in Hungary. The third most popular topic was academic freedom, moreover education overall. Among this topic, 5 MEPs brought out the situation with Central European University and the unrest and uncertainty around it. When talking about corruption in Hungary, MEPs (8) pointed out the misuse of European funds and pointed out that it has been investigated multiple times. Along with this topic, the situation around tenders was brought to attention by two (2) MEPs.

MEPs, who spoke out in support of activating Article 7, also pointed out how Hungary has gone against the fundamental values of the European Union to which they agreed to, when joining the EU and against Christian values, that the Hungarian government declares to stand for. Lastly, MEPs stressed that this motion is not against the people of Hungary, but against the government of Hungary, who is going against their own people's will.

Delegates debating for the activation, tended to focus more on the points talked about in Sargentini's report and tried to avoid personal attacks, although they did happen and were targeted towards Prime Minister Orbán.

Chart 3. Speeches in support of activating Article 7 against Hungary.



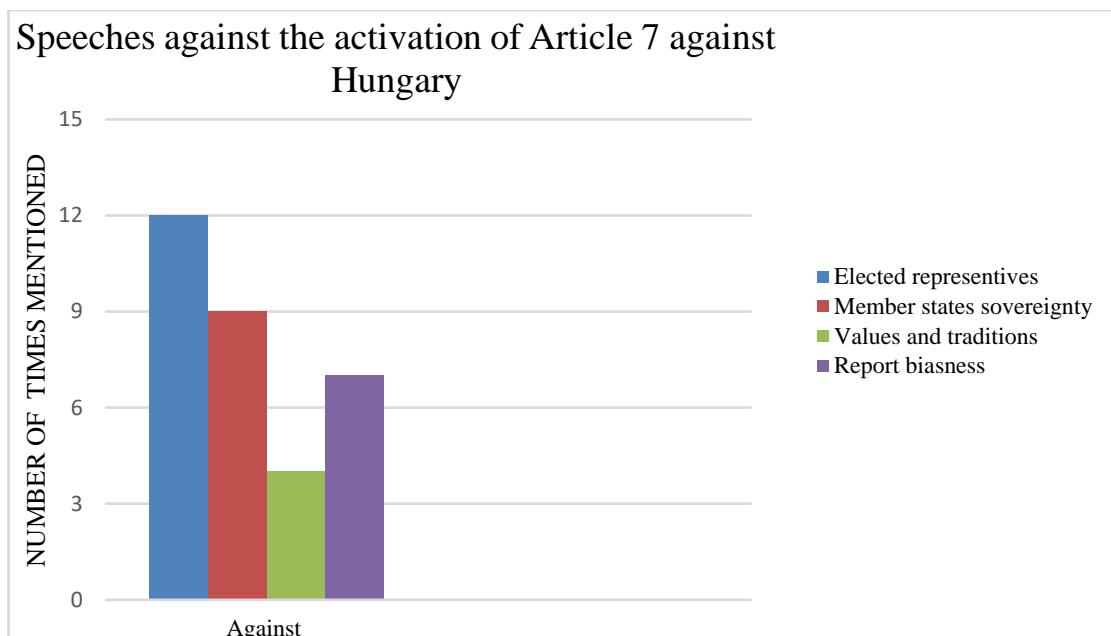
Source: by author; data collected from European Parliament website - The situation in Hungary (debate).

Against the activation of Article 7 were 26 delegates. As chart 4 shows MEPs, who argued against the motion, mostly focused on the fact that the Hungarian government is elected (12) by the people of Hungary, thus acting in line with voters' wishes. Next, the members brought up member states sovereignty (9), where MEPs pointed out Hungary's sovereign rights and that the EU is trying to limit the way Hungary chooses to protect its borders or what laws are passed. This topic ties in with the values and traditions of Hungary, that MEPs said are threatened by the Unions actions. Furthermore, MEPs against this motion, argued that the report by Sargentini is biased (7) and some countries have it much worse. A few MEPs reminded the people of Europe, that a new election is coming May 2019, where they can make their voices heard.

When it came to protection minority rights, it was brought to attention Hungary is the only country with a deaf MEP and a Roma vice-president MEP.

Delegates, who argued against the motion seemed more aggressive, especially towards the report and did not bring out a lot of points from the report to argue against.

Chart 4. Speeches against the activation of Article 7 against Hungary.



Source: by author; data collected from European Parliament website - The situation in Hungary (debate).

One delegate, Zoltán Balczó, promised to abstain from the vote. The reason behind this was that he does not support the report on the basis that it is for migration and questioned the overall validity of the report. Furthermore, he highlighted that if Article 7 is activated against Hungary it would not only have negative effects on the government, but also on the Hungarian people.

The divide of opinions in the European People's Party was apparent in the debate speeches. Fifteen delegates from EPP had a chance to speak, seven of whom spoke against the activation and eight for the activation of Article 7 against Hungary. The delegates in support came from countries where the anti-European stance is low such as Malta, Luxemburg, although two delegates were from Austria and Poland. MEPs took the change to highlight what EPP stands for in hopes that more of the party's members would take that into account. MEP Metsola reminded the delegates about EPP's Europe: "Our European way – of freedom, compassion, fierce personal liberty, passionate equality, the rule of law, free thought, free movement and a free press, and the protection of minorities is a global symbol of enduring courage. We should be proud of that ". Moreover, MEP

Kelly was really clear about what values are not EPPs: “These are not [the] actions we would associate with a European People’s Party Head of Government and it is disappointing that we are having to discuss these issues with you here today. To me, many of your actions are not in line with the principles and values of our political Group”.

The delegates against the activation in the EPP were from Hungary (3) and Slovakia, Slovenia, Croatia and Italy, which are countries, where there is high support for Orban’s way of doing things and Eurosceptics. MEPs on this side did not explain exactly, why they are voting against the party line, but the sovereignty of a state was highlighted with the notion that a member state has control over what is going on in their country and can solve issues as they please.

2.2. Discussion

As is evident from the analysis the activation of Article 7 against Hungary is a highly political and sensitive issue. The present thesis focused on understanding and highlighting the main factors behind the voting dynamics on Article 7 in the European Parliament.

When looking at voting dynamics within national delegations, countries who have less seats in the Parliament were more cohesive. This is due to the fact, that the less seats a member state gets, the more likely that the delegates have the same ideology as the most popular national parties have a higher chance of getting their member into the Parliament. With member states that get more seats, the more likely it is that the delegates have different ideologies and views on European integration. Moreover, member states that are moving more towards a Eurosceptical national politics, were more likely to vote against the motion or abstain all together. MEPs from Eastern and Central Europe tended to not support the activation of Article 7, this can be due to several factors – similar history of oppression and wishes for more sovereignty and similar national political discourse. It is worth mentioning that the Baltic states and Romania voted for the activation of Article 7. When looking at political group voting dynamics, it can be said that the majority of the MEPs voted in line with their political group affiliation. Party cohesion was mostly affected by national party ideology. This can be due to MEPs wishes for re-election. As Hix (1999) and Faas (2003) point out, that re-election is the most important goal for a MEP, and it is directly affected by the MEPs national party. Although, the importance of

re-election to MEPs was only brought up by MEPs who voted against the motions, thus this may have not been an important factor in MEPs voting decision.

Lastly, the pre-voting declarations of MEPs highlighted the arguments from both sides and pointed out the divisiveness of the case present. While the supporters of the motion trusted the report and highlighted the problems presented in the report even further, the MEPs against the motion question the reports validity and its biasness. The pre-voting declarations presented the different ideas of European Christian values – openness and humanity versus feeling a threat to Christianity. To conclude, the debate gave an understanding where the divide in values for MEPs comes from – ideas and ideals of sovereignty in the Union.

3. Conclusion

The case of Hungary was chosen from the background in the process of Europeanization, that took place in Hungary starting from the late and that now is being framed as the process of building an “illiberal democracy” by Hungarian Prime Minister Viktor Orban. The thesis aimed to contribute to the understanding of MEPs voting behaviour in politically sensitive and divisive votes such as the one on Article 7. The theoretical framework implied that party cohesion could be affected by roll-call voting (Hix, Noury & Roland, 2009) and by wishes for re-election (Hix, 1999; Faas, 2003). Political groups political views – left versus right and anti- versus pro-Europe continuum – were explained to help understand political group votes.

The analysis highlighted the main factors behind the voting dynamics on Article 7 in the European Parliament. The national party affiliation played a big role in MEPs voting behaviour. MEPs, whose home party was leaning towards right-wing ideology, tended to vote against Article 7 activation, and this is consistent with the literature discussed in the theoretical section. Most MEPs voted in line with their political group affiliation. Those, who rebelled against their political group, did so for two main reasons: national party ideology and the state of the delegates national politics, which tended to move in the same direction as Hungary’s national politics. The last factor also describes the way MEPs from Eastern and Central Europe and MEPs from Hungary’s neighbour states voted.

Re-election was brought up to influence MEPs to vote, while thinking of the people who elected them to the European Parliament, but it was not a main factor behind MEPs voting ways.

The ideas and values of the Union were questioned during the case of activating Article 7 against Hungary. The divide of the understanding of those values and ideas were highlighted with the question of how much sovereignty should a member state have, which was the main question for those MEPs who voted against the motion. European Christian roots was also brought up, which differed for both sides.

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Resüme

Euroopa Parlamendi hääletus Artikkel 7 aktiveerimise Ungari suhtes: hääletamise suundumused ja seletavad faktorid.

Laura Lepik

Käesolev bakalaureusetöö uuris Euroopa Parlamendi hääletust Artikkel 7 aktiveerimisest Ungari vastu. Huvi antud juhtumit uurida tuleneb Ungari euroopastumise taustast, mis sai alguse hilisel 2000. aastal ning mis on hilisemalt Ungari peaminister Viktor Orbani poolt määratletud kui “illiberaalse demokraatia” rajamine. Eesmärk oli selgitada välja hääletamise suundumused ja seletavad faktorid poliitiliselt tundlike ja lõhestavate teemade üle, just nagu antud hääletus oli.

Pärast umbes poolt sajandid kommunistlikku võimu, alustas Ungari 1989.aastal riigi demokratiseerumisega, millega kaasnes institutsioonide restruktureerimine ja Lääne liberaalse demokraatia omaksvõtt Ungari uue valitsuse poolt. Alguse sai Ungari euroopastumine, mis kulmineerus Euroopa Liiduga ühinemisega 2004.aastal. Pärast ühinemist tabas riiki sisepoliitiline kriis, mis omas negatiivset mõju euroopastumise protsessi lõpule viimisele ja põhjustas erinevaid raskusi alates hilis 2000ndatest.

2015. aastal jõudis olukord Ungaris punkti, mis tekitas muret Euroopa Parlamendis ning paluti koostada uuriv aruanne, mis seletaks, kas Ungari ohustab demokraatia ja õigusriigi olemust ning kas Artikkel 7.1 aktiveerimine oleks vajalik ja õigustatud. Aruanne, mille koostas Sargentini, leidis, et Viktor Orbani valitsus kujutab endas süsteemset ohtu Euroopa Liidu fundamentaalsetele printsiipidele ja väärtustele. Sargentini tegi ettepaneku Artikkel 7.1 aktiveerimise protsessi alustamisele. 12. Septembril, 2018.aasta toimus Artikkel 7 üle hääletus, mille tulemusel Artikkel 7.1 aktiveeriti Ungari vastu.

Antud bakalaureusetöö analüüsis hääletamis trende antud juhtumi puhul ning uuris, mis rolli mängis Parlamendi liikme erakonna kuuluvus ja rahvuslik taust. Töös analüüsiti Parlamendis läbi viidud hääletust nii riigi delegatsiooni kui ka erakonna järgi. Samuti kodeeriti hääletusele eelnenud debati kõned, et täpsemalt välja selgitada hääletamise valiku põhjused. Eraldi analüüsiti erapooletuid hääli ning erakonna poliitilise ideoloogia vastu hääletajaid.

Euroskeptilise rahvuspoliitikaga liikmesriikide Parlamendi saadikud hääletasid üldiselt Artikli aktiveerimise vastu või jäid erapooletuteks. Kesk- ja Ida-Euroopast pärinevad liikmesriigid ei toetanud samuti aktiveerimist, mis võib olla tingitud sellest, et neil riikidel on ühine ajalugu rõhumisega ja suurem suveräänsuse soov.

Analüüsi käigus ilmnis, et Parlamendi liikmete hääletamise valiku puhul mängis suurt rolli rahvuspartei kuuluvus ja selle ideoloogia, mis võis olla sama poliitilise grupi ideoloogiaga. Kui enamus saadikutest hääletasid poliitilise grupiga ühes joones, siis liikmed, kes hääletasid vastu poliitilise grupi ideoloogiat, tegid seda kahel põhjusel: nad järgisid oma erakonna ideoloogiat või saadiku riigi poliitiline olukord on sarnane Ungari omaga. Saadikud, kelle erakond oli parempoolne, hääletasid suurema tõenäosusega Artikkel 7 aktiveerimise vastu.

Debatis tuli esile Euroopa Liidu printsiipide ja väärtuste põhimõte. Erines suuri lahkkelisid nende mõistmise üle ning tõstatati küsimus liikmesriikide iseseisvuse üle. Täpsemalt, kui suur otsustus õigust tohiks liikmesriik omada sisepoliitilise küsimuste üle. Esile tõstatati Euroopa kristlike väärtuste põhimõte ning mida see tähendab.

Mina,

Laura Lepik

(Isikukood: 49707292767)

annan Tartu Ülikoolile tasuta loa (lihtlitsentsi) enda loodud teose

THE VOTE ON ACTIVATION OF ARTICLE 7 AGAINST HUNGARY IN THE
EUROPEAN PARLIAMENT: VOTING TRENDS AND EXPLANATORY FACTORS,

mille juhendaja on

Stefano Braghioli, PhD

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