

One size fits all?

On the usefulness of international recommendations in populist regimes

Reform of the electoral system of Hungary after 2010

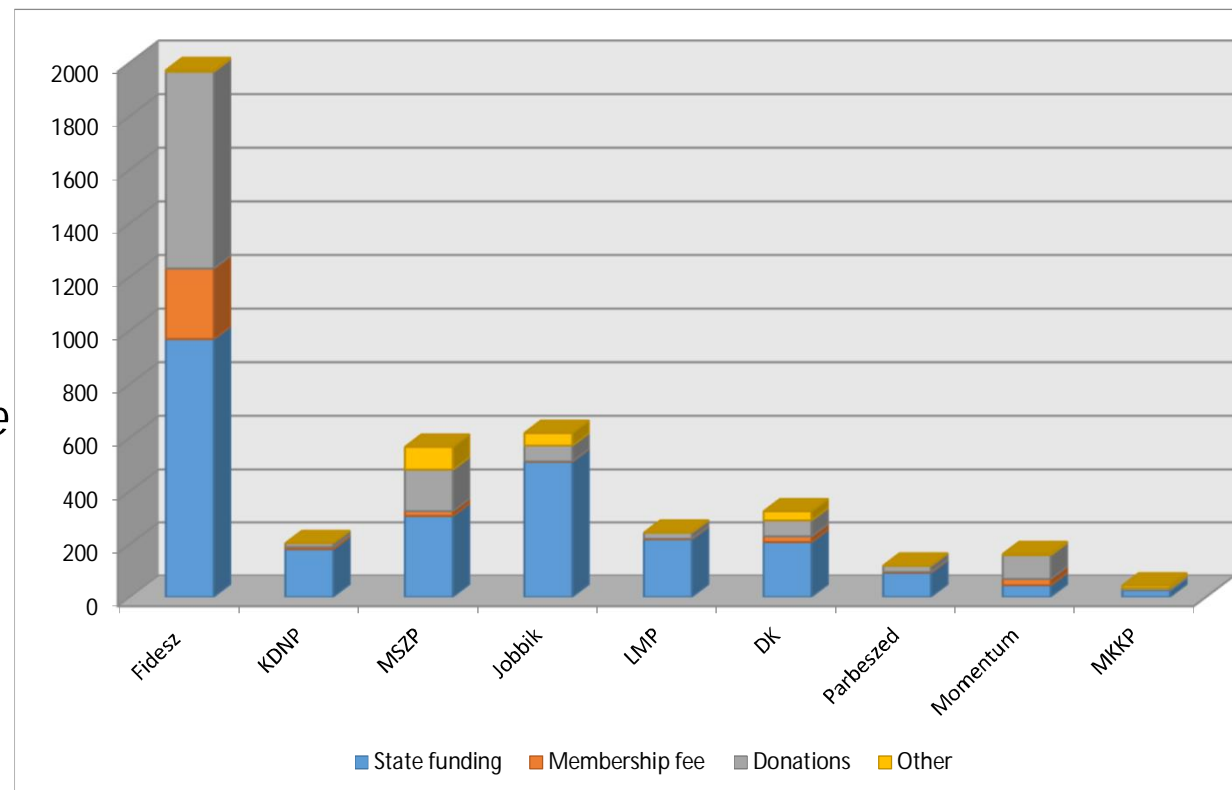
- Transformation of the whole legal framework after 2010.
- Transformation of the context in which the elections take place:
 - Media market
 - Billboard market
- Transformation of the party- and campaign-financing system:
 - Has a major impact on the pluralism of the political competition
 - Often overlooked
 - Hypothesis: the selective implementation of international „good practices“ in the illiberal or hybrid regime of Hungary proves to be counterproductive

Public funding

- Original aim: to ensure independence from economic interest groups
 - „Putting more emphasis on public funding may limit the potential influence of private individuals or companies...”

Revenue structure of parties eligible for state subsidies in 2019

Result: heavy dependence on the state (the government)



- International guidelines:

„Generally, legislation should attempt to create a balance between public and private contributions as sources of funding for political parties. In no case should the allocation of public funding limit or interfere with a political party’s independence.”

(VC [Guidelines](#) on Political Party Regulation 232)

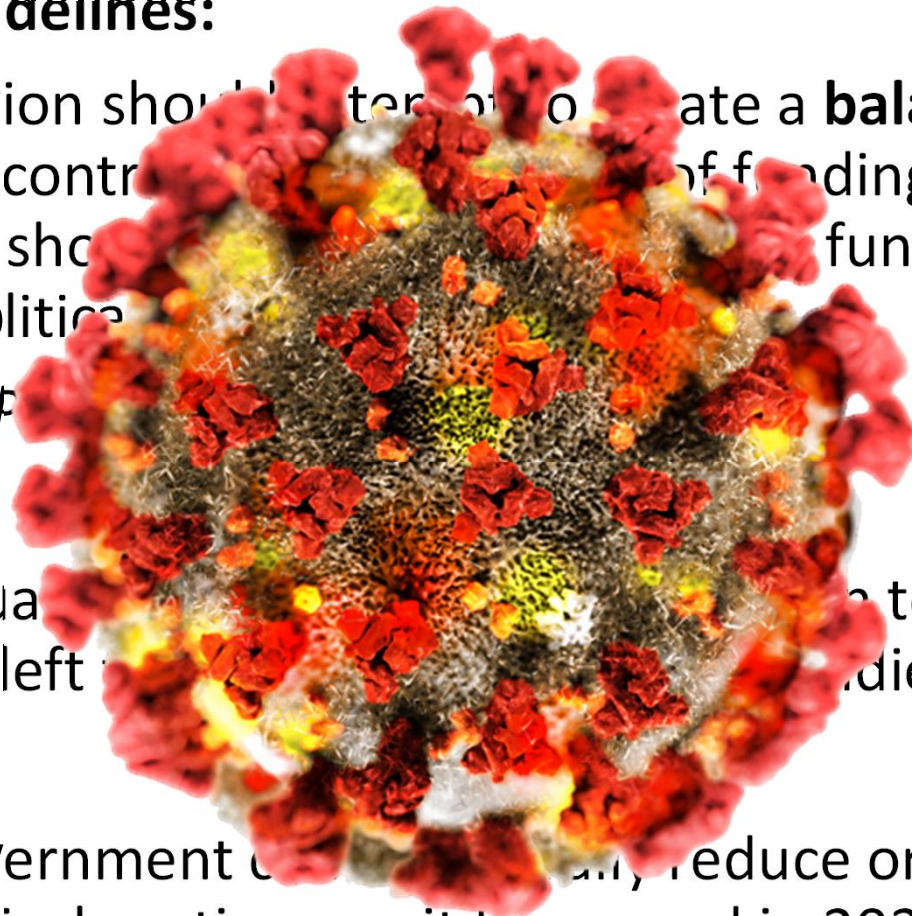
- Still the issue usually escapes attention in relation to Hungary and the government has left the old system of state subsidies intact
- Dangers: the government can unilaterally reduce or eliminate state subsidies of political parties – as it happened in 2020.

- International **guidelines**:

„Generally, legislation should not attempt to create a **balance** between public and private contributions of funding for political parties. In no case should it set a funding limit or interfere with a political party's right to raise funds from private sources.“

(VC [Guidelines](#) on Funding of Political Parties)

- Still the issue usually remains unresolved. In Hungary and the UK, the government has left the subsidies intact
- Dangers: the government could suddenly reduce or eliminate state subsidies of political parties – as it happened in 2020.



Private funding

- Parties can accept donations from private persons, who are Hungarian citizens.
 - controversial requirement;
 - discriminate implementation of international recommendations;
- No limits on private donations, but donations over HUF 500 thousand must be disclosed.
- No rules on third-party campaigns (a sort of „in-kind donation“?)
 - But who carries out these campaigns?
 - Government propaganda does not qualify as „campaign“:
„The following shall not be considered election campaign: the activities of election bodies, personal communication between citizens as private persons, regardless of its content and form, the activities arising from functions determined by law and performed by the Constitutional court, courts, local self-governments and other State entities.“ (Election Procedure Act Section 142, - since 2018)

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Inaktív
2022. márc. 15.–2022. márc. 15.

Inaktív
2022. márc. 15.–2022. márc. 15.

Aktív
Megjelenés kezdete: 2022. márc. 16.



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- ODIHR recommendation from 2014: „consider the possibility of *introducing limits for private donations*, establish dedicated bank accounts for electoral contestants, and ensure that requirements apply to all candidates and parties.”
- ODIHR recommendation from 2018: „consideration should be given to *introducing limits on individual donations*. *Lists of donors* could be published online in a timely and accessible manner.”
- ODIHR 2022: „Despite previous ODIHR recommendations, *there are no caps on individual donations...*”
- Consideration should be given to:
 - Existing legal framework
 - Political and social context ...
 - Possible chilling effect

- ODIHR recommendation from 2017 to *introducing limits for private donations to political party accounts for electoral contestants* should apply to all candidates and parties
- ODIHR recommendation from 2017 to *introducing limits on individual political party advertising* should be published online in a timely and accessible manner



recommendations, there are

Conclusions

- There is no „one size fits all“ solution
- Regulations invented for democratic legal systems can prove counterproductive in populist regimes.
- Illiberal democracies selectively apply international best practices, which ultimately leads to a „chimera“.
- When making recommendations, it is not enough to tick off a checklist, you need to look into the political and social context of the rules and legal solutions.
- A possible solution: draw on the experience of democratic transformations à

Restoring political pluralism must precede fine-tuning.



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Thank you for your attention!

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