

THE 2016 REFERENDUM IN HUNGARY

Theresa Gessler
Department of Social and Political Studies
European University Institute Florence

Outline

- The 2016 Quota Referendum concerned the EU's proposal for a resettlement scheme for asylum seekers.
- It was initiated by the Fidesz government to strengthen its domestic and European position but it also contributed to anti-immigration and Eurosceptic sentiments.
- The leftist opposition asked voters to abstain or to cast an invalid vote, with a satirical party becoming the central actor of the campaign.
- Despite an insufficient turnout Fidesz tried and failed to initiate legislation based on the widespread rejection of the quota system.
- The referendum may be a first crack in Viktor Orbán's power, with new impulses for the left and radical-right, but it also questioned the function of referenda in Hungary.

Background

The October 2016 referendum on the EU migrant quota was the culmination of a long governmental campaign on migration. Its surface content was the European proposal for an emergency resettlement scheme from those member states receiving the most asylum seekers, to other (2015d). According to the proposal, refugees would be resettled depending on the countries' population sizes, GDPs, asylum applications and unemployment rates. Hungary had fiercely opposed the scheme with legal and political means, including the initial versions which planned to resettle asylum seekers from Hungary (Zalan 2015). However, behind this manifest content, the referendum contributed to a bigger discussion on anti-migrant sentiments and Euroscepticism in Hungary. This paper will examine this by outlining the background of the referendum and its legal framework, the campaign, the referendum results and the larger consequences of the referendum.

Author's correspondence e-mail: theresa.gessler@eui.eu

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Refugees first became a larger topic with the government's reaction to the Charlie Hebdo attacks in early 2015. At this point, there was no significant immigration to Hungary, however, Prime Minister Orbán warned Hungary's borders were "besieged by waves of modern-day migration" and many immigrants "come here [to Europe] with the intent of destroying European culture" (Orbán 2015). Between May and July, the government held a 'National Consultation¹ on immigration and terrorism' (cf. 2015b). Since the government designed the questionnaire without consulting opposition parties or courts, the procedure and the formulations were criticized as partial.² When increasing numbers of refugees arrived to Hungary via the Balkan route during summer, the government used the consultation (in which many of the 1 million respondents shared the government's concerns: 2015c), to legitimize the construction of 'border control fences'. Without reconstructing all details of 'Hungary's long summer of migration' (as migration activists have called it: 2016i), immigration certainly dominated the political agenda in 2015 and early 2016 independent of actual arrival numbers. Though the core topic was refugees and asylum seekers, the Fidesz government mostly used terms like (economic) migrants or non-Hungarians, possibly to avoid a humanitarian framing of the debate.

Though the number of arriving refugees in Hungary decreased drastically after autumn, in February 2016 the government used the continuing debate about the implementation of the European quota decision to announce a referendum for autumn. The question, which like the date, was only announced months later, was „Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of the National Assembly?“ (2016p). Thus, its scope was ambiguous, as it did not explicitly mention immigrants or even the quota. Rather, Fidesz framed the issue as integral to defending national sovereignty against the EU. Hence, the referendum exemplifies a shift in the character of referenda from contentious action to a tool for enhancing government popularity and international standing. In the past, opposition parties and private citizens used

¹ National consultations, an informal tool introduced by the Fidesz government in 2010, are non-binding questionnaire sent to all Hungarian households.

² Some questions simply asked voters if they knew certain facts, e.g. the rising number of immigrants, or proposed a trade-off between support for Hungarian families and their children or immigration. Other questions explicitly criticized EU policies as lenient or asked if respondents agree that 'Brussel's mismanagement' had increased terrorism or consciously mixed categories such as 'economic migrants' and asylum seekers.

referenda to contest government actions.³ Governments had sometimes actively tried to pre-empt referenda through changing the law on the issue at question ((if the subject matter changes, the obligation to hold a referendum ceases: Pállinger 2012). and raising the turnout threshold (Fidesz itself had increased it to 50% in 2011). The quota referendum was not only proposed by the Fidesz government, it also strongly campaigned for a no-vote rather than presenting both sides. This goes along with referenda's increasing use as party political instrument since 2008 (Pállinger 2016). By campaigning on an issue associated with the radical right, Fidesz attempted to regain voters from Jobbik who had already proposed a referendum about the Quota proposal in 2015 (Szobbot 2015). Back then, however, Fidesz politicians had rejected the idea, arguing that the Hungarian constitution does not allow referenda on international treaties (2016)

Campaign

This section will first outline the campaign for and against the referendum to show how tactical considerations determined strategies and then consider each campaign's impact and organization. The official campaign started on August 13, fifty days prior to the referendum. However, as mentioned, the government had already been campaigning on the issue since 2015 and even the referendum date was set since early July. Thus, parties' positions were fairly established by the time the debate started and by and large followed the general left-right division that shapes most political debates in Hungary. For reasons outlined below, both the opposition and the government de-emphasized the actual quota regulation in their campaign. Nevertheless, the various framings of the question were all clearly associated with a specific answer to the referendum question.

The 'No' camp was spearheaded by the initiator Fidesz and its coalition partner KDNP. From the beginning, they campaigned on national sovereignty in general, since the number of 1300 refugees to be possibly resettled to Hungary seemed insignificant to all sides. Thus, their leaders' discourses and the referendum information materials prominently featured the call to 'send a

³ The government or 200.000 voters can initiate a referendum. If only 100.000 citizens support a proposal, the issue is put on the parliamentary agenda and MPs may order a referendum. For validity, a minimum turnout of 50% is required. Rare cases of state-initiated referenda were the process of regime change (in which voters were allowed to participate on four points: Renwick 2002) and the referenda on EU and NATO membership.

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message to Brussels that they will understand' (2016s).⁴ However, as the quota was slipping from the European agenda, Fidesz also continued its general anti-immigration campaign. The huge billboards which became the face of the campaign also asked voters if they knew certain 'facts' about immigration (2016g). Many questioned the appropriateness of these posters since they had disputable or non-pertinent claims (about rising sexual harassment numbers or the immigration status of the Paris attackers). Government officials and the state media became notorious for remarks about no-go zones in Western Europe or masses of migrants preparing to storm the border in case of a lost referendum (Rényi 2016; Horváth 2016; 2016c). Thus, rather than discussing the decision-making competences at the core of the referendum, much of the campaign spread hostility towards refugees. Shortly before the vote a third type of poster, this time in national colors, appeared calling voters to vote no in order 'not to risk Hungary's future'.

A further supporter of the No-vote was Jobbik. To Jobbik, the referendum and the campaign were an attempt to poach its voters as Fidesz had adopted Jobbik's rhetoric as well as its suggestion for a referendum and, after the referendum, for a constitutional amendment (Dániel 2016). Thus, Jobbik radicalized its rhetoric of rejecting immigration by criticizing Fidesz as migrant-friendly (given the government's controversial residency-bond scheme: 2016a), demanding laws rather than a lengthy referendum (2016b) and preemptively demanding the government's resignation in case of an invalid referendum (2016h). To Jobbik, holding a referendum was endangering the desired outcome given the risk of invalid turnout. With an immigrant population of only 0.5 percent including ethnic Hungarians from Romania (2016o), most Hungarians have few experiences with foreigners. Thus, for the right, the campaign was also a competition to first nourish citizens' fear of the unknown and subsequently propose often simplistic solutions to these fears.

Untypical for a referendum, there was no recognizable 'yes' camp. Only one small opposition party, the Hungarian Liberal Party, campaigned for the quota as a vote for European integration (2016d). Most left opposition parties campaigned for boycotting the referendum.⁵ The decision not to participate

⁴ The booklet sent to all citizens about the referendum has been translated to English by the liberal news-webpage Budapest Beacon (2016v).

⁵ The biggest left opposition party MSZP avoided the word 'boycott', arguing that it would neglect the importance of referenda for Hungary's democracy (Szabolcs 2016d). Another exception was the green Politics Can Be Different party that declared its neutrality. However, after being fiercely criticized for comments that supposedly sided

was driven by several considerations. Firstly, a victory for ‘yes’ seemed unrealistic, given the widespread anti-migrant sentiment in Hungary and its development during the previous months of the government campaign (Simonovits & Bernát 2016; 2016n). Secondly, many voters of the opposition were themselves skeptical of migration or, for various reasons, against the quota system. A poll by Republikon Intézet (2016u) at the beginning of the campaign period showed that 60% of left-liberal voters sided with the government on the quota. An invalidation of the referendum seemed the most promising strategy since the referendum needed a 50% turnout and the polls shed doubt on left voters’ willingness to participate. Nevertheless, a boycott also carried risks as the generally low turnout in referenda provides room for different interpretations of citizens’ decisions to abstain.

With their decision for a boycott, the referendum opponents aimed to shift the campaign away from migration toward a rejection of the referendum as such. Their posters criticized the ‘stupid question’ (2016e) or listed ‘real problems’ from which the referendum was supposed to distract (2016q). Some left politicians claimed a rejection of the quota would be a first step to leave the European Union, most succinctly summarized in the slogan of the Democratic Coalition, ‘Stay at Home, Stay in Europe’. Only the Democratic Coalition partially embraced the migration issue as party leader Gyurcsány had himself hosted refugees during the height of the migration crisis in 2015 (Lengyel 2015) and repeatedly spoke out against the government’s policies on the issue. This, and the different framing of the boycott call, may explain why the Coalition’s voters were far more convinced to abstain already at an early stage of the campaign (Ádám 2016).

The campaigns by both sides, but particularly by Fidesz, were prominent throughout the country. This is not surprising given Fidesz’ history of using state resources for partisan purposes (e.g. Innes 2014; 2013). Estimates of the campaign costs for the state budget range between 36 and 45 million Euro (2016t; Szabolcs 2016c). According to NGOs, this is three times what Fidesz spent in the 2014 general election campaign and more than the budget of the ‘Leave Campaign’ in Britain (2016m; 2015a). In combination with the previously mentioned billboard campaign (to which approximately every sixth billboard at the time belonged: Grabbe & Buldioski 2016), the government also made use of the public media. A study by the think-tank Democracy Reporting International (2016j; 2016k) with Mérték Media Monitoring found that M1, a state-owned TV

with the government (Tamás 2016), its leaders announced they personally would boycott the referendum (Szabolcs 2016a).

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station dedicated 42% of their news airtime to refugee issues or the referendum, supporting the government's position in 95% of these items. Though these numbers seem very high, they are plausible given similar biases in the 2014 general election campaign (2014).

As the mainstream opposition lacked a positive message and was disunited in message and campaign design, a campaign to vote invalid by the so-called 'Two-Tailed Dog Party' became central in providing a common identity for voters wanting to actively express their disapproval. A hardly-known satirical party at its foundation in 2006, the two-tailed dog party turned to serious topics when collecting private donations to counter the government's anti-migration campaign in 2015. With donations reaching a hundred thousand Euros within a few days, they became perhaps the most visible civil actor countering the government's campaign and continued to do so up to the referendum. Their success derives partially from their call to actively invalidate ballots (which then do not count into turnout), a call that otherwise only some NGOs put forward (2016f). However, it was also the tone and (in Budapest) the sheer mass of their posters. Under the common motto 'Stupid answers to stupid questions', countless slogans ridiculed the government and appealed to a diverse group beyond party identities. The party's success is visible in its popularity on facebook where, despite its inexistence in the polls, it has surpassed both Fidesz and MSZP. In a mostly tactical campaign from the government and opposition, the strength and innovativeness of this initiative gives hope for genuine participation. And, in contrast to the national consultation (where various organizations called for the destruction of questionnaires), such citizen initiatives can gain visibility in referendum results.

Results

According to the official results of the referendum, 44% of the citizens participated in the referendum (see Table 1). Of these 44%, a stunning six percent cast invalid ballots, pictures of which were widely shared in the media and social networks (Veronika 2016). As a result the referendum was invalid. However, of the valid votes cast, 98% rejected the quota, supporting the government's position. The opposition did not challenge the election result, rather its *interpretation* was subject to debate. Prime Minister Orbán's speech on the evening of the referendum, as well as his later declarations in parliament, emphasized the broad majority for his position without acknowledging the insufficient turnout and the many invalid ballots. Instead, he argued no previous referendum had been so unanimous and that turnout was higher than in the referendum to join the EU (Orbán 2016c).

Table 1: Results of the 2016 Migrant Quota Referendum

Date of the Referendum	2.10.2016
Electorate	8.272.625
Referendum Question	„Do you want the European Union to be entitled to prescribe the mandatory settlement of non-Hungarian citizens in Hungary without the consent of the National Assembly?”
Total Votes Cast	3.643.055 (44.04%)
Total Valid votes	3.418.387 (41.32%)
Valid Votes in favor	56.163 (1.64%)
Valid Votes against	3.362.224 (98.36%)

Source: Nemzeti Választási Iroda (2016r)

The opposition proposed a competing interpretation as a defeat for the government and Orbán in particular. As Orbán’s party had won all previous elections on the national, local and European level, the referendum offered a first glimpse of hope that the government is beatable (Bojar 2016). The left saw the result as a new impulse to work together for a government change in the 2018 election (Szabolcs 2016b). Jobbik’s interpretation differed as they maintained the need for a constitutional amendment on the issue and blamed the referendum’s defeat primarily on the ‘arrogance’ of the government rather than the referendum’s substance (Mizsur 2016). Both Jobbik and some left politicians demanded that the government should step down and criticized that a lost referendum was little more than expensive public opinion research.

Though Fidesz had avoided linking the referendum to concrete policies during the campaign, it was up to them to draw consequences. Two days after the referendum, Orbán announced that the results showed that the ‘no’ vote transcended parties and created “a national interest” (Orbán 2016b). He proposed a constitutional amendment introducing the obligation to protect Hungary’s ‘constitutional identity’ into the first article, along with some nominal restrictions to EU decision-making capacities (Orbán 2016a). However, all changes were cosmetic without direct political consequences (Magyari 2016). The following negotiations exposed how vulnerable the government was since losing its two-thirds majority a few months before: Jobbik strategically tied its approval of the amendment to an abolishment of the residency bonds. As this was unacceptable to Fidesz, Jobbik forced Fidesz to accept the defeat of the amendment in parliament. During the vote, Jobbik re-invigorated its opposition to Fidesz by presenting a banner that called Fidesz

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politicians ‘traitors’ willing to let terrorists in for money (MNO 2016). As Jobbik still pursues an alternative proposal, the debate is all but finished. However, the government failed to provide the fast response it promised, as it was unwilling to extend its proposal. Instead, the ‘Civic Alliance Forum,’ a semi-independent association of conservative organizations that support the government’s politics, started a poster campaign depicting representatives of the left and right together, alleging they ‘found each other’ in their rejection of the amendment (Origo 2016).

Conclusions: Invalid but not inconsequential?

Overall, the quota referendum was not only a hotly contested issue that dominated the news for considerable time; it will also have lasting consequences for policies and party strategies. The government’s reaction shows that it considers the referendum as a valid and unanimous policy vote – though one may of course doubt the same lenience would apply to an invalid referendum that would not fit the governmental agenda. Thus, the referendum has reinforced the Hungarian government’s migration policies with Orbán presenting several anti-migration proposals in the months after. However, the results have also sent important signals about the current support of the Fidesz government to both political camps. It not only sparked new hope among the left opposition, it also strengthened Jobbik’s self-consciousness as an alternative to Fidesz on the right. Thus, the government’s hopes to win back voters back from Jobbik have only been realized to a limited extent and pressure from the right may increase in the future.

The referendum and its results are more ambiguous for the function and development of direct democracy in Hungary. While it may seem positive if a government is responsive to large majorities, it is concerning that validity becomes a side note when results fit with government ideology. Hence, the referendum was an example how governments can attempt to use referenda to stack the policy agenda and strengthen its own standing. It is yet another example that Fidesz does not shy away from using state resources to convince citizens, also in the use of direct democratic tools. To some extent, the general atmosphere of the campaign also points out a well-known weakness of direct democracy, namely that debates often do not focus on the subject matter but are influenced by partisan considerations or emotional arguments. However, the turn of the campaign and the results also provide new prospects. They show that room for citizens’ participation exists and, even if the government fails to acknowledge dissenting voices, they are visible in the results. Specifically in the Hungarian context, it shows that there is a significant difference between ‘national consultations’, the pet project of the Fidesz

government, and genuine referenda. In the first, a non-representative participation of just above one million citizens can seem like a landslide victory. In the latter, an even larger majority of over 3 million citizens can still show the limits of government popularity.

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