İNSAN VE TOPLUM BİLİMLERİ ARAŞTIRMALARI DERGİSİ
Cilt / Vol: 7, Sayı/Issue: 3, 2018
Sayfa: 1554-1568
Received/Geliş: Accepted/Kabul:
[20-12-2017] – [29-07-2018]

Test of the European Union with Authoritarianism: Hungary

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Abstract

As of 2010, there is an increasing authoritarian political structure in Hungary. Winning the elections, the Fidesz government led by Prime Minister Viktor Orbán makes constitutional amendments in line with the party's purposes, guides the media outlets according to its interests, and silences the opponents. The West, which supports democracy even in other countries, has had to struggle with rising authoritarianism within itself. In this study, the rising authoritarianism in Europe and the position of the EU is examined. The study deals with the issue of authoritarianism in Hungary after evaluating the literature on authoritarianism. In the present study, which includes some comparisons with Turkey, a case study has been carried out. It has been conducted through document analysis method, taking into account the reports published by the Venice Commission and Council of Europe. As a result, it is emphasized how the EU remains weak in preventing authoritarianism and that authoritarianism can be not only in non-Western countries but also in the West.

Keywords: Authoritarianism, Hungary, Turkey, European Union, Human Rights

Avrupa Birliği'nin Otoriterlik Sınavı: Macaristan Örneği

Öz

2010 yılı itibariyle, Macaristan'da gittikçe artan bir şekilde otoriter bir siyasi yapı gözlenmektedir. Başbakan Viktor Orbán'ın yönetiminde ki Fidesz hükümeti, seçimlerde çoğunluğu alarak, anayasal değişiklikleri partinin amaçları doğrultusunda yapabilmekte, medya organlarını yine parti çıkarlarına göre yönlendirmekte ve muhalifleri susturmaktadır. Demokrasiye şekil veren hatta başka ülkelerde demokrasinin desteklenmesini isteyen Batı bu kez kendi içerisinde yükselen otoriterlikle mücadele etmek zorunda kalmıştır. Bu çalışmamızda, Avrupa'da yükselen otoriterlik ve AB'nin tutumunu ele alacağız. Çalışmamızda, otoriterlik üzerine söz konusu literatürü değerlendirdikten sonra Macaristan'da yükselen otoriterlik konusuna örneklerle değineceğiz. Zaman zaman Türkiye ile karşılaştırma yaptığımız çalışmamızda örnek vaka incelemesi (case study) gerçekleştirdik. Çalışmamız tamamıyla doküman analiz yöntemi ile gerçekleştirilmiştir. Bu açıdan, Venedik Komisyonu ve Avrupa Konseyi raporları dikkate alınarak vaka incelemesi yapılmıştır. Sonuç olarak, otoriterliğin sadece Batı dışı ülkelerde değil aynı zamanda Batı içinde olabileceği vurgulanmış ve AB'nin otoriterliği durdurma veya engelleme hususunda yeterli tedbirler alamadığı belirlenmiştir.

Anahtar Kelimeler: Otoriterlik, Macaristan, Avrupa Birliği, İnsan Hakları, Türkiye

Introduction

Today, European Union has been subject to authoritarian regimes not only outside EU but also within itself. The "EU suffers from democratic deficit due to the lack of public engagement and political accountability" (R. D. Kelemen, 2017, p. 212). As authoritarianism is increasingly on the rise, EU member states are also to have a certain share in such current. The biggest threat to democracy in Europe is not due to the practices at EU level but at the national level.

The aim of this study is to discuss how authoritarian Hungary has become for the past 7 years since the arrival of Victor Orban to power in 2010. The study focuses on regime types and discusses competitive authoritarianism, a hybrid regime mixed with democracy and authoritarianism as well as Hungary's backsliding into competitive authoritarianism. We will therefore deal with theoretical background followed by the case study on Hungary. We strongly believe that European Union fails to prevent illiberal democracy in its member states while imposing respect for and implementation of democracy on candidate countries like Turkey. We presume that authoritarianism is increasing in member states specifically in central European countries like Hungary, Poland and Romania. In the present study, we will concentrate on Hungary and Victor Orban's practices of authoritarianism.

Literature Review on Competitive Authoritarianism

The most common definition of authoritarianism might be "non-democratic and non-totalitarian political systems if they are limited, not responsible, political pluralism" (Linz, 1975, p. 264). Geddes (1999, p. 121) classifies "authoritarian regimes as personalist, military, single-party or amalgams of the pure types, where in single-party rule, and the control over the policy or governance are dominated by one-single party although other parties legally compete to win the elections." In case of one-single party rule, the leader may apply authoritarian practices.

An increase in competitive authoritarianism (CA), a subtype of authoritarianism, has been witnessed since the end of the Cold War, specifically in countries where unqualified democracies have been very effective. Competitive authoritarianism is a type of "defective democracy" or unqualified democracy in which regular elections are held but the incumbent intervenes indirectly either through state institutions or media on an uneven playing field. Elections are not on an even level because the competitive playing field is already designed to favor the incumbent by the incumbent itself. The ruling or incumbent is very effective in state institutions. Pepinsky (2013, p. 631) alleges that the role of dominant parties that supervise national legislatures is ineluctable in "undergirding authoritarian rule". The ruling parties or legislatures allow authoritarians or 'dictators' to keep potential rivals or opposition parties under close scrutiny. In fact, authoritarians or

'dictators' create smaller bodies and "inner sanctums to protect themselves" (Gandhi, 2008, p. 75). In authoritarian regimes, parties are the means of legitimization. Legislatures and parties are two of the most important institutions that facilitate governance. Opposition parties' demands can be directed to these institutions, which are created or dominated by the authoritarians (Gandhi, 2008, p. 79).

Competitive authoritarianism, which includes semi-autocratic elements, is not a new term. Indeed, it dates back to Huntington's third wave of democratization (Brownlee, 2007, p. 25). CA regimes use elections in order to avoid the scrutiny or pressure of the Western democracies (Geddes, 2005, p. 2). Elections can also be regarded as "the means by which citizens hold politicians accountable for the quality of governance" in authoritarian regimes. The Western democracies promote governments or multilateral institutions that strongly support the "holding of elections and respect for human rights as a political conditionality to loans and assistance" (Levitsky & Way, 2010a, p. 18). CA regimes are nevertheless considered authoritarian, even with elections. Non-competitive elections on a fully uneven playing field are the requisite condition for a regime to be CA. Morgenbesser (2014, p. 26) implies that "elections are only a means of gaining power for the opposition." Apparently, both the incumbent and the opposition compete. However, the political outcome is skewed in favor of the incumbent because the incumbent generally has recourse to compulsion, extortion and schemes to attempt to safeguard victory under universal suffrage with a "liberalizing electoral outcome" (Howard & Roessler, 2006, p. 366). On the basis of the research conducted by Bunce and Wolchik (2010, p. 72), it can also be said that elections can have surprising political outcomes, resulting in the victory of the opposition but more generally, the continuity of the incumbency. Elections are competitive and real but unfair (Soest, 2015, p. 627).

In CA regimes, the incumbents have either organizational power or a low level of links with the West or, in rare cases, both. Where the governments have linkages with the West, they reflect a less authoritarian aspect. The density of economic, political, diplomatic or organizational ties with the West and the government's organizational power, that is, "the cohesion of state and governing party are two important factors" that affect the level of authoritarianism (Levitsky & Way, 2010a, p. 23). Researchers (Levitsky & Way, 2002, p. 52) use the category "partly free" of Freedom House in order to describe CA regimes according to the level of human rights in some governments. Partial freedom is closely linked with the organizational power of the government. It is especially highest when a state and its incumbent are strong. Party organization and a powerful state "give the incumbent the

capacity to hold together even under serious crisis and to thwart even the strong opposition movements" (Levitsky & Way, 2010a, p. 68).

Party organization under competitive authoritarianism is an institution constantly revised and consolidated against threats from other parties. Institutional change is more than a requirement in order to grasp power and hold it. Oktem and Akkoyunlu (2016, p. 470) state that political institutions specifically parties "function as machines creating consent, servicing their clients and replacing existing and more independent institutions and state agencies". Actors in institutional change or transformation sometimes devise new applications and interpret old rules or regulations for their benefit. They tend to follow different modes of institutional change. This holds for dominant parties in competitive authoritarian regimes. They either remove the existing rules and introduce new ones (displacement) or introduce the new rules on or alongside existing ones (layering). Specifically, layering includes "the creation of potentially subversive institutional tracks. Reformers lacking the capacity to overturn the existing institutional arrangements may seek to nurture new ones" (Pierson, 2011, p. 137), which will in time replace the old ones or the status quo. Dominant parties can also maintain the same rules, but allow the rules' impact to change over time, depending on external conditions (drift); and, finally, they can keep the formal "rules the same [but they] are interpreted and enacted in new ways" (conversion) (Mahoney & Thelen, 2010, pp. 16,17). Among the most common modes of change are layering, conversion and diffusion.

The politicized state institutions are frequently abused to direct the elections in CA regimes in favor of the incumbent, particularly the judiciary in most semi-democratic countries. Ozbudun (2015, pp. 43,44) states that judiciaries, commissions or electorally affiliated institutions, nominally independent arbiters such as electoral councils, are packed or manipulated by the incumbents "via blackmail, bribery and/or intimidation". The checks and balances are also diverted toward incumbent's winning. Leaders in CA regimes need to manipulate elections to ensure victory, although Donno (2013, p. 714) states that "this manipulation can be offset if the opponents forge a unified front and international actors to threaten to punish the regime for violations of electoral norms." In CA regimes, (Levitsky & Way, 2010a, p. 366) suggest, the uneven playing field in elections is created in favor of the incumbent by limiting the opposition's access to media and resources, the incumbent's abuse of already politicized state institutions, having at least one major candidate barred from the competition for political reasons, and systematically biasing electoral authorities in favor of the incumbent. Fourth wave democracies in eastern states very frequently witness such regimes. Fish (2002) notes that authoritarian regimes persist longer in Muslim states than in non-Muslim countries.

CA regimes, on the other hand, are generally classified as hybrid regimes, which are denoted under subtypes of democracy, or as regimes in transition (Bogaards, 2009, p. 400). The denotations or concepts have proliferated to refer to competitive kinds of authoritarianism, notably those involving democracy with adjectives attached (Collier & Levitsky, 1997, p. 431). The term hybrid regimes can be attributed to diverse political regimes in which there is a combination of democratic and autocratic elements. Wigell (2008, p. 231) classifies four types of political regimes: democratic, authoritarian, constitutional-oligarchic and electoral-autocratic. In the third wave of democratization, countries were classified, according to their score on political rights and civil liberties, as either non-liberal electoral democracies, pseudo-democracies, liberal democracies or authoritarian (Larry Diamond, 1999, p. 229). Hale (2011, p. 35) is of the opinion that hybrid regimes can be divided into two categories: the first is competitive oligarchies, and the second is the category including systems "referred to as semi-/competitive/electoral authoritarianism or managed/illiberal/delegative democracy". Semi-authoritarian regimes differ in terms of their dynamics for change. Ottoway (2003, p. 20) identifies three types of semi-authoritarian regimes: "those in equilibrium having a balance among competing forces, those in decay in which authoritarian aspects become obvious and government will revert to full authoritarianism" and finally those having dynamic change that can force the government to protect the status quo. The countries that are neither fully authoritarian nor fully democratic could also be regarded as in transition toward democracy or backsliding to autocracy. The transitional countries, or gray zones, as Carothers (2002, p. 6) suggests, have generally been those that have attempted some kind of political liberalization toward democracy and maintained illiberal governance alike. We strongly believe that today hardly any country, especially those with close ties with the West, can turn their faces toward dictatorship while feeling the pressure of the West. An authoritarian regime cracks down explicitly when "it realizes the functional needs leading to its establishment, the regime has lost its legitimacy for some reason, conflicts within the ruling bloc cannot be resolved and foreign pressures to turn to democracy persist" (Przeworski, 1986, p. 50). In fact, Hale (2011, p. 25) points out that many of the regimes have been "durable without moving discernibly toward democracy or autocracy".

CA regimes are still confused with electoral authoritarian (EA) regimes when it comes to defining hybrid regimes (Gilbert & Mohseni, 2011, p. 271). Electoral authoritarianism is similar to competitive authoritarianism but has a broader extension in which elections are either unfree or unfair. EA regimes are not necessarily competitive but can permit executive or legislative elections to be held. However, "all electoral authoritarian regimes conduct

regular elections" (Esen & Gumuscu, 2016, p. 1598). These elections are not controlled by a neutral institution. L. Diamond (2002, p. 25) divides electoral authoritarian regimes into "the competitive and uncompetitive or hegemonic regimes". Schedler (2006, p. 2) suggests that elections in electoral authoritarian regimes are unfree inasmuch as they are under tight authoritarian control. Indeed, these regimes do not practice democracy at all; but as Schedler (2002, p. 36) points out, they are able to satisfy external and internal agents that they have "at least a semblance of democratic legitimacy". Finally, in electoral authoritarianism, the "autocrat chooses a binding policy deal conditioned on the citizen's choice of a payoff or policy concession" (Miller, 2012, p. 159). That is, the citizen revolts or is not against this policy. In most competitive or electoral authoritarian regimes, political unrest is frequently observed. There is a correlation between the unfair elections and political unrest no matter if a regime is competitive or electoral authoritarian, since suspicion over elections is never dissipated. In a study conducted by Shirah (2016, p. 471) on the link between electoral authoritarianism and political unrest, it can be clearly seen that electoral fraud causes tremendous unrest among the citizens. The reason is that regression of democracy, which leads to electoral or competitive authoritarianism, lies behind bad governance. L. Diamond (2015, p. 148), for instance, links bad governance to the breakdown of democracy as a result of violation of political rights and civil liberties as well as the rule of law.

The rise of authoritarianism in Hungary

After the collapse of the Soviet Union in 1989, it was now time for Hungary to change. Gorbachev's statement that the Brejnev doctrine is collapsed and that Hungary no longer has a strategic theme for the USSR is the most important factor triggering change in Hungary 1989 (Güngörmüş, 2010, p. 158). From 1989 until 2010, economic development has not been fully realized. The Hungarian people have not seen the expected performance from the socialist and labor parties. Neo-liberal policies in the country between 1995 and 2000, as mentioned above, did not appeal to the public's reaction because public investment in this period declined in essence in neo-liberal politics. These events affected the 1998 general elections. The third general election of the new period was held between 10-24 May 1998. The Hungarian people, who showed displeasure during the 1998 elections, expressed their dissatisfaction with the old socialists and experienced politicians showed their reaction by voting FIDESZ, a young democrat party consisting of a large number of young people in their thirties. Fidesz became the first party in the elections with a significant increase in the number of deputies. The MDF, the party that won the elections in 1990, suffered a serious loss of votes, and this time it had only 17 seats and had 10% deputies compared with the first elections.

Apart from FIDESZ-Magyar Polgari Part, FKgp and MDF also took part in Orban Government as coalition parties, which were established under the

premiership of Viktor Orban following the 1998 general elections. Between 1998 and 2002, Orban accelerated the democratization of institutions and the EU accession. However, the coalition government that failed in the economy left its place to another coalition under the premiership of Peter Medgyessy.

In 2002 Peter Medgyessy founded a new coalition government and on 30 April 2004 Hungary became a member of the European Union. However, after his resignation in 2004, former sports minister Ferenc Gyurcsany became prime minister. In 2009, Gyurcsany who failed to meet public expectations and was exposed to countless protests resigned and left his seat to the Minister of Economy, Gordon Bajnai. In 2010, the conservative opposition party Fidesz under the premiership of Victor Orban takes power by taking the 2/3 of the seats in the parliament.

53% of the votes means 68% of the parliament in the Hungarian electoral system. This means that the authority to change the constitution without cooperating with the opposition party is obtained. The successes of 1998-2002 did not suggest that the new Orban government could move in the opposite direction. So, with the absolute success of the 2010 elections, Orban started taking steps to strengthen his position and the party.

Orban first made necessary amendments in the constitution and a year later completely replaced the constitution. While doing this change, the government did not even ask the opposition party. The constitutional changes would remain entrenched in the coming years. With the changes in the constitution and several laws put into force[1], Orban government eliminated the checks and balances that had control over the government like ombudsman, national election commission and the national media board (Commission, 2011). The government becomes more and more authoritarian as the judiciary system is controlled by the government. In other words, judiciary corps is appointed by the government. The checks and balances under one single-rule does not guarantee democracy since one-man rule strictly has control over judiciary and legislation. Indeed, Orban does not believe in the separation of powers according to Montesquieu but rather general will of Rousseau since he thinks that separation of powers just limits the sovereignty of the people. Orban's regime introduced new law and regulations in order to muzzle the press, inducing self-censorship, threatening journalists with penalties (Commission, 2013). According to Freedom House,

[1] Council of Europe. "European Commission for democracy through law, Opinion on the new constitution of Hungary" (2018,03 July), Accessed on: http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)016-e

press is today partly free[2] though access to internet is free. Lack of freedom for press does hinder the ways to democracy. Media freedom, unfree competitive elections and limited civil society are the clear signs of illiberal democracy or even non-liberal democracy (Müller, 2015, p. 21). NGOs specifically having funding from Norway and civil society organizations had also their share from the government. NGOs are today the first target groups of the Hungarian government[3]. NGOs are the only free and independent entities from the government that can have relations with the west. Even though most of the media is controlled by the government, NGOs can have contact with the democratic institutions of the EU and can lead the government's tendency toward democracy.

In 2014, the government changed electoral system so Fidesz would take the control again and manipulated advertising and campaigning rules for itself that would show the international election monitors like OSCE and Venice Commission that "elections held under conditions that gave 'an undue advantage' to Fidesz" (Deutsch Welle). After Orban won elections in 2014, he advocated illiberal state as a substitute for liberal democracy, giving the examples of China, Russia, Singapore and Turkey (Zakaria, 2014). Although he explained that "illiberal democracy is when someone other than the liberals have won the election" (Nagy, 2017, p. 447), still illiberal policies and practices have been adopted such as the control over the media and the elections. He added explicitly that it is not necessary to have a liberal state to be economically powerful giving Singapore, China, India, Turkey as role models (Rupnik, 2017) and Russia, which would mean an eastern opening in the western world. Russianism, Putinism or nostalgia for the past would be interpreted as "the Russian Trojan Horse" in the heart of the European Union (Buzogany, 2017, p. 1308). Therefore, an authoritarian government could be regarded as an insider, which is still in connection with the west and which gives importance to the economic development. Indeed, whichever country touches Russia, contacts and closely cooperates with or takes Putin as a role model has a tendency to turn its face toward authoritarian direction. For instance, in the study conducted by Önis and Kutlay (2017, p. 1), it is mentioned that "both Hungary and Turkey have been moving in an illiberal direction, getting away from the well-established EU-norms" or Copenhagen criteria. Both the former and the latter do not indeed believe in democracy since economic development is probably the only factor that convinces their citizens to vote for their own authoritarian governments. On the other hand, studies suggest that authoritarian governments are in close contact with other

[2] Freedom House. "Freedom House Hungary Report" (2018, 03 July), Accessed on https://freedomhouse.org/country/hungary

[3] Aljazeera News, "We will not be intimidated by Hungary's NGO law" (2018, 03 July) Accessed on : http://www.aljazeera.com/indepth/opinion/2017/06/intimidated-hungary-ngo-law-170614073946143.html

authoritarian rules since there is no demand for democracy, but rather economic interests are of question. Therefore, Orban's government prefers to stay within the periphery of the pre-communist period having close ties with the East, Russia (Rupnik, 2013, p. 111).

In addition, Hungary's democratic backsliding can be explained by internal and external factors: internal factors are comprised of "institutional change (layering), populist (nationalist) discourses, party polarization, economic deficit, low-level of societal support for democracy, Orban's charismatic leadership and the weak opposition parties" (Buzogany, 2017, p. 1309) while insufficient support for democracy by the EU institutions and international role in democratic backsliding are the external factors. Therefore, Hungary has been politically divided into liberal pro-European partisans and supporters of nationalist conservatism (Rupnik, 2017, p. 76). Backsliding into authoritarianism in Hungary through legal means, i.e, changing the constitution, has made it possible to undermine the rule of law and make legal changes in order to transform the country into a "surveillance state" (Nagy, 2017, p. 449). Since every authoritarian change seems legal for the government has come to power through elections, the west specifically the EU is unable to intervene in the domestic politics. Hungary's Federation of Young Democrats-Hungarian Civic Alliance, also known as Fidesz, made the silent revolution or regime change "through an ordinary free and fair election" while reversing the economy already in regression, which needed " a turn from market to state" and abiding by the "rule of law and democratic values of the EU (Rupnik, 2012, p. 133)

European Union's deficit in preventing democratic backslide

The EU is slow in intervening the undemocratic reforms of the Orban government. Specifically, when he declared that he would build a fence along the Hungarian border in order to prevent the refugees and immigrants and reinstate capital punishment, which are the policies strongly opposed by the EU, the EU has been weak and even has a deficit in stopping him[4]. Jenne and Mudde (2012, p. 147) count on only a few tools for preventing slide into authoritarianism in member states specifically Hungary. First of all, Hungary is in need of recovery from the financial crisis which hit most post-communist countries in Europe. Therefore, "international organizations like International Monetary Fund (IMF) and the EU incentivize funds for Hungary by securing government promises to roll back certain measures". However, these organizations are unable to follow-up the changes as they can be tricked by

[4] Wilsonquarterly, "Hungary's slide into authoritarianism and Europe's toothless response" (2018, 03 July) Accessed on:https://wilsonquarterly.com/stories/hungarys-slide-into-authoritarianism-and-europes-toothless-response/

the structural weaknesses. That is, every step is covered up and seems democratic in Hungary. For instance, whenever the European parliament (EP) or European Commission (EC) "make an attempt to take action against the practices of the Hungarian government, it is thwarted by the European People's Party, the center right bloc in the EP of which Orban is a member" (Jenne & Mudde, 2012, p. 150). Secondly, an indirect or lateral support for opposition parties could be a solution for impeding authoritarian practices of the government. Backing up civil societies and non-governmental organizations is another solution since there is no legally direct intervention into domestic affairs by the European Union as a rule, as a result of which unforeseen nationalist reactions would be confronted at the national level (Schlipphak & Treib, 2017, p. 361). The EU is thus to take political action rather than relying on judicial instruments alone (R Daniel Kelemen & Blauberger, 2017, p. 319). It would be feasible to revise the EU conditionality and economic policy for the EU in order to prevent such a slide into authoritarian regimes or illiberal democracy. It seems obvious that the EU is today legally and politically unable to impede such policies against its values except being critical and supervising for the rule of law and democracy.

Conclusion

Based on the theory of competitive authoritarianism by Lewitsky and Way, we can conclude that in this study of authoritarianism in Hungary, governments can become authoritarian no matter if they are either internally or externally in close connection with the West. Authoritarianism supports partial freedom unlike totalitarian regimes. In competitive authoritarianism, intervention in the separation of powers including elections is possible while the institutions of the state can be controlled by one single power, and freedom of the media can be restricted. Competitive authoritarianism is a regime that prevents free and competitive elections. Therefore, it is the most common practice for competitive authoritarianism to narrow the opposition's election campaigns, to intervene in the legislative elections in a way that the party in power wins the elections, to enact laws even to change the constitution. Control of the media is a characteristic of this regime, making propaganda that the economy has developed for the benefit of society.

In this paper, we investigated the question how Hungary can become authoritarian in being a part of the West, an institution that advocates democracy. According to Lewitsky and Way's theory (2010), it is almost impossible for a government that has close ties with the West to become authoritarian. In this case, a second factor is of question: institutional power with a charismatic leader, which gives way to authoritarianism. In this study, having close links with the countries advocating democracy does not necessarily mean that such states would not be authoritarian. Such authoritarian regimes could even be seen in the heart of the west due to the organization power of the relevant party.

The moment he won the elections in 2010, Victor Orban went to constitutional amendment in order to stay in power permanently, and the constitutional amendment was carried out in accordance with his power because the majority of the parliament was in the hands of FIDESZ. According to Freedom House, media today are partly free, and the majority of media serves FIDESZ. A media that is partly free is a characteristic of competitive authoritarianism.

The west has not been able to intervene in backsliding into authoritarianism in Hungary because Orban has very good relations with the European People's Party in the European Parliament of which Orban is a member himself. We think that the only way to prevent authoritarianism is by economic intervention. Therefore, the economic bindings of Hungary should be increased as much as possible. As a matter of fact, financial support from the European Commission can somewhat prevent Orban's tendency to authoritarianism. Reducing financial resources will accelerate steps towards democracy. Financial sanctions as well as political sanctions as a second step could be helpful to isolate an ethnocentric country like Hungary and to monitor its security policies. As a third step, the EU should create a European Union constitution and members can act in accordance with this constitution. Even if such an attempt was made in the past, Ireland was abandoned as a result of a referendum and public protest. The EU should reinitiate to put into action this constitution. Finally, sanctions should be drawn up for the control of elections by external institutions in EU member states.

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